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The compliant environment: conformity, data processing and increasing inequality in UK Higher Education

Abstract

Purpose

The purpose of this paper is to present the concept of institutions as compliant environments, using data to monitor and enforce compliance with a range of external policies and initiatives, using the particular example of UK higher education institutions. The paper differs from previous studies by bringing together a range of policies and uses of data covering different areas of higher education and demonstrating how they contribute to the common goal of compliance.

Design/methodology/approach

The compliant environment is defined in this context and the author has applied the preliminary model to a range of policies and cases that use and reuse data from staff and students in higher education.

Findings

The findings show that the focus on compliance with these policies and initiatives has resulted in a high level of surveillance of staff and students and a lack of resistance towards policies that work against the goals of education and academia.

Research implications

This is the first study to bring together the range of areas in which policy compliance and data processing are entwined in higher education. The study contributes to the academic literature on data and surveillance and on academic institutions as organisations.

Practical implications

The paper offers suggestions for resistance to compliance and data processing initiatives in higher education.

Originality/value

This is the first study to bring together the range of areas in which policy compliance and data processing are entwined in higher education. The study contributes to the academic literature on data and surveillance and on academic institutions as organisations.

Introduction

The ‘compliant environment’ at the Home Office (Home Office, 2017a) is a rebranding of then Home Secretary Theresa May’s ‘hostile environment’ approach to immigration (Travis, 2013), which involves the reuse and processing of data from a variety of sources (including the National Health Service, employers, housing providers, educational institutions and social media) and the promotion of unwelcoming messages aimed at migrants to the UK to support immigration enforcement. This article argues that a form of ‘compliant environment’ is what we now see in UK higher education, perpetuated by a number of different initiatives aimed at staff and students, both at the institutional and national level. The compliant environment in higher education is heavily reliant on the collection and processing of multiple sources of the data for the monitoring of this compliance, and also to create new forms of compliance and conformity via metrics and analytics. While other articles have considered these initiatives separately, this

article is original in rigorously examining their collective impact inside and outside universities, and their relationship to other everyday uses of data to monitor and evaluate citizens. This article explains the various ways in which data is used in United Kingdom (UK) Higher Education to comply with outside agendas and conform with various social and sectoral norms, and suggests a different approach informed by the resistance work of NHS workers. If UK Higher Education is important to society and is to remain a public good, this resistance work is needed. Significant claims (Leathwood and Read, 2013; Lynch and Ivancheva, 2015; Spiller et al., 2018; Teelken, 2012) are made about this collective impact of compliance initiatives: the combined effect is to enact more oppression on the most marginalised and surveilled people in higher education - both underrepresented minorities in the staff and student bodies - and to erode trust and public good in higher education. Support from the public and finance from the government depends on how the role of higher education is viewed: as employment training or as a public good in itself.

The concept of higher education as a ‘public good’ is contested. As Nixon (2011) points out in his work on the topic, so is the idea of the ‘public’ itself, and both are often too narrowly defined and need to be more broadly imagined outside the scope of private interests and those with the power to bestow or withdraw public ownership. If the government’s stated desire is to encourage more privatisation and “challenger institutions” in higher education (Department for Business Innovation & Skills, 2016), that indicates that they think they have this power and do not consider the public to be the current owners. Higher education and university are not synonymous or inseparable, but the latter is the main model for delivery of the former in the UK. The experiences of both staff and students have diversified further and grown in complexity since the student population in universities has become bigger and more heterogeneous (Wånggren, 2018), and the policy framework continually changes (Collini, 2017), further exposing the inequalities already present.

Increased professionalisation and privatisation has led some academics to leave their jobs (Morrish, 2016), finding the demands of “the general distortions required to turn a university into a for-profit business” (Warner, 2014) intolerable. Others such as Les Back (Back, 2016) have chosen to stay, deploying strategies of non-jealous generosity and developing an intellectual hinterland to survive and thrive. However, academics can be argued to have been actively complicit in the auditing and marketisation measures their colleagues find so oppressive, and at research-intensive universities may have sought protection for their funding and place in middle class society at the price of the public status of the university (Holmwood, 2017, 2018).

