The future of Scottish higher education

An alternative vision for universities

February 2021

Contents

1. Introduction

The coronavirus pandemic – and in particular the inability of western governments to develop strategies to confront it in ways that 'protect lives and livelihoods' – has starkly exposed widespread economic, socio-economic and political dysfunctionality. The crisis has permeated every aspect of society. In the case of the UK's higher education (HE) systems, the adoption over the past few decades of neoliberal models has left universities compromised in their duty of care by a perceived imperative to maximise income. The response of staff – academic, academic-related and support staff – in contrast, has highlighted their excellence, hard work, initiative and creativity, and their commitment to students. But the crisis has also exposed long-standing problems in HE of governance, insecure employment, unmanageable workloads and inequalities.

The pandemic has also brought to the forefront the dependence of higher education institutions (HEIs) in Scotland from commercial sources and from internationals students' fees. It is this income that covers the increasing shortfall in funding from the Scottish government and the teaching grant in particular. It is estimated by Universities Scotland in their 2021/22 budget submission[1] that public funding of university teaching in 2018/19 was £157 million below its actual cost. Universities' debts have increased, going from a debt of £437million in 2014/15 to £1.65 billion by the end of 2018/19. This leads to a constant merry-go-round of restructuring and job losses by universities, one after another. It is staff who therefore take the brunt of government underfunding by way of job losses. Each of the policy areas addressed elsewhere in this paper are dependent on Scottish higher education being fairly and fully funded by government.

On that premise, the authors of these essays – UCU Scotland members and staff – severally and collectively address some of the key policy issues confronting the sector, building on the work of the union in recent decades. We recognise the problems facing university staff – and therefore their students – are, at root, the same throughout the UK (and much of the analysis below can be applied to HE in the UK as a whole). But Scotland has its own educational tradition and, as the intellectual historian Stefan Collini put it when he addressed a public conference organised by UCU Scotland in Edinburgh in 2011:

> *'It is obviously easy to fall into a cheap romanticism of the "'lad o' pairts" tradition and all that. Nonetheless, the advantage [in Scotland] lies not only in having such a tradition to appeal to, but in the fact that it is a tradition with built-in democratic purchase and appeal.*[2]

By referencing that tradition in a critical and unsentimental way, UCU Scotland (in alliance with other campus unions) has been able to influence the Scottish government in ways that have so far proved impossible south of the border. Notable achievements have included the Higher Education (Scotland) Act (2016), which, as outlined below, made some tentative steps towards addressing what was widely perceived as a dual democratic deficit in Scottish HE brought about by the decline of meaningful consultation within universities and of social accountability to the wider community – the latter issue

highlighted particularly by annual outcries in the salaries of principals. It was to these matters that the von Prondzynski Advisory Committee on HE governance, in 2012, referred to when they wrote of:

> *'Concerns about the extent to which the university community of staff and students is now able to participate in collective self-governance, about the extent to which governing bodies ensure appropriate levels of accountability, and about a perceived bureaucratisation of management … [and] about the displacement of a] discourse centred on the best ways of practising management… by one perceived as entrenching managerialism.'* [3]

We have always regarded the limited positive developments in Scotland as not simply achievements in themselves but also as a contribution to the movement throughout the UK for an alternative vision of HE.[4] What follows refers to Scotland but we hope that it will resonate beyond national borders.

The primary purpose of the document however is to assist in providing an intellectual base on which to develop practical demands for both immediate and ongoing reform that can assist the recovery and development of the Scottish university system in the years beyond both Brexit and the coronavirus pandemic.

Moreover, this must now take place in the context of the UK's departure from the European Union, which, prior to the pandemic, was the major factor creating uncertainty for HE.[5] The final agreement between the UK and the EU contains some assurances on European research cooperation. But – especially damaging to Scottish universities with their historic links to continental learning – it denies students the ability to participate in the Erasmus exchange scheme.

Just as the education system, and in particular the distinctive socio-cultural identity of her universities, were important as Scotland moved towards devolution in the 1980s and 90s, so Scottish HE can and should play an important part as Scotland considers its constitutional future in the coming years.

To play their part, not only in advancing social opportunity, but also in creating an informed citizenry able to ensure rational, democratic decision-making in these turbulent times, Scotland's universities need to put on a secure footing as institutions of humane learning and scientific advance, freely open to all who can benefit. That is why we argue for reforms, and the investment that can make them achievable, that we believe can secure collegial consent within HEIs and the engaged support of the wider public.

2. Alternative vision: changes needed

This paper has been written in the months preceding the 2021 Scottish parliament election and identifies the issues facing Scottish higher education and the actions we hope for from the Scottish government directly or by government exerting influence on universities. Experience tells us that university principals, and those opposed to reform, will answer these calls by stating that universities are autonomous and that academic freedom necessitates that the role for Scottish government should be minimal. In short, that government's role is to hand over money and then let universities act independently of government.

In fact, the use of the argument of autonomy of institutions to deflect from bad practice in the sector deliberately misunderstands what is being asked for. UCU supports the autonomy of our institutions absolutely and has argued in the past successfully against attempts by government to encroach into the sector. Bar a few obvious examples around specific subjects, what our universities teach and the research they conduct is not the business of government. What government is, in our view, entitled to expect though in return for the over £1billion pounds spent annually on Scottish universities is an expectation that the universities in receipt of that money treat their staff fairly and act as good employers.

A summary of UCU's 'asks' of the Scottish government can be found at the end of the paper on page 37, and each individual policy ask is explained and detailed in the individual chapters. In short, we want to see increased funding for the sector; a stop to excessive pay rises for principals and those at the top; greater job security and an end to the use of casualised, precarious contracts; a sector aligned to the fair work agenda; reimagining the metrics used to measure and compare institutions to give proper weight to the work and worth of students and staff in universities; a willingness to look beyond the UK when we are comparing our higher education system with others; a serious orientation towards making both equalities and sustainability integral to the running of universities; an end to Prevent and the hostile environment and encouragement for universities to address their colonial legacies; and the commissioning of further work into the encroachment of automation and datafication to ensure we understand how enshrined they are becoming and what that means for students and the sector.[6]

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[6] On terminology in the report: UCU policy is to use the term 'Black' in a political sense 'to refer to people who are descended, through one or both parents, from Africa, the Caribbean, Asia (the middle-East to China) and Latin America. It refers to those from a visible minority who have a shared experience of oppression. The word is used to foster a sense of solidarity and empowerment' (see www.ucu.org.uk/article/8334/Black-History-Month). However, when the report references literature on race in/equality, the terms used in that research (e.g. Black, Asian, Minority Ethnic (BAME) and Black referring specifically to those of African, Caribbean and other Black backgrounds) is used (see e.g. www.ucu.org.uk/media/7861/The-experiences-of-black-and-minority-ethnic-staff-in-further-and-higher-education-Feb-16/pdf/BME_survey_report_Feb161.pdf and www.ucu.org.uk/media/10075/staying-power/pdf/ucu_rollock_february_2019.pdf). When the term Black is used in a political sense, this is marked by a footnote explaining its use.

3. After the Governance Act

Author: UCU Scotland education committee

Overview: This section maps out the history and future of governance of Scottish HE – where do we go next?

Key ask: For politicians and the Scottish government to continue to review with the sector including trade unions the governance of universities and to revisit the outstanding areas of the 2012 von Prondzynski report[7]

The 2016 Governance Act introduced three significant positive changes to university governance. Although they were relatively minor, the Act's opponents claimed its provisions were 'really scary' and would devastate the international standing of our universities by suppressing critical thought.[8] In fact, there has been no negative impact on the standing of Scottish HE. If anything, the Act's content has been so limited that, four years on, it already faces calls to be revisited.

The Act changed three main aspects of university governance. Firstly, it very slightly widened the accepted definition of academic freedom, allowing for the inclusion of work on the development of new ideas. Second, the Act allowed for two new positions to be added to university governing bodies for trade union representatives of academic and support staff. Most institutions' governing bodies have a membership of 25, meaning that two new trade union positions were a relatively small addition that would not suddenly see existing governance arrangements overturned. Finally, the Act required that the chairs of governing bodies be elected by staff and students, which simply revived the 19th century tradition of an elected rector as chair of court in Scotland's older universities, and brought the election of the chair of the governing body to the late 20th century HEIs. That this led to over-the-top scaremongering by existing chairs of court and principals is perhaps unsurprising. Yet those, including this union, who argued in favour of the change have been vindicated in the years since the passage of the Act. Elections at Aberdeen, Dundee and St Andrews universities have not resulted in the kinds of seismic disasters prophesised by opponents of the Act. Similarly, trade union members have been nominated onto their governing bodies, some now for over three years, with none of the fears expressed about their inability to act in line with the Nolan principles of standards in public life proving justified. This is precisely because as members of university staff and trade union members their genuine interest is to act in the best interests of the university they work for and care deeply about.

