Assessment Policy and "Pockets of Freedom" in a Neoliberal University. A Foucauldian Perspective

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**Abstract** 

Guided by a Foucauldian theorisation, this chapter conducts a discourse analysis of assessment policy documents in one neoliberalised UK university. Furthermore, it traces the ways in which academics and graduate teaching assistants (GTAs) as assessors negotiate this policy space. The findings demonstrate that the assessment policy has become increasingly restrictive but also ambiguous in the university. It includes a high number of policy documents, a wide range of assessment stakeholders and increasingly abstract language of instruction. However, the findings also suggest that this policy ambiguity is not utterly negative but can be exploited by academics and GTAs, allowing them to have some ownership over assessment processes and their own subjectivities as assessors.

**Keywords:** assessment policy, neoliberalism, Foucault, subjectification, discourse

Introduction

This chapter draws on an exploratory research project carried out in one Russell Group<sup>1</sup> university in the UK, involving assessment policy analysis and interviews with 16 academics and 9 graduate teaching assistants (GTAs). Guided by Michel Foucault's theorisation of subjectification, the analysis traces the ways in which assessment policy has been discursively constructed and how it gets negotiated by academics and GTAs as assessors. The chapter argues that assessment policy in neoliberalised universities has become increasingly restrictive but also ambiguous in terms of structure and language. However, the chapter does not approach academics and GTAs as being utterly passive subjects. Instead, like Foucault, it recognises that every individual is both "subject to someone else by control and dependence, and tied to his [sic] own identity by a conscience or self-knowledge"2. The interviews with participants demonstrate that both groups are able to tweak and flex the policy contexts of their work and can thereby shape their own subjectivities and practices as assessors. This analysis suggests that neoliberalised assessment policy, while often highly prescriptive, still includes "pockets of freedom", a term borrowed from Peters and Olssen<sup>3</sup>.

Setting a context: neoliberalisation of assessment policy

Most Western universities are increasingly shaped by market forces that alter the context within which educational practices take place and academics and students interact.<sup>4</sup> In order to compete in global and national higher education markets, universities are expected to improve and diversify their "educational products". 5 This introduction of market principles into higher education (and other public services) is part of what Foucault would describe as a shift towards neoliberal mode of governance.<sup>6</sup> Neoliberalism blurs the distinction between public and private goods<sup>7</sup>, reducing social reality to the "mathematical equations of the free market"8. Within this neoliberalised context, students are increasingly addressed as consumers and universities as service providers. As good neoliberal providers, universities need to prioritise strategic planning and quality assurance practices<sup>9</sup>, illustrating how the free market ethos requires prescriptive policy regimes 10. Centrally set institutional policies are put in place to regulate and improve the educational processes of teaching, learning and assessment. 11 Recent changes in assessment policy and practice in particular have included a shift towards making all course work formally assessed<sup>12</sup>, and addressing student retention, completion and employability targets as part of assessment functions<sup>13</sup>. These growing systems of accountability limit the agency of academic communities, 14 indicating that the assessment policy in neoliberalised universities not only organises educational processes but potentially governs academics as assessors and students as those being assessed. 15 However, it is also known that educational governance is not a linear process of centralisation or decentralisation. Instead it involves regulating relationships in complex systems.<sup>16</sup> Any education policy should therefore be seen as a process that is ongoing, unstable and interactional.<sup>17</sup> Policy is a discursive construct underpinned by wider social processes, while also shaping educational processes and the construction of "the teacher" and "the student". 18 Foucault's theorisation of subjectification enables to trace some of this policy complexity in contemporary universities, demonstrating the ways in which neoliberal governance always includes an element of freedom.

