

## CHAPTER 6

# The Colour of Shame: The Lack of Ethnically Diverse University Senior Academics and Professors – Can, and Should We, Expect the Law to Provide Equality?

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Academia looks like a pint of Guinness to me – diverse below, but not at the top.

(Wilson 2020)

### Introduction

The UK's university sector has a reputation for excellence, which enables it to attract some of the world's finest academics and students (Howell 2014: 98); its system is steeped in a rich history and almost 1,000 years of tradition.<sup>1</sup>

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<sup>1</sup> For example, the University of Oxford has evidence of teaching since feudal times, 1096.

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At the heart of university culture lies the pursuit of objective inquiry and transformative education. In order to thrive and advance, universities need to continue to generate critical and analytical inquiry, but this requires diversity of thought, which can only be achieved by a diversity of academics. On the surface it appears that academics in universities are ethnically diverse, as statistics evidence that, save for black academics, almost all other ethnic groups are well represented at a 'junior' academic level when compared (crudely) to the general population.<sup>2</sup> However, these figures are inconsistent with the disproportionate numbers of ethnically diverse students entering university when compared to white students,<sup>3</sup> and meaningless in light of the statistics that show 88% of university professors<sup>4</sup> and 86% of senior academics<sup>5</sup> are white. These statistics matter, as professors and senior academics are the people who lead universities and who are ultimately responsible for the management, education, curriculum design and research direction of those institutions. The statistics suggest that universities may be institutionally racist, with discriminatory recruitment strategies, and retaining barriers that prevent career progression for academics from an ethnically diverse heritage.

Universities should be meritocracies, providing curricula fit for the twenty first century and representative of not just different races, but also different social classes, ages, abilities, sexes, genders, sexualities and religions. This chapter acknowledges that race is not the only diversity issue within academia, but focuses on the issue of race, the topic upon which this volume based, and is impenitent in its premise that ethnic diversity is good, and worth striving for (Mor Barak 2013: 228). Moreover, as numerous studies show (Page 2008: 335; Dizikes 2014), diversity is good for business (Hunt et al. 2015; Fulp 2018: 30). The lack of ethnically diverse staff at professorial and senior academic levels is a cause for concern, and has consequences, not just for students, other academics and university staff, but also for society and the acquisition of knowledge itself. This chapter will examine whether the law can effect equality in relation to ethnic diversity in professorial and senior academic positions, and whether it is a fair expectation. It will begin with a consideration of the statistics and law, and then move on to consider why, given the 'changing' university, we are not seeing a 'trickle up' of ethnically diverse students into senior roles; the chapter will conclude with possible solutions to this problem.

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<sup>2</sup> See Table 6.3 below.

<sup>3</sup> See Table 6.4 below.

<sup>4</sup> See Table 6.2 below. 'Professor' is defined by the Higher Education Statistics Authority (HESA) as 'senior academic appointments which may carry the title of professor but which do not have departmental line management responsibilities' (HESA 2022).

<sup>5</sup> See Table 6.2 below. 'Senior academic' is defined as 'senior management' and 'Head of Schools/Senior Function Head' (ibid.).

**Table 6.1:** Senior academics (Source: HESA 2022).

Ethnicity	Numbers	Total academic staff	% compared to the total academic staff
White	5,490 (86%)	144,255	3.81
Black	75 (1%)	5,940	1.26
Asian	330 (5%)	23,105	1.43
Mixed	80 (1%)	5,675	1.41
Other	85 (1%)	5,445	1.56
Not known	265 (4%)	19,660	1.35
Total	6325	204,080	0.26

### Part I: The Statistics

Negative press attention has attached to statistics on academic ethnic diversity within universities with headlines such as ‘Minister criticises lack of senior black UK academics’ (Adams 2020), ‘Racism in UK universities is blocking BAME academics from the top’ (Sian 2019), ‘British universities employ no black academics in top roles, figures show’ (Adams 2017) and ‘Only 1% of UK university professors are black’ (Coughlan 2019; White 2022). Statistical evidence shows that whilst the numbers of ethnically diverse academics in British universities have risen, ethnic diversity in senior academic positions remain low and unrepresentative (see Table 6.1). White academics are three times more likely to become senior academics than their Asian colleagues and four times more likely than their black colleagues.