Unfortunately, those arguing that very limited reforms were unwelcome instances of state meddling succeeded in limiting the scope for and dissuade the Scottish government from putting forward further HE legislation in the following years. In the five years since the 2016 Act during which we have seen a number of bills pertaining to school education and attainment, there has been no bill introduced with any focus on universities. The opposition to the 2016 Act – with chairs of court writing letters to the newspapers,

ancient university general councils being mobilised to contact politicians and top end, private lobbyists being retained by the principal's representative body, Universities Scotland – would have any future government think twice before tabling further reform of the sector. Ultimately, this has been the case and is to the sector's harm. Positive in relatively small ways though it has been, there are still large tracts of the way our universities are run that damage the reputation both of the HE sector and of public services more generally. The annual embarrassment to the HE sector over press coverage of rocketing principals' pay continues year on year and has recently been complemented with stories about unwarranted pay offs and expenses. This makes arguing for fair public funding from the Scottish government difficult. Recent commentary from the Fraser of Allander Institute[9] references universities as a consistent loser in recent budgets. When Ministers can point to salaries of principals hitting £342,000 a year and 33% year-on-year increases, Ministers have a ready to use excuse that, despite other evidence, universities still have scope to tighten their belts.

In contrast to the sky-high salaries for principals and senior members of staff and unwarranted, outrageous golden goodbyes to retiring principals (see Aberdeen in 2019 and the Robert Gordon University in 2018), other university staff have seen their pay held down by 20% in real terms over the past decade. They have been forced to take strike action to keep up with inflation and to address the precarious and unequal conditions of their work. It is clearly an unsustainable situation. UCU Scotland believe that there are aspects of the 2012 von Prondzynski review[10] which were not addressed by the Act and should be looked at again. Dealing with the scandal of principals' pay could be resolved by ensuring that universities, which are public service bodies, include all grades including those of principals in national collective bargaining. This would have the effect of ensuring that all university staff pay would be negotiated by the sector's standard pay negotiating process rather than those at the very top standing alone and negotiating their own pay. As outlined elsewhere, there are numerous other examples of bad practice beyond senior pay, including the gender and ethnicity pay gaps and the continuing prevalence of precarious contracts.

The 2016 Governance act cannot be the end of modernising HE and improving university governance. There is the beginning of a nascent interest in examining again how our universities are run and their purpose among opposition parties. It is important that we do not let the opposition the 2016 Act met put us off further reform.

The following chapters outline something of what that reform might look like.

4. The Scottish higher education landscape: Scottish HE's divergence from the UK

Author: Carlo Morelli

Overview: This section maps out the specificity of our Scottish institutions in a UK context and argues for further reform

Scottish HE's reputation for quality and intellectual vibrancy is framed within two distinct inter-related concepts. First, the existence of free tuition for undergraduate education, accepting the Robbins Committee premise that university education should be available to all who may benefit from it. Second, the continued commitment to public funding underpinning the concept of the university as a public institution.

A decade after the Great Financial Crash of 2008 ushered in the era of austerity both these concepts are under threat, bringing with it threats to the current stability of Scottish HE. Tuition-free education may remain, but student debt rises inexorably. Scottish students hold £5.5bn of debt, almost three times that in 2007.[11] Across the UK, student debt levels are already £121 billion, and this is expected to rise to £450bn by mid-century. Attempts to promote a progressive higher education system encouraging social mobility within Scotland will be undermined by the failure to create debt-free higher education for those least able to afford to attend a university.

The second area undermining the public university is falling real-terms public funding. Since 2014 funding has fallen by over £127m per annum. Falling real-terms public funding has encouraged Scottish universities to follow the speculative student-fee driven expansion taking place in English HE following the introduction of the £9K home fee in universities in England. The desire of Scottish universities to maximise income share within a globally focused education market has undermined academic standards, with quantity being the management metric of success. Debt driven capital speculative expansion, ranging from vanity projects on campuses, the creation of ludicrous 'campuses' in cities such as London and New York and privatisation of student accommodation have all led Audit Scotland (2019) to report that over half of Scottish universities now run operating deficits.

RISK, STAFF AND SCOTTISH GOVERNMENT

Such reckless large exposure to debt-driven expansion raises major questions about the sustainability of Scottish universities. While the Augar Review, recommending cutting fees to £7.5K in England, would not have a major impact in the Scottish context bar restricting institutions from charging RUK (rest of the UK) current fee levels, other aspects of the marketisation taking place in UK HE certainly does. In particular, whereas the Office for Students has plainly stated that they are willing to let HEIs in England go bankrupt, in Scotland it is not politically feasible for the Scottish government to avoid action if a similar scenario were to occur. Scottish universities are 'too big to fail' and therefore the risk of debt-funded speculation is borne by the Scottish government. The

Scottish government directly funds universities through its teaching and research funding. In doing so it places requirements on universities in Outcome Agreements and conditions of grant. For a sustainable public university sector to survive within the Scottish context there needs to be a critical examination of the extent to which the sector commits to long-term debt financing in its replication of the marketisation approach of higher education in England.

In other areas, similarly, the influence of the Scottish government role in HE needs reconsideration. Debt-financed speculation has implications for the quality and provision of education within Scotland. Rising student-staff ratios, lower spending on student support, library provision and staffing, along with outsourcing are all features of the contemporary higher education landscape. This has resulted in recognised high levels of mental ill-health among students and staff, pay inequalities and discrimination across all equality areas, increasing casualisation and unsustainable workloads. While these issues are dealt with in fuller detail in other chapters in this report, they are the direct concomitant to a focus upon reducing costs to fund speculative expansion. The Scottish government's commitment to a 'Fair Work Agenda'[12] , reflecting its vision of a workplace environment which diverges from the de-regulated labour market across the rest of the UK, has had little impact in Scottish HE.

If a distinctive Scottish HE is to remain at the centre of Scottish identity, then it must be able to demonstrate its superiority in relation to other models of provision. Less student debt is not a sufficient difference for Scottish students; equivalent levels of measures such as student-staff ratios, casualisation, or pay inequalities are not measures of a superior educational system. An alternative model is available whereby the distinctiveness of Scottish HE can be found in the quality of provision and the resources of that provision for those who participate in its development. This means putting students and staff at the centre of the analysis rather than the dystopian view of educational establishments without links to their place or society.

5. It doesn't have to be this way: Scottish HE and international comparisons

Author: UCU Scotland education committee

Overview: This section places Scottish higher education in comparison with international systems, setting out a new way forward

Key ask: That we do not limit our aspirations for Scottish higher education by only making comparisons with the rest of the UK and recognise that there are other, better examples elsewhere

Other chapters in this paper highlight the series of longstanding and well-rehearsed arguments against the current trajectory of higher education in Scotland and the UK. They make the case for moving away from a market driven system where universities compete against each other for students, and where universities' success is dependent on them driving down the pay, pensions, and working conditions of the staff who work there.

Changing anything, let alone an entire system of higher education, is not a task to be taken on lightly. It is easy to be dispirited but it is useful in seeking inspiration to take a look at higher education systems elsewhere, or at least in outwardly similar countries to Scotland. If there are better, more equitable HE systems delivering for their communities without negatively affecting the staff who work in universities or the students who study in them, then these could be a starting point for how to change universities here.

There are three main models of university governance: The state centred model where universities are operated by or are instruments of the state charged with delivering national goals is exemplified in France and Sweden. Self-ruled institutions derived from institutions where pursuing learning and research is the primary goal has been the UK tradition. And a market orientated model prevails in the US and Australia. While different countries have traditions in each area, most countries' higher education sectors will be a mixture of all three with one or more dominant. While the UK, for instance has a longstanding tradition of self-rule, this is challenged by increasing demands made by government along with increasing marketisation with funding, predominantly in England, being dependent on attracting fees from students. This leads to a race to appeal to students as income generators rather than as students per se or as an integral part of the university. Likewise, the transactional nature of this approach has led students understandably to make increasing demands of universities and staff as they look for value in return for their investment in their education, an example being the campaign of students seeking recompense from their universities for the 14 days of teaching lost during the 2018 USS pension strike. The point is though that the current structure is one which has evolved, which is different to that in place elsewhere, and that there is no reason to think it is unchangeable or somehow set in stone.