The branding of UK universities, via distinctive design and differentiation of the “student experience” (Barkas et al., 2017; Lomer et al., 2018), has intensified since the 1990s formation of groupings like the Russell Group and Million+, which signal both the institution’s position within the elite hierarchy and their intended focuses and audiences (Furey et al., 2014) to undergraduate applicants and the wider world. Prestige at institutional and individual level became more important as the sector became more marketised and forced into competition by government policy, and the number of qualified academics applying for jobs increased (Blackmore and Kandiko, 2011; Holmwood, 2018; Tregoning, 2016). To market themselves, academics and universities too are drawn into the data-driven world of benchmarked data, metrics and indicators of esteem (Coate and Kandiko Howson, 2014), and into conforming with others’ ideas of what a successful or high quality brand might be. Marketing literature from UK universities demonstrates a high level of homogeneity in UK higher education, and institutional expectations are high but explanations of what e.g. “quality” or “the student experience” really mean are scarce (Huisman and Mampaey, 2018). Equally, what makes an academic employable is not any distinctive factors but high scores in standardised metrics (Hall and Page, 2015; Smeyers

and Burbules, 2011) and exercises such internal audits for the Research Excellency Framework (REF) (Grant and Elizabeth, 2015; Marcella et al., 2017; Shore and Wright, 2015) and a high score on a competency framework that often cannot allow for contextual information or individual circumstances. The ‘good’ or ‘successful’ academic (Archer, 2008; Van den Brink and Benschop, 2014) and ‘good’ university or institution (Brown and Mazzarol, 2009; Mountz et al., 2015; Olssen, 2016) are judged by rankings, research income and prestige, and a very particular idea of what students need and want (EY Parthenon, 2018).

This article outlines the concept of the compliant environment in higher education. It then explains how data is used and combined in higher education, including for purposes of border control and othering of staff and students, the reasons why compliance occurs and offers some ideas for resisting compliance.

A compliant environment

The Home Office describe their vision of the ‘compliant environment’ as follows:

The Compliant Environment, which deters and prevents immigration offending and protects public and private services from abuse through a rounded package of incentives, interventions and sanctions, is an integral part of the BICS Business Plan. (Home Office, 2017b)

Compliance in UK higher education also involves a “rounded package of incentives, interventions and sanctions”. The purposes of creating such an environment are different from those of the Home Office, outside of the legal requirements to support immigration and anti-terrorism (Prevent) initiatives, but the impact on staff and students is still considerable. The compliant environment in higher education presents in two connected ways:

1. Higher education acts as an arm of the UK government’s policy on immigration. This is the compliant environment as border control.
2. Higher education has adopted the compliant environment in and of itself, as extension of audit culture connected with the marketisation of UK higher education.

Why is everyone so focused on compliance in these different situations – with the government (understandable, but resistible), with funders, with vendors (NDAs etc), with certain ideas of success and excellence, with the norms of STEM (Science, Technology, Engineering and Mathematics)? Where is the governance of this form of governance? The compliant environment is the best way to understand what is happening, as it demonstrates the consequences of succumbing to the branding and marketisation of higher education in the UK and the influence of external stakeholders in the sector – all monitored and controlled by data products and services. This is important because it helps to take a holistic view of where higher education (HE) sits within wider trends of data use in education and the UK government’s interventions around immigration and ‘excellence’ in universities (Moore et al., 2017) and who suffers most from the implementation of compliance across all areas of HE.

The “compliant environment” is a way to draw together and extend other, often related, concepts already in use in the sociologies of higher education and work: audit culture, managerialism (over-reliance on professional managers), marketisation (turning the university sector into a competitive market), quantified work (work reduced to what can be measured, e.g. targets or rankings), New Public Management (making public services more business-like), attainment gaps (between groups of learners) and the performative university (one where the challenges are seen as individual, rather than structural - Pereira, 2015). All of these issues have to be seen together to understand and resist their effects on students and staff. They are part of

the same problem, where universities are not sites of resistance to policies and ideologies imposed by the government and business but are compliant with its demands.

Data use in higher education

Just because a situation can be framed as a problem, in order that a product or service can be offered as a solution, does not mean that this problem can or should be solved. In the case of what Andrews calls data foam products (Andrews, 2017), products of dubious value such as new research metrics that are created by combining multiple sources of data, they are often sold to administrators as part of bigger workflow and analytics packages, but the individual products are marketed as answers to specific questions that were not posed by the purchaser. Comparing researchers across fields is not something that is of great benefit to researchers or their disciplines, and human expertise and robust processes have traditionally been advocated, if not always used, in sensitive situations where researchers must be individually evaluated. However, a product like Field Weighted Citation Index is a metric designed to enable this sort of comparison without knowledge or context, enabling a worker with less domain knowledge and/or fewer relevant skills to create automated reports and make recommendations to decision-makers. It is an example of automated discrimination (Lyon, 2003).