Professorial statistics paint a similar picture (see Table 6.2), with white academics four times more likely to become professors than black academics; white professors make up 88% of all professorial appointments.

The statistics on professorial and senior academic numbers are difficult to understand when viewed in context; we will see from Table 6.3 that, save for black academics, almost all other ethnic groups are well represented at a ‘junior’ academic level, particularly when compared to their numbers in the general population.

Whilst these statistics are hopeful, with numbers appearing to move in a more representative direction, the most recent available statistical report (Advance HE 2021) at time of writing found other areas of concern beneath the veneer of these statistics. For instance, although there has been an increase in ‘Black, Asian and Minority Ethnic’ academic staff (as defined by *ibid.*: 12), white academic staff benefit from open-ended or permanent contracts, hold senior management positions and receive higher salary bands compared to their ethnic minority counterparts. Conversely, compared to white academics,

**Table 6.2:** Professors (Source: HESA 2022).

<b>Ethnicity</b>	<b>Numbers</b>	<b>Total academic staff</b>	<b>% compared to the total academic staff</b>
White	19,130 (88%)	144,255	13.3
Black	165 (1%)	5,940	2.8
Asian	1,705 (8%)	23,105	7.4
Mixed	365	5,675	6.4
Other	85	5,445	1.6
Not known	385	19,660	
Total	21,835	204,080	10.7

**Table 6.3:** Academic staff (excluding atypical) by personal characteristics. Academic years 2017/18 to 2021/22 (Source: HESA 2022).

<b>Ethnicity</b>	<b>Numbers</b>	<b>Census 2021</b>	<b>% compared to the general population</b>
White	144,255	45.8m (81.0%)	0.315
Black	5,940	2.4m (4.2%)	0.248
Asian	23,105	5.4m (9.6%)	0.428
Mixed	5,675	1.7m (3.0%)	0.334
Other	5,445	1.2m (2.2%)	0.454
Not known	19,660		
Total	204,080	56.5m	0.361

ethnically diverse academics hold more temporary contracts, have higher leaving rates (*ibid.*: 130), are under-represented in the highest contract levels and are over-represented in the lowest salary bands (*ibid.*: 131). The report did, however, find that ethnic minority academics are on average paid more than UK white staff (*ibid.*: 132). So, although diversity has increased and the wage gap decreased, serious problems remain.

As Table 6.4 demonstrates, people from a diverse background are more likely to enter higher education (HE) than their white counterparts and take HE qualifications (Connor, Tyers & Modood 2004: xiii). Therefore, we should be seeing a 'trickle up' of more ethnically diverse staff in senior academic and professorial positions by now. For example, in the five years to July 2020, the number and percentage of white undergraduate entrants went down, but all other ethnic groups undergraduate entrants went up, with the Asian ethnic group having the biggest increase.

**Table 6.4:** Students entering university (Source: HESA 2021, Table 27).

Year	Asian		Black		Mixed		White		Other	
	%	Number	%	Number	%	Number	%	Number	%	Number
2015/16	10.5	61,545	8.2	48,335	3.8	22,125	76	446,040	1.5	8,715
2016/17	11	63,540	8.5	49,140	4	22,925	75	434,580	1.6	9,290
2017/18	11.3	65,335	8.6	49,860	4.1	23,565	74.2	428,565	1.8	10,345
2018/19	11.5	66,635	8.5	49,300	4.2	24,460	73.9	427,040	1.8	10,175
2019/20	12.2	70,660	8.7	50,655	4.5	25,840	72.6	421,730	2	11,635

In summary, it is therefore possible to say that diverse junior academic staff are becoming more representative of society, but not as representative as their numbers entering university. Senior academic and professorial staff remain predominantly and unchangeably white. University culture remains discriminatory, despite numerous diversity and inclusivity initiatives and notwithstanding over half a decade of race discrimination legislation. We will next consider the law's ability to effect equality in universities and thus change these statistics in the future.

