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# **The changing role of students in British higher education governance: Partners, consumers and digital users**

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Rille Raaper & Janja Komljenovic

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## Abstract

This working paper discusses the changing role of students in British higher education governance over the three societal periods: the welfare state, the market society and the digital economy. Within the past three decades, the student has shifted from a partner with significant involvement in governing universities, to a consumer whose influence reflects in self-interest enacted via choice and consumer rights. Our main argument is that the governing role of students is fundamentally tied to the role of the university in the society and prevailing economic order, and it is therefore changing yet again in the new period of digital economy. We propose an approach to examine student role in HE governance in the new digital economy as 'governing with data' and 'governing of data'. In the first case, students are approached as digital users and data producers to inform university practices. In the second, they are made liable to various user agreements with digital platform providers but have no actual influence on decision-making. The paper provides a

framework to trace the student role in higher education governance, and the direction of travel for the new student stakeholder as digital user in the contemporary digital economy.

**Keywords:** student, higher education governance, welfare state, marketisation, digital economy

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## **Setting a scene: Students in higher education governance**

The university as a social institution is one of the oldest and most stable institutions in the world (Moss 2012). For a long time, the university's primary function was rather simple: it was to educate the elite and offer a stimulating place for scholars and students to interact (Barnett 2005; Moss 2012). While relatively simple in their structure, function and governance, it is important to note that early universities were highly elitist spaces within which to study and work (Marginson 2011; Lewis 2008). Over the past few decades, however, British universities have become exceedingly complex organisations, shaped by various political, economic and social forces. They have grown in size and diversity, and they serve a variety of purposes from which the production of human capital has become dominant. Furthermore, digitalisation is a new phenomenon that has been accelerated by the Covid-19 pandemic and is now profoundly transforming the sector.

The role of students in higher education (HE) governance has also been changing. While research on HE governance is well established (Rowlands 2017; Shattock 2006; Shattock and Horwath, 2019), the governing role of students has been less explored. Existing research has focused on students in formal university governance, providing insights into student representation on governing bodies (Bloland 2005; Lizzio and Wilson 2009), course level representation (Carey 2013; Flint et al. 2017), and students' union work (Brooks et al. 2015, 2016; Raaper 2020a, 2020b). However, less is known about how contemporary universities employ a variety of tools to gather student input for decision-making; these include but are not limited to student involvement in university councils/senates, national student surveys, module evaluations and complaints procedures (Freeman 2016). While a multitude of practices exist, there is a lack of consensus about the purpose of student voice in different contexts (Freeman 2016).

Student role in governance is always a multifaceted interplay between students and their surrounding social contexts that affect their perceived and enacted power in decision-making (Carey 2013). This means that student role and influence are underpinned by a variety of ideological agendas. The politically-realist,

communitarian and democratic models were characteristic of early approaches to governance, portraying students as partners of HE; the consumerist agendas, however, shape the more contemporary governance practices (Luescher-Mamashela 2013). There has been a clear shift towards positioning students as consumers of universities (Naylor et al., 2020). The student role in HE governance thus needs to be viewed socially and relationally as it is always situated in the surrounding socio-economic-political context (Klemenčič 2011).

To explore the changing role of students in HE governance, this working paper discusses the transformations in British socio-political-economic arrangements and HE since the post-WWII welfare state to the current rise of the digital economy. We acknowledge that the economic and social periodisation is never a simple task. On the one hand, periodisation is essential to distinguish beginnings of something new and indicate ruptures in history (Nullmeier and Kaufmann 2010). On the other hand, it is always contested, and depends on the dimensions employed and interpretations made. The periodisation that we use in this working paper, is based on the economic and political order. However, like Troschitz (2018), we recognise that the construction of the student needs to be seen as a site of contestation where different societal forces struggle for hegemony at a particular time. It is likely that the portrayals of students in governance we introduce can co-exist, and the dominance of certain features needs to be seen within the context of wider societal complexity.

