Negotiating Equity in Higher Education Institutions

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Abstract

The paper is based on recent research involving qualitative case studies of staff experiences of equality policies in six English, Scottish and Welsh higher educational institutions. We note that although the past record of UK higher education on equality issues has been relatively undistinguished, except for individual initiatives taken by pressure groups and teachers/researchers, recent changes to UK legislation (eg on 'race' and disability) and a series of EU employment directives (including on religion and sexual orientation) have caused more attention to be paid to equality policies and their implementation in higher education in the UK. The wider context for equality policies has also changed in other ways, from a predominant focus on individuals and redistributive equality policies to viewing inequality as a generic and relative concept which can be policy-mainstreamed, with greater concentration on organisational cultures and diversity and a focus on recognitional rather than redistributive approaches to inequality.

This paper uses the authors' recent research findings to consider how higher education institution employees who participated in the study understood notions of equality and diversity. Staff ranging from cleaners to academics and senior managers, were interviewed, to ascertain how they perceived and experienced their institutions' equality policies. There is a particular focus on whether different forms of inequality are seen to be intersected, the potential tensions and conflicts between equality policies applying to students and those concerned with staff (notably in respect of quality regimes, student markets and the impact of widening participation policies) and the kinds of visions of the equitable higher education institution of the future held by senior managers. There appears to be a shift away from redistributional notions of inequality (except in respect of occupational inequality) towards greater emphasis on recognitional foms, the tensions between student and staff equality issues and the pursuit of organisational diversity may reflect a relative depoliticisation of the staff equality agenda in higher education.

The Higher Education Policy Context

While the political economy of higher education is changing rapidly, UK higher education has been slow to tackle equal opportunities in the last two or three decades (Bagilhole, 2002). Compared with developments in other sectors of education such as state-funded schools from the 1970s onwards (Deem 1987; Deem 1995b; Arnot, David et al. 1996), which were not themselves always outstanding examples of good practice, what has happened in higher education has until very recently been much less extensive, largely unmonitored and often fragmented and inconsistent in, as well as between, institutions (Morley 1999a).

There has traditionally been a belief that entry and achievement have been based on merit, rather than social identity and that as liberal institutions, universities were intrinsically concerned with justice and fairness. It was left largely to social movements such as the women's movement, to raise questions about exclusion of women both from the HE curriculum, from staffing, and from the student body (Thomson 1995). Activist pressure combined with theoretical explorations of the power/knowledge conjunction led to some curriculum transformation in the form of women's studies and black studies.

Where initiatives on equal opportunities did take place through the 1970s and 1980s, they often arose indirectly from educational developments such as changes to the curriculum (as in women's studies, gay and lesbian studies, black studies). Another, sometimes related route, came about through activist politics via trade unions or local and national pressure groups, which then led to the formation of bodies such as Equal Opportunities Committees and strategies for dealing with particular kinds of inequality such as gender (Morley and Walsh 1995; Deem 1996d; Morley 1999a).

In 1986 an investigation in Britain for the Commission for Racial Equality discovered that 20 out of the 42 universities replied citing their charters as sufficient evidence of their commitment to equal opportunities, and that former polytechnics were more likely to have policies than established universities (Heward and Taylor 1994). Enquiries of the Commission on University Career Opportunity (CUCO) in the late 1980s suggested that while over 90% of universities had formally adopted equal opportunities policies; a little over half had examined their criteria for appointments, promotions and regrading, but only 37% had devised implementation plans (Commission on University Career Opportunity 1994; Davies and Holloway 1995).

In their study of the representation of 'ethnic minority' groups in 53 university prospectuses in the academy, Jewson et al. (1991) concluded that four fifths of universities did not offer any sort of equal opportunities statement, either explicit or implicit, in their prospectus (Jewson, Mason et al. 1991).

The 1990s saw further attempts to tackle equal opportunities in HE, although as research on these showed, though appropriate policies were developed in relation to both staff and students by institutions investigated, the history and cultures of each institution shaped what was done and the policies did not always have much impact on for example, appointments to senior posts which continued in the main to be occupied by white men except in one institution which was regarded as exceptional (Farish, McPake et al. 1995).

UK universities are now required by their funding bodies to have policies on a wide range of inequalities for both students and staff and students and the latter must also be incorporated in wider human resource and reward strategies. Critics, however, suggest that this current policy is being driven by a commitment to human capital in a globalised market economy, rather than by concerns about equality and social inclusion (Thomas 2001). Increasing student numbers in a context of unfunded expansion has long been a concern for trade unions representing staff interests (Association of University Teachers 1993). Cameron questions whether, if current employment conditions for academics continue, there will be anyone left to teach the expanded student numbers in 2010 (Cameron 2003).

The Case Study Project and its Methodology

The research that we have conducted has involved case studies of six higher education institutions (HEIs). The case that we have investigated has focused on staff perceptions and reported experiences of equal opportunity policies in HEIs. Three of our sites were in England ('Towngate' HE College, 'Cityscape' University and 'Eastville' University), two in Scotland ('Speyside' University and 'Sandside' University) and one in Wales ('Westside' University). The sites were chosen to reflect a cross-section of HEIs with different missions (e.g. research intensive, research and teaching, teaching only), a variety of settings including different sizes of student intake, split sites and single sites, urban and suburban locales, and different institutional origins. We included two former polytechnics or technology colleges which became universities only in 1992 (Eastville and Speyside), a college (Towngate) that was once solely focused on teacher education but now has a much wider curriculum and three chartered or pre-1992 universities (Cityscape, Westside and Sandside).