## Part II: Equality and Discrimination Legislation

The UK has had almost 60 years of protective legislation against racial inequality and discrimination, perhaps not a long period of time in legal history, but long enough to have expected parity between races in institutions such as universities. This legislation was piecemeal and arose slowly and incrementally over time. Indeed, the Race Relations Act (RRA) 1965 was the UK's first legislation prohibiting discrimination on racial grounds in places of 'public resort',<sup>6</sup> making it a civil wrong. The RAA 1965 did not prohibit direct discrimination in employment, so could not have been used by ethnically diverse academics to challenge non-appointment to senior positions. Overall, the 1965 Act was toothless, representing a failed attempt to remove formal inequality.<sup>7</sup>

<sup>6</sup> Section 1 (2) defined public resort as hotels, restaurants, cafes, pubs or other places where food was supplied for consumption; theatres, cinemas, dance halls; sports grounds, swimming pools or other places for entertainment, public transport; and places maintained by a local authority.

<sup>7</sup> It could also be described as simple, if a somewhat naïve, response to a country in which immigrants were arriving in ever increasing numbers, often in reply to government invitation but against the backdrop of a collapsed empire.

Therefore, in 1968 a new Race Relations Act was introduced. The RRA 1968 extended the 1965 Act to cover both public and private employment, as well as other areas of life, such as housing. In theory this legislation would have assisted anyone challenging their non-appointment to a senior academic or professorial position. However, the 1968 Act had little impact, mainly because it was difficult to enforce, but it did send out a powerful public information message that racial discrimination was not an acceptable form of behaviour.

Eight years later, and replacing the 1965 and 1968 Acts, the RRA 1976 was introduced in an attempt to eradicate more subtle indirect discrimination and to make enforcement of the law easier. Later, the Race Relations (Amendment) Act 2000 placed a general duty on schools, universities and public authorities to rid themselves of racist practices, and to promote equality and good relations between different races. In light of the statistics on senior and professorial academic staff discussed in Part I, it is evident that this legislation was not entirely successful.

The present law on race discrimination is contained within the Equality Act 2010 (EA 2010), which replaced previous anti-discrimination laws (including repeal of the RAA 1976), putting all equality legislation within a single Act.<sup>8</sup> It offers legal protection to people if they fall within one or more of the nine categories of protected characteristics.<sup>9</sup> It protects against indirect<sup>10</sup> and direct discrimination,<sup>11</sup> as well as harassment and victimisation. Race is one of those nine protected characteristics and defined within section 9 (1) as: (a) colour; (b) nationality; and (c) ethnic or national origins.

The 2010 legislation also introduced the notion of ‘positive action,’ a way for employers (in theory) to encourage and assist people with a protected characteristic in relation to recruitment and promotion in employment. These provisions are contained within sections 158 and 159 of the Act.<sup>12</sup> This is positive action and *not* positive discrimination,<sup>13</sup> which remains both discriminatory and unlawful. Section 158 lawfully allows employers to take

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<sup>8</sup> It brought together over 116 separate pieces of legislation, including the Race Relations Act 1976.

<sup>9</sup> Section 4 contains the protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

<sup>10</sup> According to section 19 EA 2010, indirect discrimination is for example, where an organisation, such as a university, puts a rule/policy/way of doing something in place that has a worse impact on someone with a protected characteristic, in our case, race, than someone without one.

<sup>11</sup> According to section 13 EA 2010, direct discrimination is where a person is treated worse than another person because of a protected characteristic, in our case, race.

<sup>12</sup> Positive action acknowledges that in order to overcome disadvantage, a person with a protected characteristic should be given equality of opportunity.

<sup>13</sup> Positive discrimination would treat the person with the protected characteristic more favourably than candidates who do not fall into any of the protected characteristic categories – this would be direct discrimination.

proportionate action where they believe a protected group suffers a disadvantage, has particular needs or does not participate enough in an activity. The employer can take proportionate action to reduce the disadvantage, meet the particular needs or increase their participation. If the employer has evidence of employee disadvantage they can take positive action, such as ensuring bias is removed from recruitment processes, reviewing their recruitment strategies, reviewing their promotion practices, providing mentoring for and/or coaching for protected groups and raising awareness of the issues. However, although there are examples of action employers may take, positive action is not actually defined by the legislation. As a result, many employers are wary of falling foul of the law and having to defend themselves in an employment tribunal. Section 159 concerns recruitment and promotion. It allows for the (mythical) 'tiebreaker' situation, which is where employers can recruit or promote a person with a protected characteristic if they are equally qualified as the other candidate. There have been few cases on this, and it is difficult to use because it is rare for two candidates to be identical. Both sections are unclear and thus usually legally meaningless and unhelpful.

