

The Student as Consumer: The hidden dangers

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Introduction

The notion of the student as consumer and its – intended and unintended – consequences, is considered by many academics to be one of the most fundamental threats to UK universities today. The student as consumer is what I am calling here a ‘double problem’ in the sense that it is both inherently destructive to universities and is being carried out misguidedly even within its own terms. I will proceed to explain why and how this is the case.

Let me start with an anecdote. In 2015 I was asked to speak alongside several other colleagues from a wide range of university departments at a Student Union Teaching Award ceremony at my university about ‘What Students Want’. I enjoyed my colleagues’ speeches as each of them explained why their students had elected them for an award because they had given the students what they wanted: lots of time, lots of attention, lots of help and lots of support – both pastoral and academic. But when it came to my own speech, I planned to say something quite different. I started my talk by stating that I have, in fact, no idea ‘what students want’, but also that even if I did, I would not give it to them, because this seems to me the lowest ambition that a university education can have: to give people what they already know they want. I stressed that it is my role as a university teacher to give students what they do not yet know and have never known they could want. This, after all, is the nature of academic knowledge and thought. It is about learning ideas that are new and different to what you thought you already knew; it is about learning that what you already thought you knew can always be thought about further; it is about learning that things many or even most people take for granted on an everyday basis are not as simple as they seem. And it is about learning that this is the case across the board, whether for the ‘hard’ sciences or for the ‘soft’ humanities.

I was relieved to find after my talk that my colleagues agreed with me: they knew I was in no way criticising all their own effort, attention and support given to the students, but that what mattered in what I said was that a university education is not and inherently cannot be about giving the students what they can already know they want. In short, that a university education is not at all like buying a mobile phone, or a car, where you can identify a desire and then buy the thing which you believe – or have been led to believe – will fulfil that desire. Whatever discussions have taken place about what universities are for and what they (therefore) should be like, since the very founding of the “idea of a university”,¹ it can be said

¹ A reference to perhaps one of the most famous of such discussions, John Henry Newman’s 1852 *The Idea of A University*.

that if UK universities have been internationally famous for anything, it is for their innovation, for their creativity, indeed even for their eccentricity, *not* for giving people back what they already expect and know. Whatever, then, a university education may be thought to deliver, I am arguing here that it cannot be a university education at all if it endlessly repeats already known things as determined by what students as consumers are believed already to know. Of course, government policy and university management insist that the student as consumer is not what they envisage either.

How and why, then, did we get to where we are now, with a process (culminating in the aforementioned Higher Education and Research Act 2017) which is changing the very basis of universities through claiming constantly that students are consumers? Indeed, that the very status and – crucially – funding of universities relies on achieving this? One clue comes from writer Bill Bryson, who also happens to have been the Chancellor of Durham University (from 2005 to 2011), and wrote in one of his more recent books, *The Road to Little Dribbling*:

The British do a lot of things remarkably well and often seem hardly aware of it, and nowhere is that more true than in the provision of higher education. Compare the situation of British universities with that of American ones. [...] Harvard's endowment is \$32 billion – that's more than the gross domestic product of most nations. [...] Yale has an endowment of \$20 billion, Princeton and Stanford are both at \$18 billion, and so on through a very long list. In Iowa, my own state, Grinnell, an eminently respectable liberal arts college but not one many people outside of the Midwest have ever heard of, has 1,680 students and an endowment of \$1.5 billion – *or more than all British universities put together apart from Oxford and Cambridge*. Altogether eighty-one universities in America have endowments of \$1 billion or more. [...] Britain has 1 per cent of the world's population, but 11 per cent of its best universities, and accounts for nearly 12 per cent of total academic citations and 16 per cent of the most highly cited studies. I very much doubt if there is any other realm of human endeavour in the country that produces more world-class benefit with less financial input than higher education. It is possibly the single most outstanding thing in Britain today.²

Note how Bryson is stressing the extraordinary value for money of British universities compared to the most successful American universities. And here is the nub of the problem: as austerity has been implemented since the 2008 financial crash, the claim that universities too must become ever more 'efficient' has gathered pace.

There is now, therefore, a double pressure brought to bear on universities, for which the student as consumer is thought to be the lynchpin: universities must continue to be 'more efficient' and 'prove' or 'improve' their teaching standards by giving students what they want. We can see that universities are on the one hand swept up in a much wider climate of managerial financial control over public services (whether de facto still in public hands or not) with spending reductions aimed not at management – where salaries and staff are generally only increasing – but at the employees who deliver the services (now restyled as products). Moreover, also little known publicly, is that the ways in which universities are to comply with this business model overrules the fact that UK universities are charities.³ Not that the universities pay much attention to this in their documentation or policy, most of which insists that they are 'businesses'.