Reducing costs and increasing the productivity of staff are problems many organisations are keen to solve. When a company (RELX/Elsevier) tells you that part of their business (LexisNexis) is risk management, believe them. Their products, created via control of multiple data flows (LexisNexis, 2016, 2017), have the potential to enhance employee surveillance and employment risk management. Arguably, the internal and external use of Elsevier products such as Scopus (an index of citations) and SciVal (a reporting system for research metrics) in rankings and evaluation improve a 'high performing' university's success in attracting income in the form of research grants and student numbers.

The networks and the flows are most important in relating to the data, not the individual. Discussions about data ownership, downloading data held by an organisation or platform or calls for "transparency" do not address the issues raised by combining and processing data, nor tell the whole story. Commoditised networks, knowledge and prosocial behaviour can only be understood through consideration of the control of networks and flows, and the impact of this on society, not the data and the individual alone.

The current President of Ireland gave his opinion on the use of academic metrics in a 2018 speech:

Within the universities...resources are increasingly channelled towards areas which, it is suggested, will yield a return, at least in the short-term, to the university in terms of increased funding. Much of this is facilitated by an abuse of metrics; an ideological fad that views the use of metrics of academic work, not as a contribution or an instrument of knowledge but as a conforming bending of the knee to an insufficiently contested neo-utilitarian mediocrity.
(Michael D. Higgins, 2018)

Higgins is being provocative here; but talk of the abuse and effects on workers of metrics is not new, either inside or outside higher education (Burrows, 2012; Moore, 2015; Pereira, 2015). The understandable response of managers and workers alike is conformity with the expectations of the metric or target, if they are disciplined or experience loss of status or income as a result of non-compliance.

Under the General Data Protection Regulations (GDPR), an organisation processing data needs to consider whether the individual whose data is being processed expects this specific use case to happen (Information Commissioner's Office, 2012, 2018) and if they actively consented to this just by doing their job (teaching, writing, publishing, applying for grants). An individual researcher may not really have control over who they are associated with in the various data sets or who uses or does not use their work, leading to greater or fewer citations of their research outputs. If researchers do not expect this processing to happen, and feel they have little agency over how they are presented in the data product nor how they are judged by it, this should lead institutions to be more careful both legally and ethically in how processed data such as metrics are used.

Metrics and rankings, whether used singly or as part of a "basket of metrics", only tell the observer what an individual or organisation has done, not what they can - or are even likely to - do. If researcher, departmental or institutional potential is evaluated solely or predominantly via metrics, this is not a responsible use of the numbers (Wilsdon et al., 2015, 2017). To do so is to take a Friedman-like view of personal probability (Friedman, 1976), assigning numerical probabilities to events and arguing for a scientific basis for using metrics for prediction, rather than a Keynes and Knightian approach of risks and uncertainties (Runde, 1998). Academic potential can be argued to be an uncertainty. Studies indicate that journal articles by people of colour are cited less often than those by white authors, with their work receiving less circulation and less attention even as they publish more outputs (Chakravartty et al., 2018). Novel contributions to the scholarly record receive more variable citation performance and a delay in recognition compared with more traditional or incremental contributions (Wang et al., 2017). Ironically, it is bibliometric analyses that demonstrate why bibliometric analyses should not be used to judge the quality of research or researchers, nor its potential impact. Studies of student evaluations similarly show that those metrics do not correlate with actual learning (Uttl et al., 2017).

The metrics used in the assessment of research and researchers are just part of a trend in UK universities and schools for more and more data collection, processing, analytics and sharing (Perrotta and Williamson, 2016; Williamson, 2016, 2018). Sometimes this is to fulfil legal obligations - some considered by academics to be more legitimate than others (Spiller et al., 2018), given the Conservative Government's attitudes towards immigration, potential extremism, surveillance, employment rights, liberalism and privacy. Arguments are made for analytics and technology improving staff productivity, student retention and more, when the funding for mental health and pastoral care services are being cut or remain static and the employment prospects of both staff and graduating students are constantly under threat. The idea that people are best motivated and supported by investment in them as individuals and as a society - and in the people who can help them - seems to be outdated.

