CHAPTER 7

Universities and the Colonial Production of Knowledge About Students of Colour

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Demanding more data about subjects that we already know much about
is, in my estimation, a perversion of knowledge.

(Ruha Benjamin)

Introduction

The era of European colonisation is one which produced the most sustained
perversion of knowledge about the histories, cultures and social and economic
lives of the many peoples across the globe who were subjected to colonial
rule. For this reason, one of the tasks which postcolonial theory and criticism
has undertaken is to expose how the colonial project was advanced, and its
concomitant European identity affirmed through, among other things, the
publication of fiction and non-fiction texts which, in various ways, depict the
abilities of formerly colonised people as weak and inchoate when contrasted
with the much-lauded achievements of the colonisers.

   This chapter aims to contribute to this body of criticism by revealing how
government-supported investigations into the experiences and, above all, the

academic achievements within British universities of students of colour have reproduced earlier colonial methods for acquiring, documenting and disseminating 'knowledge' about individuals and communities that were the subjects of colonial rule. In the context of the investigations examined, the chapter argues that the methods for collating and interpreting data deployed by government agencies has led to a distorted presentation of students of colour as being inherently resistant to higher learning. Crucially, it argues that the colonising methods underlying the investigations explored are entirely compatible with government-led discourses and strategies aimed at increasing the number of persons of colour present in the full range of public and private institutions, and ensuring that, once recruited to these institutions, they can effectively participate at all levels of their operations. Indeed, 'diversity' and 'inclusion' – as these twin objectives are often referred to in shorthand – are the ostensible goals behind many of the recent forms of government intervention into the management of British universities.

Working from the well-known premise that postcolonial theory and criticism exists precisely to call attention to the fact that colonialism did not end at the conclusion of the formal processes by which previously colonised countries gained independence, the chapter argues that the relation between students of colour and their universities – as represented in the policies that management personnel promote – is structured along colonial lines. Arguably, the most cogent evidence of this fact is to be found in what Aparna and Kramsch refer to as the 'accelerated corporatisation of the European university landscape' (2018: 96) – in which students of colour, 'over-represented in university student populations vis-a-vis their percentage of the general UK population' (Shilliam 2018: 59), have become a 'new source of revenue that can be freely tapped' (Andrews 2018: 134) by British universities.

The argument in the chapter is developed against a framework for understanding how – against the backdrop of initiatives aimed at encouraging and supporting racial diversity and inclusion – British universities use the data which they collect about those within their environs – especially their student populations. In particular, it assesses the impact these data collecting exercises have on the academic achievements of students of colour.

The Quality Assurance Agency (QAA), the Higher Education Statistics Agency (HESA) and Universities UK (UUK) play a pivotal role in the collation and dissemination of data about students of colour in British universities, and it is important to understand that this data provides the basis on which the 'soft law' (policy and guidance) of universities is developed and implemented. A useful framework for analysing such data collecting exercises is provided by Ruha Benjamin in her 2019 book, titled: *Race After Technology: Abolitionist Tools for the 'New Jim Code'*. I use the model of analysis that Benjamin offers to scrutinise three reports/investigations produced by or involving UUK – the organisation that represents British universities. What Benjamin helps me to show is that even when data is collected for ostensibly

emancipatory purposes – such as promoting racial diversity and inclusion among university students and academics – their use inevitably brings into being 'soft laws' which 'reflect and reproduce existing inequalities that are promoted and perceived as more objective or progressive than the discriminatory systems of a previous era' (Benjamin 2019: 5–6). To put the matter in terms of postcolonial theory, the question that underlines the chapter is whether data about the colonised is ever safe in the hands of the coloniser.