When the Scottish HE system is compared to others, the natural comparison is with the rest of the UK and particularly England. Recent progress on widening access to universities in Scotland, largely on the back of the 2016 Commission on Widening Access recommendations, has been impressive but for too long in the preceding years the record in Scotland was poor. Commentators and politicians opposed to free tuition argued that the introduction of fees in England in 2010 was responsible for widening access and that bringing in fees in Scotland should happen if Scotland was to address the problem of fair access. That, after glacial progress over many years, we have seen the initial targets of the commission to have students from the 20% most deprived backgrounds accounting for 16% of new university entrants being met early in 2019 and 2020, shows that free tuition was not the barrier and that sustained focus and effort from the sector and the work of the commissioner for fair access, Peter Scott, had led to real progress.

If the comparison is often drawn with English HE, then it is worth also expanding our view and looking beyond the UK. Doing so we can see that not having tuition fees is not the aberration it is sometimes portrayed as being and that charging tuition fees is not the norm. Looking at EU domiciled students, Scotland sits alongside Austria, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Malta, Norway, Sweden, and Turkey in not charging fees for first degrees.

Likewise, we can look at the security of staff and tenure. Tenure was abolished in the UK in the late 1980s and prior to then academic staff were much better protected with universities more restricted in the reasons for which they could dismiss staff. The loss of tenure meant that academic staff could face redundancy. The lack of security is hugely exacerbated by the increasing use of casualised contracts in Scottish HE.

Research carried out by UCU uncovered that in 2015 over half (53%) or all academics across the UK were on some form of insecure contract, with the system even more pronounced in the self-styled elite Russell Group institutions, where the rate of insecurity was over 58%. Casualised staff include PhD students who carry out much of the undergraduate teaching done in universities. Another group are those substantively employed on a limited term or precarious contract but who are dependent on that contract for their living, and are well beyond their days of study. This includes research staff whose employment is dependent on short-term funding and teaching staff on fixed-term or hourly-paid contracts.

Most countries have a balance of both indefinite and fixed term employment contracts in universities – the exception being Slovakia and Latvia where only fixed term contracts exist. UCU's research shows around half of academic contracts being indefinite, but other European countries range from 80% in France, Malta and Turkey to Germany, Estonia and Austria where around 30% of academics or fewer are on indefinite contracts.[13] There is a real fear that Scotland will end up with the most casualised workforce if current trends continue.

Wider employment law is important in this regard. With excessive pay and remuneration for principals and senior managers, and casualised contracts for many of those engaged in face to face work with students, universities do not always treat their employees in ways appropriate for the benign charities they claim to be. But poor employment practice is not confined to the HE sector. University human resource departments operate in the legal framework of the country they are based in with wide variance country by country. While there are certain standards guaranteed by EU law for those countries in the EU, generally employment law is stronger with greater protection from redundancy in northern European countries and Germany than elsewhere. The situation in the UK has deteriorated since 2010 with workers losing rights to appeal against unfair dismissal until they had two years' employment and the introduction of no fault dismissals and protected conversations. At the same time the UK government introduced changes to make it more difficult for trade unions to take industrial action, introducing a 50% threshold for strike action. According to the OECD, UK employment protections are amongst the weakest in the developed world with only North American countries being worse.[14] The departure of the UK from the EU and its rules on 1 January 2021 creates added uncertainty about the future trajectory of employment law.

From tuition fees, to reliance on precarious contracts for staff, and to different models of governance, there is no single structure or model of higher education. A swift glance at the situation in other comparable countries shows a huge amount of variety internationally. It pays to look outwards, and not only within the UK to the English model of higher education, when we are comparing the situation in Scotland. We already have significant divergence on fees and the beginnings of change around governance. There is no reason for not looking overseas on issues relating to the terms of employment and to a more collegiate, less market driven system rather than simply copying what our closest neighbours in the UK do. Brexit, moreover, poses a very real and significant danger to Scottish HE. Mirroring the best of our European and international neighbours' practice, as well as being the right thing to do, is an approach that may just also allow us to attract and retain the European and international talent that our universities need.

6. Redefining quality in higher education

Author: Jen Remnant

Overview: This section proposes a new set of quality indicators, based on excellence and civic contribution rather than market values and competition. We also reframe university quality assurance away from neo-liberal models of competition and suggest practical long-term strategies to maintain standards of excellence across the sector that do not undermine quality teaching and research

Key ask: The development of new metrics to measure quality in higher education which are not based solely on competition between institutions but rather reflect the actual quality of student experience, teaching and way in which staff are treated

UK HEIs use a combination of quality control techniques in an attempt to deliver and measure quality research and teaching. University management focuses on fulfilling specific requirements to evidence quality that reflect the increased marketisation of the sector. This marketisation of HE/FE has been discussed in this document as a core concern for UCU. The metrics and targets associated with teaching and research quality are ostensibly designed to allow us to ascertain, establish and maintain excellence in the sector. In this chapter we raise concerns about these methods and offer an alternative vision for maintaining high quality education and research in Scotland.

CURRENT MEASURES OF QUALITY

In this section we outline the purposes, application and limitations of the Research Excellence Framework (REF), the Teaching Excellence Framework (TEF) and National Student Survey (NSS) which are the primary methods for ascertaining University quality and influence the placement of institutions in various available university ratings.

Over time the allocation of research funding in UK HEIs has shifted from lump sums being allocated to institutions toward performance-based funding such as individual and group grants, distributed primarily by research councils, though funding can also be sourced from industry and non-profit organisations.

The REF succeeded the Research Assessment Exercise, and was first used in 2014 to assess the research period 2008-2013 (REF 2021). It evaluates the research impact of British HEIs and is undertaken by the UK HE funding bodies: The Scottish Funding Council, Research England, Higher Education Funding Council for Wales and the Department for the Economy in Northern Ireland. REF evaluations are supposed to establish university research standards. It is justified on the basis that research funding represents a public investment, and is supposed to represent an efficient and fair allocation of resources. The better the submissions, the more research funding a submitting body can anticipate.

The process requires that departments, schools or disciplinary collaborators submit papers from research active staff, and a selection of impact case studies. These submissions are then reviewed by panels made up of senior academics and research users. There are 34 subject-based units of assessment, and these are considered under the wider guidance of four main panels. The submissions are assessed on the quality of the outputs, including publications, performances and exhibitions, research impact beyond academia and research environment.

Despite the apparent focus on quality, there are a number of critiques levelled at the REF. Rather than promoting excellence, it in fact encourages mediocrity, stifling creative research and meaningful collaboration via disciplinary siloing, arbitrary deadlines and discouraging research with long-term value (Higgins, 2020). The REF can be accused of having facilitated academic 'transfer windows', as universities 'poach' successful academics in the run up to assessment to enable the use of their research outputs. This individual focus takes precedence over collaboration and collegiality, undermining long-term working partnerships and reinforcing competition between and within universities. The REF assumes a meritocracy, which as has already been addressed in this document, does not exist within contemporary academia. As a result, the process exacerbates sector-related issues including contractual exploitation, occupational inequalities, poor employment conditions and subsequent issues relating to stress and other mental health issues.

The REF process has little respect for the wider employment practices of UK HEIs. It does little to support the development of early career researchers, who complete the majority of research at their employing institutions. ECRs are either not included or have found themselves driven to overproduce and lower standards in response to 'publish or perish' pressures. The metrics used in the REF compound existing inequalities in academe, including those based on disability, race, age and gender. Attempts to address this in subsequent REF cycles have included invitations to academics disclosing special circumstances (including illness and caring responsibilities) and having their output allocation altered proportionately. Though it is important to recognise limitations to individual submissions, the alterations to REF each cycle are complicated and make the entire process inconsistent and labour intensive as individual institutions identify the requirements and cascade it (again) to their 'REF returnable' staff. The REF is both time-consuming and financially costly, with estimates that the REF, so far, may have cost UK HEIs over £1 billion.[15] The time, money and energy spent on preparing for and completing the REF – content and number of REF focused meetings, selection and assembly of REF panels and submission of work – is entirely disproportionate to the benefits, which are manifestly lacking.

Similar criticisms can be levelled against the metrics used in the Teaching Excellence Framework (TEF), which is informed in no small part by the National Student Survey (NSS). Teaching quality in UK HEIs, including those in Scotland, is largely assessed using undergraduate student feedback. Approximately 500,000 students across the UK complete the NSS each year. These, and other student survey responses, are high-stakes. Student feedback is considered in the promotions and performance processes as well as

departmental funding and workforce contracts. The purpose of the TEF, introduced by the UK government in 2017, is to provide a resource for students to ascertain the quality of undergraduate teaching in their prospective universities. It was also introduced in an attempt to elevate the importance of teaching in line with research, addressing the perceived hierarchy between research and teaching careers in UK HEIs. Currently the TEF is voluntary for UK HEIs, and they are ranked as bronze, silver or gold via assessment over seven metrics by a panel of academics, students and employers (Office for Students, 2020[16]). The metrics are influenced heavily by graduate earnings and NSS results.

