

## **Students, identity and contestation: making sense of students' positioning in higher education policy**

*Dr. Adam Wright – Deputy Head of Policy (Higher Education and Skills), The British Academy*  
*Dr. Rille Raaper – Assistant Professor in the School of Education, Durham University*

### ***Introduction***

This chapter aims to trace and illustrate an interplay between different images of the student, constructed within and in response to, policy discourses in higher education in England. We approach higher education policy as something that gets interpreted and enacted within localities, making it open to contestation and change by those within the higher education sector. This also means that policy effects on practices and individuals are always contextual, confirming the need to explore the ways in which students are positioned in contemporary policy discourses. This is particularly the case as recent policy reforms in English higher education have introduced and installed an increasing number of economic devices to university practices such as choice, competition, performance and satisfaction that shape the opportunities and experiences of staff and students. As a consequence, it has produced a portrait of students as consumers. However, less is known about how students manoeuvre within these complex policy settings and impact on policy agendas. In this chapter, students' political agency, by which we mean their ability to challenge and alter policy discourses and sound their own demands, is explored at macro level in terms of their engagement with government, the education sector and public, and the micro-level as regards their encounters with policy within their own institutions. As policy can influence and challenge identities and practices, we argue that interactions with education policy are rarely neutral and most policy engagement becomes a political process, one which offers opportunities for contestation and change.

By discussing both the policy representation of students and students' response to higher education policy, this chapter aims to provide a much-needed synthesis of student representation in contemporary English higher education setting. Above all, it aims to support professionals in navigating through a complex policy discourse and challenging unhelpful images of students while attempting to build stronger and more sustainable models of student engagement in which students and staff are effectively included and empowered. Further recommendations for professional practice are highlighted at the end of this chapter.

### ***Students in higher education policy discourse***

The meanings of educational policies are not found in some pure form by analysing texts and speeches, but by interrogating the relationship between text and wider social and historical contexts (Olssen *et al*, 2004).

When addressing the question of the student in higher education policy, we must begin by understanding how the current positioning of the student relates to an evolving policy discourse in higher education that fits (albeit not always neatly) within much wider political projects.

For policies to work, the discourse used to articulate them must be *performative*, in that it must lead people to act or to change the way they act to achieve some form of desired effect. To help achieve this, policy discourses construct identities for key stakeholders and position them as subjects of the discourse, in other words, as participants in a set of ideas and practices that make up the policy. It may seem unsurprising, then, that the student is identified as a key subject position in higher education policy. Students are currently portrayed in policy discourse as actors who drive up educational standards by making informed choices, delivering feedback on their experience and, when necessary, complaining when their experience fails to match up to expectations.

But students have not always held such a key position in higher education policy. In particular, we have seen a shift in the positioning of the student from a largely passive subject of policy to an extremely active subject. Students have often been merely the beneficiaries of policy aims, such as an increase in university places, or packages of finance and support.

Under New Labour, students became active in two senses. First, they were seen as contributors to the cost of higher education, in order to fund a sustainable and more equitable system. This was characterised by a “partnership between students, government, business and universities” (DfES 2003). However, a second role for the student began to emerge within the policy discourse of New Labour, that of a student’s choice between courses. While there remained a strong collaborative element, characterised by reference to the system as self-improving and often not (solely) to blame for its failings, the benefits of collaboration were not deemed enough to drive up standards on their own. Instead, students were given the role of driving up standards by choosing “good-quality courses” over others. In 2005, this market-oriented role for students was formalised in the creation of the National Student Survey, which allowed current students to deliver feedback on the quality of their course to help inform the choices of prospective students and, in turn, encourage institutions to improve their offer in order to compete.

Students, therefore, took on a dual identity under New Labour: as partners in creating and sustaining a fair system of higher education, and as individual market actors, using their consumer power to drive institutions, through market competition, to improve their provision. This dual identity represented a larger split in New Labour's education policy between building a just and cohesive society around widening access to education and a commitment to lifelong learning, and delivering the skills needed for prosperity in a knowledge-based, global economy.

However, it was the latter, consumer positioning of the student that became the driving force behind the Conservative-Liberal Democrat Coalition Government's white paper, *Students at the heart of the system* (BIS 2011). The title itself suggests a central role for the student, and this role was identified as "well-informed students driving teaching excellence". This would be achieved by positioning the student within a higher education marketplace.