The chapter is arranged in five parts. The first three parts explore investigations relevant to the question of the academic progress in universities of students of colour in which one or other of the agencies referred to above have been involved. Not surprisingly given its role in representing British universities, UUK was involved in all three reports. Taking the reports in reverse chronological order, the first part addresses a report titled *Black, Asian and Minority Ethnic Student Attainment at UK Universities: Closing the Gap*, which was produced in May 2019 by UUK and the National Union of Students (NUS). The report examined various strategies for tackling disparities in learning outcomes between students of colour and their white university student counterparts. Part two focuses on a report titled *Degree Classification: Transparent, Consistent and Fair Academic Standards*, which was published in November 2018 by UUK, GuildHE and the QAA. The subject of their report was the perceived problem of degree grade inflation. Part three pertains to a report published in 2017 titled *Understanding Degree Algorithms*. Jointly authored by UUK and GuildHE, it consists of a survey of 120 universities and other higher education providers on the policies and guidance (soft laws) against which degree classification decisions are arrived at.

It is to be noted that only the first of the three reports mentioned explicitly focuses on students of colour. However, the principal measure of student attainment at university is the student's degree outcome, which makes it impossible to ignore the effect of findings and recommendations relating to degree grade inflation and degree algorithms on the academic progress and successes of these students. Regrettably, however, few commentators on the academic progress and achievements – specifically on the attainment gap between students of colour and white students – have married these three reports together. As this chapter's more holistic reading aims to show, any positive messages of intent which might be read in the UUK/NUS 2019 report and recommendations are entirely undermined by the two earlier reports, which together lend credence to a degree classification system that cannot but sustain (if not actually widen) the present attainment gap. After briefly outlining the content of these three official investigations, Part Four draws upon Ruha Benjamin's *Race After Technology* in order to advance the argument that despite their ostensible objective of equalising the experiences and outcomes of students of colour to their white counterparts, the reports form part of a larger colonial archive of purportedly objective knowledge about black, Asian and other racialised people.

The concluding part contrasts the three government-led reports with a report of a non-governmental organisation – the Equality and Human Rights Commission (EHRC) – into racial harassment in British universities. The point of the contrast is to demonstrate that what the chapter refers to as colonising narratives about students of colour are not *inevitable*. By resolutely placing the responsibility for improving the conditions of existence of students of colour at universities on university management, the EHRC report rejects the tendency found in other reports to search for solutions *from* students of colour.

Part One: The UUK/NUS Investigation into the Attainment Gap

The UUK and NUS report seeks to 'close the gap' between the attainment of students of colour[1] and their white counterparts by examining the underlying causes behind the disparities in the overall experience of university between 'white UK domiciled students and Black, Asian and minority ethnic UK dom-iciled students' (2019: 5). Differences in experiences found to exist between international and UK students fell outside the scope of the report.

In many ways the report is a classic illustration of Ruha Benjamin's asser-tion that (to refer to the quotation with which this chapter commenced) data is repeatedly demanded about subjects in relation to matters about which enough is already known. For example, in acknowledging that when it comes to determining in which institutions students of colour will study, 'disparities and inequalities continue to exist' (2019: 23), the report adds little to what earlier data gathering exercises have exposed. For example, as early as 2014, HESA data revealed that students of colour are 'under-represented in the Russell Group of twenty-four leading UK universities' (Rathi & Ware 2014).

The tendency to document what has been repeatedly documented is evi-dent throughout the UUK/NUS report. The report acknowledges the absence in universities of 'racially diverse, inclusive environments' (2019: 4 & 12), and recognises that students of colour 'repeatedly cited feelings of discom-fort, isolation and a sense of not belonging' (2019: 23). Ostensibly, the report seeks to bring about a climate which will enable those students to confidently address their concerns with their universities, in contrast to the current environmental context which has seen students of colour 'internalising the inequalities they face' (2019: 7). However, what the report singularly fails to do is to examine whether strategies targeted at university attainment, although not focused specifically on students of colour, 'promote a deficit understanding of those students by considering them to be lacking skills, aspirations or motivations' (2019: 23).

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[1] Referred in the report as Black, Asian and Minority Ethnic (BAME).

Part Two: The UUK/GuildHE and QAA Investigation
into Degree Grade Inflation

As a consequence of concerns over the increasing percentage of first and upper-second class honours degrees awarded at British universities, the UK Standing Committee for Quality Assessment (UKSCOA) commissioned UUK, GuildHE and the QAA to produce a report which was to form the basis of a consultation process with universities in an effort to identify the causes and solutions to the problem of degree grade inflation. This report was supplemented by another which, in turn, was commissioned by UKK (on behalf of UKSCOA), titled *The Drivers of Degree Classifications* (Bachan 2018).