This method of measuring quality aligns with the increased marketisation of the HE sector, which is increasingly understood as a service provider to student consumers (Foskett, 2010[17]). However, the use of teaching evaluations as a measure of quality is hugely problematic. In the very first instance, there is a response rate issue in the NSS, and other student satisfaction surveys, resulting in sampling bias. As with most voluntary evaluative services, the students who respond are those who are particularly unhappy, or particularly happy with the teaching they have received. The surveys infrequently allow for definition between preparedness and thoroughness in the delivery of teaching and teacher likeability. Results are largely translated into averages which causes further problems with understanding experiences of teaching in a specific department. For example, a polarising member of teaching staff or one who performs well with high achieving students, but not as well with those who are needing additional help would get similar overall feedback to a teacher deemed satisfactory across the board. Similarly, the universal distribution of the NSS means that all students receive the same survey, which does not reflect the diversity of teaching locations, class numbers or disciplinary specific teaching methods.

Further to these potential issues, there is empirical evidence that student feedback reflects societal prejudices, with students scoring female lecturers lower on average than their male counterparts[18&19] (Anonymous, 2017.). Due to the anonymity of the survey, poor scoring can be harmful to teachers who can be scored badly for a variety of reasons that might have little to do with their actually teaching ability. Studies have compared student reactions to the same online teacher, posing as female for some students and male for others. They received better scores when 'male'. Another study showed that women were especially likely to be negatively evaluated if they did not mark generously or if they communicated negative feedback, which is troubling given that the clear communication of constructive criticism is central to academic development. Feedback has also been found to incorporate race bias, doubly disadvantaging Black, Asian, and Minority Ethnic (BAME) women teachers, who are already vastly underrepresented in Scottish academia. Incorporating graduate employment outcomes and incomes is similarly problematic. It has a supply side focus that does not recognise national labour markets, disciplinary employability or employment discrimination that is most likely to affect already disadvantaged students.

QUALITY ACADEMIA

In the first instance this would mean ending the REF, both as a system of measurement and as the chief decider of the distribution of funding. Research funding should be distributed more equitably across universities taking into account the number of research

active staff and requiring evidence from institutions that research time is ring-fenced for these staff members to avoid disingenuous hiring practices. Further requirements can be made of universities to evidence how they retain research staff, develop their research skills and develop research capacity in departments that have limited access to research grant funding.

In terms of the quality of impact, this can be more realistically explored in terms of collaboration, between universities, departments and disciplines – and perhaps more importantly, with external community partners. The impact generated by universities is multifaceted – impact in research should be considered alongside their impact as large community employers and property developers. Ensuring positive community relationships outside of research lays the groundwork for meaningful impact from research and engagement activities, it also places more responsibility for engagement with university leaders, rather than on the shoulders of individual research staff.

Teaching quality can similarly be assessed without the use of subjective surveys and arbitrary metrics. The consistency or improvement of student marks across the academic year can highlight good teaching practice to be shared within teams and departments, with specific focus on underachieving students who are able to improve.[20] However, these measures rely on a robust pastoral support network within university structures, alongside reasonable teaching workloads that allow teaching staff to provide additional academic or social support. The impact of the Covid19 crisis on higher education, and the rush to online teaching has drawn to the fore the relationship between capacity, workload and quality of teaching where early in the pandemic it became clear that there was an acute need for more resource and staff to deliver quality remote teaching and pastoral care for students.

A staff-to-student ratio that is monitored and publicly available will urge universities to employ enough staff to be able to engage meaningfully in teaching, research, and civic duties. A similar marker of the percentage of staff who are on insecure contracts (hourly paid, fixed-term, or project contract) versus permanent contracts, with a certain percentage low point needed to gain SFC funding, is another way of assuring quality (as seen in the section on casualisation, insecure employment damages not only staff wellbeing but also teaching and research, and hinders progression in equality measures).

New visions for quality:

- Improve staff to student ratios.

- Include adequate preparation time and pastoral support into work time models.

- Conclude all arbitrary measures of 'excellence' and replace with peer support and mentorship, clear managerial guidance and communication.

- Measurements around the attainment gap, and the difference institutions can make to educational outcomes of students from SIMD and low income backgrounds.

7. Equality measures

Author: Jen Remnant and Katie Nicoll Baines

Overview: This section provides an alternative vision for Scottish Universities to respond to contemporary equality issues in HE

Key ask: Universities to review and decolonise curriculums; review and rewrite university policies to increase workplace equality; ensure that accessibility and inclusivity are key parts of all aspects of university work and considered at all levels and areas of universities' work

Scottish Universities are currently devaluing the work of many employees due to unaddressed institutional racism, ableism, sexism, homophobia, transphobia, ageism, discrimination on religious grounds and classism and the multitude of ways these forms of oppression can intersect. This chapter reflects on the problems and provides an alternative vision for Scottish Universities to respond to contemporary equality issues in the academy.

According to a UCU report, the academic gender pay gap will take 40 years to close. The report reveals that, in 2015/16, UK universities had a 12% overall gender pay gap for academic staff.[21] Similarly, pay gaps can be found between non-disabled and disabled colleagues, and between white and Black, Asian, and Minority Ethnic (BAME) colleagues.[22] The situation is further compounded for disabled and BAME women in academia.

These statistics represent a clear, and systematic undervaluing of the scholarship of numerous colleagues, and as a result restricts academic creativity and perpetuates learning models that are sexist, racist and ableist. Consequently, damaging staff and students' experiences of higher education. How disadvantage manifests for colleagues in Scottish Universities is nuanced. For example, there are startlingly low disclosure rates for disabled staff. Though up to 19% of the working age population in Scotland is recognised as disabled, Scottish Universities report less than 5% of their staff as being disabled.[23]

These estimates can be assumed to be conservative on the basis that reporting rates of disability in the workplace remain low; likely a result of perceived stigma, poor recording practices and lack of information regarding legislative protections for disabled workers. Consequently, there is little concrete data regarding the number of disabled people following academic careers. This does not reflect the experiences of women and Black[24] colleagues, who have few options around disclosure. The differing experiences of under supported colleagues illustrate why it is imperative that HE becomes more inclusive and accessible as a sector, with substantial alterations to culture and practice, rather than localised strategies and institutional level interventions.

ENABLING ACADEMIA

Currently researchers are unable to ascertain the scope of ableism, sexism and racism in UK academic institutions. Recording of bullying, mismanagement and restricted workplace support is inconsistent and workplace bullying remains rife.[25] If the intention is to engender wider equality practices in HE, reactive strategies that do not acknowledge structures beyond academe are destined to fail. Instead, it is necessary to put in place radical systems of change including a redesign of the policies, procedures and systems embedded in university management. Key to the development of inclusive working environments for university staff would be the involvement of colleagues with marginalised groups in all stages of university planning, across estates, procurement, financial planning, teaching and research strategies. Organisations such as the National Association of Disabled Staff Networks[26] could offer invaluable support and expertise to HEIs, as could Black[27] and LGBT+ staff networks and trade union representatives. Features of this culture change would include those with an equality focus (valuing lived experience alongside academic expertise) in positions of authority within university hierarchies, ensuring that equality and inclusion is on the agenda for all university decision making.

If universities in the UK are to maintain and build on their global reputation for research and teaching excellence then they must learn to value all of their community members, including staff. This has to be done in a way that values contributions that have a less obvious financial incentive to the community e.g. staff that bring in more research funding are typically celebrated and have more success in Universities whereas those who take on more pastoral supporting roles or who make up teaching staff are seen as less valuable. An inclusive working environment will not only improve the lives of those who work in universities but will have the potential to radically transform the research and teaching that form the core activities of higher education. Universities are a microcosm of society, a more inclusive academic workforce will help universities in the UK to better solve the problems of society that they seek to address, and better represent the students they hope to educate.

The landscape and current structure of higher education, one that was built upon exclusivity of access and exclusion of large swathes of the community, requires dismantling in order to be representative. There is a collective responsibility for dismantling inequality within higher education if the sector is to promote social mobility and improve lives through education. Scottish universities must work hard to address the deeply entrenched inequalities that compromise the quality of learning, teaching and researching in the sector. Places of learning must generate curriculums that embody and reflect the lives of students, particularly from a cultural and historical viewpoint.

