

**Durham Students' Union
Extraordinary Assembly Agenda**

Wednesday, 23 November 2016– 19:00, CG93

Time	Subject	Who	Paper
19:00-19:01	A. Welcome	Chair	
19:01-19:03	B. Apologies for absence and Conflicts of interest	Chair	
Items for Discussion			
19:03-19:18	C. Vote on NUS National Ballot	Academic Affairs Officer	UA/1617/012
19:18-20:15	D. Motion: Higher Education Reforms Policy	Academic Affairs Officer	UA/1617/013

Next meeting will be 6 December 2016, CG93 (Scarborough lecture theatre, Chemistry department)
Agenda closes (so papers must be in) 25 November 2016 at 17:00.

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UA/1617/012

TO: Assembly
FROM: Lisa Whiting, Academic Affairs Officer
RE: Voting on the National Ballot

Background

At the National Union of Students' National Conference 2016, an amendment to a motion passed calling for a boycott/sabotage of the National Student Survey. The full motion then passed. Following the conference, a motion was presented by the University of West London calling for an impact assessment to be done on the tactic of an NSS boycott/sabotage specifically looking at the risks to students' unions and the NUS.

Durham SU's Officers supported the call for the National Ballot, but were clear that Assembly was the appropriate body to determine our position on the question.

The motion calling for the National Ballot received enough signatures from students' unions and on Friday 14th October the Chief Returning Officer announced that a request for a National Ballot had been received and accepted. The CRO then confirmed the following question to be put to students' unions:

"Should NUS conduct and publish a risk assessment and equality impact assessment before finalising the NSS boycott / sabotage action?"

The National Ballot question does not have the power to reverse NUS policy, as National Conference is the sovereign body of NUS. It asks NUS to do further work to inform students' unions of the associated risks of the tactic, before they decide whether or not to support the policy of an NSS boycott. NUS policy does not have the power to require Durham SU to support an NSS boycott and a support for this position would need to be brought to Assembly.

The original NUS motion and the motion proposed by UWLSU are both attached.

Action to be taken

Vote on the National Ballot question "Should NUS conduct and publish a risk assessment and equality impact assessment before finalising the NSS boycott/sabotage action?"

Motion 201 | Divorce our courses from market forces

Conference believes

1. Successive governments have introduced policies designed to increase market competition in higher education and pass the cost of education from the taxpayer to the individual student.
2. The marketisation of the Higher Education sector, not to be confused with privatisation, is defined as a way of changing people's relationships and values towards those of the market, while operating institutions as if they were businesses. This is not simply a state versus market values debate, as the marketisation of education has been paralleled not by a decrease but an increase in state intervention and the micro-management of university life.
3. The previous Coalition government passed legislation which increased maximum tuition fee levels to £9,000 in England and pursued an agenda of opening up the sector to competition from private providers.
4. The current government, through its policy proposals since the publication of the Green Paper *Fulfilling our Potential*, show an intent on implementing further market reforms that have potential to further increase the cost of education to students and force even greater competition between institutions.
5. Higher education institutions are responding to higher education reforms and cuts to public funding by continuing to raise tuition fees where possible and by behaving as market actors, treating students as consumers, cutting corners and ruthlessly focusing on efficiency savings and competition in league tables.
6. The UK government's marketisation agenda in England is having knock-on effects in the nations, by squeezing funding for devolved administrations, and by putting pressure on institutions in the nations to raise fees for other-UK and international students in order to compete.
7. NUS has highlighted in publications such as *The Roadmap for Free Education*, *A Manifesto for Partnership* and *Democratic Universities*, how the marketisation agenda in higher education is having a negative impact on students.
8. NUS does not currently have policy on state-enforced marketisation and how to support unions and students in challenging it systematically.
9. The HE reforms currently being considered by the government represent a fundamental attack on the idea of education as a public service. It is a blueprint for the marketisation of the sector, introducing private providers and variable fees, and orientating the whole sector towards the needs of employers.
10. The new Teaching Excellence Framework (TEF) is a core part of the reforms and will damage the quality of education. In the years to come, the TEF will require and use data from the National Student Survey (NSS) and the Destination of Leavers in Higher Education (DLHE) survey.(1,2)
11. The government's Green Paper represents the most significant restructure of higher education in recent times
12. The Green Paper's reliance on metrics to assess the quality of our teaching stifles innovation in teaching
13. The Teaching Excellence Framework's suggestion to allow institutions to increase tuition fees creates further marketization within our sector
14. The idea to allow more private universities risks creating inferior institutions and taking valuable resources from our existing universities