Quantitative data about student achievements, attendance, activities and engagement levels, amongst other things, is used in further and higher education to predict success and pick up potential problems, as well as make claims about cohort groups and refine course and marketing offerings (Jivet et al., 2018; Wintrup, 2017). Data dashboards enable time-pressured staff to have an overview of their students and their progression, and also increase the student's sense of surveillance (Dear, 2018) and need for conformity within education, especially when targets or indicators are used to denote success or failure with a particular attribute (Burke et al., 2018). Hall and Bowles (2016) provocatively call this a "disciplining gaze", and their feedback a source for "institutional market gain". However, a scoping study from the University of Huddersfield (Bennett, 2018) found that some students like being able to see their own data and find a dashboard approach motivates their study, even when they are not achieving what is expected of

them. The author does note the need for student training and attention their wellbeing when looking at dashboards, and the study is a small one. There is a government interest in increasing the use of big data and learning analytics in education at all levels, and less positive and positivist approach to understanding how data can be used in this space is needed (Williamson, 2018).

Monitoring and evaluation

University services, including the library and disability services, collect data to measure efficacy and make a case for continued funding. This is understandable at a time of cuts, where capital projects continue to receive funding, but workers are not replaced – or not with full-time, permanent, properly-paid posts. It is a short step from monitoring grades, feedback, attendance, punctuality, engagement with learning management systems or virtual learning environments (VLEs), legal and health status and so on to passing it between institutions and governments and flagging up risky applications for courses, modules, placements, jobs. Some institutions have piloted tracking of student (Wang, 2018) movement around campus and others are using data to track services staff (Skillweb, 2018; SmartTask, 2018). It would not be difficult to de-anonymise that data, given the other data held on students (including closed circuit television – CCTV - footage, class attendance, wi-fi usage and social media accounts) with which it could be triangulated. The university does not have to be collecting all the data itself, but it has fallen into procurement and subscription deals with those who have access to multiple data flows and collect and create more. This is how universities end up contributing to the infrastructure of student surveillance.

An individual has limited capacity to opt out from or resist most of these data-based monitoring and evaluation initiatives, particularly while the prestige economy and competition that enables scholars to advance in their careers (Coate and Kandiko Howson, 2014; Kandiko Howson et al., 2018) causes them to feel anxious and isolated (Loveday, 2017, 2018). The power for that kind of action requires collective responsibility from unions and institutions and political action from elected representatives, who would do better to consider qualitative as well as quantitative evidence for their actions. If, as has been argued, enthusiasm for the use of metrics and data analytics is against the stated values of researchers and librarians (Andrews, 2017), then organisations representing those groups could do more to develop principles for responsible use of data and metrics and the use and procurement of analytics products. This ‘civic hygiene’ (Schneier, 2007) approach would reduce the threat from bad actors. Individuals, even powerful ones, cannot personally remove the incentives for using data to monitor, evaluate and exclude people, so it is up to institutions and policy makers to behave responsibly and protect citizens by creating and supporting new norms around data use and reuse – even as universities continue to blandly conform with institutionalised values (Mampaey, 2018) and fear risk.

Combining data sources

Data collected and/or processed for one purpose can end up being used or combined and used for another, increasing risk to those who provide or are measured by the data. Data products, some of which are of dubious value (data foam), are bought or used by institutions, arguably sometimes because they are there rather than out of need (Andrews, 2017). Data can be combined in ways that amplify existing inequalities around gender (Hill et al., 2016), race (Tramer et al., 2017), class (Archer, 2008; Bathmaker et al., 2013), precaritised work (UCU, 2016), first generation students etc and more. Recent statistical reports on UK students from the Sutton Trust (Montacute and Cullinane, 2018) and UK staff and students from Access HE, formerly HESA (Equality Challenge Unit, 2018a, 2018b) show that those existing inequalities, based on protected characteristics data, are not improving and in some cases are worsening. It is

no longer the case that “if you are not paying, you are the product”, as part-payment via data is part of the business model for companies inside and outside of academia, and cuts to the higher education budget make these kinds of deals more likely.