Additionally, from 2011 all publicly funded authorities, such as universities, have been placed under a public sector equality duty (PSED) which requires them to pay due regard to the need to eliminate harassment (pursuant to section 149 of the Equality Act 2010). Universities, are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It does not place a positive duty on universities to take all reasonable steps to prevent racial harassment; rather, the onus is on individual academics to make a challenge via litigation, but litigation is expensive, time-consuming and difficult (Equality and Human Rights 2019).

However well-intentioned and protective the EA 2010 (and previous legislation) set out to be, it has been passed against a continuing backdrop of restrictive immigration legislation and political anti-immigration rhetoric which has, and will always, produce confusion and tension within society, negating the positives of equality law. The EA 2010 has failed to make any noticeable difference to the diversity statistics for professors and senior academics within universities. Had they done so we should, by now, be able to see some 'trickle up' from an ethnically diverse student body to an ethnically diverse body of senior academics. The next part considers this conundrum.

### Part III: ‘Trickle Up’? – The Changing University

As the statistics in Table 6.4 illustrate, students from an ethnically diverse heritage are more likely to attend university than white students (Dearing Report 1997: Chapter 7; Connor, Tyers & Modood 2004: xiii; Crawford & Greaves 2015: 7). This over-representation of ethnically diverse students can be explained by a number of factors, and we will examine each in turn.

Firstly, evidence suggests ethnically diverse communities place a higher value on HE in comparison to white communities. For most students, be they from an ethnic minority or the white majority, a degree or a higher degree has currency; students pay for and consume education, and in return they expect higher paid employment than their non-university educated counterparts. For their investment, most students expect a ‘good’ degree. Indeed, government university policies have been designed to encourage student participation in undergraduate study, thus expanding opportunities and reducing unemployment. As a result, universities have become market driven, seeking to provide students with the skills and qualifications that make them more employable; universities have become mass, competitive models of education.

The suggested reasons for increased participation particularly by students from an ethnically diverse background are twofold: one, the idea that qualifications have more value to these groups because it allows them to progress economically (Law & Swann 2016); and two, that such students are given a stronger ‘push’ to attend university and gain further qualifications by their families (Connor et al. 2004: 17). If it is true that such high value is placed on education, then we would expect to see more senior and professorial ethnically diverse academics moving up the academic ladder.

A further explanation for the over-representation of ethnic minority students in universities is a regulation system which has been designed to promote inclusivity. Universities are heavily regulated by many bodies. For example, Universities UK regulates all universities, requiring them to offer consistent and comparable services. The Quality Assurance Agency (QAA) safeguards standards and seeks to improve the quality of UK higher education. The independent regulator, the Office for Students (OfS), aims to ensure that every student has a fulfilling experience of higher education that enriches their lives and careers. Outside of this is Advance HE which sets industry standards.

A key priority in the regulation of universities has been the ‘widening participation’ (WP) initiative. It was a priority for the Dearing Report (1997) and was introduced as a policy in 2013 when WP became an amalgamation of the old ‘Access Agreements and Widening Participation Strategic Assessments’ (Department for the Economy 2019). WP aims to:

[E]nsure that all those who have the ability to benefit from higher education have the opportunity to do so. Higher education and the

opportunities that it brings should be available to all, regardless of their background. (Department for the Economy 2019)

In order to achieve WP, in 2017 for example, a legal duty was placed on universities to widen participation (Harwood et al. 2017: 70), with section 2(3) of the Higher Education and Research Act 2017 (HERA) requiring the OfS to 'have regard to the need to promote equality of opportunity in connection with access to and participation in higher education' in performing its functions (Department for Education 2018: 3).

Whilst it might seem that WP has been partly responsible for the increase in ethnically diverse student numbers (Table 6.4 in this chapter; Gov.UK 2020: para. 1), the Dearing Report (1997: para. 7.16) found that even before WP policies were in place, ethnic minorities were as a whole more than proportionally represented in higher education, compared to the general population. Yet, to reiterate, they are far from proportionally represented at senior level academic positions such as professor or manager.