We examined the equal opportunities policies of each case study HEI, using critical discourse analysis (Fairclough 1995; Janks 1997) as a tool for understanding the genre of the policies. Weinterviewed employees, individually, (Weiss 1994; Seidman 1998) or in focus groups (Morgan 1997; Bloor, Frankland et al. 2000) where we explored a more collective view of equal opportunities. These approaches involved staff from a wide range of occupations, including cleaners (where this work was not outsourced), technicians, those working in various manual trades, secretarial and administrative staff, and academics. We also worked closely with campus trade unions.

In addition, we have tried to include people from different social and cultural groups, including those who might have experience of different forms of inequality such as staff with disabilities, gay, transgender and lesbian staff and those who belonged to ethnic and/or religious minority groups.

Policy as Discourse

The equal opportunities policy statement constitutes the institution's intervention to (re)shape, regulate and codify cultural norms, modes of conduct and the distribution of opportunities within the institution. From our readings of the web-based policies from the six case study institutions, we found that policy statements inhabited organisational, legal, moral and economic discourses. They were embedded in the legislative, the memorandum and the promotional genres. We noticed that there was a differential economy of attention and emphasis, with areas of inequality that had recently received policy attention more prominent. Disability equality was often incorporated into the promotional student section.

The University welcomes applications from students with disabilities and dyslexia and has been actively working to improve access and support since 1990. If you have a disability, a special need or dyslexia this Statement is intended to help you decide if we offer the support you need to study here successfully (Extract from a HEI equality policy)

There was little discussion of achievements to date or information about current practices. All statements of the six case-study institutions are orientated towards the future. The legal underpinnings were rarely invoked and there was an absence of the lexicon of rights and entitlements. Policies incorporated a range of concepts including inclusivity, diversity, social justice, anti-discrimination. There did not appear to be a standard conception of what needs to be publicised. Additionally, online visibility and scope of the policies varied considerably.

Employees' Voices

In the fieldwork, we explored the extent of respondents' awareness of these policies and also their perception and understanding of what comprises the concept of equal opportunities. Many of our respondents, other than HR professionals and trade union or pressure group activists, did not seem at all familiar with the concept of equal opportunities as conventionally defined in the social sciences literature, that is disadvantage related to oppression and/or discrimination on the basis of cultural and social divisions such as gender, ethnicity and 'race', social class, sexual orientation, disability, religion or age. Some respondents saw equality of opportunity as related to any advantage that others had, regardless of the basis on which this was achieved.

Thus, equal opportunities (or their absence) might be used to refer to barriers experienced by those in particular occupations. For example, technical and secretarial staff complained of barriers to promotion despite undertaking further study and other staff from manual and similarly low-paid occupations were concerned about the extent to which individual line managers controlled access to promotion and even staff development courses.

Specific reference to gender, sexual orientation, age, disability, religion and/or ethnicity formed the basis of a few respondents' understanding of equal opportunities but only when these, in their view, had directly affected them, in several cases giving rise to an informal complaint or grievance. A small number of respondents who gave accounts of events or incidents in which they had been bullied, harassed or badly treated (accounts also given by others) were at pains to say that they did not think such incidents were the result of discrimination on the basis of a particular social or cultural division.

The view of a substantial minority of our staff respondents was that issues of equal opportunities for staff were neither a priority of theirs nor of their institutions. In some HEIs, a considerable number of respondents expressed the view that equal opportunities for students was a far bigger priority than those for staff at their institution, especially given the recent policy emphasis on widening participation and on assisting students with disabilities.

A member of technical staff at Cityscape identified the driving force behind the institution's equality and diversity policies thus:

They're organising all these equality policies etc. to cover their backs because they've got people's kids here as students and they need to have all these policies in place. They don't give a toss about the staff. The policies are nothing to do with us, they don't think that we need to be equal, they're doing equalities for the students.

This applied to specific support for particular inequalities, as well as more general perceptions, and was particularly noticeable for disability (Riddell and Tinklin, 2003).

All the institutions studied had equal opportunities policies in place and all but one had details of these available both on paper and on their websites. Thus it might be expected that staff would have some knowledge of such policies. However, we did not find this to be the case. Many staff knew almost nothing about their institution's equality policies. When asked how they would find out about such policies, most respondents not in manual jobs (where email access is rare) in institutions where such information was circulated by email, typically said that they took no notice of such information as it was not directly relevant to their day to day work:

…(sending information by email) doesn't mean that I take any notice of them … there's so many documents and paperwork that comes through, that mostly I'm not interested in. Academic, Eastville University

I mean all these documents and policies are all available on the institution's website (and)…the noticeboard, but nobody would ever read it … and nobody will ever read it on the website either.
Support staff trade union representative, Towngate College

Thus, it appeared that our respondents were not overwhelmingly knowledgeable about their institutional equality policies, even where efforts to communicate such polices had clearly been made. In one sense this is not surprising, since higher education institutions now have so many diverse policies on so many issues that it is unlikely anyone not in a senior management role would have a detailed knowledge of most policies (Woodward, and Ross, 2000).

Equality and quality

Our study suggests there are some major contradictions and collisions between concepts of quality and equality in higher education, a point also evident in other research (Morley 2004). On the one hand, informants reported a lack of overlap or transfer between the two concepts. It was perceived by a good few academic and support staff whom we interviewed, that the quality assurance revolution in higher education seems to focus largely on quality services and environments for students, rather than on also providing the same things for staff as well.