With this paper, we propose an analytical framework of three key periods to explore the interaction between the socio-political settings of British society and the student role in HE governance. We place our first period, the welfare state, to begin after the WWII, followed by the market society, which is marked with the end of Bretton-Woods agreement, the oil crisis and the rise of the neoliberal political project (Nullmeier and Kaufmann 2010). Our final period is the digital economy, which came to a notable emergence since the global financial crisis of 2008 (Sadowski 2020). These periods do not mean that there is no welfare state or market society today. It also does not mean that we cannot talk about the digital economy prior to 2008. However, they are markers of important changes that we construct for analytical



purposes to investigate how the student role in HE governance is embedded in the broader socio-economic-political dynamics.

## **The welfare state: Students becoming partners in higher education**

### **On the economic order**

Our inquiry starts with the period after the WWII, often called the post-war Keynesian welfare state. In this period, it was widely accepted that the state was an important regulator of social and economic life. The examples of the strong state included a variety of new welfare measures. For example, the 1944 Education Act raised the minimum school-leaving age to fifteen and made state education in secondary schools free (Noble 2008). Similarly, legislations such as the Family Allowances Act 1945 and the National Insurance Act 1946 put in place additional support for retirement, sickness and unemployment (Deeming and Johnston 2018). The National Health Service, in many ways the most influential welfare measure, was established in 1948 to provide free universal health care to all citizens (Noble 2008). Such strong state support was set up for those in need, aiming for full employment and economic stability (Deeming and Johnston 2018). It is of course important to recognise significant social inequalities in the British society at the time, (Noble 2008), but Britain had become the welfare state pioneer (Castles 2010). Such sentiments persisted through both the Labour and Conservative governments between 1945 and 1979 (Page 2007), injecting solidarity in the public mentality through forms of collective organising and trade unions (Noble 2008; Wrigley 2002).

The UK importantly contributed to restoring the post-WWII societal stability worldwide. It played an active role in establishing the world trade from which an important part was the Marshall Plan, setting up a trading partnership between Europe and the US (George 2000). Globally, the period was marked by the Bretton Woods Agreement (1944) that put in place measures for regulating capital flow and international financial sector (Bello et al. 2000), alongside with the introduction of the International Monetary Fund and the World Bank to support national governments

with needs-based loans in order to prevent future international conflicts (George 2000).

The welfare state was a period of strong state regulation, social provision and collective belonging. The overall aim was to (re)establish the national and global societal, political and economic order. Such views of the state and society also influenced the purpose and functioning of universities.

### **On the role of universities**

During the welfare state, there was an emerging political consensus that HE was ‘a public and social good and important contributor to the post-war project of national renewal’ (Doherty 2007, 271). However, universities at the time were not widely accessible, and even in the early 1960s, only around 5% of young people (ages 18-30) attended HE in the UK (Wyness 2010), one of the lowest rates among the OECD countries (Barr and Crawford 2005). In response to such concerns, the Robbins Report (1963) – the most influential review of the British HE during the period – promoted the expansion of the sector. While underpinned by the ideals of social welfare state, the reform led to a new type of plate-glass universities to be established from 1960s onwards, alongside the Open University in 1969. The period from 1960s onwards witnessed a continuous expansion with a steadily growing number of students (Troschitz 2018), lifting the participation rate to 15% by 1980s (Wyness 2010).

The HE governance model under the welfare state was characterised by public funding and strong self-governance. British universities were insulated from direct political command-and-control governance (Scott 2015), symbolising values related to academic independence and management autonomy (Radice 2013). Such principles echoed the overarching mentality of the welfare state that promoted public trust and collective power, alongside with the ideas of HE as public good available to a larger population of people.

