Critical Education

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Volume 14, Number 2, 2023

URI: https://id.erudit.org/iderudit/1099895ar
DOI: https://doi.org/10.14288/ce.v14i2.186688

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Publisher(s)

Institute for Critical Education Studies / UBC

ISSN

1920-4175 (digital)

Explore this journal

Cite this article

Roberts, R. (2023). The 'dilemma of authority' in the 21st Century: A critical discourse analysis of a student attendance and engagement data monitoring policy at a UK university. *Critical Education*, *14*(2), 46–64. https://doi.org/10.14288/ce.v14i2.186688

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Volume 14 Number 2 May 1, 2023 ISSN 1920-4175

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http://ojs.library.ubc.ca/index.php/criticaled/article/view/186688

Abstract

This paper offers a critical discourse analysis of documents relating to the introduction of predictive learning analytics at a small, UK university. Semiotic and interdiscursive analysis was carried out on texts from three different sources: the institution, the commercial analytics software provider, and one academic subject area. Authority discourses in institutional texts indicate an ambivalent attitude to students exemplified by oscillating discourses of 'Here to help' and 'Over to You'. At the micro level, the 'Concerned Tutor' discourse indicates a diminished authority position for academics, who are nevertheless charged with managing student engagement on the ground. The paper posits a shift in discursive positioning of the student from 'consumer' to 'asset' and suggests that learning analytics policies are performative in nature. They provide auditable evidence of institutional efforts to improve student engagement, while failing to address contextual factors that lead to non-engagement and attrition.

Introduction

Since the 1990s, UK higher education policy has been strongly influenced by the neoliberal belief that increased participation in higher education will lead to a highly skilled work force and improved international competitiveness (Longden, 2002). The introduction of student fees supported by government backed loans in 1998 together with the removal of the fee cap in 2011, altered the nature of student – university relationship by putting a greater emphasis on the transactional nature of the relationship and its outputs.

On the part of institutions, these changes occasioned an increasingly marketized approach to attracting students (Troschitz, 2018). Simultaneously, academic commentators questioned the ethicality and feasibility of increasing participation in a quasi-privatised model of higher education (Burke & Hayton, 2011). Since 2017, a new regulatory environment in England means that supporting student engagement and outcomes are key priorities for English universities. As such, the motivation to evidence engagement activities is high.

This paper is concerned with the discursive positioning of students in documents relating to the introduction of an attendance and engagement monitoring policy at a UK university. It examines the authority relations discerned through the analysis of these documents. Authority relations in this study relate to the capacity of one party to control the activities of another through the use of rules. For example, authority relations operate through the perceived power of a university to de-register students who fail to comply with institutional rules about attendance and engagement.

In 1993, Fairclough noted a move away from a 'traditional' order of discourse in university prospectuses where authority relations between universities and students were overtly represented through clear obligational meanings in prospectus entries. He noted a shift to a marketized language, in which authority is placed with the consumer (student). In Fairclough's view, this shift posed a 'dilemma of authority' for universities, which despite the changing authority dynamic, continue to make demands on students to fulfil formal obligations relating to their studies.

Policy documents and texts that communicate changes to expected behaviours on the part of students, staff or the institution might, or might not, form part of the legally binding contract between students and university (Gaffney-Rhys & Jones, 2010). However, they provide interesting artefacts for the study of how the student – university relationship is articulated in institutional communications and can provide insights into the discursive positioning of students in relation to the university and its services (e.g. Fairclough, 1993; Troschitz, 2018).

As noted, the documents analysed in this study relate to the introduction, in 2019, of electronic attendance and engagement data monitoring using a predictive learning analytics system at a small, post-1992, public university in the UK. Prior to the introduction of the policy, attendance was monitored using paper registers with regular oversight of attendance by module leaders and course teams. The electronic system chosen by the case institution recorded student attendance at taught sessions by means of an App on students' phones and proximity sensors in teaching rooms. Individual schools of study at the university were charged with developing their own attendance policies in relation to the University Student Engagement Data policy. Documents from one school of study indicated that students would be contacted after 3 unexplained absences. The system generated automated messages and SMS reminders about attendance; follow-up emails from personal tutors could also be sent via the system

Attendance was defined as physical presence at a taught session. Students were encouraged to download the attendance monitoring App voluntarily. However, there was also a clear expectation that they would do so (except for students for whom activating location data on a mobile phone would endanger personal safety). The App dashboard automatically updated the student's attendance record and used a traffic light system to alert students to poor attendance (below 80%). Thus, the programme introduced a level of self-monitoring in addition to oversight by tutors. Tutors could also view student activity on the Virtual Learning Environment as well as their library usage via the same software.