It was reported by some interviewees that most of the content of staff-development training on equality in their institution appeared to be focused on student services. In addition, as academic work becomes more of a service industry particularly in respect of undergraduate students, the notion of customer care has gained increased importance. This may mean that a focus on staff needs and conditions of service is not even seen as a priority by staff, as an Eastville academic notes:

My head is very much into the equality issues around students and I find it quite hard to actually engage with the equality issues for staff which is something, because I'm dealing with students so much I suppose, I always tend to be thinking about them and not necessarily thinking about what staff issues are.

Equality can also be constructed as another form of regulation and surveillance in the managed university, alongside quality audit (Morley 2003). Informants particularly noted how equality and legal issues tended to be communicated via email alongside a mass of other information.

As such, there was danger of equality initiatives being perceived as 'noise', and becoming neutralised or associated, not with radical social movements, but with neo-liberal modes of control and governance. Many admitted, in a rather apologetic tone, that they usually delete the institution's emails on equality and diversity, or let them slip out of sight and get buried in the archives due to the constant influx of emails. An academic at Eastville University says:

But we do get notified when there are changes by email, which isn't always the best form of communication. I think we do get quite a lot of emails so it becomes a case of prioritising, which ones do I need to respond to and if that's for information only then I can store it on my system and come back to it at a later date, before you know it, it's bumped to the bottom of the page and off the screen.

The issue is not one of the uses of electronic communication, but rather it illustrates how responses are shaped by the 'just-in-time' culture of the 'now' or 'performative' university (Kenway, Langmead et al. 1998; Blackmore 2003). There is less time for systemic or strategic analysis when the emphasis is on fast responsiveness in a 'quality' culture.

A support staff trade unionist from Towngate observed that the existence of equality documentation was probably for audit purposes anyway:

And you know most of these documents are pretty turgid so you have to … they need translating and putting into action. You know. Having a document is completely useless. I mean it's great for their … you know if some inspecting body comes round, they can see you've got the most wonderful policy, but …

Transparency is frequently positioned as the challenge to the hidden curriculum of decision-making (Morley 2003). It was not something that quite a few of our respondents recognised in their institutions, rather they noted what they perceived as nepotism, cliques, cronyism and exclusions. It was felt by a sizeable minority that appointment panels often had well-formulated ideas about who would be appointed or promoted before the procedures had even been activated, which excluded internal appointees on 'quality' grounds.

For example, a support staff member interested in making an internal application at Speyside University was told that 'we are looking for a new person to bring in fresh ideas' to the job.

Academic staff also expressed discontent and criticism about the lack of transparency surrounding promotion procedures and appointments to managerial positions. A female lecturer at Cityscape suggested decisions are often made informally:

Especially in relation to promotion and also just in terms of the loop, is kind of an unofficial process of consultation and involvement in decision making, the sorts of things that happen outside of meetings.

The same lecturer also reported the dynastic model of decision-making that she believed operates in her organisation:

We are in the process of appointing a new head of the school and you know it's very difficult, well it has been very difficult, to accept this process of appointing a new head of school that's gone on until now which is basically the head of school decides who the next head of school is going to be, and if they are not promoted enough to be one of the candidates, s/he will promote them so that they are, you know at the level they need to be at to be the next head of school.

A cause of concern was the quality of who manages equality issues at the grassroots level (rather than at institutional level). It was reported by some respondents that they felt this was often delegated to people who seemed to have little or no understanding of the politics of discrimination. The function was simply appended to someone's already overloaded job description.

Furthermore, some of the 'experts' involved in equality work did not always appear to our respondents to be familiar with recent legislation. Thus, an academic from Eastville relates:

I mean the policies, we've argued they have very good policies, we've argued with them until it was good, but there are limits. To the extent that they're put into practice, I'm very unhappy. They have an occupational health advisor who has brought two people with disabilities to tears in the last six months. She doesn't understand disability basically. I tried to get something resolved. Well, they actually had a draft job description produced to the disability committee and that hopefully was referred back to the personnel department. If you have these problems, if you have these individuals who do not understand…

A member of support staff – and a trade union representative – from Cityscape highlighted how sometimes the most inappropriate people get appointed as equality officers:

I can give you an example of somebody that was given a post of equal opportunities officer for a School who was the biggest bully in the school. She could have people in tears. And yet she was an equal opportunities officer. And that's the kind of thing … you know there's no monitoring of who it is that's taking on these roles.

Conversely, a senior black academic from Eastville felt that management was not doing enough to cascade equality issues into the organisation and that responsibility was left to minority status staff:

But I would love for more, in inverted commas, majority ethnic colleagues to own equality and diversity issues and to see them as issues that are pertinent to all, as opposed to somehow being seen as special interest groups, special interest group concerns. But that isn't the case, so I frequently find myself in meetings being the designated authority.

Some support staff from Cityscape suggested that there was an element of *equal opportunism* as some staff members took responsibility for equality issues to enhance their professional profiles and then failed to take any action:

I think it's really well illustrated the commitment of management to say equal opportunities or discrimination officers, is if you look through the Schools as to who they've actually appointed to those roles. And then you try and find out what work they've done, because knowing I was coming to this I actually had a little look for the listings, and I couldn't find them for my faculty and I wouldn't mind betting that if you look on your website, they're not there. I mean there was a name there, the bad news was she'd actually left four years ago so um … you know. So I mean that just to me says this is the commitment on the ground in the faculties. It's not happening and I mean the people that I know that they've appointed are people who've needed … academics who've needed that for their workload model and they don't do anything with it.