The consultation reports covered a ten-year period (academic sessions 2007/8–2016/17), during which it was found that 'pre-1992 universities awarded the highest proportion of upper degrees' (Bachan 2018: 10). Such a finding would initially suggest that the problem of degree grade inflation lay with the more 'elite' universities which, as other researchers have found, have a record of awarding first class and upper-second degree awards to a high percentage of their students. One often-cited example is Imperial College London, which, in terms of the 'upward trend' (UUK et al. 2018: 3) in degree classifications, 'tops the list at 45 per cent of their students being awarded a First' (Richmond 2018: 5). However, readers of these reports were very swiftly made aware that it is not the universities that award higher degrees *per se* which threaten public confidence in the 'usefulness of the honours degree classification system for grading and differentiating student attainment' (UUK et al. 2018: 3), but those universities (predominantly those which attained university status post-1992, post-2003 and post-2012) which are seen to carry the greater 'share of "unexplained" grades' (Bachan 2018: 21). According to this logic, a degree classification grade fails to be considered as a potentially inflated one when it 'cannot be explained by student quality and/or characteristics, or university expenditure on student and staff facilities and academic services' (Bachan 2018: 6).

Although it is made clear that the number of 'unexplained' degree grades has increased across all universities (Bachan 2018: 20), the general consensus was that 'in general, pre-1992 universities exhibit the lowest level of unexplained increases and newer universities the highest' (ibid.).[2] To put the matter succinctly, the newer universities, where the majority of students of colour gain their degrees (Andrews 2018: 130; Holmwood 2018: 47), award proportionality *fewer* higher degrees than their pre-1992 counterparts, but, on the basis of the criteria agreed by the various report authors – student quality and expenditure on student and staff etc. – the higher degrees that these newer universities

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[2] See also UUK et al. (2018) where these findings are expressed in similar terms on page 14 of their report.

have awarded are much more liable to be assessed as falling within the category of degree inflating awards.

Part Three: The UUK/GuildHE Report on Degree Algorithms

In 2017, UUK and GuildHE produced a report based on a survey of 120 universities and other higher education institutions on the policies and guidance which provide the framework against which degree classification decisions are arrived at. Relevant to this chapter is the finding in the report to the effect that the expert judgment of academics plays a limited (often non-existent) role in degree classification decisions. Such was not always the case. The judgment of expert examiners used to be decisive in cases where a student performance was on the 'borderline' of two possible degree results. In such instances now it is 'expected that the number of institutions using an automatic algorithm to decide on borderline cases will increase (UUK/GuildHE 2017: 39). According to the UUK/Guild HE report, 65 out of the 120 higher education institutions surveyed dealt with borderline cases by 'automatically' applying the degree algorithm, or by simply not considering borderline cases (2017: 38). Even those institutions which were found to submit borderline cases to the judgment of members of an academic board more often than not constrained that judgment by way of inflexible rules pertaining to when and how that judgment is exercised. For example, another study on the operation of degree algorithms noted that a common practice across the sector in borderline instances is to limit academic judgment to cases where a student is 'within 1% or 2% of the next band' and only 'on the basis of specific criteria such as requiring in excess of 50% of the final year marks to be in the upper band, or specific modules to be included in the final calculation' (Sinclair et al. 2020: 1).

I have argued elsewhere that a degree classification process which does not permit the exercise of academic judgment in 'borderline' cases is incompatible with administrative law (Tuitt 2018). However, I am concerned here with the potential negative impact the removal of academic judgment might have in correcting factors throughout the academic journey of a student of colour which might lead to a lower degree attainment result than that student's grades at entry to university and academic performance throughout university might otherwise dictate. A strong underlying theme of the UUK/GuildHE report is that academic judgement is inimical to 'fair' and 'transparent' decisions (2017: 4), but there are other indications that degree algorithmic design itself produces inequities in terms of student outcomes. For example, in a report that attracted the attention of the mainstream media, David Allen argued that there is a 'real risk that different algorithms could result in different classifications given on a student's mark profile' (2017: 7). As illustration, Allen stated that 'in the case of the individual set of marks, the degree outcome ranges from an upper second (66.69%) to a 1st' (70.72%) (2017: 1).