15. Making universities exempt from Freedom of Information enquiries will hurt transparency and limit students' ability to hold universities to account
16. The plans to reform Student Unions are yet another example of the government's opposition to the student movement
17. The proposed reforms presented in the government's Higher Education Green Paper included:
 - a Increasing tuition fees in line with inflation.
 - b The introduction of a Teaching Excellence Framework (TEF) that forces universities to compete in market-oriented metrics.
 - c Variable tuition fees across institutions that can rise if universities meet certain criteria in the TEF, including graduate employment statistics.
 - d Increased private sector involvement by making it easier for private providers to enter the 'market', award degrees, and compete with existing universities.
 - e Facilitating closure of existing universities.
 - f The exemption of universities from the Freedom of Information Act
 - g Students' unions mentioned in the context of the Government's reforms attacking trade unions' ability to campaign and take industrial action.
18. At the time of writing, after the consultation, we were waiting for a revised version of the reform package to be announced
19. The proposed reforms presented in the government's Higher Education Green Paper are a potentially devastating attack on education.
20. The HE paper threatens further fee rises, privatisation and marketisation on our campuses

Conference further believes

1. Marketisation is one of the greatest threats to our education system at all levels.
2. The so-called "benefits" to students and students' unions from market mechanisms, such as better information and choice, higher quality provision, and greater power to change things, are often exaggerated and can be achieved via non-market mechanisms.
3. The overreliance on quantitative data and metrics can deteriorate the relationship between students and academics, and it stifles the development of an inclusive learning environment.
4. Students' Unions operate in a difficult environment where they need to balance how to fight for better support and services for their members whilst actively opposing marketisation and other threats to students and education more widely.
5. To function in the medium term, the TEF will need us to participate in the NSS and DLHE.
6. If students and graduates either boycotted the NSS and DLHE or sabotaged the surveys by giving artificially maximum or minimum scores, this could render the TEF unworkable, and seriously disrupt the government's HE reforms as a whole. The NSS and DLHE already form important parts of the government's management and marketization of education.(3)
7. There is a strategic case for using them as a highly effective form of leverage against the government's destructive HE reforms.
8. The Freedom of Information Act is an essential tool for holding universities to account by students and student media.
9. There are no one-size-fits-all metrics with which the Government can quantify the quality of teaching at very different institutions.
10. Some of the proposed metrics fail to recognise, and perpetuate, sexist, racist, socioeconomic and other disadvantages. Research has shown that the ethnicity of lecturers affects NSS scores. And

given pay gaps and the biases in the job market, the use of graduate employment statistics will punish universities for accepting more women, black students, disabled students and those from poorer backgrounds.