The case institution (which I have named Aspire) is a small, public institution in an urban area of the UK. It has higher than sector average numbers of minority ethnic, mature, and disabled students. Key concerns for the institution relate to student retention and attainment gaps for non-traditional students. Pedagogically, the institution describes itself as values-driven and student-centred.

While untypical of many larger institutions, the case institution highlights the competing priorities brought about by the accommodation of increasing numbers of students from non-traditional backgrounds within a mainly traditional academic structure of full-time study. Furthermore, while electronic monitoring of attendance is not a new phenomenon (Newman-Ford et al., 2008), the use of predictive learning analytics is a developing field in the UK (Sclater et al., 2016) and institutional implementation of learning analytics policies is worthy of scrutiny on the basics of ethics as well as ideology (Johnson, 2017; Slade and Prinsloo, 2013). Therefore, the study of texts related to the introduction of attendance and engagement policies can serve to examine concerns about changes in institutional practices, particularly where questions of power and authority are concerned.

Ainsworth and Hardy (2004) note that texts can be seen as a form of social practice and action with ideational, interpersonal, and relational aspects (Halliday, 1994 cited in Ainsworth and Hardy, 2004, p. 236) that act to constitute knowledge, construct forms of social identities, and contribute to social relations between actors. The analysis of texts using Critical Discourse Analysis (CDA) therefore, can uncover the communicative and ideological intent of documents which serve to obscure inequalities and prevent the consideration of alternative practices (Machin & Mayr, 2012). This study is concerned with text as policy, focusing, as far as possible, on what is contained in the texts, while understanding that texts do not necessarily provide access to lived enactments of the policy on the ground (Ashwin & Smith, 2015). To provide a contextualised view of the policy, a decision was taken to include texts from different levels of production, including the commercial provider of the analytics software, the institution, and one academic department.

The research questions for this study were framed as:

1. What discursive markers of positioning are discernible in texts relating to the use of predictive learning analytics at the case institution?
2. What similarities or variations in discursive approaches can be identified in texts from different levels of policy communication?
3. How evident are institutional values of partnership and student centredness in texts related to predictive learning analytics at the case institution?
4. How can interdiscursive analysis of texts inform institutional policy communications?

Domains of Literature

Several domains of literature were identified as relevant to this study. The following section identifies key issues from the literature relating to the positioning of students in higher education, the nature of the student-university contract, and the role of attendance and data monitoring in fostering student engagement. These issues relate to the aims of the paper to discern how commercial and institutional texts pertaining to attendance and engagement data monitoring position students in relation to institutions and what this tells us about the discursive priorities of the institution.

As noted above, Fairclough (1993) identified the changing dynamics of student-university relations in his analysis of university prospectuses. The shift in authority relations is also identified by Troschitz (2018) who notes that institutions have increasingly adopted a 'position subservient to students and rankings' (p.698) in their prospectuses and can therefore be held partially responsible for actively fostering marketisation in the sector.

Metaphorical conceptions of students are a source of continued debate (e.g. Carey, 2013; Gravett et al., 2020; McCulloch, 2009; Tight, 2013). Various market-related metaphors are used such as consumers, clients, or partners. In relation to macro structures of HE policy, Tight (2013) suggests a further conceptualisation of students as pawns: "someone – or, rather, a whole series of 'someones' - who is being used for another's purposes" with individual students and institutions conceptualised as "units to be managed" (n.p).

The relationship between universities and students is based on contracts of exchange (Knapp & Masterson, 2017; McHale, 2019). Universities maintain the authority to award qualifications based on formal requirements outlined in general academic regulations and the 'Terms and Conditions' entered into at enrolment. However, the contractual status of the student-university relationship is often poorly articulated with differing expectations on the part of students and institutions (Gaffney-Rhys & Jones, 2010; McHale, 2019; Money et al., 2017). Moreover, students are increasingly taking a litigious approach to perceptions of contractual breaches and shortfalls in institutional provision (McHale, 2019).