Another explanation for the statistics is the student loan system which (in theory) enables students to study at university independently of their parents. The past 60 years have seen many changes to how universities are funded. The pursuit of knowledge and the expansion of university numbers is expensive. Before 1962 students had to pay to go to university, but after the enactment of the 1962 Education Act, full-time university education was free to domestic students. The system changed again in 1998 to fulfil the Labour Party's vision of expanding university student numbers following the Dearing Report (1997), and the enactment of the Teaching and Higher Education Act 1998 required students to pay £1,000 towards their tuition fees. Consequently, the 2004 Higher Education Act sanctioned variable tuition fees, and made student fees one of three vital sources of university funding.<sup>14</sup> The Higher Education Act of 2004 enabled universities to charge up to £3,000 in tuition fees. Then, following the Browne Review in 2010, the cap was raised to £9,000 a year, and in 2016 it rose to its current maximum of £9,250. These fees have enabled the expansion of degree-awarding providers,<sup>15</sup> therefore increasing student numbers. It has also resulted in some universities using tuition fees to make up to half or more of their funding.

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<sup>14</sup> The other two sources of income are the Office for Students which distributes government higher education funding to more than 300 providers in England, and Research England distributes funding for research (see: <https://www.officeforstudents.org.uk/advice-and-guidance/funding-for-providers/annual-funding/> and <https://re.ukri.org/>).

<sup>15</sup> *Ibid.*, the 2020–21 total for teaching is 78% below the 2010–11 figure in real terms. The large increase in fee income (from home and EU students) since 2012 has meant that the total funding for institutions through regulated fees and funding council allocations increased in real terms in each year from 2011–12 to 2019–20.

With these regulatory and funding changes has developed a university culture from one of learning to a more business-focused model, with students now as consumers. Whilst student loans theoretically enable students to be financially independent of their parents and provide access to education, there are student concerns about costs and debt. Yet these concerns have not translated into students rejecting undergraduate study (Department for Education 2018: 6); rather, student numbers have increased (Brown & Carasso, 2013: 30–31). Regardless of our views on student fees, there is an argument that the loan system has made education more accessible for all. However, we should have reservations, as US research suggests that many American students from an ethnically diverse background have been deterred from prestigious four-year programmes and have chosen less prestigious two-year programmes because of debt fears (Parry, Gallacher & Scott 2017: 120). Recent UK research suggests that proposed changes to the loan system will affect ‘poor and minority ethnic people harder’ (Adams 2022). We have seen that more ethnically diverse people are choosing to go to university and attending in ever-increasing numbers. We have also examined some of the contributory factors for this; next we will consider the barriers to progression from student to junior academic to senior academic and beyond.

#### **Part IV: Barriers to the ‘Trickle Up’ – From Student to Junior Academic, to Senior Academic to Professor and Beyond**

There are many barriers to progression to senior academic, professor or higher (Vice Chancellor etc.). Some of these barriers begin before undertaking an undergraduate degree and follow the ethnically diverse academic throughout their studies and after university into their career(s). Therefore, we will examine the barriers at each of these stages.

##### *Before university studies*

The attainment gap<sup>16</sup> begins long before the student enrolls in university and will prevent some students from continuing into HE; for example, for black students, ‘the black penalty’<sup>17</sup> becomes evident at secondary school (Social

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<sup>16</sup> This is where pupils living in deprived communities do significantly worse at all levels of the education system than those from our least deprived communities.

<sup>17</sup> The ‘black penalty’ was defined as: A black penalty in secondary and higher education. Despite starting school ahead with performance largely in line with national averages, black children fail to show this advantage higher up the age range. They are the ethnic group most likely to fail their Maths GCSE, most likely to be excluded from school and one of the least likely groups to achieve a good degree at university. Black boys do substantially less well than their female peers particularly

Mobility Commission 2016: 3). The attainment gap starts at pre-school and widens with GCSE and A Levels. The Education Policy Institute (2020) found that attainment varied significantly between school ethnic groups. For example, Gypsy/Roma pupils were almost three years (34 months) behind white British pupils at GCSE level. However, Chinese pupils were two whole years ahead of white British pupils. Some ethnic groups continue to experience growing inequalities: black Caribbean pupils were 6.5 months behind white British pupils in 2011, but the gap has now increased to 10.9 months. Other black groups have also seen the attainment gap widen, for example, other black backgrounds and pupils who do not have English as a first language (ibid. 2020).