The student as consumer is also written into this language of business, not just conceptually but also as a legal fact. Most universities now have 'student contracts' which students must

² Bill Bryson, *The Road to Little Dribbling: More Notes from a Small Island* (London: Doubleday, 2015), pp. 355-7 (my italics).

³ On this, see for just one example of a university fundraiser discussing the charitable status of universities: Adrian Salmon's blog at: <https://www.theguardian.com/higher-education-network/higher-education-network-blog/2011/mar/24/universities-charitable-institutions> (accessed on 12-06-2017)

sign when they enter universities, and these contracts are increasingly based on consumer law contracts where the students are legally defined as consumers purchasing products.⁴ This includes specifying in increasing detail which products (i.e. modules, courses or placements) are on offer and what they must be like.

An integral part of the acceleration of what I refer to as the ‘double problem’ is the government’s introduction of the Teaching Excellence Framework (TEF), about which many academics have deep misgivings. It seems common sense that it would be a good thing to measure and reward teaching excellence, but this is not the case. The first aspect of the ‘double problem’ – that the student as consumer is inherently undermining of university education - kicks in when it is considered how teaching ‘excellence’ is defined as apparently already known and knowable across all kinds of academic fields of enquiry, and therefore identifiable and measurable. The second aspect of the ‘double problem’ – that the proposed system does not even work within its own terms – kicks in when it is considered that the TEF relies on statistical measurements which are deeply problematic in their own right and which can anyway only ever be proxies for teaching quality.⁵ As Lord Lipsey, the chairman of the House of Lords all-party group on statistics wrote in *The Times*:

Raphael Hogarth [...] defends the National Student Survey [NSS], one of the pieces of data the government is using to rank universities as ‘good data’. It is not. As the Royal Statistical Society has demonstrated, the data seriously underrepresents women and students from ethnic minorities. The number of respondents is usually too small to allow statistically significant conclusions to be reached. It cannot with statistical legitimacy be used to compare institutions [...] The NSS, however, provides statistics fit only for the post-truth era.⁶

Never mind that the kinds of questions that the NSS asks are themselves already pre-programmed to provide the kinds of answers judged relevant by the government policy makers and those who have decided that they already know ‘what students want’.

This is what I call ‘rats in a maze’: if you set out a predetermined path, then the ‘rats’ can do nothing else but choose one of the paths available, as there are no other paths. As one of my own students said when pursued by phone calls urging her to complete the NSS and to ‘give her opinion’: “What if my opinion is that I do not want to give my opinion? Or not in that way?” Universities are bound by guidelines from the pollster Ipsos MORI, who administers the NSS.⁷ Nevertheless, universities are constantly pushing the boundaries of such regulations, given that their funding and status depend on the scores – however statistically invalid. One of the results of such boundary seeking is that internal university student feedback systems at many universities – not just in the UK, but also internationally – follow the external NSS format, so that the students can be trained into completing the NSS most advantageously. One year, quite recently, a group of my third-year BA students, energised

⁴ See for this, for instance: Kate Palmer, ‘Universities impose illegal contracts on students’, *The Daily Telegraph*, 19-02-2015, at: <http://www.telegraph.co.uk/finance/personalfinance/11419671/Universities-impose-illegal-contracts-on-students.html> (accessed on 15-06-2017). Palmer refers explicitly to consumer law in relation to the research: “After examining contracts between students and universities at 131 British institutions, *Which?* found that 20pc used terms that contravened Unfair Terms in Consumer Contracts Regulations.”

⁵ That TEF relies on statistics around outcomes which only have an indirect relationship with teaching quality if any relationship to it at all. As Tony Strike, Director of Strategy and Planning at the University of Sheffield writes: ‘We know the TEF is not a measure of teaching: it measures student satisfaction, student employment outcomes and non-continuation rates. None of these relate to the quality what students hear and learn in lectures or seminars.’ ‘The TEF is a Statistical Wonderland’, 05-12-2016, <http://wonkhe.com/blogs/the-tef-is-a-statistical-wonderland/>

⁶ Lord Lipsey, ‘Good and Bad Data’, *The Times*, Letters, 10-02-2017. See also Lord Lipsey’s more extensive writing on this at his blog at: <http://www.davidlipsey.co.uk/why-the-nss-is-garbage/> (accessed on 12-06-2017)