11. Higher education should not be seen merely as job training. A narrow-minded focus on employability will damage the quality of education, and disadvantage institutions specialising in arts and humanities. The introduction of TEF will further disadvantage struggling institutions.
12. The TEF will increase stress and exploitation for teachers and academics, in particular casualised early career academics including postgraduates. Issues of casualisation disproportionately harm women and black academic staff. Improving teaching requires good working conditions for staff.
13. Universities and teaching can be improved by decent public funding and democratic structures, not marketisation.
14. The Government is proposing a structure which sets some public universities up to fail and close in order to make way for private businesses, to the detriment of students, staff, and wider society. The proposed reforms actively facilitate this process.
15. The autonomy and campaigning activity of Students' Unions must be defended.
16. We need to significantly up our work to stop the proposals which, combined with cuts to grants, bursaries and FE colleges, form a potentially devastating attack on public education.
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Conference resolves

1. To actively campaign against the marketisation of education, calling for a free, publicly funded education system for all, driven by democratic values and duties for the good of society.
2. Focus attention on combating current and future government policy which attempts to further marketise our education system.
3. To produce further evidence of the negative effects of the market on students in higher education.
4. To produce guidance for students' unions which can help them better understand and counteract the negative forces of marketisation.
5. Provide direct advice and support to students' unions in fighting for improvements to the student experience whilst avoiding the pitfalls of consumerism and short-term thinking.
6. Help drive a new language of student empowerment outside of the frame of students as consumers, where ideas of "student choice" and "student rights" have strong meaning outside of marketisation.
7. Find more effective means for surveys and quality assurance to be used solely for enhancement rather than market competition.
8. Help enhance students' unions negotiation and campaign tactics to encourage their institution to break from market-orientated policy and strategy, and find an alternative sustainable path to institutional success with students at its core.
9. To work at a sector level to lobby and campaign against political inertia of organisations like Universities UK (UUK) to marketisation, pushing for institutions to change collectively.



10. To form greater collaboration and consultation with NUS Scotland, NUS Wales and NUS-USI on how UK government policies on higher education affect the devolved administrations and institutions in the nations.
11. The VPHE, consulting with the NEC and education workers affected by the NSS (represented by UCU, NUS Postgrad Section, and the Fighting Against Casualisation in Education campaign), will determine the most effective boycott/sabotage strategy.
12. This will be done before June, when NUS will write to the government and announce that the NUS will mobilise students to sabotage or boycott the NSS and DLHE if the HE reforms and the TEF are not withdrawn.
13. If the government refuses to withdraw the HE reforms, to mobilise students to sabotage or boycott the Spring 2017 NSS, and the next year's DLHE. The campaign should begin at the start of Autumn Term 2016 collecting pledges from students that they will carry out the action if the HE reforms are not withdrawn.
14. To oppose any rise in tuition fees linked to the Teaching Excellence Framework
15. To fight any attempt to weaken Student Unions or the Student Movement
16. To provide resources to help SU officers to:
17. Engage productively with their universities to ensure the student view is heard as plans set out in the Green Paper are further developed.
18. Lobby MPs to oppose the provisions in the Green Paper that are unsatisfactory to students
19. Continue to lobby to secure policy proposals that would make it more friendly towards the partnership between students and universities that we seek to achieve
20. Lobby Jo Johnson, Minister for Universities, with the concerns over the Green Paper to get a change in direction
21. Actively campaign, in collaboration with education trade unions, to stop the proposed Higher Education reforms as a whole, countering with our own vision of democratic, accessible, well-resourced public education, with academic freedom and good pay and working conditions, well-funded by taxing the rich.
22. To put this campaign in the context of a wider fight against marketisation, casualisation, and the institutional perpetuation of oppressive biases and disadvantages.
23. To help SUs, with resources such as toolkits, etc, to spread awareness of the content and negative consequences of the reforms in order to mobilise people to join the campaign
24. To organise a demonstration at Parliament in the week running up to, or on the day of, any Parliamentary discussion or vote on these reforms, and to invite the education trade unions and other supporters to join us.
25. To place this action within a wider strategy of protest, direct action and lobbying, with action at both local and national levels.
26. To reaffirm our commitment to campaign for free and democratic education at all levels, funded by taxing the rich and big businesses, not by cutting other services or further squeezing those who can't afford it.
27. Actively campaign, in collaboration with education trade unions, to stop the proposed Higher Education reforms.
28. To link fighting the HE reforms to stopping the major cuts threatening further education and to reversing abolitions of grants and bursaries.
29. To organise further local and national action – including protest, direct action and lobbying, strikes and occupations