The implicit understanding of expectations at university can be hard to grasp for students from non-traditional backgrounds (Collier & Morgan, 2007). Non-traditional students may underestimate the time commitments of full-time programmes and many need to balance the demands of studying with complex lives outside of university (Money et al., 2017). High levels of stress and drop-out are reported for non-traditional students (Bradley, 2017) while more explicit negotiation of expectations can improve non-traditional student engagement (Laing et al., 2005).

Sellar (2015) argues that an affective bargain is struck long before students engage with universities and begins at the level of education policy with the coupling of national economic and individual success tied up in a risky promise to 'realise potential'. Institutional responsibility for student success is subject to increasing regulatory oversight and institutional communications about ensuring student success can potentially serve to blur expectations between students and universities further.

Ball (2017) criticizes the increasingly contractarian approach to education arising from the neoliberal emphasis on performativity. The use of contracts as a way of representing relationships between individuals and institutions gives rise to disciplinary practices of responsibilisation which result in the attribution of educational 'failure' to individual deficiencies rather than structural

inequalities. In the context of this study, institutional policies that pertain to be about supporting student success may raise implicit expectations in students, while in practice, the performative nature of the policy may fall short of actioning real change for recipients.

Students increasingly expect and need support during their time at university and English universities are now required to provide support that enables students to "succeed in and benefit from university" (OfS, 2018, p. 87) as a condition of registration. From an organizational perspective, activities designed to promote wellbeing based on the principle of beneficence can be seen as both an ethical imperative and a means of providing competitive advantage (Caldwell et al., 2014). A regulatory requirement to provide support to *ensure* success (e.g.OfS, 2018) prioritises the ethical principle of beneficence over autonomy (Bond, 2015) and the individual's freedom to choose whether or not to attend class.

Macfarlane (2013) identifies arguments for the use of compulsory attendance policies in higher education as accountability, compliance, student wellbeing and workplace preparation. Tight (2020) traces research trajectories in student retention and engagement noting a shifting responsibility for retention and engagement from the student to the institution while also noting an overall lack of research involving broader aspects of student lives. Kahu (2013) identifies the complexity of student engagement as a construct and notes the importance of giving greater prominence to wider socio-cultural influences in students' lives. The focus on student retention and engagement primarily as a problem for institutions, parallels the regulatory view, which locates the student-university relationship as a discrete entity unconnected to other aspects of society except for the expected trajectory of students towards work or further study.

The potential of 'big data' and analytics to support students and aid retention is increasingly recognised in higher education (Sclater et al., 2016; Siemens, 2013). Learning analytics enable institutions to collate and process data using algorithms to identify patterns and trends in student interactions with university systems. Using data in this way, enables institutions to identify individuals or groups whose engagement might fall outside expected parameters or tolerances. It also allows pre-emptive identification of, and increased opportunities to support, nudge or sanction, individuals or groups based on the identification and profiling of students most likely to fail or to drop-out (Desouza & Smith, 2016; Scholes, 2016).

Ethical considerations of the use of learning analytics in higher education relate to privacy, consent, institutional behaviour and loss of agency and discrimination (Desouza & Smith, 2016; Jones, 2019; Roberts et al., 2016; Scholes, 2016). However, evidence also exists that small, well-resourced projects using learning analytics alongside human interventions can help with the transition of non-traditional students into university and develop staff-student and student-student relationships (Benkwitz et al., 2019).

Fairclough's Dialectical-Relational Analysis (DRA) which is described as focusing on social relations rather than individuals seemed particularly well suited to the aims of this study. I was primarily concerned with exploring a perceived social wrong relating to the amorphous nature of the contractual relationship between students and universities (McHale, 2019) and the ethics of widening participation where contractual obligations are unclear or structurally more difficult to achieve for certain groups. In this context, policies which aim to monitor student attendance and engagement need careful monitoring and compassionate implementation to avoid problematizing certain groups of students over others. Particularly, where attendance is not a compulsory requirement of a programme.

The texts selected for analysis were chosen for their relevance to the policy under scrutiny, the intended audience (students, staff, and institution) and availability. I selected texts which demonstrated the relational and transitive intentions of the text producer. For example, from commercial software provider to institutions; institution to staff; and institution to student.

While this study is focused on a single institution, the commercial texts have relevance for multiple institutional clients of the commercial software provider and the institutional texts drew on policy documents from other institutions as well as the Jisc Code of practice for learning analytics (Bailey & Sclater, 2015). In total, 10 texts were selected, comprising:

- 2 webpages from the commercial software provider:
    - 'Student Attendance Management'
    - 'Student Retention'
- 3 texts from the university aimed at students
    - Web page: 'How can [name of software] help you?
    - Web page: '[Name of software] for students.