### **Student as partner in HE governance**

The welfare state aimed to be enabling, approaching young people as active agents who contribute to societal progress. Altbach (1997) argues that the prosperity of the sixties in a steadily expanding economy generated a feeling among students (particularly among middle classes) that the university education leads to economic and social success. There was a strong belief in social mobility and empowerment through HE, which was catered by growing number of diverse universities. It could be expected that the view of students as agentic beings with promising futures led to their increasing role in HE governance. However, the structures for students to participate in governance were non-existent prior to 1960s (Bergan 2003). The only evidence of student voice was the rising number of student societies and newspapers since the WWII (Troschitz 2018).

The 1960s brought a change for students: they acquired a status of a partner in governing bodies (Shattock 2006). Many (e.g. Bergan 2003; Luescher-Mamasela 2013) argue that such changes were a direct result of student movements, particularly of the 1968 that demanded university democratisation across North America, Western Europe and parts of the British Commonwealth. While the formal student involvement in university decision-making became an established feature of British universities, the nature of the university itself was transformed. Universities became participative spaces where students could learn through engagement (Planas et al. 2013), promoting democratic ideas of HE governance (Luescher-Mamasela 2013). Students became seen as 'partners in the academic community with a long-term interest in building democratic institutions of higher education' (Bloland 2005, 209). As student protests tend to occur in contexts where formal channels of student consultation are absent, and it can be expected that co-opting students onto university committees aimed to moderate future activism (Luescher-Mamashela 2013). The legal provision of student participation in HE governance was an enormous achievement of student protest; for a while they became partners in HE, feeding into the wider collectivist and celebratory discourses of the welfare state.

## **The market society: The construction of students as consumers**

### **On the economic order**

We specify this second period as starting in the 1970s and lasting until the late 2000s. It is characterised by an economic and social crisis, particularly marked by the oil crisis of 1973-74 and the end of Bretton-Woods Agreement, leading to the new societal order of neoliberalism. Neoliberal ideology suggests that 'human well-being can be best advanced by liberating individual entrepreneurial freedoms' in a framework that promotes private property rights, free markets and trade (Macleavy 2013). Noble (2008, 5) vividly describes that by the mid-1970s, 'the once robust post-war economy was a shadow of its former self'. The inflation had collided, and the full employment slipped out of reach.

Margaret Thatcher became the Prime Minister on a new economic platform in 1979, aiming 'to reverse Britain's reputation as the 'sick man of Europe' by curbing inflation, lowering taxes, controlling the trade unions, reducing public expenditure and creating a more entrepreneurial ethos in society' (Page 2007, 4). Above all, the period witnessed significant changes in the welfare provision. The Social Security Act 1980 reduced the insurance-based unemployment and sickness benefits by 5%, and abolished the earnings-related and child dependent's additions (Noble 2008). These changes altered public attitudes towards people in need: there was a shift from approaching welfare as a public safety net to promoting self-sufficiency and individual responsibility (Macleavy 2013). The British trade union memberships fell to barely 7 million members in 1997, compared to 12 million in its peak of 1979 (Wrigley 2002). Following the Conservative governments, the British Labour Party's 'Third Way' continued with neoliberal ideology by mixing market and interventionist philosophies (Deeming and Johnston 2018; MacLeavy 2007). Their premise was that as relatively closed national economies no longer exist, there is little scope for state-level economic management; however, if decisions are left purely to market forces then failures will result.

Internationally, the end of the Bretton-Woods Agreement resulted in the liberation of global markets, reducing the state control over the national and global economics (Singh 2000). By the early 1990s there was ascendancy of finance over industry (Bello et al. 2000). For example, the peak of financialisation was reached in 2007: 'the ratio of global financial assets – the sum of the stock market capitalization, debt securities and bank assets – to global GDP reached 440 per cent' (Birch and Mykhnenko 2013, 13). Financial liberalisation led to markets no longer being mechanisms for making savings available for productive investments as they were during the welfare state, but they are in search of quick profits from speculative activities (Singh 2000). The market society exploits the discourses of individual liberties, choice and opportunity to coerce individuals/organisations to behave as market actors within a particular neoliberal, financialised logic.