UA/1617/012b

UNIVERSITY OF WEST LONDON
STUDENTS' UNION

Dear fellow student officer

As you know in the run up to the September meeting of the NEC we submitted a motion about the NSS and Boycott/Sabotage. In the motion we reflected on feedback from students' unions that the tactic could cause real harm to students and students' unions- and so called on the NEC to properly assess the risks on small unions and SU grant funding as well as publishing an equality impact assessment on the proposed action before going ahead.

Shamefully, the clerks to the NEC – working closely with the current leadership of NUS – abused their power and deleted the clause calling for a postponement pending assessing risk to unions. The clerks have claimed that to postpone implementation of a policy is to ignore the “sovereignty” of National Conference- yet any SU in the UK would elect an executive to work out how best to implement policies.

This side-lining of legitimate SU concerns is the latest in a long line of actions from the NEC which demonstrates it hasn't learned from the disaffiliation debates of the summer and those coming in the autumn. We need an NUS that listens to unions and their concerns, not one that side-lines debate on them.

When the NEC stops listening to students' unions there is a constitutional provision to call a “National Ballot” on an issue. This involves a students' union signing up to a call for a ballot on a motion and then it gets voted on across the UK.

We would call on you as an SU to sign up to our call for a National Ballot on the issue by getting your officer team together and agreeing to add your union's name to the below motion. If you have any questions then you can give Helen, UWLSU VP Education a call on 07809250927 or Matt Grange on 07810494948 who has been supporting us with the NEC Motion.

In unity

Dave Titley
UWLSU President

Helen Pritchard
UWLSU Vice President Education

Lillian Oliveria
UWLSU Vice President
Activities and Participation

University of West London Students' Union

St Mary's Road, Ealing, London W5 5RF

UWLSU rational for putting this motion together

Following the adoption of policy at National Conference to Boycott/sabotage the NSS motion, the University of West London Students' Union have been debating the proposed action and impact that this may have on our students.

After much debate and speaking to a number of officers across the country it has become clear that many officers like us were concerned that the action could have an unintentional impact on our Unions both in terms of reputation and funding as well as damage the relationship with key University Management.

Furthermore, and most worrying, as a proud widening participation institution and SU we are deeply concerned that this action will disproportionately affect students from the poorest and diverse background such as BME as well as hit the Universities which do most to ensure the widest access to HE.

To be clear we are against the marketisation of education and we do not support the idea of NSS being used to prop up the TEF Framework, but we are clear that when our National Union suggest taking an action, it has a duty as a membership organisation to be honest with its members and tell us about the risks that it foresees and be open about the effect that this can have on our members and on students' unions.

We do not believe that the current leadership of NUS has answered any of these questions. We are simply asking for the action to be postponed until NUS leadership has published a Risk assessment and an equality impact assessment on the impact of both the action itself, and of any fallout from the action identified in the Risk Assessment.

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National Ballot Motion: It's time to risk assess and Equality impact assess the NSS Boycott/sabotage before we take action

NEC Believes

1. That policy was passed by National Conference on Boycott/Sabotage of NSS in spring 2017.
2. It did this in order to disrupt the implementation of the TEF and Higher Education Undergraduate Home fees in England.
3. On timetables published by HEFCE, that would only impact on Year Three of the TEF- and the Government would press ahead using other data anyway.
4. If we want to make meaningful change to the Government's proposals, we should be focussed on lobbying MPs and the HE Bill now, not planning a strategy that might have an impact when it's too late.
5. The NSS provides incredibly valuable data to drive change within student demographics, protected characteristics and departments in Universities.
6. Underfunded Sus – especially small and specialist ones – have successfully argued that improvements to their grant will make an impact on their NSS score.
7. HEFCE have announced a refocussing of the NSS next year on students' academic experience. This will mean that students' unions' education and representative function gets recognition, focus and funding.
8. Many SUs have fed back that a boycott would directly harm their funding and representative capacity.
9. NUS should reaffirm its opposition to the use of NSS to justify raising fees.
10. The wave of disaffiliation attempts from SUs demonstrate that NUS needs to listen to SUs and their concerns now more than ever.