The problem of senior and middle management inactivity was observed by an academic trade union representative from Eastville who felt that for some, it was sufficient simply to note the numbers rather than take any action to rectify under-representation:

Now on sex equality last year there was a round of promotions to principal lecturer and, it was noted that I think the proportion of women who applied, as compared to the proportion of women employed, and the proportion of women I think, was one out of six appointees. And the personnel office simply in their report noted the numbers. But we tried to push them to think about what might they do about it but they were quite content to just note the disparity between the number of women employed in the academic role and the outcome of this round.

Performance indicators in quality audits can also, on occasions, over-ride equality concerns. For example, the RAE may be a central driver in decision-making about appointments and promotions (AUT 2004). On the one hand, productivity is valued over social identity, which means that research- active female or black members of academic staff have more chance of recognition. On the other hand, the intensified atmosphere of the RAE can mean that anything goes, with headhunting and personal approaches to well-known academics accepted recruitment practice. This can work against internal promotions, as an academic trade union representative at Westside observed:

So the people are employing almost exclusively new people anyway there, exclusively in terms of their potential, their current research output, and their potential research output. And I suppose you could say in one sense, as long as they can get people who they think will look good in the RAE, they're certainly not going to discriminate in terms of race or gender or anything. On the other hand if a university has some kind of policy of doing their best to employ staff from ethnic minorities, or across the two genders, then there's going to be a tension there, clearly there's going to be a conflict. Because the main priority is going to be getting people who can, or have, or will publish, and they're going to see things through that lens only rather than think, well okay, maybe we're not absolutely sure whether this male candidate or that female candidate is better, but in the circumstances we'll probably take the female one. They're not necessarily going to do that if there's any chance at all, for example, that the male candidate will publish a bit more over a period of time. So there's got to be a bit of a tension there I think.

Sometimes the drive for quality in equality terms can also lead to tokenist appointments of those who fulfil 'equality' criteria, leading to a sense of overload by those individuals involved:

I've become very kind of strategic in terms of my resistance to being put forward as the designated authority. Because I'm now, I became a Reader in 2003 and so I'm very young to be at that senior position. I'm a woman, I'm a black woman, so I'm an acceptable and a very impressive kind of public face for the university. So I'm frequently approached by the vice chancellor explicitly to represent the university for media purposes, and I have for the most part said no. I've just been, you know, otherwise engaged, because I know what is at work here. I mean I won't completely shoot myself down by saying that I'm not an articulate person and someone who can get my ideas across in a forceful manner, so I know that's part of it as well, but I think I'm not so naive to not be aware of, for television, how symbolically forceful it would be to have my face kind of representing.   Academic, Eastville

The urgency of the audit culture and the drive to demonstrate performance means that some respondents felt that lengthy procedures to ensure fairness were sometimes viewed as over-bureaucratic and wasteful.

A lecturer at Westside noted that the speed of the 'now' university meant that equality procedures were frequently over-ridden:

Something that's happening in this place, and I think it's happening all over the place really, is a sort of, I think there are inequality implications here, is that you've got a sort of centralisation of power at the top, a sort of managerialism that's happened in British universities over the past ten or fifteen years is being accelerated at the moment. Because vice-chancellors want to achieve results quickly, get good people in quickly. So rather than go through the correct procedures when it comes to recruiting new people, you know, going through the various committees and getting consensus and agreement on things, they will just sort of, by dictat, they'll say yes we want, yes, let's advertise for six people in business studies because potentially there's a lot of students from the Far East that will come and do business studies. Let's get staff in quickly, put the advert in now, when in fact they're supposed to go through a sort of process whereby the department's consulted, and various committees are consulted, it goes to the university council. That's sort of been circumvented to a large extent.

Hence, it does not appear that the scrutiny of audit is always perceived as being applied to monitoring equality issues for staff in all of our case-study institutions in the same way as audit criteria are applied to other aspects of higher education such as research or teaching. There are also mixed feelings about who should lead the management of equality policies; those with ontological capital or those in positions of authority who may have the organisational locus, but who lack lived experiences and political analysis? Throughout our study, we noticed how readings of the inequalities themselves were complex and subtle and how these could be wide open to misrecognition and micropolitics.

Micropolitics and power relations

Micropolitics is a concept which focuses on the ways in which power is relayed in everyday practices. A micropolitical perspective can reveal the subtle and sophisticated ways in which dominance and discrimination are achieved in academic organisations. Several informants reported how power gets relayed informally in academic life via networks, coalitions, gossip, humour, sarcasm and exclusions. Exclusion is often abstract and nebulous, leaving victims uncertain of their readings.

A lesbian professor from Cityscape said:

I think many of the stories that I've heard from other people are not about explicit anti, you know anti-gay, homophobic, where someone says, you know, I'm not promoting you because you're a queer or you're not doing this, it's much more subtle than that, and it's about people not being seen to fit in, people not looking like, their face doesn't fit. And that's never quite said to them, but they get, they get marginalised.