      Online downloadable document: 'Supporting student learning through information: A student guide'
- 1 text from the university aimed at staff
    - Student Attendance and Engagement Policy
- 1 text from the university aimed at both students and staff
    - Using Student Engagement Data Policy
- 3 texts from a subject area aimed at students
    - Subject Area Attendance Policy (Preamble)
    - Subject Area Attendance Policy (Statement of policy)
    - Absence email template

Ethical Considerations

All references to the institution and the software provider have been anonymized and distinguishing aspects have been removed from quoted material. The case institution was chosen as an exemplar 'new' institution with above average numbers of non-traditional students. The critique is intended to raise wider questions about trends in the sector rather than provide a focussed critique of one institution.

Method

The methods of analysis involved isolating linguistic and semiotic features of texts drawing on categories identified by Fairclough (2013); Machin and Mayr (2012) and Hyatt (2013). The specific semiotic aspects for analysis included: warrant and legitimation; mood and use of modals; tense and voice; use of pronouns; use of abstractions and generalisations; use of metaphor and

rhetorical devices; relational and transitive aspects. For web pages and images, the use of colour, fonts and denotive and connotative aspects were considered.

I then drew on Sunderland's (2004) interpretive approach to naming and identifying discourses, conducting a line-by-line close reading identifying lexical as well as implicit meanings, subject positions, and omissions. Working in this way is necessarily subjective and as Sunderland (2004, p. 33) notes: "Different discourses are accordingly likely to be 'spotted' by different social groups of readers and analysts". From this process, a set of discourses was arrived at for texts at each level of production. The analysis also traced recurring discourses and modifications of them across the corpus of documents.

Analysis

I briefly summarise the interdiscursive analysis before considering the semiotic aspects of texts. Interdiscursive findings are also woven through the semiotic analysis.

A variety of discourses were discerned operating in and across texts. Some are 'descriptive' relating to the 'specific context' of the discourse and others 'interpretive' (Sunderland, 2004, p. 6) in that they convey a particular interest or intent in their production. Institutional texts at the meso level contained the greatest variety of discourses where multiple competing interests were evident.

Recurring discourses were apparent but subject to modification by the specific context of each text. For example, commercial discourses of 'Control as Success' and 'Control as Welfare' were also discerned at the meso level but were modified by values discourses of 'Active Partnership'; 'Equity' and 'Trustworthiness'. The 'Managerial Success' discourse of commercial texts was expressed more in terms of a 'Win-Win' transactional discourse at the meso level. This, in turn, was framed as a 'Quid pro quo' discourse at the micro level of subject area. An 'Expert' discourse was discerned at all levels. At the institutional level, the 'Expert' discourse together with that of 'Concerned Tutor' provide a context for transactional discourses of authority that oscillate between two positions of 'Here to Help' and 'Over to You'.

These transactional discourses occur at both meso and micro levels of institutional texts. At the meso level, personal tutors are charged with executing the policy, while students are passive recipients of information which they may or may not choose to read:

> *'Here to Help'*
>
> *Personal tutors reach out to students via email or telephone, offering support that can include regular tutorials, guidance on using student support services or accessing a mentor.*
>
> O*ur aim is to identify that early on and help you get back on track with your course.*
>
> *'Over to You'*
>
> *You can read more about how the university uses student data to provide support in this useful guide.*
>
> *To read more about how Aspire uses student data to support learning, please download the document …*

At the micro level, personal tutors are activated to contact students but there is no compulsion on students to act:

> *'Here to Help'*
>
> *Just getting in touch to say that I've noticed that you have not attended the … module for the past three weeks.*
>
> *'Over to You'*
>
> *You may find it useful to view the Student Support page where you can find a range of personal and academic support services…*
>
> *The Moodle page also has many resources so please do take a look.*

The interventions of personal tutors are subject to audit alongside the automated responses of the system:

> *Interventions, whether automated or human-mediated, will normally be recorded. The records will be subject to periodic reviews as to their appropriateness and effectiveness.*

The passivization of students alongside the performative intent of the policy in terms of academic workload (Ball, 2012) means that, in the first instance at least, policy intentions can be fulfilled ('Here to Help') without actually effecting any behaviour change with students ('Over to You').