Comparisons between individuals and organisations and the intensification of the prestige economy are linked to marketisation, managerialisation and the problems of identity work within organisations. This admittedly difficult identity work, particularly as a precursor to changes to student admissions, has been suggested as a way for academics and managers to resist perpetuating inequalities and address the exclusionary nature of their institutions (Boliver et al., 2018). Researchers and students assert the limited agency they have in a competitive system where they have limited power and their performance is continually monitored and evaluated. When evidence to the Government is being provided by QS Solutions, who produce world rankings based on Scopus and other data and student survey reports branded as “enrolment solutions” (QS Enrolment Solutions, 2018a, 2018b), it is clear that the agenda is being shaped by vendors with something to gain from simplification, combined data products, rankings and metricisation. Senior managers and research offices are offered these products, such as the full workflow suites from Elsevier and Digital Science, or alternative products from Clarivate, to improve their efficiency and performance. Rank and file academics, students and librarians have little or no say in whether or not they are included in these purchases and pilot schemes.

Young people in some countries may not know a life without tracking, having been subject to dataveillance throughout school, university, their academic or other career (Lupton and Williamson, 2017). Supplier oligopoly in big data means a student or staff member could be at a sensor-loaded football stadium on Saturday, filmed by body-worn cameras operated by railway station staff and police on their way home on Sunday and tracked across campus on Monday – with all the data stored in the same corporate cloud. The same landgrab that happened in other areas of technology has happened here, which increases risk for those who would prefer their data not to be combined. Institutions, government, funders, administrators and librarians need to recognise their roles in perpetuating these problems, instead of just blaming large technology companies. Unethical use of data by academic researchers, e.g. the personality quizzes on Facebook that fed Cambridge Analytica’s political activities and far lesser known examples, may well be the result of pressure on academics to publish quickly, be original, significant and suitably quantified in their research (Hermanowicz, 2016; Loveday, 2018), but contributes to the problem at the macro level as attitudes towards use of personal data are tainted. Is the ‘good university’ one that fulfils expectations of the sector and the Home Office, or one that puts behaving ethically towards students and staff first? The wellbeing of marginalised staff and students should not be a secondary consideration.

Bordering, othering and immigration

Marginalised students and staff experience more surveillance by systems and society and feel under more pressure to perform successfully, as in the experience of Femi Nylander, a black Oxford alumnus who was tracked via CCTV and his image circulated to staff and students (Joseph-Salisbury, 2019), the racist treatment by colleagues of academic Priyamvada Gopal (Mirsky, 2018) and the support for the “free speech” of senior academics making statements and writing articles that are perceived by transgender staff and students and their supporters as discriminatory and hurtful (Kennedy, 2018; t philosopher, 2019). While the junior researchers, such as the anonymous trans woman ‘t philosopher’, leave academia due to transphobia, the senior academics who erroneously claim from their platforms to be “silenced” (Phipps, 2019) – critiqued by Sara Ahmed as an abuse of unrecognised privilege (Ahmed, 2015, 2016) - are rewarded with promotion. The tendency of the university is to distrust both workers and

students, requiring endless paperwork providing proof of disability (Dong and Lucas, 2013; Hughes et al., 2015; Seale et al., 2015), illness, fitness to return to work/study and more. The experience of difference and an inability to conform and comply with the norms of their peers is felt by academic parents (Harris et al., 2017), trans academics (Pitcher, 2017), working class students and academics (Bathmaker et al., 2013; Black, 2005) and more – and all feel watched and judged.

University workers have a duty under UK counter-terrorism law to prevent people from being drawn into extremism, and the requirement for monitoring and reporting of suspected radicalism brings them into conflict with their need to support academic freedom and the welfare of their students (Spiller et al., 2018). This is often called the “Prevent duty” or “PREVENT strategy” and universities must report any incidents immediately to the government (previously to the Higher Education Council for England, HEFCE, now to the Office for Students) and also supply details of their compliance with their duty to protect “British values” and identify people at risk of radicalisation (HEFCE, 2017; HM Government, 2015; Morrice, 2018) on a regular basis. Some of these reports are published online (Queen Mary University of London, 2017). The binaries between migrant/non-migrant and interested in extremism/at risk of radicalisation are more porous than accounted for by the law, in a multicultural and international society with 24/7 access to the news and online sources, or by the general approach to the reporting duty or the data generated from reports. Muslim students in particular experience life as part of a surveillant assemblage of policies, rhetoric and security measures that distrust them and set them apart from their peers, without the data gathered on them significantly improving the intelligence gathered on terrorism either from radical Islamist sources or the UK far right (Sharma and Nijjar, 2018). In the latest update to the counter-terrorism strategy, Prime Minister Theresa May made this statement: “Because the threat we face is large and multi-faceted, this Strategy has a much greater focus on systemic co-ordination across the public sector” (Home Office, 2018a). Universities are neither set apart in an ivory tower, nor neutrally situated within a community – they are part of this public sector infrastructure of compliance.