Although Allen's report sees potential inequities in the current degree classification system, it does not attend to the question of whether those potential inequities – as well as other perceived problems, such as 'degree inflation' and disproportionately low attainments of students of colour – might be helped if expert examiners were given greater scope to exercise their expert judgments in particular cases – especially in those borderline cases where the appropriate degree grade is not obvious. Nor is there much evidence that UKK/GuildHE were alert to the full potential implications of their investigation and conclusions on the attainment gap between students of colour and white students. At best, we find a very oblique reference contained in the 2018 report on degree grade inflation, which merely notes that 'any change to degree algorithm practice must ensure that specific groups, especially those from widening participation backgrounds, are not disadvantaged' (UUK et al. 2018: 33).

Part Four: Universities and 'Race After Technology'

In *Race After Technology*, Ruha Benjamin sets out to expose and analyse the 'symbiotic relationship between technology and society' (2019: 41). In so doing, she explores how data is used and collected in a number of spheres. Although the main focus of the book is on the criminal justice arena, Benjamin's account covers other contexts, including education, health and finance. The fundamental message behind the work is that the way in which data is managed by those authorised to collect, store, analyse and disseminate it produces what the author terms 'coded inequity'. At its most exact, 'coded inequity' is 'the practice of codifying existing social prejudices into a technical system' (2019: 96). According to Benjamin, such processes of reproduction occur even when the purposes behind the data collection exercise appear benign, or, as in the case of the UUK/NUS student attainment gap report, avowedly transformative. Her findings are consistent with the underlying argument of this chapter, which is that current diversity and inclusion initiatives can be wholly compatible with the colonial structures and ideologies that British universities are supposed to be in the process of dismantling.

This 'coded inequity', or the 'datafication of injustice' as the author alternatively names the phenomenon, is particularly revealing when the data collecting exercises directly or indirectly relate to subjects and matters about which much is already known. In such instances, Benjamin argues that 'the hunt for more and more data is a barrier to acting on what we already know' (2019: 116).

Benjamin's book is of particular interest because it speaks to an increasing tendency of universities to want to gather data about those within its environs. Data collecting exercises of the type outlined above are facilitated by increasingly sophisticated technical systems, and the double meaning of the main title to Benjamin's book encourages her readers to reflect on the way the *race after technology* in pursuit of the 'quick fixes' which technological use promises has

negatively impacted upon people experiencing marginalisation due to many forms of social construct, such as disability, sexual orientation and gender, as well as race. Crucially, however, Benjamin's examination and critique of the 'social dimensions of technology' (2019: 11) makes clear that in all of these different but interlocking arenas, the lived experiences of people of colour is key. Referencing specifically persons of African and Caribbean descent, Benjamin states that '[t]the plight of Black people has consistently been a harbinger of wider processes ... which then get rolled out on an even wider scale' (2019: 32). It is in this sense that Benjamin opines 'in many ways Black people already live in the future' (ibid.). In the context of British universities and their relation with students of colour, about which this chapter is concerned, Benjamin's work comes as a timely warning that the ostensibly benign – diversity driven – attempt to discover and record evidence about the experiences and academic attainments of students of colour could produce 'coded inquiry', or, to put it in the terms of this chapter, these data collecting exercises form part of a longer colonial archive of knowledge about black, Asian and other racialised people.

As previously stated, postcolonial theory and criticism has long set its sights on various textual depictions of those subject to colonial rule. Such texts take the form of travel guides, novels, histories, legal doctrines, scientific treatises and government inquiries, among others. A common theme in such texts is one of the accomplishments of white individuals and groups above those of individuals and communities of colour. It is a theme that is strongly evidenced in the various reports explored in this chapter. Thus, Benjamin's notion of 'coded inequity' is a very productive way in which past explicitly oppressive colonial projects can be connected with current ostensibly benign and progressive ones of the kind which apparently drive the data collecting exercises that universities are currently engaged in. Casting a critical eye on these developments is important not least because such data forms the basis of the 'soft laws' which make up the fabric of the university. Needless to say, Benjamin's text is perfectly alive to the fact that social biases are frequently embedded in 'legal codes'.[3] The UUK/GuildHE and QAA consultation report on degree grade inflation is a case in point. Here the report authors call for 'changes in regulations, conventions and behaviours' (2018: 21) when assessing the key 'area for further examination' (2018: 21) into the causes of degree inflation. Such changes will