The individual autonomy of HEIs in Scotland means that they could and should invest more funding (specifically student tuition fees) on diversifying internal structures and materials to ensure students as are offered an inclusive experience. A key feature of this diversification would be to challenge the notion that students are 'consumers' and instead, generate a narrative that identifies more with how we provide an inclusive and holistic experience for learners from all types of backgrounds, including carers, care leavers and

low-income students. Internal practices should follow this model; altering roles and titles within tiered academic hierarchies and rewriting the internally used policy language in relation to the Equality Act (2010) and drop aspirations to only to meet the legal minimum. Attainment for 'disadvantaged' students, and progression for 'disadvantaged' staff has always been subject to tired EDI (Equality, Diversity and Inclusion) interventions, where the language and methods for support are orchestrated by the very people and systems that propagate their continued exclusion.

Higher education is currently unequal and reinforces inequality. Resistance or reluctance by universities in diagnosing and treating the problems that permeate the various identified attainment gaps reinforce a culture of inequality.

Here we offer some key recommendations to improve equality in Scottish Universities:

- Decolonise the curriculum.

- Remove the language of 'EDI' and replace with active anti-racism, anti-ableism and anti-sexism measures and staffing roles.

- Ensure that accessibility and inclusivity are on all university agendas for all meetings irrespective of content, with actions set against them to ensure discussion.

- Rewrite policies with procedural guidance for improved workplace equality, including recruitment, promotional and performance policies.

8. The impact of casualisation

Author: Lena Wånggren

Overview: This section describes the impacts of insecure contracts in Scottish higher education, and proposes new ways forward

Key Ask: Using their leverage as the major funder of Scottish higher education, the Scottish government should use policy levers to significantly reduce the number of casual contracts

SUMMARY

Casualisation, that is to say favouring of insecure contracts over permanent or open-ended ones, is one of the main features of the marketisation of higher education in Scotland and the UK. As figures from UCU show, around half (54%) of all academic staff in UK universities are employed on insecure contracts, and the use of these contracts has a clear gendered and racialised impact.[28] Whether it is a string of research contracts in the same institution, hourly-paid teaching simultaneously at a number of institutions, or one-off project payments, the practice of using precarious employment for delivering core business of a university negatively impacts not just the health and wellbeing of staff but the quality of education and research themselves.

WHAT WE ASK

- An end to the deliberate understaffing in universities which means that core business of the university ends up being performed on precarious contracts by highly skilled and experienced staff. Economic investment in universities must be shown by institutions to address the discrepancy between highest and lowest paid staff, and to go to investing in securing permanent staffing rather than e.g. unnecessary investment in buildings.

- An end to the existence of zero-hour contracts, and to over-reliance on hourly-paid contracts, moving these instead to secure contracts such as fractional permanent ones.

- Postdoctoral research and teaching positions should be a minimum of three years. Ideally, postdoctoral positions would take the form of an early career fellowship that must include a training or professional development component and research time. Universities should make an effort to keep casualised staff through for instance giving hiring consideration to their early career staff.

- Any casualised contract should include at least 20% own research or professional development time, as stipulated in the 2019 concordat for researchers.

- Data on casualised contract types and nomenclature used in Scottish universities, along with equality data on who holds these posts, should be required by the Scottish government and the Scottish Funding Council in their KPI (key performance indicator) requirements. Universities should report annually to Scottish Funding Council and the

Scottish government, and to their students, on how much teaching and research is carried out by people on fixed-term and hourly contracts and demonstrate that these staff members could not be employed on a secure contract.

● Research councils should make it a condition of grant to employ research staff on open-ended contracts and to support greater stability of employment.

REPORT

Increasing workloads, performativity measures, and precarious employment has real consequences for those working in the sector: research findings by trade unions and scholars reveal a workplace marked by stress, overwork and anxiety. The University and College Union (UCU) in a 2013 report finds that nearly three-quarters of UK academics find their job stressful, with more than half of respondents indicating high levels of stress.[29] A 2016 report finds that 83% of academic staff reported that the pace of work has increased over the past three years, with two thirds of staff stating that their workload is unmanageable at least half of the time.[30] Casualisation intensifies the stress, anxiety and overwork present in contemporary universities, with added levels of insecurity at work and in every aspect of life; indeed, job insecurity has been marked as one of the most significant sources of stress for staff in higher education.[31]

As figures from UCU show, around half (54%) of all academic staff in UK universities are employed on insecure contracts: these vary from one-off payments or hourly-paid teaching to year-long research contracts.[32] Scottish institutions have some of the highest rates of insecure contracts in the UK.[33]

While employers argue that precarious contracts are 'flexible', staff themselves disagree. A 2015 survey of staff on insecure contracts carried out by UCU reveals significant numbers of them struggling to get by: 17% of respondents say that they struggle to pay for food, 34% that they struggle to pay rent or mortgage repayments, and 36% that they struggle to pay household bills like fuel, electricity, water and repairs. One respondent stated: '"I especially dread the summer and Easter periods as I have no idea how I will pay the rent"'.

As a result of this, many early-career and casualised academics maintain several jobs in different workplaces, sometimes in different cities, in order to make ends meet. A 2019 report notes that 61% of respondents had held two or more jobs in total in the last 12 months, with 48% holding two or more jobs in the education sector. One respondent in the same report notes: 'I have been on hourly paid contracts since 2011, I've had 11 hourly paid positions, teaching on 23 different modules at two universities… I have to meet students in the café because I don't have an office'.[34] The 2019 report on almost 60% of casualised staff struggling to make ends meet, and 40% experiencing problems paying bills, is a clear increase from 2015 figures.

The financial insecurity of precarious employment, and the lack of control over one's situation, cause significant anxiety and deterioration in both mental and physical health.[35] A respondent in a 2015 UK study details the health consequences of teaching

at multiple universities, describing having different briefcases for each day of the week: '"I actually got really despondent about it, because I did it for a year solid and almost had a nervous breakdown"'. In the same study some respondents 'talked about being close to "breaking point"', while another respondent states that '"I've reached the stage where I'm thinking I don't even know if I can do this anymore, I really don't"'.[36] Importantly, studies of casualised staff in UK higher education show a correlation between burnout, signalled by disengagement and psychological fatigue, and job insecurity: the longer one is one an insecure contract, the higher is the risk of burnout.[37]

The stress, unmanageable workload, and above all insecurity are detrimental not only to the well-being of staff, but also to pedagogic practice. Natalie Fenton describes the 'demoralisation, demotivation and stagnation' that market principles cause in teaching, when teaching is crammed into every available hour 'to maximise space utilisation and student turnover'.[38] For those in insecure employment, the added anxiety and stress produce far-from-ideal learning conditions for students. The voices of academics on precarious contracts present a stark reality of working conditions:

> *'I lived in my friend's box room for twelve months. The university teaching and research jobs that I was doing didn't pay enough to cover rent in the city I lived and worked in. … The contracts I was on at the time did not enable me to access the resources I needed to do the work. I couldn't access university computers or printers.*[39]

Insecure employment leaves university staff without basic facilities such as office space, access to printing, paid time to meet students, training, or even a contract. Despite the unpaid hours spent by casualised staff trying to protect their students from any potential negative impact, contractual situations necessarily affect pedagogical practices: as the quote above by Breeze shows, casualisation means that casualised researchers and teachers perform high-level core business (from teaching pre-honours tutorials, or organising entire new courses, to lecturing on postgraduate level and supervising undergraduate as well as postgraduate dissertations) without institutional support, and sometimes engaged only a few days before the task itself.

The favouring of insecure contracts in higher education has a clear impact on equalities: women and/or Black, Asian and Minority Ethnic (BAME) people are disproportionally employed on insecure contract(s). As data from the Higher Education Statistics Agency shows, women are more likely than men to be employed on insecure contracts, and BAME people more likely than white people: 36% of women are on fixed-term contracts, compared to 32% of men; 31% of white academics are on fixed-term contracts, compared to 42% of BAME academics. For hourly contracts, while 13% of white academics are on such contracts, this figure rises to 18% for Black academics. As for zero-hours contracts – hourly contracts with no guaranteed work – Black academics are twice as likely (6%) than white academics (3%) to hold such positions.[40]

Precarious working conditions have furthermore proven a barrier to speaking out about unfair treatment and equality issues for fear of losing work.

WHERE TO NOW?

Why does casualisation exist? UCU notes that insecure contracts have no place in a well-functioning and well-respected higher education sector. Rather than providing 'flexibility', casualisation drives down research and teaching quality as well as negatively impacting the health and wellbeing of staff. Casualisation in Scottish higher education exists due to a deliberate understaffing which means that there is always a shortage of permanently employed staff to carry out core business. This means that core business of the university is performed on precarious, insecure, and inflexible up by highly skilled and experienced staff. Addressing understaffing will impact positively both concerns of workload and job insecurity in universities.