### **On the role of universities**

The market society moves away from understanding education as a public good and approaches university education as a key contributor to economic growth (Doherty 2007; Naidoo and Williams 2015). This growing relationship between HE and economy reflects in two key changes. First, there is a prevailing neoliberal view of HE as human capital developer where the core function of universities is to develop high skilled workers (Gillies 2015; Tomlinson 2017). Tony Blair's Labour Government set a target of 50% young people of progressing to university by 2010 (Greenbank 2006), aiming to boost the national economy through HE participation. Second, the HE sector itself became a global industry where universities are focused on their brands and competitiveness (Jankowski and Provezis 2014). This competition involves a wide range of elements, including the competition for students, research grants, academics and public/private finances (Musselin 2018).

While HE is a devolved matter in the UK since 1998, HE transformations in England need to be viewed in relation to tuition fee increase. The tuition fees of £1000 for home students were introduced by the Dearing Report in 1997 (NCIHE 1997). The fees were increased to £3000 with the Higher Education Act 2004, and further tripled to £9000 from 2012/13 (DfBIS 2011). It is expected that the instrumental discourses of HE as outlined above have become particularly prevalent in a context where the

costs have been offloaded onto the individual from the state, and the university income largely depends on fee paying students instead of public funding. According to HESA (2020), income from tuition fees for the UK universities in total has grown from 28.7% in 2008/09 to 48.8% in 2018/19.

British HE governance model has become increasingly complex, ranging from measures around efficiency and accountability in 1980s to regulating diversity, competition and risk management in contemporary universities (McCaig 2018). Overall, there has been a weakening of the boundaries between HE and the private sector (Naidoo and Williams, 2015). First, universities are increasingly governed through performance targets, short-term employment contracts and client culture, formerly characteristic of the business sector (Engebretsen et al. 2012). The prime examples include national exercises such as the Research Excellence Framework, Teaching Excellence Framework and the National Student Survey. However, it is also important to note that while the nation state remains an important regulator, it has become impossible to ignore the role of international competition in national/institutional policy making (Lingard and Rawolle 2009) and the influence various global private enterprises have on the sector through franchise agreements and joint ventures. For example, the offshore branch campuses have demonstrated a rapid increase worldwide from 24 in 2002 (Mackie 2019) to 487 in 2020 (Kleibert 2020). The UK is among the largest providers of offshore campuses alongside with the US, Australia, Russia and France (Hou 2018), dominating the Asian market (Mackie 2019). Such changes have enabled British universities to increase their global competitiveness and to boost the idea of HE sector as a global market.

### **Student as consumer in HE governance**

In the market society, students have been constructed as consumers. It describes an individual 'who, as a result of financial exchange, considers themselves to have purchased, and is therefore entitled to possess, a particular product (a degree) or to expect access to a certain level of service (staff and resources)' (Williams 2013, 6). The explicit enforcement of consumerism has been characteristic of the British HE since the tuition fee introduction, but the more recent Consumer Rights Act 2015 has made it particularly dominant. The legal construction of consumerism reflects a

assumption that if students act as consumers, they will pressure universities to develop high quality courses and practices (Naidoo and Williams 2015).

This portrayal of students as consumers has significantly altered their role in HE governance. First, there are growing calls for universities to involve students in quality assurance, curriculum development and strategic management (Carey 2013). Unlike the shifts towards university democratisation processes in the late 1960s, in the market society, student representation becomes about their rights to have their consumer interests safeguarded (Klemenčič 2011; Raaper 2020a, 2020b). The perception of students as consumers associates them with the new spending power: they have a right to exercise control over universities and to bring their business elsewhere if dissatisfied (Bloland 2005). It could therefore be argued that student voice in HE has been amplified as a result of their consumer power over universities (Bunce 2019; Lizzio and Wilson 2009). Spaces are created for students on university governing bodies and students' unions are considered as professional stakeholders. More importantly, a variety of new market tools and devices have been introduced to track and respond to student as consumer views, e.g. the establishment of the National Student Survey to systematically gather student views, the Office of the Independent Adjudicator to have a transparent complaints procedure, and consumer rights provision monitored by the Competition and Markets Authority (Bols 2020). Furthermore, the new forms of market information tools such as university league tables and websites aiming to compare universities (e.g. University Finder, The Uni Guide) have become important mechanisms that inform students' educational decisions and enable them to regulate the market competition.