⁷ See Ipsos MORI website: https://www.ipsos.com/ipsos-mori/en-uk/national-student-survey-nss?language_content_entity=en-uk (accessed on 12-06-2017)

by their thinking in their seminars about issues around transparency and cognitivism (i.e. ideas about how claims are made about knowing how thinking and learning 'work'), did not want to complete the NSS-modelled internal student feedback forms at all. I discussed various ways in which they might complete the forms without contravening their objections, but respected their decision not to complete the forms following discussion. The (then) staff in my department with responsibility for such matters invited me to re-submit the form to my students for completion. I declined to do so on the grounds that I had given my students ample opportunity to complete the form. I was then contacted by various more senior staff, who had been informed of the situation by my departmental colleagues, to ensure that I would ask my students to complete the forms. I continued to decline to do so, at which point the department informed me that they would send the forms to the students themselves asking them to fill them in again.

In another recent instance, another group of final-year BA students I taught decided to analyse the questions they were set by the internal teaching feedback-forms modelled on the external NSS questions. The form asks them to rank between 5 ('strongly agree') and 1 ('strongly disagree'). An example, for instance, was whether 'the aims and objectives of the module were clear' or whether 'the module content was at an appropriate level'. The students argued (and wrote on the forms) that 'clarity' and 'appropriateness' are dubious requirements, presupposing that they as students were in a position to judge and measure these as standards they could already know. As the students wrote: "'Clear' – how could they be for this work?"; "'Appropriate' – how would I judge this?" In response to the 'Quality of Teaching and Learning' question, "Staff have made the subject interesting," several students wondered why there was an assumption that the subject was not interesting but had to be 'made' so by the staff. In relation to the section on 'Content and Structure' students wrote comments such as "This was a content-less and structure-less module, exactly as it should have been. Fab. Shame that this form does not allow me to say that in a positive way in the feedback guidelines." In short, the students understood the forms to dictate that teaching and learning take place in certain ways according to certain pre-set criteria and ideas of what teaching and learning should be.

These examples of enforced obedience to certain processes and systems, and to the content of such processes and systems, is therefore not a trivial matter, neither to the students nor departments. The students know that the NSS underpins university status and funding, and they also worried – and explicitly raised their concern – that I would be somehow negatively affected by their decision not to complete the forms. This is not a misguided concern: such forms and their statistically meaningless scores can be and often are used in relation to staff promotions. I assured them that what was most important for me was that they implemented their thinking and learning in the best ways they could, which could include thinking about such forms and what it might involve for them to complete them or not complete them. Implementing structures and procedures at every level that continuously demand and enforce staff and students' obedience and compliance directly undermines the aims of any university teaching to develop and pursue independent enquiry and knowledge, an essential part of innovative and creative thought.

The example of the feedback forms is also important to university departments, which are also assessed and funded partly on the basis of such results, locally within the university structures and more widely in its contribution to the status and funding of the entire university by government. But the university and government do not share the view that filling in

feedback forms mirroring as closely as possible the NSS or the NSS itself is inevitably part of teaching and learning as they insist that systems are innocent and that the only thing of relevance to university teaching and learning is what they designate as ‘content’ – materials which they see as strictly relevant to the ideas, concepts, and facts of a scholarly discipline. It is here that there is to be found a fundamental lack of understanding of university education: again, whatever views one might have of what a university is about or for, thinking and knowledge are inherently not about the repetition of what is *already* known and understood, either on the level of the discipline or on the level of the individual teacher and student. If a university education is not about the individual student, teacher and discipline developing and changing by being about different and new ideas, concepts, processes, facts and thoughts, then it is about nothing except pure repetition and memorisation. Feedback forms standardise the very learning and teaching that they then presume they are measuring in turn, creating a closed circle.

Universities’ reliance status and funding-wise on the Teaching Excellence Framework (TEF) intensifies the ‘double problem’ at all levels, and in fact it is the explicit intention of the Higher Education and Research Act 2017 that this be the case, as it states:

The crux of our debate has always focused on the operation of the TEF. A TEF that has *no reputational or financial incentives* would not focus university attention on teaching or help students to make better choices. That is why we are proposing to remove the two amendments that this House previously voted in, which would render the TEF unworkable. Nevertheless, it was clear from our previous debate that noble Lords remained concerned about the operation of the TEF and the link between the TEF and fees.⁸

Determining universities’ status and funding through a statistically invalid proxy system, which relies on demanding university staff and student compliance with systems which allow the measurement of what the students as consumers are buying and – crucially – have to understand in advance that they are buying, curtails academic freedom at every turn. And this is not ‘academic freedom’ as sometimes portrayed in the media as a self-involved ivory tower issue, but the meat and bones of academic teaching and research: questioning and enquiry.