The positioning of the student as a partner in higher education has shifted and has developed in parallel within the higher education sector itself without a clear articulation within government policy discourse. Policy as enacted through sector bodies like the Quality Assurance Agency and the Higher Education Academy has tended to encourage the positioning of the student as an active partner in the development of teaching and learning, quality assurance and institutional governance (see QAA 2018, Healey *et al* 2014). In Wales<sup>i</sup> and Scotland<sup>ii</sup>, the student-as-partner mentality is perhaps even more embedded. The development of the student-as-partner identity in England has appeared partly as a sector response to marketisation, led by the high-level engagement of the National Union of Students with other sector bodies, particularly since the launch of the Union's *Manifesto for Partnership* in 2012.

However, this identity, fostered around collaboration and co-production, has been threatened by the reforms of the Higher Education and Research Act 2017 and the antagonistic and often contradictory response of the student movement to them. Widespread opposition to the Teaching Excellence Framework and the subsequent boycott of the 2017 National Student Survey, for instance, may well have made a student-engaged approach to regulation and quality assurance more difficult and, ultimately, less desirable.

Alongside this, the student-as-consumer identity has been most fervently articulated through the policy discourse of the Conservative governments since 2015. The policy programme set out in the green paper *Fulfilling our potential* (BIS 2015) and the white paper *Success as a knowledge economy* (BIS 2016) had an emphasis on market choice and competition in which the informed student-consumer played an active and central role. In *Success as a knowledge economy*, "student(s)" were mentioned 329 times as actors in higher education, compared with only 58 mentions of "business(es) or employer(s)" and 16

mentions of academic staff. They are the key actor, the catalyst for change, achieved through the delivery of greater market choice and competition. In a speech accompanying the 2015 green paper, Minister for Universities and Science Jo Johnson claimed that “competition... empowers students” (Johnson 2015).

What is also interesting about this articulation is the reframing of the debate around widening participation, where it is subsumed within the student-consumer identity. Students are no longer seen as partners in delivering a fairer system; institutions are subservient to the needs of the student-consumer, and through greater transparency and information about the backgrounds of applicants, choice and competition will drive social mobility (Callender & Dougherty 2018).

In the next section, we will discuss how the positioning of the student in policy plays out on the ground in institutions. We will particularly focus on the effects of Consumer Rights Act 2015 on student-university relations, and will demonstrate the complexity in student perception of themselves as consumers.

### ***Students within institutional policy enactment***

English universities like many other Western higher education institutions have been shaped by new forms of institutional governance approaches borrowed from the private sector. Informed by New Public Management (NPM), the reforms have aimed to reshape the relationships between private and public sectors, making the latter resemble the image of the business world (Newman 2000). Above all, there has been a shift from collective forms of academic governance and relative autonomy over research and teaching practices to the corporate-style leadership where academics are expected to meet numerous centrally imposed performance targets.

In other words, the shift towards marketisation of higher education has created a situation where NPM is seen as essential for ensuring institutional competitiveness in various international and national league tables. League table positions are important for attracting research funding and demonstrating quality, but perhaps most importantly for being able to attract new students. Students-as-consumers are expected to “shop” for a university and a degree programme based on various factors such as price, services provided and reputation, revealed through numerous rank orders. In many of these leagues tables, student experience has become one of the metrics that enables differentiation of universities and their reputation. Sabri (2011, 657) would even argue that the phrase “the student experience” has “acquired the aura of a sacred utterance” where experience can be measured, quantified and constantly improved. This focus on league tables and the market position associated have become an aim in itself, resulting in what Ball (2012, 34) describes

as “governing by numbers”. It also reflects the assumptions of “McKinseyism”, where ever increasing targets, permanent control over staff and the culture of mistrust are seen essential for increasing efficiency and productivity (Lorenz 2012).

The National Student Survey (NSS)<sup>iii</sup> has become a particularly influential technology in measuring student experience and making it visible. Many league tables (e.g. the recently introduced TEF exercise) use the NSS as one of the core metrics to evidence high quality teaching. This, however, has received criticism from both universities and students who argue that student satisfaction does not merely equal quality teaching. We also know that both universities and students can manipulate the NSS, e.g. universities using incentives to get students to complete the survey and students boycotting the NSS, as we mention later. While the NSS has been around since 2005, it has become strongly associated with evidencing consumer satisfaction, feeding into a wider debate around the legal positioning of students-as-consumers.