The student role in HE governance has become instrumental and transactional in the market society. Many (e.g. Canning 2017; Raaper 2020b) argue that the formalised governing roles for students are tokenistic, making universities emphasise aspects of student voice that have external currency. Prioritising student choice and satisfaction (Klemenčič 2011), the system produces a narrower set of student concerns related to financial investment and employment outcomes (Brooks and Abrahams 2020). Bergan (2003) even suggests that students in the market society have been affected

by 'democratic fatigue' where it is difficult to mobilise/sustain commitment for institutional life, even less for student movements.

We suggest that the student as consumer in HE governance has become highly visible through representative roles but their involvement as fee-paying consumers is transactional, leading to a situation where what matters most is immediate satisfaction. It is expected that the student power enacted through consumer rights and market tools has become the prevalent practice to gain student input for HE decision-making.

## **The digital economy: New directions for student stakeholders**

### **On the economic order**

We specify the period of the digital economy to have started around the global financial crisis of 2008. It is marked not only by further financialisation of the economy, but even more importantly, by the introduction of business models based on digital goods/services delivered via digital platforms (Bukht and Heeks 2017). Tech giants such as Apple, Google and Microsoft, and new platforms, such as Uber, AirBnB and Spotify, have gained unprecedented power and wealth (Sadowski 2020). Measured in market capitalisation, seven out of eight top companies in the world, use platform-based business models (UNCTAD 2019). If looking at the world's top 20 companies by market capitalisation, the change from 2009 to 2018 is remarkable: 'technology and consumer services' grew from 16% to 56%, 'financial services' from 18% to 27%, while 'oil and gas' shrunk from 36% to 7% (ibid, 18). These changes reflect the financial strategies that aim to turn things into assets (Beauvisage and Mellet 2020), instead of commodity production/distribution that was characteristic of the market society.

Digital economy is based on digital data while business models work via digital platforms (Langley and Leyshon 2017). The premise in the digital economy is to quickly collect as much data possible and find a way to monetise it later (Fourcade



and Healy 2017). By now it is clear that raw data is not being bought and sold besides the data brokering industry (Beauvisage and Mellet, 2020), which is itself valued at \$200 billion (WebFX 2020). Rather, data is made valuable only when enclosed, analysed and turned into intelligence, e.g. by targeting/profiling people, optimising systems, controlling/managing things, modelling probabilities (Sadowski 2020). The enclosure and control of digital data depend on the regime of intellectual property rights. Policy and regulation are still catching up with the practice (Savona 2019), as the accounting standards and pre-existing intellectual property rights do not seem fit for the digital era (Wiebe 2017).

The UK recognises the new direction of the global economy and sets an aim in its Digital Strategy 2017 to 'make Britain the best place in the world to start and grow a digital business' (Department for Digital, Culture, Media and Sport 2017). Only after three years, a revitalised strategy has been promised as a response to the Covid-19 pandemic and is to be published later in 2021 (Fadilpašić 2021). The National Data Strategy was published in 2020 with the aim to 'drive the UK in building a world-leading data economy while ensuring public trust in data use' (Department for Digital, Culture, Media and Sport 2020).

While often little understood or regulated by policymakers, there are increasing concerns of the current kind of political economy where digital data is value extracting, predatory, and controlling (Morozov 2019; Sadowski 2020; Zuboff 2019). The ideology that believes in digital entrepreneurship also raises concerns for further precarisation of work and the reduction of the welfare support. One is expected to rent out their spare room on AirBnB, become an Uber driver or sell their unwanted belongings on Ebay, rather than rely on state support in times of need. Moreover, the labour market is increasingly digital or digitally-mediated. In the UK, 'gig labour' or 'platform work' doubled in only three years, between 2016 and 2019. In 2019, it amounted to almost 10% of workers in the country to do gig work at least once a week. Majority of these workers were younger (between 16 and 34), often combining income through several jobs. The government plans to reskill people for digital work, by promoting new partnerships between FE, HE and EdTech companies (Department for Education 2021). While the digital economy is once again altering

the role of the British society, it is important to consider how digitalisation affects the HE sector and the construction of students in particular.