The very shift from student to consumer means that questioning and enquiry themselves are constantly countered by demands – from government policy down to the smallest detail of everyday matters at universities – for unquestioning and unenquiring compliance. Both staff and students are subjected to these constant demands. To give just one example: university bureaucracy has in recent decades proliferated to the extent that recording what academics do takes up far more of their time than what the academics actually are supposed to do – teaching and research. As in most other fields of employment, most of my time is dedicated to email, bureaucracy and meetings, with teaching and research relegated to a minority of my time, and this is true for most colleagues both at my own institution and elsewhere. Ironically, in the meantime, the current management strategy at universities is to remove or downgrade as many of the administrative support staff as possible, and move as much administration as possible to academics, often while claiming that new, more ‘efficient’ IT systems mean that this will not increase the administrative burden on academics. This is

⁸ Column 1449, Higher Education Teaching and Research Act 2017 at: <https://hansard.parliament.uk/lords/2017-04-27/debates/2AB9B82D-6525-4D0A-96F0-9249AA263BE5/HigherEducationAndResearchBill> (my italics; accessed on 12-06-2017)

patently not the case, in yet another version of the 'double problem'. First, lack of large-scale investment in IT systems and staff means that the much-vaunted IT 'efficiencies' are not supported by the hardware and software in place; second, such moves *inherently* undermine what universities do, as IT systems are necessarily about standardisation and repetition, thereby yet again reducing everything staff and students do to unquestioning and unenquiring repetition. Again, rats in a maze.

The ultimate dream of many university senior managements and their very expensive management consultants – is to have no teaching, research or administrative support staff but instead for students to be taught and assessed by computer. If this sounds like an absurd brave new world, it is not: the strategy of some major global companies, such as Pearson, is to develop, deliver and implement such 'computer provided university learning'. I am regularly emailed advertisements for such systems. In the United States and elsewhere such systems are already in place if not yet actually replacing all academic and academic support staff.⁹

This desired move toward a minimal level of academic and academic-support (but *not* managerial) personnel and as little as possible questioning and enquiry, is also evident, from a recent report on the status of academic freedom at universities across Europe, the 2017 Karran report.¹⁰ The report concluded that 'Utilising the most comprehensive assessment of the constitutional and legal protection of academic freedom, the UK attains a score of 35%, which is less than the EU average (53%), and the second lowest among the 28 EU states.'¹¹ The report further points out that:

In sharp contrast with the other 27 EU nations, the constitutional protection for academic freedom (either directly, or indirectly through freedom of speech) in the UK is negligible, as is the legislative protection for the substantive (teaching and learning) and supportive (tenure and governance) elements of academic freedom. Additionally, the UK is similarly deficient in protecting academic freedom in line with international agreements of which it is a signatory, more especially UNESCO's 1997 *Recommendation concerning the Status of Higher-Education Teaching Personnel*.¹²

Accordingly, the report recommends petitioning UNESCO about the UK's non-compliance with the commitments made in signing-up to the 1997 *Recommendation*. In reality however, many UK universities are actively further weakening the minimal commitment to academic freedom that is in place by removing their statutes – in which academic freedom is enshrined and protected through specified, obligatory processes which prevent the arbitrary limitation or removal of academic freedom – to be replaced by a commitment in the university 'charters' to academic freedom. Notably, university charters have no legal or procedural status in this respect: the statement is nothing more than a nice idea.¹³

⁹ See for an example of a discussion around such systems, Hans Johnson, 'Will Technology Kill Universities?', *Time Ideas* online (originally written for Zocalo Public Square), 2015, at: <http://time.com/3747816/education-chalkboard-chatroom/> (accessed on 14-06-2017)

¹⁰ Terence Karran and Lucy Mallinson, *Academic Freedom in the UK: Legal and Normative Protection in a Comparative Context*, Report for the University and College Union, 2017. The report was also featured in an article in the *Times Higher Magazine* – see at: <https://www.timeshighereducation.com/news/quarter-of-uk-academics-bullied-over-scholarly-views>. (accessed on 14-06-2017) The UCU also issued a press release about it, at: <https://www.ucu.org.uk/article/8805/UK-academics-warn-of-low-levels-of-protection-for-academic-freedom?list=1676> (accessed on 14-06-2017)

The full UNESCO recommendation is available from UNESCO at http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed on 14-06-2017)

¹¹ Karran and Mallinson, p. 1.