## Foucauldian theoretical and methodological approach

This study was guided by Foucault's theorisation of subjectification.<sup>19</sup> Lehn-Christiansen explains subjectification as a process through which subject positions are created, negotiated, accepted, both in and through everyday discursive practices.<sup>20</sup> From a Foucauldian perspective, the individual subject is in a constant process of being produced<sup>21</sup>, and there are a variety of technologies through which the subject formation takes place<sup>22</sup>. For example, Foucault suggests that subjects are shaped by others through control and dependence, but they can also inform their own subjectivity "by a conscience or self-knowledge"<sup>23</sup>. In other words, while power provides the subject with "the very condition of its existence and the trajectory of its desire"<sup>24</sup>, there are always opportunities for individuals to respond to the power relations acting on them<sup>25</sup>. Foucault's later work predominantly explored the ways in which human beings can evolve and change as subjects.<sup>26</sup> This is a particularly relevant question within the neoliberal mode of governance that promotes regulation of practices but also cost-efficiency, making the power balance between maximum and minimum and where the minimum is seen as being the ideal way of governing populations.<sup>27</sup> From a Foucauldian perspective, subjects are expected to

internalise regulations and govern themselves: to start acting as "(their) own capital"<sup>28</sup>. However, the question remains: if neoliberalism promotes diffuseness of regulation, can it also create opportunities for resistance to neoliberal policies? Foucault introduced the term "the practices of the self" to emphasise the importance of resistance which allows individuals to shape:

...a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality...<sup>29</sup>

Foucault suggested that even if subjects are shaped by various techniques of domination, they are never completely passive but "can choose to respond to, or resist, these practices"<sup>30</sup>. Above all, it is thought and critique that allows transformations in one's subjectivity towards being a more ethical subject.<sup>31</sup> I would also suggest that as power relations are widespread and often diffuse in neoliberalised universities, the practices of freedom cannot only occur in overt resistance to domination but might exist in a variety of less visible forms.

From a Foucauldian perspective it is discourse that is "a space of positions and of differentiated functioning for the subjects"<sup>32</sup>, and needs to be the focus of scholarly enquiry. Subjects are always formed within a discursive power/knowledge context.<sup>33</sup> Walshaw explains that discourse for Foucault refers to taken-for-granted rules which influence what is possible to think, speak and do within a particular socio-historic context.<sup>34</sup> In this study, Fairclough's three-stage critical discourse analysis helped to operationalise a Foucauldian understanding of the subject who is governed by neoliberal assessment policies. By following Fairclough's framework, this study engaged with one prestigious Russell Group university in the UK and analysed each institutional assessment policy document and interview transcript as a text, a discursive practice and a social practice.<sup>35</sup> The discourses analysed included the following data:

- Four institutional assessment-related policy documents from the academic year 2014/15. The
  documents included the Code of Assessment, the Assessment Policy, and the Guide to the
  Code of Assessment.
- Interviews/focus groups with 16 academics (10 interviews and 2 focus groups) from different disciplinary areas (Art/A, Social Sciences/Soc Sci, Science and Engineering/Sci E, and Medical, Veterinary and Life Sciences/MVLS) and with varying working experience (1-20 years) and academic rank (lecturers/L, university teachers/UT<sup>36</sup>, senior lecturers/SL, professors/P).

Participants for interviewers were recruited via individual email invitations. Focus group participants were self-recruited via staff mailing lists.

Two focus groups with nine GTAs from different disciplinary areas (A, Soc Sci, Sci E, and MVLS).
 Participants were recruited via mailing lists; in some cases, they also recommended further GTAs to this study. All participants were involved in teaching and assessment at the undergraduate level; although in some cases they also taught and assessed at postgraduate levels.

The project was approved by the University College of Social Sciences Research Ethics Committee. The rest of the chapter will introduce the findings of the study, starting with an intertextual context of the assessment policy, and then outlining examples of policy ambiguity and the opportunities for resistance they offered to academics and GTAs.

# Deconstructing the assessment policy

The Code of Assessment (hereafter: the Code) is a 16 page document regulating assessment in the University. It covers issues related to timing and duration of examinations, provision of re-assessment, standards and penalties. The Code is supported by the Assessment Policy (hereafter: the Policy), which introduces the underlying principles of assessment, and thereby creates a more nuanced context for assessment processes. The Code is also accompanied by the Guide to the Code of Assessment (hereafter: the Guide) which offers further explanation through examples and commentary. By tracing the ways in which different documents interrelate, it becomes evident that the Code, the Policy and the Guide would have to be read together in order to gain a complete understanding of the assessment processes in the University. In other words, the regulatory power of the Code is not enough for shaping assessment practice; how to act requires explanation and guidance as it becomes evident from the Policy:

In some areas of assessment practice, the principles which shape the policy are translated into regulations. These regulations are contained in the Code of Assessment which is published in the University Calendar and reproduced with explanatory notes and examples in the Guide to the Code of Assessment. (The Policy)

Fairclough would describe this complex symbiosis between different documents as intertextuality.<sup>37</sup> From his perspective, intertextuality enables attention to be given to "the relations between one text and other texts which are 'external' to it"<sup>38</sup>. By tracing intertextuality, it is possible to understand how various discourses interact when shaping the operation and effects of particular texts.<sup>39</sup> The interviews

indicated that intertextuality in assessment policy may cause confusion among academics. For example, the Code was described by academics interviewed as "a complicated document" (SL1, A, 16 years) and "difficult to digest" (L2, A, 6 years). The necessity for guidance was emphasised:

The fact that there is also a guide to the Code of Assessment, [laughing], I mean, I read that, I find it useful, and I'm glad that there is one, but the fact that there has to be a guide, it indicates that it isn't self-explanatory, and it does need interpretation what the actual implications of that are in kind of specific circumstances. (L2, A, 6 years)

This high number of assessment-related documents not only confuses the interviewees but makes them fearful of their practices. The participants expressed how they are "frightened" of not getting assessment "right" (UT4, Soc Sci, 16 years; SL2, Sci E, 20 years) or how "there is always a terrible feeling that things might have been updated [without noticing]" (L2, A, 6 years). The GTAs interviewed had a more limited experience with assessment policy. Even if involved in assessment, their role does not require engagement with the policy. However, the one aspect of regulations that the GTAs were familiar with was a 22 point marking scale which includes primary grades from A to F and secondary bands that allow detailed differentiation of student achievement. The language used to explain their interaction with the scale was similar to that of academics, describing it as being "extremely confusing" (GTA6, Soc Sci), "difficult" (GTA4, Sci E), and "odd", (GTA4, Sci E). It could be suggested that the complexity of the assessment policy, reflected by the number of documents and extensive marking scale, shapes the positioning of assessors. It makes them confused, uncomfortable and frightened. Foucault would argue that it is diffuse power within the diffuse policy context that acts on assessors.<sup>40</sup> Assessment policy, as it is constructed, becomes the "technique of domination" <sup>41</sup> that makes assessors constrained and cautious. In other words, the assessment power dynamics in neoliberalised universities have shifted: assessors are not only "the judges of normality" who monitor, reward and punish students<sup>42</sup> but they have become constrained themselves. They are concerned about correct conduct within a context that is textually diffuse, drawing on various documents and assessment criteria. The participants feel that they are expected to fit with "the programmatic ambitions" of university governance<sup>43</sup> that organises assessment like any other university practice which can be broken down and monitored through various instruments. Jankowski and Provezis even argue that student assessment in contemporary universities has become part of neoliberal governmentality and its operation.44

Further policy complexity becomes evident when tracing the key interest groups in assessment policy. The Policy states that "Assessment is the property of all stakeholders in the educational process". Interestingly though, it does not mention the role of academics as assessors:

Assessment is the property of all stakeholders in the educational process. These include the state as funder of much of the process, higher education managers, consumers who as end users benefit from graduate skills, employers and validating professional agencies. (The Policy)

While academics are absent from the quote above, students are positioned as consumers who like "private investors" seek for employability skills. 45 This example suggests that it is not only marketing discourses that address students as consumers. Specific documents like the institutional assessment policy can also enforce consumerism in higher education. In terms of the micro context of assessment, however, the Code highlights a number of governing bodies such as the Senate, the Heads of Schools, the Clerk of Senate, the Senate Office, the Registry, and the Boards of Examiners who are all said to have a role in assessment. On the one hand, it is important to note that UK universities have always had a hierarchical governance tradition, where power is divided between different decision making and administrative bodies.<sup>46</sup> However, the ways in which these units are made to interact in the analysed documents, tend to reflect particular characteristics of neoliberal accountability. For example, the Code describes the Clerk of Senate as a person who "consults" and "authorises", and the Board of Examiners as someone/something that "confirms", "reports", "recommends" and "approves". The positions of the Senate Office and the Registry, however, are accompanied by less authoritative verbs: the Senate Office "administers" and "forwards" certain assessment procedures, while the Registry "publishes", "ensures", "produces" and "makes [things] available", particularly in relation to assessment timetables and grades. The ways in which different bodies are made to operate becomes evident below:

The Senate Office shall forward External Examiners' reports to Schools within eight weeks of receipt identifying points to which a response is required. (The Code)

These discourses indicate that a high number of governing bodies have become responsible for accountability in assessment but also liable to each other. By drawing on multiple agents, everyone involved in assessment is made watchdogs of their own and others' actions.<sup>47</sup> This kind of twofold relationship in terms of power and control makes it possible to suggest that governance of student assessment at the University is not only textually diffuse, but it has shifted from academics to university administrators and professional bodies. This professionalisation of assessment, however, can cause discontent in academic communities. Sadler, for example, argues that there are increasing tensions

between academics, who see assessment as their domain and expect no external interference, and administrators, who regard it as their duty to monitor and regulate academic standards.<sup>48</sup> This oppositional positioning was also evident in the participants' discourses. Senior Lecturer 1 (A, 16 years) used confrontational terms "they" and "us" when speaking about management and administrative roles: "they don't trust us ... they have very little understanding of what goes on at the coalface". Furthermore, this participant saw himself as being "divorced from people making these regulations" (SL1, A, 16 years). Similarly, the GTAs took the side of academics by emphasising the importance of expertise in assessment. They suggested that assessment should be the domain of academics as subject experts:

... there needs to be assessment standard set by the subject experts ... And it's, it's for the students, I mean, they should be able to rely on that level of expertise because there are real and definable qualities of higher levels of expertise that are what they are depending on and what they are expecting to be getting. (GTA3, Soc Sci)

Further issues of ambiguity emerge when tracing the use of abstract agents like the university, college and school. The Policy writes about the university as having beliefs about the ways assessment should be organised, making it unclear who is addressed by this account. Similarly, the Code ascribes responsibility to academic departments who can set their own assessment requirements:

[The] university believes that assessment processes should maintain standards, provide feedback on learning, report performance against the intended learning outcomes, be regularly evaluated, demonstrate progression and develop self-regulation in learning. (The Policy)

Schools may specify further requirements such as monitored attendance at classes and examinations. (The Code)

Interestingly, however, it was not only the documentary data that was underpinned by abstract agency, but the academics and GTAs interviewed shared a similar discursive style when speaking about assessment. The phrases such as 'The University needs to assess in order to provide a degree result at the end of the day' (L1, A, 9 years) and 'The University is probably less harsh with the marking of students who are paying' (GTA8, Soc Sci) were characteristic to the participants. The findings suggest that the assessment stakeholders can include abstract agents such as the university, schools or departments. As Olssen and Peters suggest, the standards regulating educational practice increasingly exist outside the academic role, making academics reliant on institutional frameworks of accountability.<sup>49</sup> By drawing on a wide range of stakeholders, the policy, however, becomes ambiguous where each agent is made accountable but also responsible for ensuring liability. This policy ambiguity

is expected as good neoliberal governance needs to manage risks while also maintaining a level of uncertainty in order to make individuals "exercise their freedom through such notions as responsibility, duty, discipline, enterprise"<sup>50</sup>. The participants appear to have adopted some of this ambiguity into their own discourses, particularly in relation to abstract agency in assessment. The policy is therefore not just acting on academics through a number of interrelated documents, but it also includes textual ambiguity necessary for enforcing responsibility and self-governance. From a Foucauldian perspective, the assessment policy is attempting to create self-governing subjects<sup>51</sup>. These self-managed academics (and institutional agents) need to sense that there are powerful others watching them and that they must constantly watch themselves.<sup>52</sup> It is a type of accountability that relies on regulations as much as on individuals' internalisation of their own responsibility as assessors.