### **On the role of universities**

As the economy is becoming increasingly digital, and the labour markets either digital or digitally mediated, so is HE. The university is now expected to reach wider audiences around the world. Considering the projected changes in the demographics and HE participation rate, it is likely that the sector in England on its own would need around 358,000 additional student places by 2035 to serve the growing domestic interest in HE (HEPI 2020); and globally, it is predicted that the number of post-secondary students will grow by 970 million by 2050 (HolonIQ 2020a). Continuing the trends of the market society, the sector is expanding; however, it has also become increasingly complex. Universities are establishing new forms of partnerships with digital platforms that alter their governance practices.

In the era of the market society, we noticed marketisation and privatisation of the sector, initially with franchising and later more openly reducing the barriers for the market entry of private HE institutions. Now in the digital era, British universities form new types of partnerships with private companies to deliver online education, such as with providers of massive open online courses (MOOCs) and online program management (OPM) platforms (Perrotta 2018), as well as bootcamps and pathway programmes (HolonIQ 2020b). These partnerships are structural and long-term. Although discursively the initial idea for some of these initiatives was to democratise knowledge for underprivileged populations, research shows that people attending courses like MOOCs are already highly educated, affluent, and from richer parts of the world (Fernandez-Diaz et al., 2020), while courses offered by OPMs charge high fees. Furthermore, partnerships between universities, MOOC and OPM providers have become new business arrangements resulting in unbundling of HE (Morris et al. 2020).

In parallel, there is an increase of alternative post-secondary provision in the form of micro-credentials and online training. For example, in September 2020, Google announced that it was launching a 6-month training via Coursera, treated as equal to

the four-year university degree (Marshall 2020). The variety of such provision is high, and work is underway to include micro-credentials and short e-learning courses into national qualification frameworks, or in the case of Europe, the European qualification framework (Shapiro Futures et al. 2020). Such measures are legitimating skills verification acquired in these new digital forms, putting them on an equal footing with university courses. Universities have new competitors not only in provision, but also in certification, which might challenge their legal and legitimate monopoly over issuing certificates as verification of skills.

The rapidly changing sector raises concerns about digital governance and the role of students. As research on the student role in digital governance is non-existent, we use the rest of this working paper to speculate on this issue and propose future research.

## **Closing discussion: The student as digital platform user and governing with/of data**

So far, we have analysed the role of the student in HE governance within the broader socio-political-economic order of the UK since the WWII. We suggest that in the period of the welfare state, universities educated students primarily for personal growth and societal progress. Students became partners with agency to challenge and inform HE governance (Luescher-Mamashela 2013). In the market society, the primary function of HE is the human capital development, where consumer rights and employability orientation promote a transactional relationship between the student as consumer and university as provider (Brooks and Abrahams 2020; Bunce 2019).

Finally, in the period of the digital economy, we suggest that the UK HE sector is moving towards developing digital learners, digital workers and digital consumers. As digital learners, and digital workers and consumers to be, students are expected to use various learning platforms and market tools which turn them into digital users. The latter is what provides particular food for thought for their changing role in

governance. In what follows, we will hypothesise what the digital shift might mean for the student in HE governance. We divide the discussion into governance ‘with’ and ‘of’ data, which are substantially different, but both relate to an increasing role of student as digital user.