Support staff at Cityscape also commented on the face not fitting and favouritism, using the Aryan image of the 'blue-eyed blonde':

A couple of departments will only employ blue-eyed blondes…
we had an example where a post was created for someone and the first thing … we're in the same faculty and the first thing we knew about it was they said 'Oh so and so's been made …' And I was one of the first people to go to the head and say 'Well how come?' you know. 'We should have internally advertised this post.' And it was a post created for this person because he was a blue-eyed boy, and that was it.

Another way in which micropolitical sabotage can occur is via selective communication. While many informants in our study complained of general information overload, others noted how power relations operated to stifle or withhold information.

A female lecturer from Cityscape commented on how male-dominated coalitions excluded her:

The banding together of men within the department and the keeping of knowledge and information, some of which is essential to be able to do my job properly, a sort of deliberate withholding of that information when it was needed to execute a particular task, and then that being interpreted as me not knowing the systems or me not being sufficiently savvy or experienced in higher education. So there is definitely a control on the passage of information which has been used in quite a damaging way in my experience.

Control of access to opportunities through control of access to information can also affect support and academic-related staff.

An Eastville academic informant comments on how racism is conveyed micropolitically via everyday management practices:

You don't issue instructions, you don't micro-manage your black staff, criticise them and investigating every little thing they do, looking, fault-finding, or pretending that well you're just checking up but really what you're doing is you're saying that you're in the post but you're only there because you're black, you're not really able to do the job, I'm going to have to do everything, and of course there's the exasperation and the annoyance that goes with that. When somebody feels that they have to constantly be checking your work, they let you know that they're angry about it because they're thinking I've got to do extra work because I've got this black person sitting here.

A further example of school or department-level old boys' club model of management and its attendant discrimination and exclusion was reported at Eastville, where cases of exclusion and discrimination were believed to be targeted at ethnic minority staff. Four members of staff whom we interviewed reported (either in the interview or on the critical incident forms after the interviews) having been discriminated against in the promotion procedure and in appointments to middle-managerial positions on this basis. Their claim about discriminatory practices and career progression denied to them was made on the grounds that they felt their academic profiles better met the stated promotion criteria than those of the ethnic majority staff who eventually obtained the promotion.

What reinforces the perception of racial discrimination is what was characterised as a recurrent pattern of ethnic minority staff failing to get promotion. Three of our respondents, all lecturers, adduced the example of a recent promotion round where ethnic minority members of staff who, based on the stated promotion criteria, stood a very good chance of getting promoted were not even shortlisted.

One of our respondents from Eastville believes discrimination due to his ethnicity might have been combined with an ageist calculation:

Ethnic minority members of staff they are not here to expect favours from the university many of them, we just want a fair deal and I have the feeling that fair deal is not being given and offered to us. When I joined here … I was taken two increment below the senior lecturer and after two years I have been, but last 24 years on the top of senior lecturer scale, did all this research and other thing and got nowhere, so there it is … only got literally 15 months left to retirement then I shall be 65. I don't know whether ageism worked against me because if they had promoted me a few months ago I would have only left two years, whether that was factored into their calculations or their decision making process only the management can tell.

What may reinforce the feeling of racially motivated exclusion is the absence of ethnic minority staff in managerial and middle-managerial staff across the institution, a situation that has been perpetuated by what our respondents saw as dubious and unclear procedures for appointment to managerial positions and allocation of managerial tasks.

This is what one of our Eastville respondents said about the appointment of the deputy head of school:

Why wasn't it (middle-managerial post) advertised, here was an opportunity now for the university to appoint an ethnic minority person at that level, it was not advertised, it was just given to him … there's not a single ethnic minority staff above the course tutorship here. Above this level there are course directors. Not a single ethnic minority person … None of them, they're all English people. And moreover, none of them have got a PhD. Down here, course tutors … we're all ethnic minority people with PhDs. …. The management, yes, the school, head of school, perhaps endorsed by the pro-VC … so this is institutional racism.

As the above instances show, the micropolitical terrain is perhaps the most challenging, the most sensitive, and the most contingent of all aspects of the conduct and implementation of equality and diversity policies. Institutional macropolicies can be sabotaged and undermined by intense subjective struggles at the micro level of the day-to-day experiences of staff,

struggles over stakes and interests specific to the academic game (Bourdieu 1988). This disconcerting backstage micropolitics highlights the 'disjuncture' between cultural/normative engineering, the official normative culture that the institution's policies try to enforce and the actual embodied and enacted norms, tactics, concerns, allegiances and priorities, on the other.

Policy paradoxes

Policies set up to challenge one group's disadvantages can sometimes paradoxically reinforce discrimination against another group. For example, discrimination against mothers and the recognition of the professional costs of motherhood have led to the introduction by some organisations of family-friendly policies. These are frequently framed in equality terms, such as the rights of mothers, parents and carers to time off or flexi-time in order to attend to domestic responsibilities.

In some ways, these policies and practices appear to embody early feminist principles of acknowledging how responsibilities in the private domain structure women's opportunities in the public sphere. Yet, it could also be argued that these policies have strong normative underpinnings in so far as they promote a particular model of family life and relationships that is heterosexual and based on a gendered division of labour. The family-friendly policies in any case do not work for all categories of staff, even if they fall within its remit.

The long-hours culture in Britain is detrimental to all staff, yet it may be assumed that child-free heterosexual or lesbian and gay workers do not need to stake out any boundaries as their relationships are less important than those of heterosexuals.