The 'Over to You' discourse raises questions about the important issue of informed consent in learning analytics. In this instance, the commitment to obtain consent in an ethical manner, depends on students pro-actively engaging with, and understanding, the intentions of the institution. The use of modals (will, may, should etc.) conveys a commitment to act on the part of the institution without detailing exactly how a specific issue will be addressed:

> *Using student engagement data will be transparent and clearly explained*
>
> *Will be based on informed consent*

However, consent is a redundant concept if it cannot be withheld, and informed consent cannot be guaranteed when it is gathered remotely as a condition to accessing a sought-after service such as registering for a degree:

> *Students are informed about how their data will processed when they agree to the Data Collection Notice as part of their conditions of registration*
>
> *Students cannot opt-out of the student engagement data collection or analysis*

The transactional ambiguity of 'Here to Help' and 'Over to You' leave the policy open to criticism on ethical grounds. While students are positioned as autonomous individuals who can choose whether or not to engage with the policy, they are potentially unwitting actors in it:

> *Students cannot opt out of the offer of support (Here to help) they are entitled to refuse any support offered or ignore guidance given (Over to You)*

Values Discourses

Institutional value discourses of 'Active Partnership' and 'Trustworthiness' are used as a form of rhetorical legitimation:

> **** is committed to supporting the formation of students and strongly encourages their full participation in our community; working in partnership with academics and professional staff in a spirit of mutual trust and respect.*

However, it is questionable whether an equal partnership can really be achieved where the nature of the interaction has to do with one partner determining the needs of the other:

> *we believe we should respond when aware of any difficulties you might be facing…*

Particularly when one party might not be aware of, or concerned about a problem:

> *our aim is to identify that early on and help you get back on track with your course.*

This type of relationship is probably most accurately described as paternalistic and has more in common with the "student as child" or "student as learner" metaphors (Tight, 2013) than those of partner or co-producer.

Furthermore, the ambivalence of the transactional discourses renders the 'Active Partnership' discourse redundant. The university acknowledges that:

> *responsibility for achievement comes from an active partnership between staff and students in all aspects of the curriculum.*

Yet students are activated only in so far as they can correct poor data, ignore offers of support or report adverse effects of the policy. Programme leaders, however, are charged with involving students '*in the design and deployment of their Attendance and Engagement policy.'* However, a quinquennial revalidation cycle means that many student cohorts are unlikely to be involved in this process.

There is a notable absence in all texts of value discourses of the university as a public good. Rather, values discourses of social justice and equity are situated within a neoliberal discourse of individual success:

> *….is committed to the values of respect for others, social justice and equity, with student success at its heart.*

Legitimation

Information from the commercial provider uses the following argument for their product, schematically reconstructed using Fairclough's model (2013, p. 246):

> *Premise: Student retention is a worrying issue and a risk to institutional success. Universities and colleges need help to keep control of campus data to maximise institutional success: 'you cannot control what you cannot measure.'*
>
> *Implied premise: (We can give you back control of campus).*
>
> *Conclusion: Therefore, you should buy our product to maximise the potential of your campus.*

University texts vary in terms of the legitimation. Arguments employed at the meso level of institutional policy are structured as follows:

> *Premises: Students and their sponsors make an emotional and financial commitment when enrolling on a programme of study. To uphold the values of the organisation and to meet regulatory requirements, the university needs to use data to facilitate students' successful completion of their studies.*
>
> *Implicit premise: (We are a caring and values driven organisation).*
>
> *Conclusion: We must do more to ensure individual students and sponsors realise their emotional and financial investment to protect our reputation and registered status.*

Arguments at the micro level of subject area are structured differently:

> *Premises: Attendance and engagement are central parts of the learning process; the learning community benefits when students attend and are engaged. Student engagement is important to tutors who will intervene if students fail to attend.*
>
> *Implicit premise: (Students are asked to be active in the learning process).*
>
> *Conclusion: It is in everyone's best interest if students attend and engage. Staff are concerned about attendance and implement the policy where necessary.*

It can be seen that there are different discursive voices operating in the process of legitimation:

1. Managerial 'Control as Success' discourse (Commercial texts)
2. Values discourse, transactional 'Here to Help' and 'Win, Win' discourses (Institutional texts)
3. Transactional discourses of 'Concerned Tutor' and 'Quid pro quo' (Subject level text)