In particular, the Consumer Rights Act 2015 regulates the university and student relationship in three core areas: information provision, terms and conditions and complaints handling (see CMA 2015). This re-conceptualisation of student experience as consumer satisfaction reflects an assumption that if students act as consumers, they will pressure universities to develop the highest quality courses and academic practices (Naidoo and Williams 2015). It is also seen by Government as a way to make universities comply with student interest that featured prominently in their white paper *Success as a knowledge economy*.

In preparation for the Consumer Rights Act 2015, many universities had to adjust their practices, e.g. the University of Glasgow was required to stop preventing students from graduating because of non-tuition fee debts and the University of East Anglia had to consult students prior to any major changes in degree programmes (see CMA 2017). Many institutions employ or consult with legal compliance officers to ensure they act within the law. In addition, universities have started to add information on consumer rights on their websites<sup>iv</sup> and to produce new forms of communication with students, e.g. many universities and their departments now hold dedicated webpages ‘You said, we did’<sup>v</sup> to address and respond to student demands. The initiatives aim to mediate potential tensions between the interests of universities and students, enabling the universities to demonstrate that student voice is being taken seriously<sup>vi</sup>.

The cases above suggest that the relationship between higher education institutions and students has been increasingly formalised and homogenised, often ignoring the uniqueness of educational processes and the role of academics in facilitating learning and teaching. Universities have been made to comply with and enforce the idea of students-as-consumers. However, there is plenty of evidence to suggest that students do not necessarily

perceive themselves as consumers and their education as consumer transaction. A recent large-scale survey led by the Universities UK (2017) suggests that consumerist policy discourses have had some but limited impact on the undergraduate student identity in the UK. According to the survey, 50% of participants identified themselves as consumers of higher education, and even then, this consumer relationship was seen unique, relying on trust and collaboration rather than “shopping around” (Universities UK 2017). Furthermore, academic research has identified that educational practices in higher education (e.g. reliance on student active participation in seminar discussions) do not make it possible for students to act as passive recipients of teaching, but consumption goes hand in hand with production of education by both students and staff in the classroom (Hoffman & Kretoivics, 2004). It could therefore be argued that the consumer identity is imposed on students, but little is known of its actual effect on student experiences. There is some evidence to suggest that students are incorporating consumerist views in terms of their expectations of value for money and employability but their relationship with academics and classroom practice go beyond a simplistic consumer mentality. (e.g. see Kandiko Howsen and Mawer 2012; Universities UK 2017). It is therefore likely that the impact on student identity is subtle and context-dependent rather than any straightforward adoption of consumerism as often portrayed by critics.

While there is a likely mismatch between how students are positioned in national and institutional policies and in their own discourses, the widespread effects of consumerism on university education cannot be ignored. Marketisation encourages a one-sided relationship of institutional obligations towards students: to provide them with a good experience as opposed to intellectually challenging them and working together as partners. In the next section, we explore the role of consumer-orientated student identities on the wider politics of students and their unions.

### ***The student as a subject of political contestation***

As established earlier in this chapter, students-as-consumers have become one of the most important and active interest groups in the sector, and their rights for value for money and good experience need to be safeguarded. It is therefore unsurprising that within a consumerist setting in which students are active subjects, student politics has undergone a complex repositioning and students’ unions, as central actors within this field, have become important stakeholders in terms of representing student needs and interests in higher education policy debates. Students’ unions are often consulted on various policy matters, e.g. on the proposals leading to the Higher Education and Research Act 2017. But, simultaneously, the Government is trying to mould unions into a broker for the market interests of students-as-consumers, limiting their wider collective political power. This has

had clear implications on the behaviour of students' unions, which appear locked in the middle of the political conflict over student identity.