NEC further believes

11. Students' unions have told us that there are a number of risks connected with this action.
12. The negative impact on our key stakeholder influence could affect our campaigning and lobbying work on issues such as access, widening participation, retention and tuition fees.
13. Many students' unions have also expressed a concern that this action could have an impact on specific groups of students, students' union and institutions. Especially students from diverse WP backgrounds.

NEC Resolves

1. Carry out and publish a detailed risk assessment on the risks posed to students' unions' funding and representative capacity of implementing a Boycott/Sabotage policy of NSS.
2. In doing so to take particular account of the differential risks faced by smaller and specialist SUs and their funding.

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3. To take into account in this risk assessment the risks faced by NUS in terms of the relationships it holds, on behalf of students and students' unions across the UK, with the key national stakeholders on issues such as access, widening participation, retention and tuition fees.
4. To carry out and publish a detailed equality impact assessment on the impact of both the action itself, and of any fallout from the action identified in the Risk Assessment, especially the impact of such action on specific groups of students and different types of institutions,
5. To draw up a lobbying and campaigning strategy that can have a real impact on the Government's HE proposals now, not when it's too late.
6. To listen to SUs and postpone implementation of any NSS boycott or sabotage in light of the above.

University of West London Students' Union

St Mary's Road, Ealing, London W5 5RF

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Assembly notes

1. The Government has introduced the Higher Education and Research Bill which intends to reshape the HE sector through a variety of key reforms. These include;
 - a. Introducing an Office for Students (Ofs) as the new regulatory body for the sector, whose duties will include the ability to give institutions degree awarding powers as well as to "encourage competition between English higher education providers in connection with the provision of higher education"¹
 - b. Changing the current regulatory practices so new institutions will be able to award degrees more quickly in the hope of increasing the number and type of HE providers²
 - c. Introducing a Teaching Excellence Framework (TEF) that will use the National Student Survey (NSS), Destination of Leavers from Higher Education (DLHE) and retention data to assess teaching quality.³ Institutions will then be able to increase fees in line with inflation depending on their performance in the TEF⁴
 - d. Making Student Protection Plans mandatory so all HE providers must outline measures they have in place if something such as a course or institution closure were to occur⁵
2. On 20th July 2016, Durham University announced its intention to increase fees in line with inflation in accordance with the new government regulations⁶
3. There is currently no Durham SU policy on the HE Bill or tuition fee increases

Assembly believes

1. Good quality higher education should be inclusive and accessible to all
2. We should be critical of policies that seek to undermine the above principle
3. There are some elements of the HE Bill that are positive however others raise serious concerns for students
4. A policy on the HE Bill is needed to direct the work of the Students' Union and Officers

Assembly further believes

1. Because the framework for HE is becoming increasingly marketised, it is important students are protected from market risks. Therefore;
 - a. The introduction of Student Protection Plans is positive as it will help mitigate the significant risks associated with institution or course closure

¹ [Higher Education and Research HC Bill](#) (2016-2017) [004], Pt 1 s 1

² HE Bill Pt 1 s 40

³ [Teaching Excellence Framework Factsheet](#)

⁴ HE Bill Sch 2 s10

⁵ HE Bill Pt 1 s 13

⁶ "Universities announce fees above £9,000 limit" <http://www.bbc.co.uk/news/education-36845106>