Students are presented with competing discourses at the institution. The meso level texts are promissory and aspirational drawing heavily on a commitment to individual transformation while lacking in detail as to how this is achieved. The subject level text implies a more equal exchange between learning partners and warns of the consequences of non-attendance. However, tutor authority is diminished to that of a 'Concerned Tutor' as evidenced by the minimal sanctions applicable in the case of repeated non-attendance:

> *if absent for two or more further sessions on a module (or repeated absences), then you will receive and email from your Programme Leader and may be asked to attend a meeting.*

Warrant

Warrant in the commercial texts is based on claims about worrying trends in student retention:

> ***** wants to reverse a worrying trend which has seen student retention rates decrease over the last decade.*

This could be identified as evidentiary warrant (Hyatt, 2013). However, no actual evidence or reference to data on student retention is provided by the company. In fact, in contrast to these claims, the HESA Non-continuation summary: UK Performance Indicators 2017/18 states: 'non-continuation rates among young and mature, full-time first-degree students have remained fairly consistent in the last few years.'

The overall rate of non-continuation for first year full-time entrants in the UK is recorded as 6.3% for 2016-17 compared with 7.6% in 1997-98 (HESA, 2020). The pre-occupation with non-continuation can therefore be seen not as an issue of worsening retention, but rather, of worsening consequences of non-continuation for institutions following the change to the funding model. Non-continuation is a pressing issue for institutions because it represents lost fees and potential reputational damage. Thus, the commercial concern claim, that

> *Student retention is one of the most important issues facing modern higher education today*

is particularly pertinent to teaching focused institutions which rely heavily on income from student fees.

Pronouns

Dunn (2014) notes that pronouns can help illuminate the relationships between social actors. Despite the rhetoric of partnership, students are frequently referred to as 'them, their, they' while the university is frequently referred to as 'we'. Where 'our' community is used, this is in conjunction with 'we' (university) and 'they' (students): *their experience within our community. S*tudents are positioned as other, as objects in need of support from the active organisation:

> *From this (data),* ***we*** *can recognise when a student might be in need of extra support, allowing us to work pro-actively to assist* ***them*** *in their studies.*

Student autonomy is only possible through turning down or ignoring offers of help:

> *Students will retain autonomy in decision making relating to their learning; using student engagement data is designed to inform their own decision making about what and how to learn.*

As noted above, this positioning undermines the 'Active Partnership' discourse. Furthermore, ethical consideration needs to be given to the power relations implicit in the provision of unsolicited help in a learning environment where perceptions of failure can engender feelings of shame and embarrassment (Burke, 2017; Walker, 2017).

The subject level attendance and engagement policy uses the 2nd person pronoun 'you' to address students:

> *We aim to make your teaching sessions interesting so that you will want to attend and find them useful. It is also very important that you attend lectures, seminars and workshops wherever possible. This is in your own interests, …*

This is an example of the 'Quid pro quo' discourse where the bargain between students and staff is articulated openly compared with the institutional document to students which notes in vaguer terms:

> *responsibility for achievement comes from an active partnership between staff and students in all aspects of the curriculum.*

However, 'Quid pro quo' occurs alongside a 'Concerned Tutor' discourse which has both paternalistic and imploring undertones of diminished authority:

> *If you choose not to attend some, you will be making life much more difficult for yourself.*

The 'Getting the most out of your studies' discourse appeals to reason and to student self-interest:

> *Seminars are particularly reliant on student attendance for their success, and for you to gain the most from your studies.*

The 'Quid pro quo' discourse speaks to the diminished authority of tutors by acknowledging the importance of student satisfaction:

> *It is important for the team to ensure that you engage with your programme and get the most out of your university experience.*
>
> *It is, therefore, important that you **try** to attend (*my emphasis)

And is encapsulated in the opening phrase:

> ***We** aim to make **your** teaching sessions interesting so that **you** will want to attend and find them useful…*

Here, pronouns indicate that staff are providing a service to students. Student engagement in learning for its own sake is missing. Engagement in learning is positioned only in terms of its usefulness, while staff are tasked with ensuring the process happens to the satisfaction of the students and the institution.