## "Pockets of freedom" in neoliberalised assessment policy

It would be naive to assume that academics and GTAs display no "practices of freedom"<sup>53</sup> when engaging with the policy context of their work. Rather, the aspects of policy diffuseness and ambiguity should be questioned as potential opportunities for manoeuvring within the regulatory context. When tracing the ways in which the academics interviewed negotiated the assessment policy, the phrases such as "flexing the rules" (L1, A, 9 years), "semi-ignore", and "tweak" (SL1, A, 16 years) were frequent, indicating a sense of covert resistance to regulations. Furthermore, Senior Lecturer 3 (Soc Sci, >10 years) argues that she takes "the regulations with a pinch of salt" and advises her colleagues to do the same. Similarly, Lecturer 1 (A, 9 years) explains that "I have always gone with just flexing the rules as far as possible before I hit the point when I actually have to do paperwork". It could also be argued that it is the policy ambiguity discussed earlier in this chapter that creates those opportunities for manoeuvring. For example, Lecturer 5 (Soc Sci, 6 years), describes assessment regulations as being "strange" by arguing that "[the regulations] seem both very strict and yet not very strict in the same way". From his perspective, it is the language used in the regulations that makes it possible to have some flexibility in practice:

I think the language often is chosen very carefully that actually it's almost like there is some flexibility built in, I mean even things like the regulations state that you have to have assignments returned to the students within three weeks, but it does say 'normally' ... (UT2, Soc Sci, 14 years)

These discourses indicate that flexing and semi-ignoring the policy, often hidden and perhaps underestimated processes in academia, enable academics to resist neoliberal education policy to some extent. The covert resistance could be seen as part of the processes helping academics to secure a sense of freedom and ownership over their work, and to remain true to themselves in a Foucauldian

sense.<sup>54</sup> This freedom is used to make pedagogical decisions about assessment and to design their own relationship with students. The academics interviewed do not want to be caught up in the chain of command prescribed by the regulations. Another and perhaps more drastic strategy relates to distancing oneself from the regulatory context. University Teacher 6 explained how her role as a university teacher did not oblige her to be concerned about the regulations. She does not see herself as part of the key stakeholders in assessment:

Well, I am not an Assessment Officer, so I actually don't need to worry too much about the regulations because there is an Assessment Officer for each of the courses I am involved in. Emm and they basically guide me in what I'm able to do and what I'm not able to do. Emm so I wouldn't say that I have a huge of understanding of all of the regulations but then my job I don't think requires me to have that understanding at the moment. (UT6, MVLS, 2 years)

Furthermore, Senior Lecturer 1 (A, 16 years) explains that the flexibility depends on the ways academics read regulations and how much they are willing to ignore the rules:

... there certainly is flexibility which is really important. How much I suppose it depends ... emm it depends whether they notice or not, it depends precisely how you read the regulations or how aware you are of the regulations. (SL1, A, 16 years)

It is unclear who is meant by 'them' in the quote above. It might be the management or other key assessment stakeholders that the participant attempted to oppose. Overall, it could be argued that the academics interviewed were able to negotiate the assessment policy as it tends to be diffuse and ambiguous. They were familiar with the documents that organise assessment processes in the University, and their awareness of policy weaknesses allowed them to resist aspects of it. Power is therefore never owned by a single person or a group but it exists in various social networks<sup>55</sup>, and academics have found ways to reclaim some of the power that has been lost within the so-called professionalisation of assessment. The GTAs, however, found a different way to negotiate neoliberal forces acting on them. They made use of the overall ambiguity around the GTA role and expectations: "what is expected of GTAs to be doing is inconsistent" (GTA3, Soc Sci), and "I think our role as GTAs across the university is very inconsistent" (GTA1, A). Their experiences of inconsistency relate to the fact that GTAs get limited if any institutional training to support their roles as teachers or assessors. For instance, GTA1 (A) describes the statutory GTA training at the University as "pretty much a tick in the box exercises" and "it just wasn't great". Furthermore, GTA7 (Sci E) argues that the statutory training is not compulsory for the GTAs in her department:

... in Psychology, we don't go to the university-led GTA trainings. I know that there is GTA training course, but we don't get sent to it, emm which seems quite strange, but the Psychology department thinks that actually what the university teaches on GTA training isn't what the GTA is in the Psychology department. (GTA7, Sci E)