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[3] The example which Benjamin gives is not of direct relevance to the concerns of this chapter. A major instance of social biases being embedded in an elaborate legal code which offers ostensible protection to individuals against the invasive/abusive use of data and technology is the European Union's General Data Protection Regulation (GDPR). Benjamin argues that such codes invariably contain provisions which allow 'a wide latitude for government officials to revoke data rights in an instant … [w]hat looks like an expansion of data rights for individuals rests on the ability of governments to revoke those rights from anyone deemed a public threat' (Benjamin 2019: 188).

almost certainly proceed on the assumption that 'academic practice and student study behaviours' (2018: 12) of those academics and students of colour who inhabit post-1992 universities in higher numbers are 'major determinants in the increasing proportion of upper degrees' (ibid.). In turn, such a perception could very well result in academics and students of colour being made to bear the burden of inflationary degree award practices which are happening in those institutions which in fact award the *greater* share of higher degrees, but whose 'explanations' behind the higher awards fit the framework of rationality which the relevant audit agencies have constructed. If post-1992/2003/2012 institutions are pressured to adjust – with a view to correcting perceived degree inflationary results – the degree classifications processes which *already* produce proportionately *fewer* higher awards for their students than the numbers produced by pre-1992 universities, the outcome would almost certainly be a sharp and sudden increase in the attainment gap of students of colour in comparison to their white counterparts. Ultimately the soft law developments which the UUK/GuildHE/QAA consultation report calls for will embed the idea that actions and decisions made within the spaces that are disproportionately inhabited by academics and students of colour are inexplicable and, thus, highly suspect.[4]

Part Five: Concluding Thoughts

Hans Lindahl argues that while the 'distinction between foreign and domestic spaces is contingent; the distinction between own and strange places is constitutive' (2013: 4). To borrow from Lindahl, It is undoubtedly the case that through a constantly iterative process, the places in which UK universities are located have become 'familiar' places for some of their students and 'strange' places for others. Those for whom the UK university setting has been made 'strange' are disproportionately students of colour.

There are many ways in which students of colour are made to feel 'strange' within their universities, and, despite their ostensible objective, the reports analysed in this chapter serve to exacerbate the distance between students of colour and their universities by constantly highlighting—in different and sometimes subtle ways—the 'deficits' in their learning experiences and journeys. However, the most obvious and disquieting way in which students can be estranged from places of learning is through their exposure to actual incidents of racial harassment. It is to be noted that the number of reported incidents

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[4] These arguments are fleshed out in Tuitt, P. (2019a). Inflating the BAME attainment gap: A response to the consultation report of degree grade inflation, *patriciatuitt .com*. https://www.patriciatuitt.com/single-post/2019/01/28/Inflating-the-BAME -Attainment-Gap-A-Response-to-the-Consultation-Report-on-Degree-Grade -Inflation.

of racial harassment have been sufficiently high to justify investigation by the EHRC. Its report, which was published in 2019, is titled *Tackling Racial Harassment: Universities Challenged*. When setting up the investigation, the EHRC noted that '[r]acial harassment can make people feel that they don't belong'.[5]

This chapter concludes with reference to the EHRC investigation because it is an example of textual presentation of the experiences of students of colour at universities which resolutely problematises the university culture and management and not the students themselves.

According to the EHRC's findings '13% of all current students in British universities ... have suffered from racial harassment, most of whom are 'Black ... and Asian' (2019: 12). Underlying the EHRC's findings and conclusions is a strong warning to universities that they will be held to account for incidents of racial harassment which are seen to be caused or exacerbated by a university which has not provided sufficient evidence that it has paid 'due regard' to the need to eliminate racial 'discrimination, harassment, victimisation' or conduct of a similarly injurious nature; and which, consequently, has not complied with a legal obligation – known as the Public Sector Equality Duty (PSED) – imposed by section 149 of the Equality Act 2010.