A lesbian professor from Cityscape in our study notes:

Instead of talking about family friendly policies you talk about creating a working environment that respects all of people's care commitments, whether their care commitments are for children, for husbands, wives or same sex sexual partners or friends, or elderly relatives or, you know, dogs or cats or whatever but that respect for diverse experiences, and I think that can be promoted and that needs to be done by universities, but actually the problem is much wider than universities.

A Westside lecturer who was also a union representative commented on the existence of family-friendly policies, but was uncertain of the terms and conditions, yet again suggesting that communication about entitlements is fairly haphazard:

Right, the university has recently produced a raft of what it calls family-friendly policies, for example, which allows men to take paternity leave for short periods. Does it pay them? I'm not sure whether they're paid or not. They're certainly allowed to have leave of some kind anyway. It's actually not got very good provision for maternity leave, well it has but the pay isn't very good. I think it only pays full salary for a very short period of maternity leave. But it does look at these things. I'm not sure it's implemented as much as it's promised but it's something that clearly is in the minds of people in personnel, and they don't entirely ignore it.

A female junior academic from Eastville recognises that the problems that mothers in HEIs face could influence her decision whether or not to have children:

Another young female colleague who recently had a child, and has found it very difficult to arrange when she'll come back after maternity leave, getting more flexible working, you know, sort of arrangement. So that sort of made me very wary of possibly, over the next few years, of me finding myself in the same situation, it could cause problems.

Motherhood in academia has both material and symbolic connotations. There are the constraints and oppressions of child care in organisations dedicated to the life of the mind. There is also gender role spill-over, with women academics often responsible for pastoral care of students (Acker and Feuerverger 1996), as an academic at Westside indicates:

I think when there are a lot of pressures in terms of research and in terms of going away to conferences and presenting your research, that maybe it's the women staff that have more problems in terms of the time to be able to do that. I do think you tend to find there's an interesting division of labour, where women seem to take on a lot of the pastoral responsibilities in places, a lot of looking after students.

Given the assumptions built into the RAE-dictated intensive work culture, a female academic from Sandside described the RAE as 'an example of institutional sexism':

I think the Research Assessment Exercise is … don't know, I think you'd call it an example of institutional sexism actually (laughter) …… from the point of view that there's absolutely no … um, there's just no accounting for the actual number of academic hours that a member of staff works, which actually excludes many women with kids.

A black academic from Eastville discusses how racism adds to mothering responsibilities:

Well, to be a parent of a black child in this country is very, very stressful, because every day your child goes out you're wondering who is abusing my child, who is damaging my child's self-esteem, who is injuring my child, you know, so you don't, on top of that, then need to bring home stress from the job.

Heterosexism in general, not just in relation to family friendly policies, was seen by most of our lesbian and gay informants as rife in HE and there were reports of perceived overt abuse, while others told how they felt silenced in informal spaces e.g. in discussions about partners and also marginalised professionally. For lesbians, gays and bisexuals, being 'out' at work can be an important political statement that challenges compulsory heterosexuality and normative framings of relationships and lifestyles. It can also be a vote of confidence in the organisational culture.

A lesbian lecturer from Cityscape relates how she has refused to be forced into the closet:

I mean I have always been out, I was out at X, I was out at Y, and I'm out here. My partner comes to socials and things like that, I don't know if that is a problem for other people in the department, certainly my colleagues and friends have no issue at all but I don't know about the managers.

One form that heterosexism can sometimes take is to 'other' lesbians and gays. A second lesbian lecturer notes:

They seem to be OK with women in the department if they can regard them in the way they might a daughter or a wife, they can't seem to deal with somebody who doesn't fit either of those two roles. Of course they can then come up with the third role so if I challenge them they put me down as a sort of angry dyke kind of person and they can kind of deal with me in that way. Either way my gender gets in the way, my sexuality gets in the way, they don't listen to what I'm saying as an equal and consider the argument.

Nevertheless, that some of our lesbian and gay informants felt that, in spite of 'othering' and the reinforcement of lifestyle 'norms' in the academy, they could still be open about their sexuality, was a positive finding.

Recent legislation protecting religious minorities at work may also produce some complex value clashes. Whilst its moral-practical value with regard to better forms of distributive and procedural justice is quite salient, the legislation meant to counter discrimination based on religion, when implemented, can throw up some awkward ethical-political dilemmas, and in a way highlight the limits, perhaps even pitfalls, surrounding the 'politics of recognition' (Fraser and Honneth 2003) as currently pursued in HEIs and public policy as a whole. It is in the area of interactional justice (Primeaux, Karri et al. 2003) that dilemmas and clashes between the heterogeneous legal and moral obligations and expectations, as well as the distinct forms of recognition politics underpinning them, can arise.

The problem is that when the moral/legal framework *fully* recognises religion as both an identity attribute and also as a legitimate contributor to public discourse, then it also has to recognise and accommodate the hostility of a number of different religious faiths to homosexuality and everything associated with it.

A female member of support staff from Cityscape University who characterised herself as an 'evangelical Christian' was convinced that the irreconcilable contradictions between the moral normative visions of the minorities that the legal framework aimed to protect make different pieces of legislation not only contradictory, but also unenforceable.