¹² Karran and Mallinson, p. 1.

¹³ See for further explanation and discussion about these issues for instance: Connor Woodman's article in the *Warwick Globalist* on 'Statute 24: How Warwick plans to jeopardise academic freedom and what we can do to stop it', May 12th 2017, at

Perhaps most damagingly of all, the day to day teaching of university students is now pervasively affected by their having been taught to think of themselves as consumers from an early stage within the overall commoditisation of education: to the detriment of both the tutors, the academic disciplines and, most of all, the students themselves. For example, at the start of a module we are now obliged to give students their 'assessment criteria', just as at GCSE and A-levels, where the students have already been drilled in rote-learning and constant testing because of the imperatives of funding streams and OFSTED strictures all – exactly as with the TEF – intent on the idea that the only way to 'focus' teachers and students on obedience to policies about teaching and learning is through '*reputational or financial incentives*'. This directly relies on a de-professionalisation of the educational workforce by prefiguring them as recalcitrant individuals who must be incentivised introducing a politics of suspicion which feeds through university teaching in exactly the same way. Students have been told they pay high fees and therefore are in a position to expect and demand 'what they want': and they do indeed expect (and in the most problematic cases, demand) that they are told exactly what they will be doing and how and why and when. When this does not happen in the ways they have been taught to expect prior to university, by the A-level teaching and assessment system and by the wider framework of consumption, they not infrequently become highly anxious.¹⁴ The difficulty is that this directly undermines university education: enquiry and the development of knowledge and independent thinking are unsustainable in the face of anxiety which demands immediate answers which can be instantly replicated, crucially without much or any understanding. The assessment criteria which are supposed to ensure the consumer already knows what they are buying and guarantees that they can monitor that they are indeed receiving that which they have been promised, fails by definition at the point that the criteria themselves are about issues, ideas or facts that the students cannot yet understand. The demand that such criteria always be wholly 'transparent' or 'clear' relies, again, on a fundamental misunderstanding about what any university education is. This is also what is at stake in the language of 'skills' that has increasingly come to be used at the universities – skills imply a set of mastered and repeatable actions that can be implemented without being changed across various settings.¹⁵

Conclusion

This paper, then, has argued that UK universities are under increasing and immanent threat. Both teaching and research quality are now directly harmed by a range of factors, but here I have focused specifically on the damage caused to universities, staff and students by the notion of the 'student as consumer'.

I wish finally to include the idea that the problems of the student as consumer are not simply about turning students into something they ought not to be. As students are faced with increasing choice, both in terms of which university to go to and which courses to take once there, what is obscured is how very limited the ability to choose is, not just in terms of widely-discussed prior educational, social, or financial disadvantage, but even just in terms of how

<http://warwickglobalist.com/2017/05/12/statute-24-how-warwick-plans-to-jeopardise-academic-freedom-and-how-we-can-stop-it/> (accessed 14-06-2017)

¹⁴ See for an extensive discussion on anxiety amongst staff and students at universities: Lawrence D. Berg, Edward H. Huijbens, Henrik Gutzon Larsen, 'Producing Anxiety in the Neoliberal University', *Canadian Geographer/ Le Géographe canadien*, March 2016, DOI: 10.1111/cag.12261

¹⁵ See for just one among many critiques of the idea of 'skills' in university education: Ursula Wingate, 'Doing Away with "Study Skills"', *Teaching in Higher Education*, 11 (4), October 2006, pp. 457-469 at: <https://ipark.hud.ac.uk/sites/embeddingskills.hud.ac.uk/files/WWingate.pdf> (accessed 15-06-2017)

in practice it is nigh-on impossible to change a university course once embarked on. Even in the rare cases where students do transfer between universities, this is a uniquely limited and limiting idea of choice. Doing a three or four-year degree does not make for any easy 'comparison' to enable a judgement over whether this was in fact the best 'choice' or enable any alternatives if there is a real regret over the choice made.

The increasing micro-management of teaching does not give students wider choice but instead standardises curricula and teaching approaches in the service not of the student, but of the financial and reputational incentives imposed by government policies and university senior managements. These incentives are having a lethal effect, steering universities to believe themselves to be businesses, although never successful or innovative businesses in business's own terms.

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