- b. This is particularly important given Durham University's fast moving strategy which has already resulted in significant changes for students without their prior consent
- 2. Increasing the choice and type of HE providers is not in itself negative however;
 - a. Institutions should be regulated so that students are not exploited and receive a poor quality experience
 - b. There is a need to protect public universities so that HE remains accessible to everyone as well as ensuring education remains both a public and private good
- 3. The introduction of an Office for Students is not in itself problematic however;
 - a. Students should be able to feed into the work and direction of the OfS if it is to fulfil its aim of putting "students at the heart of higher education"⁷
 - b. There is a risk the OfS's aim of encouraging competition between HE providers will compromise its ability to appropriately assess the quality of institutions

Assembly further believes 2

1. The stated aim of the TEF "to provide clear information to students about where the best provision can be found and to drive up the standard of teaching in all universities" is worthwhile⁸
2. However the metrics used in the TEF do not accurately represent teaching excellence because there are factors that significantly influence these metrics that are not related to teaching. For example, student support plays a significant role in retention which within a Durham context is not linked to teaching quality
3. When seen as a form of institutional quality assurance and not an assessment of teaching excellence, the data obtained from the TEF could be a useful in holding the University to account; for example by assessing how Durham University performs in retaining students from particular demographics
4. Due to the tenuous link between the TEF metrics and genuine teaching quality, there is a risk that pressure will be put on teaching staff to improve things they cannot control
5. The TEF data should be analysed within an appropriate context with a particular focus on the demographics of students

Assembly further believes 3

1. There is nothing inherently wrong with developing a system to assess and classify the quality of institutions against benchmarked data because universities should be accountable for satisfaction and attainment of students broken down by demographics. However the link between TEF and fees should be rejected because;
 - a. By introducing differential fees across institutions, students from under-represented demographics could be put off attending institutions that are more expensive, meaning the high quality institutions will be reserved to those who believe they can afford it

⁷ [Higher Education and Research Bill: factsheet](#) page 4 BIS/16/285

⁸ [Success as a Knowledge Economy: Teaching Excellence, Social Mobility and Student Choice](#) page 13 BIS/16/265

- b. It is misleading to justify fee increases on the basis of teaching quality through the TEF because the data is institutional and not course specific meaning some students will pay more for a poor quality course
 - c. Durham students are already facing increasing financial barriers through accommodation fees and additional costs incurred through the Durham student experience (common room fees, sport costs, student group memberships) which the University uses to market itself, whilst not providing sufficient financial support
 - d. Increasing tuition fees when there is an option not to will reinforce the view that Durham University does not care about attracting students from low-income backgrounds which may lead to these students choosing not to study at Durham
- 2. In order to mitigate the risk of fee increases in reducing widening participation the University should do more to combat the barriers that currently exist for access, hardship and attainment of students from low-economic and non-traditional backgrounds

Assembly resolves

- 1. To mandate all SU officers to hold the University to account on implementing Student Protection Plans and strengthening the rights of students
- 2. To mandate the Academic Affairs Officer to lobby the Vice-Chancellor to work with other universities to protest against the changing shape of Higher Education that puts increasing financial pressures on students
- 3. To mandate the Academic Affairs Officer to work with Durham's local MP so that students views on the Bill are represented in parliament, and support students to lobby their local MPs
- 4. To mandate the President and Academic Affairs Officer to enter negotiations with the University to mitigate the risks of TEF as outlined in this motion on the basis that SU engagement with the NSS will be informed by the progress from the following demands;
 - a. Data be made available on the cost of the Durham student experience as well as transparent plans for the use of the new fee increases
 - b. The Students' Union Officers be involved in shaping the University's Access Agreement in order to mitigate the detrimental impact of a rise in fees and work to achieve genuine widening participation
 - c. To include the Academic Affairs Officer as a contributor to the TEF submission
 - d. To commit to including student representatives in all future discussions and setting of fees
- 5. To mandate the Academic Affairs Officer to provide information on the progress of these discussions at the next Assembly meeting
- 6. To mandate the SU Officers to continue pursuing the goal of widening access to Durham University and campaigning on the cost of living for current students