9. Fair work in higher education

Author: UCU Scotland education committee

Overview: This section sets out recommendations for fair work in HE, based on the Scottish government guidelines

Key Ask: That universities in Scotland sign up to and abide by Scottish government fair work principles

The definition of fair work accepted by the Scottish government is detailed in the work of the fair work convention. Launched in 2015, the convention exists to make real the ambition that, by 2025 workers in Scotland will have a 'world leading working life where fair work drives success, wellbeing and prosperity'.

Defining fair work, the convention says it is 'work that offers effective voice, opportunity, security, fulfilment and respect, that balances the rights and responsibilities of employers and workers and that can generate benefits for individuals, organisations and society'. The convention makes the case that meeting the criteria of fair work provides benefits not only to employees who benefit from increased security and working conditions but also to employers who equally gain from having engaged and more motivated staff. Practically, the convention looks, among other areas, to support: strong trade unions in workplaces; the maintenance and growth of collective bargaining; measures to allow businesses to assess their own status on fair work; and the living wage.

The idea of fair work, and a government role in intervening to bring it about, is not limited to Scotland. Similar principles to the Scottish ones exist in Wales; the European Commission list fair work touching on conditions of employment, wages, health and safety, and the involvement of workers in decision making. In Australia there is a Fair Work Ombudsman service.

The question of the fairness of work and working practices is an important issue at any time, but the Covid-19 pandemic and lockdown in March 2020 (and subsequent lockdowns) highlighted the importance of fair work. Decision making by employers in response to the crisis meant changes both to the way of working and also to the business models of many companies and sectors. The crisis meant that unforeseen major decisions were taken quickly by government, sectors and individual employers that have resulted in major changes to people's working lives and have raised fundamental questions about working environments, health and safety, home-work balances and for many, whether they would face unemployment or enforced career change. As a result the Scottish Trade Union Congress, Scottish government, and employer organisation representatives (including the Institute of Directors and SCVO) signed joint declarations[41] at the start of lockdown and again as lockdown eased. These stated that employers would take measures including facilitating effective employee engagement; supporting workers to follow public health guidance; paying workers while they were sick or

self-isolating; facilitating flexible working arrangements, including working from home; and protecting the health and safety of workers, including while traveling to work. These measures were to apply to all workers, irrespective of their employment contract.

Universities were not signatories. That the sector currently does not meet the principles of fair work generally is illustrated throughout much of the rest of this paper. For example, the chapter outlining the common use of precarious, casualised contracts in higher education does not meet the stipulation for security of employment. The COVID-19 crisis has only highlighted and accentuated this. For example, while for existing permanent staff, work did for the most part move online for what was left of the academic year in March 2020, many universities simply ended the contracts of precariously employed staff on time limited contracts despite the fact that the UK government's furlough scheme, for the precise reason of avoiding mass unemployment, specifically allowed for staff on time limited contracts whose contracts were coming to an end to be included. The staff who left did so at a time when the chances of finding alternative employment in the sector, as they might expect to do in more normal times, was close to non-existent. Where measures are in place that are in line with the principles of fair work, such as the inclusion of trade union reps on university governing bodies, it is worth noting that these provisions were brought in by government in the face of opposition from university management. More detail on this example can be found in the governance section of this paper.

A further example of the failure of university management to act in accordance with the spirit of the fair work principles has been the start of the 2020/21 academic year. The chaos of students' return to campuses and the way that university senior managers have overpromised blended learning rather than a default of online has led, in many institutions, to staff feeling 'coerced' into face to face learning on campuses in situations where it is not necessary and against Scottish government general guidance to work from home where you can.

At the same time as some employers were signing accords on fair work with government, Scottish universities were, in keeping with the rest of the sector in the UK making increasingly strident demands for emergency funding from both the UK and Scottish governments. Universities Scotland called Covid-19 an existential threat, forecasting a financial hit of £78m for the remainder of the 2019/20 academic year and then ongoing financial losses of £435m each year.[42] They were not alone in forecasting losses, with research from both the Scottish Funding Council and UCU also identifying major losses, largely deriving from a reduction in fee income from international students. In April 2020, the Scottish government announced financial support for universities in the form of £75m new money for research.

UCU, along with the other campus trade unions, supported the demands for increased funding for universities, but critically also argued that the Scottish government should not simply hand over the money to universities without requiring something in return.

Namely that universities, in return for access to increasingly large amounts of public money, should agree to commit to the principles of fair work that the Scottish government require of public bodies and employers elsewhere. The campus unions have been attempting for much of 2020 to engage with universities and encourage them to sign up to a fair work agreement for the higher education sector but, so far, with limited success.

While our universities and the higher education sector are a public service rather than part of the public sector, they are in receipt of over £1bn from the Scottish government annually. In return for this investment, it is simply right that major public employers should abide by the same rules of employee relations and engagement as public bodies are required to uphold. The relatively limited measures outlined by the Fair Work Convention and the reticence of the university principals to agree to them applying in their own institutions and to their own workforces shows that we still have a long way to go before universities can be seen as the progressive employers many of them claim to be.

While labour standards are not devolved powers and fully supporting the maintenance of UK collective bargaining, it remains that the Scottish government has put forward a Fair Work Convention, to which any employer should adhere, and which should be a minimum standard for universities accessing Scottish Funding Council money.

10. Decolonisation, immigration, Prevent and the hostile environment

Author: Lukas Slothuus

Overview: This section provides practical proposals for how to address institutional racism in HE, and to truly open up Scottish universities to the world.

Key ask: An end to Prevent and the hostile environment and that universities in Scotland address colonial legacies head-on: through institution-specific and cross-sector initiatives that both address material benefits and curriculum reform

DECOLONISATION

Scotland has a close historical connection to colonialism, having played a major role in the Transatlantic slave trade and colonisation particularly in North America and the Caribbean. Two main consequences of this play out for Scottish higher education. One consequence is the direct economic advantages conferred by this relationship. The ancient universities in Scotland benefited from large donations by Scottish slave traders, plantation owners, and others who profited from the slave economy such as lawyers and accountants. These donations helped finance the construction of university buildings, for example the University of Edinburgh's landmark Old College. The world-leading status of Scottish universities is in part thanks to these sources of income, which continue to provide benefits for the global position of our institutions, attracting students and hence also money from across the world to the Scottish economy.

Following pressure from concerned students and staff, some universities are beginning to address this colonial legacy. In 2018, the University of Glasgow published a report into its historic links to slavery and colonialism, leading to a programme of reparative justice in the report that called for changes such as increasing racial diversity among staff and students, the creation of a research centre into slavery, and forging closer links with the University of the West Indies. This comes in the form of setting aside £20m, close to the lowest estimate of the University's direct monetary benefits from slavery, to this collaboration.[43] Meanwhile, other universities are refusing to offer concrete proposals for how to address this legacy.[44] Across most institutions there is a reluctance to materially address the benefits obtained and to engage in efforts to decolonise in monetary terms. As Eve Yang and Wayne Tuck emphasise, 'decolonisation is not a metaphor', insofar as it ought to address the material implications of colonial legacies.[45] In other words, universities ought to implement policies such as reparations or dedicated scholarships for the descendants and compatriots of colonised peoples, and engagement through contributing funds and resources to scholarly collaboration with academics in formerly colonised countries. It is urgent for the ancient Scottish universities in particular to comprehensively uncover and address their colonial legacies in a meaningful and serious way, reckoning with the immense and lasting economic benefits.

Another consequence is more indirect and pertains to the curriculum and teaching at Scottish universities. Recent years have seen growing awareness around systematic scholarly bias in favour of authors and contributions from former colonial powers such as Great Britain, including Scotland. Reading lists, syllabi, and curricula neglect the intellectual contributions from the colonised world, just as they do for women. Addressing this problem is crucial for doing justice to the specific colonial context of knowledge production in Scottish universities, given the material foundation in colonialism explained above.

A more systematic, coordinated, and comprehensive approach could help address some of these issues on a national scale rather than simply on a course-by-course basis. Curriculum reform as a form of decolonisation can help make courses more comprehensive of global contributions to knowledge and overcome the obstacles that non-Western students might face in encountering a curriculum that arbitrates between what is relevant knowledge and what is not based on an outdated understanding of the canon. Thus, a combined institution-specific and sector-wide approach is needed to both address material and curriculum-based colonial legacies of Scottish universities.