She cited the example of the experience she went through in her previous work place where she felt 'excruciatingly uncomfortable', even offended, by an 'out' lesbian colleague of hers who, having been on paternity leave, was talking about her and her partner's new experience of parenthood. She said:

(As) a committed evangelical Christian …(I) have views about the appropriateness of certain forms of sexual behaviour, within exactly the same department as me, we were based in the same room, a very large room, so lots of people within the office, (she) was an openly practising lesbian … When the member of staff in question came back from paternity leave … she was terribly excited and she wanted to do exactly what any (other) colleague in a heterosexual relationship would want to do, go and talk about it. She did so within the context of our open office and her conversation made me feel excruciatingly uncomfortable because I didn't know how to respond, however if I had in any way represented my concerns and my difficulty she would have then felt excruciatingly uncomfortable because she would have felt that this was something she wanted to share with her colleagues and she couldn't.

Due to what this respondent saw as irreconcilable 'world views' – emanating from irreconcilable politics and embodied in anti-discriminatory legislation on sexuality and religion – she believed the legal framework was incapable of implementation:

Hearing in our Equality and Diversity Committee about the new legislation regarding race and religion and also regarding sexual orientation because I actually don't think some of the things that are being attempted are actually enforceable … The

recent legislation does actually say that if you are subject to conversations between two colleagues that are not even anything to do with you but which nevertheless make you feel intimidated, harassed or awkward you can take issue with that … but if I had taken issue with it and tried to stifle this conversation that would have then put her in a position where she would have felt uncomfortable and harassed, do you see what I mean, so I don't see how current legislation can actually legislate the colleagues that have different world views are not allowed to be talking to other colleagues about those things and that you can take issue with that.

On a broader level, the potential dangers surrounding such a situation are two-fold. There arises, first, the possibility that a form of recognition politics can be mobilised to legitimise, and also obscure, a discriminatory politics of representation targeting status attributes such as gender, ethnicity, sexuality and religion.

The contradictory forms of recognition politics might bring about, as an ironic side-effect, a return-of-the-repressed situation: i.e. explicit, vulgar sexism, racism and homophobia might be able to return in forms that capitalise on the institutionalised status and legitimacy of recognition politics.

Second, the anti-discrimination legal framework, viewed in its entirety, whilst aiming, perhaps with the best intentions, to reconcile and accommodate, is at root premised on relativism and a principled commitment to inclusiveness and accommodation irrespective of the practical implications and consequences. It reconciles and accommodates, as far as the letter of the law is concerned, precisely by occupying a non-normative position with regard to validity claims – moral and ethical – made by the various forms of identity politics associated with gender, sexuality, ethnicity and religion. The legal framework does not provide for cases where conflicting validity claims require that the law come down, at least in theory, on one or the other side of the fence**.**

Grievances: Danger and Loss

We noticed that, for many informants, the losses involved in taking out formal grievance procedures outweighed any potential gains. There were fears about loss of promotion opportunities, harmonious social relations and and the potential for stigmatisation. The power relations that make abuse possible were often seen as a deterrent to complaining. All the institutions studied have in place complaint and grievance procedural mechanisms accessible online and detailed definitions of what constitutes or might constitute a grievance as ground for lodging a complaint. The codified rules and policies on complaints and grievances and their causes are valued by many members of staff, were thought by some to constitute a deterrent to staff disposed to engage in harassing, bullying or discriminatory practices. However, we also found that many respondents, support staff in particular, expressed a reluctance to lodge a formal complaint. Fears of backlash were prominent:

The problem is that all staff do not feel that they can lodge a grievance without basically threatening their own livelihood.
Support staff trade union representative, Towngate

I think there is an attitude that you keep your head down and you won't get into trouble then. That if you do sort of start being stroppy that you … because things like promotion seem to be so random (laughter) and not transparent, that you wouldn't be considered for it if you're thought of as being a trouble maker.
Academic staff trade union representative Towngate

Another problem was that recipients of discriminatory behaviour were often unsure of their interpretations. Overall, we found that mention of explicit offensive behaviour and comments, or other behaviour directly targeted at personal attributes, were brought to our attention only relatively rarely. More often cases related to perceived injustices that may or may not have been intentional but often occurred as a result of some other action. Perceived discrimination due to ethnicity, gender disability, sexual orientation or age were likely to be perceived as embedded in managerial/professional decisions about recruitment, promotion or workloads.

Equally important in any decision about whether to make a complaint is the perception that the institution may well side with the harasser/bully: it was noted by a number of our interviewees that from an HR point of view and with regard to an institution's cost-efficiency considerations, the bully/harasser (if more senior than the person who is the recipient) constitutes a much more valuable asset than a member of support staff in respect of expertise and skills, symbolic capital or income-generation.

A female support staff member at Sandside University noted that the institution's unsatisfactory and unfair handling of her case against her female HoD was explainable by the fact that her 'boss' brought x thousands of pounds in research funding for the University every year.

In parallel, a harasser/bully in a senior position is often perceived to be standing on the management side of the divide and therefore capable of mobilising their power and connections to have the case either undermined or skewed against the alleged victim.

Further, the role of Human Resources departments, along with that of the harassment advisors who liaise with them, whilst claiming to be impartial and supportive (and undoubtedly so in many instances), can on occasions be construed as manipulative and pre-emptive, aiming to smother and 'dissipate the case,' as one academic put it, discouraging the potential complainant from pursing their case further into the formal stage.