It is argued by many that higher education is a public good as well as a successful export in international trade (Marginson, 2011; Tilak, 2009), but the UK government views working and studying in higher education as an opportunity for immigration irregularities and requires a large amount of compliance work from institutions that sponsor international students (Home Office, 2018b; UCEA, 2014; University of Chester, 2018; University of Liverpool, 2017; University of Strathclyde, 2018). Checking whereabouts information for international staff (Grove, 2016) and students (Grove, 2012; University of Edinburgh, 2017) can begin as a way of fulfilling obligations to the UK Visa and Immigration (UKVI) inspectors that then normalises requests from a vendor, the Estates department and others for checking academic and student space usage via sensors (FlexibleBoss, 2016; Strydom, 2014; The University of Edinburgh, 2017), tracking other activities online and making a lack of trust the default. The ubiquity of this can help gain support from ‘home’ staff and trades unions for resisting what they dub “xenophobia” (Grove, 2016); however, disgruntled non-international academics may take another view and grow to resent the monitoring of all in service of a minority group. Academics have been co-opted into not only complying with the requirements of UKVI, but effectively becoming border control agents when they collect and report attendance and other data on international staff and students, and there has been limited resistance to this use of soft power and institutionalisation of this compliance as a sectoral norm (Dear, 2018).

“Sponsors must... demonstrate that they are compliant with their sponsorship duties, by passing a Basic Compliance Assessment (BCA) every 12 months” (Home Office, 2018b)

The UK has for some time had a government that wishes to make the country less attractive to outsiders (Gower, 2015) and has enacted legislation that supports their ideology (Bales, 2017; Gower, 2015; Home Office, 2017b; Partos and Bale, 2015). Different institutions take different approaches to working with international staff, with some paying the relevant fees every year for their staff and providing significant advice and support with immigration issues and others viewing it solely as the financial and administrative responsibility of the employee and their fault if full compliance with all the legalities is not achieved. A review article about the use of health data in the NHS in immigration control (Hiam et al., 2018) and a study of university lecturers’ understanding of Prevent duties (Spiller et al., 2018) offer in different ways some hope for resistance work, encouraging workers to look to their collective ethics and values and take an approach that resists neoliberal discourses around terrorism prevention and immigration control. The university does not have to be part of the iBorder (Pötzsch, 2015) or the breaking down of pluralist, accepting society (Yuval-Davis et al., 2018). The university should contribute to work around belonging, and not bordering.

Reasons for compliance

UK universities have been criticised for their limited compliance with the Equality Act 2010, particularly with reference to supporting staff and students with disabilities (Department for Education, 2017). There are limited consequences for failing to make classrooms accessible or have sufficient independently-operating lifts, even with trades unions support for staff members, in part because the numbers of affected workers and students are relatively small. However, compliance with other forms of legislation and social norms, as has been shown throughout this article, is much higher, and therefore the either the inducements to comply or punishments for non-compliance for these other forms must hold significantly more weight for senior managers. The tactics of social influence, fear of ostracism within the sector and the network effects of other institutions add to the pressure to comply and conform with border control, metrics, analytics and branding imperatives (Carter-Sowell et al., 2008; Pratkanis, 2007).

A key factor in institutional support for research metrics is the corporate capture of metrics, data analytics and the various products that support them, which are sold to administrators as a solution to multiple problems they may or may not face in their role (Andrews, 2017). These products are often available as part of an information and analytics suite, offering end to end data management. Data dashboards can combine school data, admissions data, Office for Students data, data held and sold on academic outputs and their funders and more. There are internal and external pressures to improve scores in national, international and subject rankings, student numbers, grant income and industry funding and so on, and all these scores are benchmarked against other institutions. The high numbers of applicants for academic jobs also makes it tempting for universities to use individual and journal metrics in the recruitment process. It is possible that the companies marketing these metrics are playing a similar game to Cambridge Analytica, in that their publicity makes persuasive promises the products cannot fulfil.