However, we suggest that the positioning of students has become highly complex in a consumerist sector, and it would be naïve to suggest that students have just become depoliticised, or that institutions or policy makers can point to a single, coherent "student voice" or "student experience". Instead, there seems to be an increasing inconsistency between the ways in which politics and policies are spoken about and how students enact those views (e.g. see Raaper 2018). Furthermore, the relationships within and between the students' unions are increasingly complex. These include various interactions between sabbatical officers and professional staff members from individual unions and the NUS. We also know that consumer culture and the emphasis on individual rights have led to social fragmentation of group loyalties which in turn have resulted in an era of personalised politics focused on lifestyle choices and identity formation (see Example 1 on safe space policies). It could even be suggested that neither the existing macro level representational model of student influence on higher education policy nor the traditional modes of political engagement within institutions reflect the needs and interests of contemporary students and the formation of their political identity. Rather, the complex changes within student population and their representative bodies deserve wider attention to be able to shift away from a normative understanding of what counts as political agency in an increasingly marketised higher education sector.

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### **Example 1 - Safe space policies**

Debates around safe spaces and trigger warnings provide an excellent example of contestation in higher education where various drivers shape the educational processes and agendas. For instance, Cambridge University has used trigger warnings to inform English Literature undergraduates about the potentially disturbing content in Shakespeare plays *Titus Andronicus* and *The Comedy of Errors* (see O'Connor 2017). The campaigns around *Rhodes Must Fall*<sup>vii</sup> and *Why is My Curriculum White?* (see Abou El Magd 2016) have further indicated the tensions between the historic (and often postcolonial) past of universities and the diversity and needs of contemporary student population. Within student politics, these practices are seen as an important part of embracing diversity and challenging uneven power relations based on individual and group identities. However, some criticise universities for packaging academic knowledge in certain protective ways with an aim to secure good student experience or public reputation. Others argue that students are undermining free expression and academic rigour because of oversensitivity, a claim which has led to their depiction as "snowflakes": an increasingly fragile generation of students who want to be safeguarded through their university education. While having very little actual evidence, the concept has been amplified through national media with growing number of articles with titles such as "Snowflake 'generation of students' hostility to free

speech revealed” (Turner 2018), and “Snowflake generation want to exclude those who disagree” (Thomson and Sylvester 2017).

It is likely that marketisation discourses have been at play in both institution and student articulations of this agenda in various and often subtle ways. It might be that universities adopt safe space policies and other procedures in order to eliminate any potential risk of pedagogical practices undermining the “consumer” experience, or, alternatively, they may see this as a crucial part of a partnership model for engaging with an increasingly diverse student body. Furthermore, the positioning of students as consumers – both in policy and media - can result in students behaving in a more self-interested way, where individual gratifications and beliefs start outweighing democratic discussions around what counts as inclusive teaching and learning practices. It could therefore be argued that it is partly through marketisation discourses, not in opposition to them, that safe space policies have gained ground.

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Part of the complexity of student positioning is that students engage with policy at different levels: at the macro-level, engaging with government, the education sector, and the wider public; and at the micro-level, engaging in localised struggles within their own institution. At both levels, students can be engaged with both educational policies and wider political issues.

With students’ unions the boundaries between different levels and dimensions are not altogether clear. The National Union of Students (NUS) often struggles to represent student politics at these different levels and scopes. Internal conflict emerges between those who wish to focus on the key issues for students on campus and those that seek to use the student movement as a vehicle for campaigning about national and international political issues.

Also, while students’ unions often claim to wholeheartedly represent the interests of students, like in any form of representative democracy, the relationship between the representatives and their constituents is elastic and often tenuous. Many students will not engage with a union and unions often find postgraduates, mature, part-time and distance learners hard to engage (although many try very hard to do so). Representatives will have their own priorities that may differ from the wider student body. Moreover, union officers are often expected to sit within governance structures of institutions, such as a university Senate or Council, without a mandate to negotiate on behalf of the student body – they are, on paper, there as individuals. Some institutions have even disciplined sabbatical officers for consulting with their members on proposals submitted to university Council.



The student-consumer positioning has added further depth and difficulty to these conflicts. Identifying students as consumers is fortuitous for students' unions in a number of ways. The emphasis on the active role of the student has been seen as a new bargaining power, with unions taking up a "watchdog" role in ensuring student demands are met by institutions. When managed effectively, this has brought seemingly greater influence over the micro-level, building stronger relationships with, and being treated as an insider by, their institution. In some cases, unions have followed the government logic of rearticulating the concept of student partnership under a consumerist framework and have ditched more significant (and difficult) models of co-production for more instrumentalist approaches that operationalise student feedback and complaints processes to improve outcomes. This has been seen most notably in response to the Teaching Excellence Framework, as discussed in Example 2 below.