Mood, Modals, Tense and Voice

> Institutional texts are written mainly in the present tense:
>
> *Capturing and responding to attendance and / or engagement information **is** viewed as a key component in supporting the retention, progression and success of our students.*
>
> *The collection and use of student engagement data **provides** new opportunities for institutions to support learner success…*

The use of the present tense in texts conveys a given, indisputable state of affairs. Such statements establish the reasonableness of the policy and the opportunity afforded by the adoption of learning analytics. The use of the verb 'allow' in a text aimed at students operates relationally to turn the policy into an acceptable and desirable proposition:

> *The ****app **allows** students to log their attendance in class and provides the university with corresponding student engagement data.*

In contrast to the statement about new opportunities made to staff, a text aimed at students seeks to reassure about the use of engagement data by normalizing the policy as a natural development of an existing state of affairs:

> *The University has for many years collected and used data to support students and help them to succeed.*

Another text aimed at students notes the potential use of student engagement data to 'inform how modules are taught and assessed':

> *Modules may be redesigned due to topics used and seen to cause issues of understanding.*

The use of the modal 'may,' denotes a possibility but carries connotations of power for students, whose engagement data can be used as a means of measuring teaching quality or as evidence for the removal of 'problematic' topics. Here the connotation is that students have the power to 'vote with their feet'; a potentially ironic consequence of a policy designed to improve student attendance but one that is also prescient of the diminished authority of the subject level 'Concerned Tutor' discourse.

Power relations between the institution and staff can be seen in the use of deontic modals which denote obligations of social actors in enacting the policy:

> *Each programme **must** involve students in the design and deployment of their Attendance and Engagement policy.*
>
> *This must be available online from the start of the academic year.*

The authority discourse of 'Instruction and Oversight' operates from institution to staff while the dehumanising use of 'programme' removes the person(s) tasked with engaging students in the process.

Voice

Passivization can be used to remove responsible agents from the rhetoric (Uzuner-Smith & Englander, 2014) and connotes universal agreement towards the policy:

> *The Student Attendance and Engagement policy **has been developed** as part of our commitment to well-being and human flourishing…*

Students are designated as passive recipients of the process. The active characterisation of the software used to 'capture' the data also implies passivity on the part of the institution:

> *The **** app allows students to log their attendance*
>
> ***** alerts everyone involved through email and SMS that action is required.*

The pronouns, 'we' and 'our' subsume staff identify as synonymous with the institutions. Academic staff are referred to with regards to their active role in supporting students as personal tutors. Only the subject level document specifically refers to tutors in their role as providers of learning. The role of personal tutor (academic staff) is described by the institution in expansive terms to:

> *support the development of student's intellectual and academic ability, nurturing their emotional well-being through personal, holistic support.*

'Regular personal Tutor contact with the student' is identified as the first option in a range of 'activities to support the students'. The policy therefore commits staff to additional support responsibilities without clearly stipulating the expectations of that commitment to students.

Rhetoric and metaphor

The dynamic nature of the software product is conveyed in militaristic metaphors as part of the 'Control as success' discourse at the commercial level:

> *'**** early warning system tracks key performance and attrition and alerts staff to at-risk students. **** rules-driven models alert to tolerance breaches and create and assign calls to action…'*

Data is *harvested* and *captured* to trigger *actionable insights* and *critical early intervention strategies.* The use of metaphors which convey dynamic action in the face of urgent or critical situations has an affective impact. The aim is to compel consumers to buy a product when in fact there may be alternative, home-grown solutions to a problem.

The 'Early Intervention' discourse problematizes individuals or profiled groups as needing support whether or not they are aware of this themselves. The commercial discourse of 'Control as success' is modified by the institutional discourse of beneficence:

> *Data will only be used where there is likely to be an expected benefit to students' learning and progression.*

The communicative intent of documents aimed at students is to reassure despite the extensive legal and ethical implications of the policy and its reach into students' lives on campus:

> *Personal data…. will sit alongside data about your activity, such as: access to the campus via door swipes; your activity in Moodle, the library….*

Web Pages

Cyr et al. (2010) note that use of colour on websites has important determinants for consumer levels of trust, attitudes, and expectations of brands. Blue, the predominant colour of the commercial software company website, is associated with 'wealth, trust and security' (Lichtle, 2007 cited in Cyr et al. (2010, p.4). Blue also has particular brand connotations in IT, being associated with the long-established IT giant, IBM (Cyr et al., 2010) which is colloquially known as 'Big Blue' for its blue and white logo. The trustworthy white on blue logo of the software company (two seats configured to look like leaves) connotes a benign intent which contrasts with the punchy militaristic language of control and visibility of the sales text.