### **Governance with data**

The digital economy has brought new opportunities to govern with data at all levels – system, institutional and individual. Governing with numbers is not new, nor are attempts of actors in power to control their subjects with data. The democratic rule is dependent on quantification, numeracy and statistics. While its history goes back to first census, it extends in the neoliberal mentality of governance aiming to govern by numbers and produce calculating citizens (Rose 1991). What is new in the digital economy is the unprecedented amount of data, its granularity and real-time collection and analysis. Indeed, there ‘has never been a state, monarchy, kingdom, empire, government, or corporation in history that has had command over such granular, immediate, varied, and detailed data about subjects and objects that concern them’ (Ruppert et al. 2017, 2), including in HE (Williamson 2018). Furthermore, the state monopoly controlling data over citizens is now challenged by a myriad of private actors, out of which tech corporations are key.

In the HE context, a huge global industry of big data technologies has emerged, ranging from organisational and business intelligence to learning analytics (Williamson 2018). Together with private sector, the Government is building a digital data infrastructure to capture data from universities, and merge databases from other state sources. For example, the Longitudinal Education Outcomes database launched in 2018 captures and provides information on employment outcomes. The aim of such digital architecture is to enforce what Rose (1991) describes as ‘calculating mentality’, aiming to dictate decision-making ‘even more accurately’. The new digital governance is therefore public-facing where the EdTech companies are essential in establishing the data management architecture that can feed into the development of HE practices.

At the institutional level, governance with data is gaining ground via various intelligence products and services. They include most if not all university processes, spanning from teaching and learning, to research and management of institutions. In pedagogical practice, learning analytics is rolled out, aiming to constantly measure and compare students' learning gain, engagement in their studies, satisfaction with university experience and the quality of learning provision (Buckingham et al. 2019). The data that is collected through learning analytics include a wide range of information about students, e.g. attendance, library metrics, learning platform logins, assessment and plagiarism, learning gain data, graduate outcomes, that can all be further aggregated and looked at various levels (Williamson 2019). Student data serves many purposes in HE governance, ranging from quality assurance and institutional improvement, educational product development to providing information about the value for money on degrees as regards employment/graduate outcomes (Holmwood and Marcuello Servós 2019; Williamson et al. 2020).

This complex digital architecture relies on students acting as digital users who produce valuable data through their engagement with learning platforms and digital tools. Students encounter such platforms early on in their experience. Digital tools are used for decision-making about study choices (e.g. University Finder and The Uni Guide), to then learning and student engagement processes (learning analytics), to transition to the labour market (satisfaction surveys, and employability platforms such as LinkedIn). While students are still seen sitting on various committees and making their complaints heard through consumer rights, increasing attention is paid on their 'voice' that comes through digital data they produce. Such data is large-scale, quantifiable and perceived as more reliable evidence of student experience. We suggest that governing with data in the contemporary digital economy includes an algometric governance where students as digital users produce enormous amounts of detailed data about their everyday experiences, which is then used to inform HE decision-making at institutional and national/global levels, as well as to develop new educational products. However, it is important to note that students do not participate in creating these tools nor have they influence over their usage, making their new role in HE governance rather invisible and potentially exploitative.

Such issues are further amplified when problematising the governance of student data in the contemporary digital economy.

### **Governance of data**

Universities collect unprecedented amounts of digital data (Williamson et al. 2020). The implementation of the EU's General Data Protection Regulation (GDPR) since 2018, has amplified the discussions on data management within and beyond HE (Kim 2018). Similarly, the data harvesting scandals on accessing user data without relevant permissions such as the one involving Cambridge Analytica/Facebook have drawn global attention to digital data management (Kim 2018).