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### **Example 2 – Teaching Excellence Framework**

The Teaching Excellence Framework (TEF) is a policy that highlights the contradiction between partner and consumer positionings. An outcomes-focused and metric-driven framework that is largely designed to provide better market information to students is certainly framed by its opponents on the Left as part of an ongoing marketisation agenda. A more accurate description of the TEF would be as a regulatory tool of the state to correct the market's failure to deliver adequate improvements to provision through competition.

The TEF, however, is not a simple policy to enact. For some, it is a welcome lever to pressure institutions to improve the student experience and internally, at some institutions, it has fostered even stronger models of partnership between students and management. It is also a source of antagonism between academic and professional staff, much like the REF has become. It therefore sits as a site of political contestation at the institutional level and, within limits, institutions can rearticulate the demands of the TEF to better fit their own agendas.

The 2017 boycott of the National Student Survey highlighted this contradiction within the student movement. NUS organised the boycott in response to the NSS being used in the Teaching Excellence Framework, which, subsequently, was expected to determine the level of tuition fee an institution can set. Many students' unions took part, particularly those in the Russell Group, leading to 12 institutions, including Oxbridge, failing to meet the response rate required for results publication. However, several unions actively protested the boycott. They argued that the NSS was an important bargaining tool for students and one of the best ways for students to lobby for change at their institution, seeing the boycott

as a divisive tactic that would damage relations between students' unions and the institution.

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These conflicts are also accompanied by disagreement over tactics. Direct action, both at the macro level (demonstrations, mass boycotts etc.) and at the micro level (occupations, rent strikes, campus protests) is a favoured tactic of the Left of the student movement, although not exclusively. Other elements of the movement favour a more pragmatic approach and will use lobbying tactics, research-led campaigning, formal and back-room negotiation to influence institutions, sector bodies, local and national governments. Day and Dickinson (2018) argue that these tactical differences reflect longstanding divisions in the student movement which predate the current issues of marketisation and consumerism.

While students' unions have become important stakeholders at a national policy level, there is also evidence of changing dynamics between students' unions and their universities. Research has shown closer relationships between unions and senior management, and a tendency to employ an increasing number of professional non-elected officers to students' unions (Brooks et al., 2015). The strategic positioning of students' unions, both in terms of involvement in university governance and provision of student services, allows institutions to demonstrate that the "student voice" is being taken seriously and student needs are accommodated (Brooks *et al*, 2015). It also allows a degree of shared accountability and deferred responsibility for aspects of the student experience, which may be adding pressure on unions to adopt a market-orientated strategy (See Example 2 on the TEF).

It is important for professional staff in higher education to acknowledge this complex nature of student politics and that what goes on locally, on campus, is influenced by wider events and, importantly, by the policy discourses within higher education. While it may seem at first glance to contradict much of the political rhetoric of student politics, students and their unions have not simply stood in firm opposition to marketisation. Their engagement with the student-as-consumer identity is not simply one of aversion, but instead has been assimilated and manipulated to achieve different aims and comes into conflict and contradiction with many other political identities. Never underestimate, however, the ability for individuals and groups to effectively apply cognitive dissonance and ignore such conflicts in day-to-day relationships. Student politics may well be complex, but it can function fairly effectively and consistently regardless.

### **Concluding remarks**

This chapter has attempted to provide readers with an introduction to the issues and debates surrounding student identity in the context of higher education policy and how it is enacted in institutions. Throughout the chapter we have attempted to draw out the development of an image of the student-as-consumer within policy that has led to changes in perception and behaviour both on the part of institutional actors and those involved in

the student movement, including students' unions and, indeed, students themselves. At times, the student-as-consumer has challenged, even subsumed the student-as-partner identity, but has also and this interplay has been mapped within policy and its enactment.

We are left now to identify for the reader what we feel are the most important points to take away from this examination of student identity. We have settled on three:

First, it is crucial to acknowledge that identities are **contingent**: they are always contestable and open to change. We have shown how students can respond to their positioning within policy discourses in a variety of ways. They do not simply behave as consumers because they are told they are consumers. As a result, institutions must acknowledge this contingency of identity in their relationship with students and not make assumptions and generalisations about how students might identify or behave.