Resisting compliance

Academic freedom and the ‘student voice’ are never out of the media on both sides of the Atlantic Ocean, and yet there is not a sustained effort in the higher education sector to resist the rhetoric, policies and behaviours of compliance. The workforce and the student body have become individualised, precarised and fragmented. Politically, there is a tendency towards polarised discussions and “digital dissensus” (Andrews in Mina 2018), which makes it difficult to take a position that is more nuanced than discourses of utopia or refusal. The sector has arguably had to accept neoliberalism and managerialism to survive government cuts (Department for Business Innovation & Skills, 2016) and departments and individuals suffer if they do not comply with audit culture. Resistance therefore has to be collective and work with and extend the available structures, such as the trades unions and lobbying policymakers.

If it is accepted that some levels of data-driven monitoring and surveillance is inevitable, it is not inevitable that all power over the data needs to be ceded to profit-making corporates. This could be seen as an opportunity to enforce cooperative responsibility in platform governance (Helberger et al., 2018), where the workers whose data is processed or passed through a platform could have an important role in its governance and preservation. Data analytics in higher education does not need to be wholly the purview of instrumental technocrats (Kitchin et al., 2017; Ottinger, 2013), but involve the whole academic community. One challenge of resistance is the lack of voice and status for people who are actually oppressed in comparison with people who feel they are being silenced, despite in most ways conforming with middle class professional norms. There’s only one class they are interested in, and it is their own. Recent anti-transgender discourses in academic philosophy have led to tensions between the academic freedom of full professors and the safety and dignity of minority students (Kennedy, 2018). There is a need for data governance models in higher education that take power analyses into account (Bates, 2018), and a need for regulatory friction that slows the abuse of data that creates a harmful compliant environment. GDPR, mentioned earlier in this article, could be argued to cause much friction as it is very complex. High complexity can favour large companies and institutions who can manage compliance, leading to monopolies and oligopolies in data handling. However, as seen earlier in the response to the Equality Act and the lack of consequences for non-compliance, policy and legislation itself is not enough to protect marginalised people.

The responsible research and metrics movements (Stahl, 2013; Wilsdon et al., 2017) offer some glimmers of hope towards a code of practice that could be accepted by multiple stakeholders and avoid the worst abuses, as universities sign up to the San Francisco DORA (declaration on research assessment) principles (DORA, 2012) and avoid using specific metrics seen as inappropriate, such as the journal Impact Factor, for assessing individuals. However, research is only one part of the university. Teaching metrics and analytics, markers of engagement with student-facing systems, strike-breaking uses of lecture recording and employee surveillance (Edwards et al., 2018) and other forms of technology-enabled management and control are not covered by these initiatives. The modern university is so siloed that changing one group’s minds such as academics or librarians may have little impact on the wider sector, and collaborative resistance working across roles and institutions offers a greater chance of success, from rank and file academics and professional services staff to the highest levels of management. Those who choose to resist, who struggle to meet the norms of the sector or stand in solidarity with those who cannot meet those norms, can make themselves visible to others through the struggle and become a community. The systems can be queered (Ahmed, 2019).

Conclusions

As this article makes clear, when it comes to compliance in UK higher education, it is not just metrics, or learning analytics, it is not just border control or surveillance or the undermining of industrial action. It is all those things creating an infrastructure of compliance with policies and assimilation with the norms of a certain kind of student or staff member. There is a strong “narrative investment”(Ahmed, 2015) in the idea and the identity of being a ‘good university’; and being a ‘good academic’, or at least a successful one, involves some forms of compliance and conformity to ensure certain ideas of quality assurance and brand reputation are maintained. In this house, we handle immigration well, we avoid trouble and bad press, we score well on all the metrics and rankings, we defend the boundaries of our discipline, we defend what it means to be people like us with our values and we are not the university or the academics your parents or politicians worry about. Data collection and monitoring (and surveillance) are too often used as the tools of reinforcing this narrative and set of institutional values and proving that the sector is right, not finding new stories to tell.

One off acts of resistance will struggle to work, in a time of political and social fragmentation, so it is important to take a civic hygiene (Schneier, 2007) approach to data use, data abuse and compliance as a sector. If we all wash our hands, fewer people get ill. Ongoing small actions that contribute to more than our own health can have a big impact (Raza et al., 1997). Other studies focus on single areas such as immigration, metrics, space monitoring or performance management – but this article demonstrates how compliance with them all is all part of the same drive. Brand management, prestige and a cautious approach to competition leads to conformity. The people academic and liberal values tell us we are supposed to care about most are getting hurt, and we need to see the problems structurally and act collectively to resist it. Future work in this area would link the data agenda and brand management empirically. Until then, workers and students in UK higher education must collectively agree to use data for the benefit of our communities and not merely to serve other agendas.

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