The EHRC is the body responsible for the monitoring and enforcement of Equality Act obligations. Among other means at its disposal, it has the power to take action in the courts against public bodies, such as universities, to enforce compliance. Evidence that it will, in appropriate circumstances, take enforcement action against universities is littered throughout the EHRC's report of its investigation. For example, the EHRC made clear that it will no longer tolerate a situation where '[a]lmost half of the students ... who did not report their experiences said this was because they had no confidence that incidents would be addressed by their universities … [t]his was the single most important reason for a quarter ... of these students' (2019: 59); nor will it tolerate a continued display of ignorance of the Equality Act 2010 definition of harassment (2019: 63); for universities 'must comply with the PSED, and will be legally responsible for harassment committed by their staff and agents unless they have taken all reasonable steps to prevent it, such as having appropriate policies, procedures and training in place' (ibid.). More pointedly, the report's executive summary records that:

> Universities have an incomplete picture of the scale of racial harassment because of underreporting and informal complaints not being recorded routinely. This calls into question the extent to which universities are meeting their PSED obligations which include having regard to the need to eliminate harassment and to foster good relations. To meet

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[5] See the ECHR's call for evidence from university staff and students. https://www
.equalityhumanrights.com/en/inquiries-and-investigations/racial-harassment
-higher-education-our-inquiry.

these obligations, universities must have reliable evidence when developing and reviewing their policies and procedures. If a university has a poor understanding of the scale of the problem, this can lead to their priority setting, resource deployment and activities being inadequate to tackle the issues. (2019: 10)

Of particular relevance to the argument that colonising narratives are not inevitable is the fact that the EHRC report does not shy away from warning universities that although the PSED cannot be used to compel them to take specific measures to tackle racial harassment, it could be utilised in cases where governing bodies, through their senior management teams, are found to have prioritised the university's 'reputation above the safeguarding and welfare of their students and staff' (2019: 12). The way in which the PSED will displace the current management priorities that are inconsistent with the duties of care they owe to students of colour in the not too distant future is highlighted in several areas of the report. For example, it is a theme which drives the report's recommendations relating to much-needed changes in university culture (2019: 13–14).

The role of bodies like the EHRC becomes even more important when one reflects on the limited successes students of colour have had when taking complaints of discriminatory teaching, assessment and supervision beyond their universities to the Office of Independent Adjudicator (OIA), and then to the Administrative Court through an application for judicial review.

The role of the courts in relation to student complaints has become increasingly important since the enactment of the Higher Education Act 2014, which established the OIA to act as an independent body for investigating complaints against universities and other higher education institutions. It has long been established that the OIA is amenable to judicial review in respect of its decisions. However, a decision by the Court of Appeal in *R (Rafique-Aldawery & Another) v St George's University & Another* [2018] is indicative of a desire on the part of the courts to discourage use of the judicial review process as a means of resolving complaints against universities. It will, thus, come as no surprise that few of the claims brought by students of colour, at considerable financial and emotional stress, have been successful. The legal system, dependent as it is on the willingness of an individual to expose their losses and traumas to an adversarial system of adjudication, is unlikely to leave students of colour feeling less exposed to blame for what are often deeply embedded exclusionary practices of their universities.

Supported in large measure by government agencies and courts, universities have, to date, been able to control how they respond to various demands to decolonise their structures, curricula and, above all, their relations with and treatment of students of colour. Through a strategic use of soft law policies and guidance, British universities have been able to claim that experiences at university and the academic attainment of students of colour are due to wider

environmental and social factors outside of their control. However, interventions like that brought about by the EHRC have the potential to bring an end to these strategies of disavowal.[6]

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[6] An extended version of this analysis of the EHRC report can be found in Tuitt, P. (2019b). An end to the 'management' of racism in British universities? patriciatuitt.com. https://www.patriciatuitt.com/single-post/2019/11/08/An-End-to-the-%E2%80%9CManagement%E2%80%9D-of-Racism-in-British-Universities.

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