Second, we must accept that students are becoming more and more **active** in higher education policy. This active student identity is important for higher education and cannot be ignored. There may be those who still advocate a return to more collegial forms of university governance where academic staff had greater autonomy and control over teaching and learning. This does not play well with either the consumer or partner images of students. Professional staff must find a way of harnessing the active identity of students in a way that brings mutual benefit without leading either students, academics or administrators to feel disempowered.

Third, and linked directly to the previous two points, our endeavour here has uncovered the role of political **agency**: the ability for individuals to act independently and transform the world around them. One must not forget that policies are not merely imposed upon us; in enacting policy we can reinterpret it to meet different needs and obey different principles and ideals. In this case, we must acknowledge not only our own agency but the agency of others, including students, to change education. Despite the complex nature of student politics, students and their unions are often adroit at navigating different levels and dimensions to achieve positive results and build effective working relationships with institutions, and institutions should not be afraid to embrace this. The crucial thing is to find ways in which competing identities and interests can positively interact to find acceptable solutions and achieve tangible progress.

The practical application of this approach will depend on specific contexts, but we leave the reader with some potential places from which to start.

The active identity of students can and should be harnessed in different ways, to ensure inclusion of a diversity of voices. It is critical for institutions to move away from the homogenised image of the student while also accepting that a complete individualisation

and personalisation of practice is neither achievable nor desirable. This does not always require formalised processes. Instead, more open fora can be established to share ideas and ensure creative interactions between different stakeholders which develop trust and understanding. Feeding off the curiosity and dynamism of students, professional staff can find ways to be more creative and avoid cynical and conservative attitudes.

To further ensure professional staff develop an understanding of students as policy actors, training exercises can be developed which focus on putting staff in students' shoes. NUS has previously used role-playing exercises to train student officers, allowing them to take on different roles of students and staff in a university. It encourages the officers to think about the interests and redlines of who they are trying to influence, building understanding and empathy. Flipping this exercise for staff, allowing them to take on different student positionings, could be equally effective.

We believe that accounting for these points above will help professional (and academic) staff in higher education to build stronger and more productive relationships with students and challenge the narrow interpretations of student engagement within market-based policy discourses.

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<sup>i</sup> Wales established the Wales Initiative for Student Engagement (WISE) in 2009 to share best practice on student engagement. In 2013, WISE became Wise Wales and updated its mission "to achieve meaningful partnership between educators, students' unions and students across Wales." In 2014, the Welsh HE sector launched the Partnership for Higher Education in Wales statement, making Wales the first UK nation to formalise sector-wide commitment to partnership.

<sup>ii</sup> Scotland established a publicly funded agency, Student participation in quality Scotland (Sparqs) as far back as 2003 to involve students in decisions about quality and governance of the learning experience. In 2015, their name was changed to Student *partnerships* in quality Scotland. Scottish institutions produce annual Student Partnership Agreements (SPAs) to state publicly how they are working in partnership with students.

<sup>iii</sup> The National Student Survey (NSS)<sup>iii</sup> evaluates the experiences of final-year undergraduate students in the UK and makes the results publicly available ostensibly to inform the choices of future applicants. For further information, see <https://www.thestudentsurvey.com/>

<sup>iv</sup> For example, see Lancaster University at <http://www.lancaster.ac.uk/study/undergraduate/admissions/terms-and-conditions-for-students/students-consumer-rights/> and the London School of Economics and Political Science at <https://info.lse.ac.uk/staff/services/Policies-and-procedures/Your-consumer-rights-as-a-student>

<sup>v</sup> See the examples from the University of York at <https://www.york.ac.uk/students/feedback/>, University of Edinburgh at <https://www.ed.ac.uk/student-administration/you-said-we-did>, and Manchester Metropolitan University at <https://www2.mmu.ac.uk/careers/contact-us/tell-us-what-you-think/you-said-we-did/>

<sup>vi</sup> See the examples from the University of Birmingham at <https://www.birmingham.ac.uk/postgraduate/birmingham/student-charter.aspx>, Loughborough University at <http://www.lboro.ac.uk/students/charter/> and Lancaster University at <http://www.lancaster.ac.uk/current-students/student-charter/>.

<sup>vii</sup> See the RMF Oxford website for further information: <https://rmfoxford.wordpress.com/>