Without trying to be overly negative about the people (Personnel and harassment advisors) who've taken it on, I think much of the design of what they've been invited to do is actually to dissipate the case rather than to actually take it forward. And I mean what you can't ever know is how many people have actually ever gone through that process and been discouraged from proceeding … well I have to say personally I know of no cases that come that route, that has then gone on.
Academic staff trade union representative, Towngate

Human Resources are management. They are not … they've no credibility whatsoever … They're management's stick basically.
Manual staff trade union representative, Sandside

You are completely powerless in dealing with them if … I know any number of people who've gone to Human Resources and in my last job I went to Human Resources. But you may as well throw yourselves into the wolves' den. They are going to manipulate the situation. They want you to shut up, they want you to stop your complaint and withdraw it, and they want the report for the end of that year to say that everything's wonderful in the University.
Member of academic-related staff, Sandside

The outcome of a complaint case is therefore preconceived as a forgone conclusion by a number of staff. This is a preconception made all the more entrenched in such staff's views by perceptual precedents such as their knowledge and perceptions of unsatisfactory procedures and outcomes of the institution's handling of previous cases.

A manual staff trade union representative from Sandside noted some recent improvements but pointed out that the complaints procedure is still far from effective, and still well out of step with the policies:

I'll be truthful, it's changed quite a bit, but not fully. My biggest criticism really is like I say we've got grievance procedures, harassment, all these things come out, they all sound good, but you try and take a grievance or … I'm ready to speak against a head of department - it just doesn't work, the rules are not the same. It's okay going down the way. If you try going up the way to take on your head of department, you'll find the University will guard them. Rules change overnight. It's not plain and simple.

Potential complainants can be discouraged by the prospect of being labelled, and officially registered by the institution as troublemakers. Further, it was pointed out that people can feel reluctant to lodge a complaint and thereby occupy a victim status, out of a sense of self-esteem, and the perception that, as a lesbian academic at Cityscape put it:

If you do make a complaint it's because you can't get ahead by any other means … (you are seen) as a troublemaker, somebody who is trying to work the system to their advantage because they can't get ahead on merit.

Gendered cultural representations of complaining as a female status attribute could play a role in disinclining both female and male employees to make a complaint: female employees may want to avoid reinforcing the stereotype of women as constant complainers, while male employees may see complaining as a female attribute and try to avoid what they see as a compromise of their masculinity:

There's probably a long way to go with our culture to say … it's okay to say 'I think I'm being bullied' … Women will see it but men …Well women might talk themselves … you know one will say … and somebody else probably you know 'You should go and see the steward' or something. I think with men it's very different. I think it's part of their maleness isn't it, to feel that they're being got at. And especially if it's … you know maybe by another man. That's not something you're going to confess to easily.   female trade unionist, Speyside

A support staff trade unionist from Towngate College pointed to a recurrent pattern where staff who had engaged in a grievance procedure were moved to a different department, only for them to abandon their posts and leave shortly after:

But I mean it's happened to three people … you know like within the last 5 years people have actually been moved from a department and all those people have, you know, didn't stay round very long. So you know, they've left.

The likelihood of a given grievance going through to the formal stage, let alone being resolved in a satisfactory way, was perceived to be extremely remote by a good number of our respondents, some of whom thought that institutions are most worried about negative publicity, both internally and externally, rather than the well-being and dignity of its work force, especially those in lower positions in the occupational hierarchy.

Even if this is not the case, the fact that some staff believe it to be so can serve to cancel out some of the more positive aspects of institutional equality policies.

Conclusion

We explored staff experiences and perceptions of equal opportunities policies in six higher education institutions. We examined how staff perceived and engaged with such policies, the resources and organisational interventions being used in each case-study HEI to implement equal opportunities policies, the intersections with other policy activities such as quality assurance, the micropolitics of equality issues in HE, some policy paradoxes, and finally how grievances and complaints procedures are perceived by our respondents.

Whilst the policy framework for challenging inequalities appears to be strengthening via new UK legislation and legitimation from EU directives on employment, responses from HEIs appear to vary considerably. Many of the staff that we interviewed believed that the momentum for equality related more to students in the context of the customer care revolution than to the well-being of staff. They also noted how policies existed at a textual level – often to meet the requirements of audit and funding bodies – rather than working at the grassroots level of day to day work and felt that there was a major implementation gap.

A number of staff reported breaches in equality procedures or a reluctance to pursue grievances but others displayed a disinclination to engage with equality politics and entitlements at all, as these came across as yet more managerial 'noise'.

Some of our most disturbing findings relate to the way in which the pressures of the audit culture and quality issues appear to over-ride concerns about equalities. Equally worrying is what can happen at the micro terrain of interaction and interpersonal relations where tensions, exclusions and conflicts, where what we have termed the micropolitics of the work place can undermine and go against what the macro policies provide for, and what the official politics profess.

Within HE institutions micropolitics can often be lagging behind, and indeed out of step with the top-down macro policies that aim to engineer a transformation of the institution's organisational cultures. Furthermore, policy activity in relation to one structure of inequality e.g. family-friendly policies, or protection of the rights of religious minorities, can collide with rights for other groups such as gays and lesbians.

In addition, stigmatisation can arise out of staff engagement with equality policies as plaintiffs. We suspect that the ideology and practice of equality can subtly reinforce normative framings and lifestyles. Though equality policies in UK higher education are being redesigned and repositioned, so far as many staff to whom we spoke are concerned, either they distance themselves from it totally or the implementation and impact of such policies leaves much to be desired, particularly in the context of the political project of equality (Forbes, 2002). It appears that in many case equality still remains at the symbolic level of text.

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