See also: Miseducation: decolonising curricula, culture and pedagogy in UK universities (https://www.hepi.ac.uk/2020/07/23/new-report-calls-for-decolonisation-of-universities-in-order-address-the-silent-crisis-in-universities)

IMMIGRATION, PREVENT AND THE HOSTILE ENVIRONMENT

Government policy toward foreign students and staff is increasingly securitised, regimented, and monitored. Thus, the outsourcing of the border regime to the frontline – in the form of personal tutors, lecturers, PhD teaching assistants, as well as administrative and professional staff – not only creates a culture of distrust whereby staff on Tier-2 visas and students on Tier-4 visas exist in an antagonistic relationship to their institutions, it also hampers the effort to foster inclusive learning, working, and living environments at universities.

This extends to not just foreign students and staff but British citizens and permanent residents, too. In particular, the Prevent programme has led to a widespread sense of suspicion and discrimination against particularly Muslim staff and students.[46] Prevent officially seeks to 'prevent people from being drawn into terrorism' and places a statutory duty on universities to report any concerns they have over potential radicalisation and extremism.[47] However, organisations like Amnesty and Human Rights Watch have raised serious concerns about the programme. Indeed, although the programme was initially conceived to prevent violent extremism, in practice it has later expanded to include any kind of extremism, whether violent or not. These reservations are broadly shared by UCU, with the union maintaining a number of objections to the Prevent duty, including its threat to academic freedom and freedom of speech, the risk that the broad definition of terrorism could stifle campus activism, damage staff/student relations and discrimination against Black[48] and Muslim staff and students. In 2019, the UK government agreed

to an independent review of the programme following wide-ranging criticisms, the outcome of which is still unfinished.

A culture of suspicion and hostility particularly against Muslim students has harmful impacts on students and teachers alike. Classrooms are turned into potential crime scenes, and the freedom of speech and academic freedom of students and staff alike are threatened.[49] Muslim researchers have been arrested due to conducting research into terrorism, for instance in the case of the Nottingham Two in 2009.[50] Although the review is outside the jurisdiction and direct scope of universities in Scotland, it presents a real opportunity for our institutions to intervene in public debate over the harm caused to students to whom universities have a duty of care. It is imperative for universities to uncover the precise consequences and ramifications of the Prevent duty on the functioning of our institutions. Moreover, the duties and obligations placed, including on precarious staff, to monitor intangible and vague indicators of radicalisation amounts to an unreasonable extra burden of work without clear benefits.

These problems have been exacerbated with the introduction in 2012 of the 'hostile environment' policy by the UK government. Its major problems notwithstanding, Prevent as a policy has clear goals and purposes. As researchers have shown, the hostile environment on the other hand involves a more diffuse and opaque regime of surveillance and control. Several academics have either been deported, narrowly averted deportation, unable to bring their children into the country, or denied visas for continued work in the UK.[51] All of this not only makes it harder for Scottish universities to maintain their internationally recognised high position in higher education, it leads to significant distress for employees.

By taking a more active role in public debates and by advocating more directly to the government, universities can help avert the worst excesses, and ultimately help shift policy in a different direction on issues of immigration and surveillance.

For more information, see Building anti-racist workplaces: a short guide for UCU branches (https://www.ucu.org.uk/media/10962/Building-anti-racist-workplaces/pdf/ucu_building-anti-racist-worplaces.pdf).

11. Sustainability in higher education

Authors: Murdo Mathison and Eurig Scandrett

Overview: This section addresses the need for urgent action to address the climate emergency

Key ask: Our key ask is for universities to join trade unions and student representatives in signing up to the joint statement of action on climate change identified below

The climate emergency remains one of the most significant challenges facing the world. Doing nothing is not an option. We must commit to building a more sustainable world as we move on from the Covid-19 lockdown.

Universities have a pivotal role to play in addressing climate change; both as individual organisations themselves with their own carbon footprint, but also through teaching and conducting research into climate change and the move to a zero carbon economy. Scottish universities, particularly those in the North-East with their close links to the petro-chemical industry, have a critical role in leading research toward a more sustainable future.

UCU played an important role in the establishment of the Just Transition Partnership. The partnership is a grouping of third sector, trade union, and academic interest working to ensure that the move to a carbon neutral economy does not impact detrimentally on workers currently employed in sectors which will face wholesale change or phasing out as the economy transitions. A just transition is needed to ensure that there are equally skilled, well paid, and unionised jobs open to and available for those working in, for example, the oil and power industries. The partnership was an important voice in the establishment of the Scottish government's Just Transition Commission whose are due to report by early 2021. UCU submitted evidence to the commission and the commission itself is a key component of the Scottish government's target of net-zero emissions by the year 2045.

The key roles of both higher and further education in the move to a carbon neutral future need to be adequately resourced. There is evidence that investment in post-compulsory education is one of the key factors in a successful just transition. Cha, for example, highlights that the degree of success in retaining employment and living standards in the Ruhr valley's transition from coal and steel production was 'investment in new universities and technical institutes'.[52] By contrast, in Scotland the HE sector has seen a decline in investment over several decades, a trend which continues. In 2019, Audit Scotland noted that public investment in higher education had declined by 7% in three years and pointed out the under-funding of publicly funded education (by 8%) and research (by 20%) in the sector. This trend needs to be reversed, with a significant injection of public funds, in order to enable the tertiary sector to play its essential role in the just transition. Whilst a high proportion of this additional funding will be in the

further education sector, there will also be a need for graduates and research in both the transitional phase of a just transition, and in the zero-carbon economy.

Additionally, there will be an important role for tertiary education as the economy transitions in ensuring that workers have the necessary skills and education for work in the future. These will focus beyond the obvious areas of oil, construction and engineering but will need to encompass three broad categories of workers: labour market entrants who will need to be diverted into an emerging labour market in the zero carbon economy; current employees in industries most affected, directly or indirectly, by the transition to the zero-carbon economy, who will be seeking a secure transition to alternative employment, including reskilling where needed; and workers exiting the labour market, including early retirees, who, in addition to financial security, will require of society social support including access to education.

Universities also have an important role in the development of students into critical thinkers and citizens who can question and challenge politicians and government on climate change. The United Nations' sustainable development goal 4.7 on quality education commits government to 'By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development'.[53]

In the immediate future, UCU believe that there are direct steps the higher education sector should be taking collectively. UCU has joined with other campus trade unions and NUS Scotland in calling for universities and higher education institutions to:

- Declare a climate emergency.

- Pledge net zero emissions in higher education by 2030.

- Transition from fossil fuels in line with Just Transition principles of decent, fair and high value work which does not negatively affect the current workforce.

- Agree to establishing institution-wide steering groups involving management, unions, students to review and update climate change strategy, and devise and implement actions for change.

- Embed sustainable development goals into education (including the curricula), research, leadership, operations, administration, engagement and knowledge exchange.

- Lobbying government on the issue.

- Collaborate with partners in the locality and globally to make progress on climate change.

- Upholding academic freedom for all during the climate change transition.

- Calling on the Scottish government to help fund the transition.

The Scottish Funding Council is currently conducting a review into the sustainability and future provision of further and higher education in Scotland. While the driver of the review was the Covid-19 pandemic, UCU believe that the review is the ideal opportunity to encourage the sectors to refocus their roles in combatting the climate emergency and supporting a green renewal.

By committing to take these actions in addition to its role in leading research, the higher education sector in Scotland can make a real and significant contribution to Scotland's achievement of its climate change targets.

12. Automation in higher education

Author: UCU Scotland education committee

Overview: This section outlines the prevalence and impacts of automation on higher education. The chapter references and includes content from a paper written for UCU Scotland on automation in higher education

Key ask: That the new Scottish government establish a task group to review the proliferation of and advantages and disadvantages of automation and datafication in Scottish higher education

As the response to the 2020 Covid-19 crisis and rush to online learning shows, increasing use of technology in the education process is promoted by institutions and by policy makers as being largely if not wholly positive. Anyone seeking to offer a counter view or question the trajectory risks being labelled Luddite or accused of standing in the way of progress.

Beyond the obvious examples driven by the pandemic, the full impact of wider automation and learning technologies is becoming increasingly common and visible to workers in universities in Scotland and elsewhere. From the very obvious daily experience for staff of being asked to record lectures so that they are available to students, automation in university libraries, through to plagiarism detection, there are obvious and easily under-stood impacts on university workers in their day to day lives. It is the case too that there is an increasing prevalence of those areas of impact that are not immediately obvious or commonly recognised. One such is the impact on students. From the use of data analytics, machine learning algorithms, and artificial intelligence to automated digital technologies; the impact of automation in higher education is wide ranging and touches on almost every aspect of university life.