Currently, the British national legislation needs to comply with the GDPR law on data privacy<sup>1</sup>, making universities the data controllers of the data that their students/staff produce, including in cases where they allow data flows with external private platforms. Such data include but is not limited to the content posted on virtual learning environments, other user generated data and metadata on users, their machines and click-through behaviour. The GDPR and national law, however, do not regulate non-identifiable data management, meaning that a lot of student data can be freely shared. It is also important to note that the identifiable data can be shared if appropriate contracts are in place, indicating a new shift in HE governance where contract rather than public law oversees the data relations (Komljenovic, 2021). These private contracts are negotiated between platform owners and universities, and can therefore significantly differ across universities/platforms, raising concerns about the consistency of practice (Cohney et al. 2020). Furthermore, the contracts are mostly classified as commercially sensitive, being unavailable to end-users, researchers or the wider public. It is also little known how the data collected from students is internally governed in universities. In HE, analytics has historically fallen under the jurisdiction of institutional reporting, primarily relying on trained data scientists (Kim 2018). However, Kim (2018) suggests that the responsibility for data management has been increasingly widened to departmental committees and data governance officers.

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<sup>1</sup> This legal framework may change due to the UK's withdrawal from the European Union in 2020.

At an individual level, relations between students and platforms are nested (Komljenovic, 2021). As digital users, students need to comply with university's terms of use and data privacy policies, and that of platform if their institution embedded one in their digital infrastructure. However, these terms of use have the legal status of contracts (Lemley 2006). In fact, students are in a complex position of having no choice but to accept the terms of use, especially as to progress through their studies, they are required to use specific platforms chosen by their universities. The data that gets collected is portrayed as naturally occurring, hence not requiring public attention (Komljenovic, 2020). However, like Birch et al. (2020), we argue that students end up with little control over how their data, particularly non-identifiable data, is used. It is known that universities share student data with various stakeholders beyond statutory requirement. With student permission, their data can be shared with state bodies based on law, such as with the Student Loans Company, GP practices, potential employers and Electoral Registration Officers (HEPI 2019). Furthermore, Her Majesty's Revenue and Customs, local tax departments and the Home Office all receive relevant data without student approval. However, universities also share student data with third parties who assist them with digital development (HEPI 2019). The contractual HE governance places the responsibility of data management on institutions and further down to individuals, introducing new power asymmetries in their relations (Komljenovic, 2020c).

As we have demonstrated in this paper, universities collect and hold huge amounts of data on students, either for regulatory purposes or to gather information about students' experiences. Furthermore, such data is likely to increase with further national/institutional focus on performance management through metrics (HEPI 2019). Unlike the governance 'with' data where students had some benefit of their data being used to improve university practices, the governance 'of' data portrays students as passive 'data subjects'. Students need to consent with terms of use; however, this is often an empty signifier as students cannot decline, neither are they aware of what they are consenting too. Students are not involved in governance of the data collected from them, and their data can be stored on multiple storage systems and used for purposes beyond education.

While there is limited research on student views on data privacy, the recent HEPI (2019) survey demonstrates that students are not necessarily concerned about their personal data being used for teaching and learning development (governance ‘with’ data), but they have significant concerns for their data being shared with private companies for commercial purposes. The study further indicates students’ lack of knowledge about the digital data collected about them, and it confirms how governing of data through private law and terms of use is highly problematic in the contemporary HE governance. While collecting student data has become an important element of governance in the era of digital economy, it appears to be non-transparent, commercially sensitive, and potentially predatory and exploitative, as the data is collected and used without explicit and consistent practices that would be clear to students or wider interest groups.

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We conclude this paper by arguing that the current form of the digital economy has the potential to change the notion of a student, particularly in relation to HE governance. While students are still visible in HE governance through their representative roles and consumer power, a crucial but rather hidden shift is taking place, concerning student digital data that is being analysed and used for key decisions in all areas of university operations. We demonstrated how the governance ‘with’ and ‘of’ data both raise concerns for student role in HE governance, particularly how their data is being collected, handled and used in HE decision-making but also more broadly for private sector benefit. It appears that the digital economy poses a risk to HE governance where students are being ‘used’ rather than engaged in decision-making, and this is a significant shift from previous phases where students were seen as partners (as in the welfare state) or vocal consumers (as in the market society) whose active participation was given a priority. It is more important than ever to discuss the student role in HE governance in order to assure that digitalisation supports the much-needed focus on democratic governance practices in British HE.



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