Similarly, GTA8 (Soc Sci) confirms that, while the training is compulsory in her department, she has not attended the training: "I haven't been in GTA training, and I have taught every year of my PhD". This lack of institutional coordination and training opportunities/requirements might be a problem for the GTAs, particularly in terms of their confidence as assessors. The phrases such as 'I do worry sometimes whether, you know, how well I am marking, if I'm marking as other people would mark' (GTA2, A) indicated the participants' concerns. This is particularly the case as the statutory training does not cover issues related to assessment policy or practice. On the other hand, inconsistency appears to create opportunity, making the GTAs relatively free to design their interaction with students. Unlike academics who tend to "flex" and "tweak" the regulations, the GTAs can express much stronger discontent with neoliberalism and the institutional assessment policy. Phrases such as "I don't think I know anything in detail to be honest" (GTA5, MVLS), "pretty much nothing" (GTA1, A) and "not very much" (GTA8, Soc Sci) were characteristic of the participants. By distancing and rejecting the policy, they tended to create their own counter discourse. They especially elaborated on their pedagogical support to students in assessment processes:

... you're nurturing, you're looking at these people who are still in the learning process, and you're saying, "I'm here to work with you, I'm here to help you, so let's look at this, so let's see how you can improve" ... (GTA6, Soc Sci)

I'm kind of trying to support them and kind of set them up for potentially what they might be getting in assessment. And also saying to them, "So, you might not do so well here, you know, don't worry because ..." you know, that kind of thing. (GTA1, A)

These pedagogical discourses of support help the GTAs to project some educational value into their work. It appears as the GTAs do not wish to be positioned in an instrumental way characteristic of neoliberal universities that often employ postgraduate students as substitute teachers to cope with ever increasing academic workloads. In other words, both the GTAs' and academics' discourses demonstrate a Foucauldian understanding of power as "a game of freedom" in which power can be exercised only so far as the subjects are free to choose actions within a field of possibilities. It can sometimes be ambiguity in neoliberal policies, or a lack of institutional coordination and training that create opportunities for these freedoms to be found and practised.

#### Conclusion

Foucault emphasised the importance of developing the practices of the self that allow individuals to shape their own subjectivity which otherwise would be highly dependent on various technologies of domination.<sup>58</sup> Within the higher education setting, these practices could take place in academics responding to or freeing themselves from increasing pressures that neoliberal universities produce.<sup>59</sup> Even if the academics and the GTAs interviewed did not demonstrate overt resistance, the courage to take the risks and tell the truth as Foucault described it, there was evidence of manoeuvring and avoidance as rather hidden forms of resistance in the participants' discourses.<sup>60</sup> The participants sensed the weak points of the assessment policy at the University and used it for their own advantage. In other words, diffuseness and ambiguity characteristic of neoliberal education policy, as well as a lack of consistency around the GTA role, provided a space for individuals to respond to an otherwise highly restrictive policy regime. The findings also confirm the complexities around the techniques of the self, and suggest that resistance can include more than mere liberation from structural domination.<sup>61</sup> Foucault argued that overt resistance would require a significant readiness from the person to do "extensive work by the self on the self"62. It would mean a readiness to accept the possible consequences such as implications on career and future studies or even a dismissal. While it is unlikely that many academics or GTAs as "academics in the making" are able to risk their employment or career prospects, the aspects related to policy manoeuvring, tweaking and flexing deserve particular attention. These practices of freedom at the very micro level of academic and GTA work illustrate the ways in which resistance can also take place in less visible and perhaps safer forms, providing some opposition to neoliberalisation of higher education. Furthermore, these practices indicate how restrictive policy regimes such as the one concerning student assessment still include pockets of freedom, enabling individual agency to emerge.

<sup>&</sup>lt;sup>1</sup> The Russell Group includes 24 "research-intensive" universities from the UK. More information is available at: http://www.russellgroup.ac.uk/

<sup>&</sup>lt;sup>2</sup> Michel Foucault, "The Subject and Power," in *Power. Essential Works of Foucault 1954-1984*, ed. J. D. Faubion (London: Penguin Group, 1982), 331.

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