Many areas of automation will indeed be positive but there are others that need to be treated with caution. Do students appreciate the impact of aspects of learning analytics, including who holds data on them and what decisions are made about them and by whom? There are also concerns about the increased number of private, global companies seeking profit and data harvesting from universities, potentially impacting on the nature of universities themselves and their purpose. Universities are not commercial entities and their focus should always be on delivering a public good through education and research foremost rather than an enabler for private sector profit.

UCU commissioned a report from Ben Williamson from Edinburgh university to identify the key elements of and the proliferation on data analytics and automation in higher education.[54] The report was a rapid review of publicly available documentation, synthesised with background research literature, which was intended to identify and anticipate emerging issues for UCU. Its key findings are listed below:

LEGITIMISATION OF AUTOMATED MANAGEMENT OF HIGHER EDUCATION

Government departments, HE agencies, think tanks and consultancies are highly engaged in legitimising ideas about the automation of higher education tasks and responsibilities through AI, analytics, machine learning and algorithms. What is being legitimised are ideals about increasing automated management of HE, covering the entire spectrum from automated administration to automated support for teaching, learning and assessment of students. These developments encourage the delegation of judgement to automated systems, as decisions normally taken by workers are deferred to advanced analytics and automation.

DE-/RE-PROFESSIONALISATION OF HE STAFF

Higher education teaching professionals are at low risk of technological unemployment through automation, but their professional roles and tasks are likely to be changed or redeployed by complex and capable digital technologies. A result of this is likely to be a requirement for re-skilling, with managers, administrators and educators alike forced to adapt to work alongside automated systems. In some cases, the result could mean de-professionalisation as key tasks currently requiring professional expertise are displaced to automated machines, and the skills of workers are redeployed to different tasks.

PROFESSIONAL ANXIETY

In both the UK and elsewhere, it is reported that the culture of HE measurement induces significant anxieties. These anxieties are both institutional, in the form of continuous evaluation preparations, and personal, in stress and mental health problems among staff and students. As demands have increased on the academic workforce over concern about university rankings and league tables, repeated research and teaching audits may have created 'a culture of workplace surveillance' in universities.[55] Digitally-enabled datafication could exacerbate these pressures as it potentially introduces 'real-time' performance measurement into working spaces including university offices and classrooms.

PRIVILEGING TECHNICAL MODELS OF TEACHING AND LEARNING

New data-based technologies for teaching and learning, such as learning analytics and adaptive platforms, privilege particular models of learning. In particular, learning analytics depends on increased student interaction with digital resources to gather continuous learning data. It also requires teachers to reconceive aspects of their courses for digital delivery. While learning analytics may offer benefits in terms of insights into and support for teaching and learning processes, it is based on particular assumptions about learning from the 'learning sciences' that are not always congruent with other pedagogical perspectives that see learning as rooted in relations and critical dialogue. Moreover, while academic learning analytics researchers remain committed to exploring how technology can support and enrich teaching and learning, other commercial suppliers are offering products under the banner of learning analytics that tend to privilege student tracking for purposes of performance measurement of courses and staff.

CONSUMERISATION OF STUDENT EXPERIENCE

In fee-paying contexts, students are increasingly perceived as consumers of a 'student experience' which universities are required to deliver in a way that has clear value for money. Even in non fee-paying contexts, such as Scotland, student experience is now a key metric of university performance, with the result that more and more techniques are being developed to measure student progress, identify indicators of emerging problems, and ensure students receive a high-value education (increasingly defined by employability in the labour market). More widely, the recent turn by education companies to adopt 'direct to consumer' business models, where they sell products or subscriptions directly to students, means that students are treated as customers of HE services. Students are represented by such companies as 'Gen Z' consumers with preferences for online learning. In these ways, students are seen as consumers with desires and expectations of a high-quality, high-value degree that universities should deliver through modern, technologically-enhanced means. In turn, universities are also expected to deliver evidence of the increasing quality of their offering.

COMMERCIALISATION OF THE UNIVERSITY

The modernisation of the contemporary university through digital technologies, datafication and automation is being achieved through 'unbundling' services to outsourced commercial suppliers who can 'rebundle' those services as new products. In addition, multinational global technology companies have also become providers of back-end infrastructure and software services, networking, cloud storage, data analytics, and AI/machine learning functionality (e.g. Google, Amazon, Cisco and Microsoft), yet their role as back-end suppliers remains very little understood. Private sector outsourcing suppliers are now becoming key sources of expertise and authority in HE, and these companies are now 'plugged in' to the education sector. These developments raise the possibility of universities becoming dependent upon, and locked-in to technical arrangements with transnational commercial organisations, with the further risk of 'function creep' as they take on more and more functions of institutions.

DATA AND AI ETHICS AND LEGALITIES

A huge range of ethical and legal issues are raised by the datafication and automation of HE. These include issues of privacy and data protection, as student data and data related to courses and staff are increasingly held in very large datasets, both within the sector itself and beyond in commercial servers and cloud storage facilities. Issues of discrimination are raised by the utilisation of machine learning and AI which may contain pre-existing biases. And a key issue of data ownership is raised by the concentration of commercial data companies in HE too. Beyond ethics issues, key legal questions will need to be addressed in a post-Brexit UK context, such as the legal basis for data processing, or the movement of data from the UK to other countries.

RECOGNISE THE CONTEXTS AND CONSEQUENCES OF HIGHER EDUCATION DATA

Policy literature and vendor marketing for automated systems in HE tend to privilege the view that digital data-processing technologies present accurate, precise representations of higher education as it really is in the real world. Social research on data and metrics,

however, makes two key points to challenge this straightforwardly 'realist' view. First, that data are never entirely 'innocent', 'neutral' or 'objective as they are said to be, because they are the products of social, institutional and political processes.[56] How the data are produced, and for what purposes, leaves an imprint on the results. Second, data and metrics also compel institutions and individuals to perform in ways that conform to the quantified criteria, by working towards measurable goals that are often set externally, or by 'reverse engineering' and manipulating their activities to ensure they 'count' in the metric, rather than in accordance with other purposes, values or aims.[57]

In addressing many of the areas of concern UCU has on automation, there are recommendations for the union itself on better understanding what is happening to the sector and developing bargaining guidance and a collective response. There is also a role for policy makers and Scottish government. The union has identified the need for the establishment of a joint task group, including UCU, to develop better understanding of the use of automation within Scotland's universities. This task group should include datafication and automation experts as well as educational experts to identify the benefits and drawbacks of the different ways of using automation in higher education.

13. Summary of key asks

In order to maintain the excellent research, teaching and civic contributions of Scottish universities, and to do so in a sustainable way that safeguards the wellbeing of staff, students, and the environment, we need to act:

- **Governance and pay:** All staff pay including senior staff pay to be part of national collective bargaining.

- **Internationalisation:** Consider examples from our European and international counterparts when building future Scottish higher education.

- **Casualisation:** Ban zero-hour contracts, and a commitment to significantly reduce the number of casual contracts in return for public funding.

- **Fair work:** While labour standards are not devolved powers, the Scottish government has put forward a Fair Work Convention, to which any employer should adhere, and which should be a minimum standard for universities accessing Scottish Funding Council funding. A Scottish government investigation and report on fair work in Scottish academia would be a first step.

- **Quality measures:** Replace the REF and TEF with student-to staff-ratios and secure employment ratios to ensure quality academia.

- **Equality:** Universities to review and decolonise curriculums; review and rewrite university policies to increase workplace equality; ensure that accessibility and inclusivity are key parts of all aspects of university work and considered at all levels and areas of universities' work.

- **Sustainability:** Universities to join trade unions and student representatives in signing up to the joint statement of action on climate change.

- **Automation:** Establish a task group to review the proliferation of and advantages and disadvantages of automation and datafication in Scottish higher education.

- **Decolonisation, immigration, and Prevent:** An end to Prevent and the hostile environment and that universities in Scotland address colonial legacies head-on: through institution-specific and cross-sector initiatives that both address material benefits and curriculum reform.

This document was co-written by UCU members, academic experts, and UCU staff, as part of the work of the UCU Scotland Education committee. It is intended both as a discussion document for union members, all HE staff and students and the wider public and to inform a UCU Scotland contribution to the manifestos of the political parties contesting the May 2021 Holyrood parliamentary elections.

NOTES

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[22] Advance HE (2019), Equal Pay, www.advance-he.ac.uk/guidance/equality-diversity-and-inclusion/employment-and-careers/equal-pay

[23] Advance HE (2019).

[24] What do we mean by 'Black'? UCU uses the term 'Black' in a political sense to refer to people who are descended, through one or both parents, from Africa, the Caribbean, Asia (the middle-East to China) and Latin America. It refers to those from a visible minority who have a shared experience of oppression. The word is used to foster a sense of solidarity and empowerment.

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