Discussion

The Regulatory Framework of the Office for Students (2018) establishes the responsibility of institutions as central to ensuring the academic success and post-study destinations of students. Correspondingly, the active role of students is missing or implied obliquely:

> *Condition B2: The provider must provide all students, from admission through to completion, with the support that they need to succeed in and benefit from higher education. (OfS, 2018, p.87)*

As student success is increasingly bound up with institutional success and regulatory compliance, institutions are becoming more proactive in identifying and 'supporting' students at risk of failure without necessarily addressing or questioning the structural barriers impacting 'at-risk' students. Furthermore, a view of student failure as a matter of support and welfare puts the location of difficulties squarely with the individual while also pathologizing difficulties as beyond the person's own awareness or control.

As noted by Troschitz (2018), one response of institutions to the neoliberal agenda has been to adopt a marketized discourse that positions students in the role of consumer or client. This analysis contends that in addition to this, the case institution can be seen to be employing a transactional discourse of paternalistic authority ('Here to Help') based on an ethic of beneficence underpinned by an ideology of personal and institutional success ('Win-Win' discourse).

Beneficence as a guiding ethical principle, is associated with societies with strong social welfare agendas and fixed standards for acceptable outcomes from public investment (Bond, 2015). The institutional position is focussed on social justice from the point of view of individual student success while institutional success is predicated on successful student completion. The performative nature of the policy means that the discursive position of student can be seen to have shifted from customer to asset to be audited while existing inequalities are maintained by the pathologization of individuals most at risk of non-attendance ('Over to You').

The metaphor 'assets' is considered appropriate for the meso level with stronger associations of beneficence and care at the level of student – institution interactions. Tight's (2013) conceptualisation of 'pawns', however, conveys more strongly the political implications of such policies in relation to the macro neoliberal project.

Students have the autonomy to ignore offers of support although a micro level text notes that non-attendance *is very definitely a bad idea* (for everyone). Sanctioning non-attendance is neither in the interests of the institution nor aligned with its values. The relationship therefore might be characterized as one of ethically questionable ambivalence while the institution will have met condition B2 of the regulatory framework by providing offers of support deemed necessary to meet the needs of students.

The institution finds itself in a context whereby it is financially dependent on increasing student numbers. There are neither the means nor structures available to ensure that individual consent to the obligations of the student – university contract is fully informed, negotiated, or compatible with the external conditions of students' lives. A question of accountability is therefore raised, regarding the responsibility of the institution to ensure, at point of engagement, that students have the personal resources to engage in full-time study and a clear understanding of what this entails (including the personal financial debt to be incurred).

Aspire is an institution committed to providing opportunities for students from under-represented groups but finds itself in the unenviable position of having lower than sector average scores for retention and attainment for certain groups. The policy of pre-emptive support is intended to address this situation but without significant resources is unlikely to effect real change in the lives of students. Further research is required to evaluate outcomes of the policy for the institution, students and staff tasked with enacting the policy on the ground.

Conclusion

The critical discourse analysis provides a view of the institution as managing multiple competing interests resulting in an ambivalent and confused authority dynamic with students with important ethical implications. 'Assetization' in the context of predictive learning analytics relates to a shift in the conceptualisation of students as consumers to students as auditable assets. For example, through the use of systems where efforts to address attendance can be evidenced for regulatory purposes. Assetization seems like a particularly relevant term where there is no formal attendance requirement to the qualification, but the surveillance of attendance is nonetheless undertaken.

Furthermore, the paper questions the willingness of institutions to address the contextual factors that limit students' engagement with university. For example, by considering the appropriateness of traditional higher education timescales and formats for students whose social status may preclude attendance and engagement on traditional terms. The performative nature of learning analytics policies enables institutions to demonstrate engagement with student non-engagement while maintaining structures that continue to privilege certain groups over others. The critical role of this research is to question the desirability of pre-emptive learning analytics policies and to ask who really gains from their implementation.

Research into the role and purpose of higher education for students for whom engagement is problematic requires a reflexive undertaking on the part of institutions. It requires institutions to acknowledge their own role in maintaining structures of privilege and their own co-option of discourses with the potential to marginalise and disempower. Critical discourse analysis can help identify how ideology functions in institutions and can serve as an ethical tool for examining competing interests in institutional decision making.

Note

The author acknowledges the support of academic staff on the Doctoral Programme in Higher Education: Research, Evaluation and Enhancement at Lancaster University from which this publication has arisen. *http://www.lancaster.ac.uk/educational-research/study/phd/phd-in-higher-education-research,-evaluation-and-enhancement/*

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