If ethnically diverse students manage to attain despite these gaps, then the next step to a senior career in academia is the need to attend the ‘right’ university. GCSE grades affect the student’s choice of A Levels, and both A Level choices and subsequent grades affect the student’s choice of university. The problem can be further compounded by a lack of good information, advice and guidance when making GCSE and A Level subject choices, as well as university choice. Aspirations may also be set too low at an early stage.

In theory *all* universities are the same and therefore a degree from one is as good as another, in as much as universities *all* work to the same quality standards (as set by the QAA), *all* strive to ensure students have fulfilling university experiences (OfS) and *all* work towards the same standards set by Advance HE. In reality, the academy prefers to recruit and promote staff who possess qualifications from those universities perceived as ‘kite marks’ of academic excellence (Hay 2017: Chapter 12), i.e., from Russell Group universities.<sup>18</sup> These universities are held up as offering a gold standard of research and teaching (Anderson 2006:186; Palfreyman & Tapper 2014). Whilst ethnically diverse student numbers are rising at Russell Group universities (Adams 2022a), students from ethnically diverse backgrounds tend to congregate in the ‘new’ universities, i.e., the post-1992<sup>19</sup> universities (Runnymede 2015:12).<sup>20</sup> Indeed, in 2006 it was reported that more black Caribbean students studied at London Metropolitan University than at all the Russell Group universities put together (Curtis

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at Key Stage 4. Furthermore, granular analysis of different black sub-groups (for example black African cf. black Caribbean) has also shown distinctive patterns in achievement (Social Mobility Commission: 3).

<sup>18</sup> These are the 24 universities known as the ‘Russell Group’. For more information see: [www.russellgroup.ac.uk](http://www.russellgroup.ac.uk).

<sup>19</sup> Post-1992 universities are former polytechnics or institutions that were given university status through the Further and Higher Education Act 1992, or an institution that has been granted university status since 1992 without receiving a royal charter (Scott 2021: ix).

<sup>20</sup> In 2015, 25% of students from an ethnically diverse background studied at 30 post-1992 universities compared to an institutional average in the UK of 16% (Runnymede 2015: 12).

2006).<sup>21</sup> Whilst these figures are now over 15 years old and seemingly out of date, they may provide an explanation for the lack of ethnically diverse senior academics and professors today: there may not have been enough candidates from an ethnically diverse background for institutions to promote or appoint in their own image to senior academic/professorial positions.

### *At university*

Once a student has progressed to university, there are other barriers they will face, primarily a risk of non-continuance of studies and the university attainment gap. Although we have seen that students from an ethnically diverse background are more likely to attend university than their white counterparts, the Office for Fair Access (OFFA) reported that the non-continuation rate for black students is almost 1.5 times higher than it is for white and Asian students (OFFA, June 2017/02). These statistics have a bearing on the lack of diversity at senior academic and professorial level today.

Furthermore, there is an attainment gap<sup>22</sup> which not only affects student transition from undergraduate to postgraduate study but is another area of serious concern. In 2017/18, 80.9% of white students attained a 2:1 or first class degree compared to 67.7% of 'BAME' students (Universities UK & NUS 2019: 17). Further analysis of these figures demonstrated that 57.5% were black, 70.5% Asian, 77.2% mixed and 67.8% 'other', with students achieving a first or 2:1 (Universities UK & NUS, 2019:17a). Such an attainment gap prevents diversity in the senior levels of academia.

Universities are aware of and have been tackling the attainment gap, for example many have adopted initiatives such as 'cultural awareness' training for staff and anonymous marking procedures (Broughan et al. 2013).<sup>23</sup> However, initiatives do not always have the intended results. One illustration of this is the use of alternative forms of assessment. Many post-1992 universities use different forms of assessment to minimise the negative impact of traditional exams on their students. These assessments take the form of oral presentations, vivas, groups presentations, vodcasts and podcasts for example (Bloxham & Boyd 2007). The problem with these 'alternative' methods is that they are unavoidably assessed in a non-anonymous way and risk the danger of biased

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<sup>21</sup> For a detailed explanation of the reasons for the attainment gap see Universities UK & NUS, 2019: 16–19, & 22.

<sup>22</sup> This is where a student's ethnicity can affect their degree outcome (Universities UK & NUS 2019: 6).

<sup>23</sup> Anonymous marking in summative assessments is designed to counter any unconscious bias the marker may have and to address systemic discrimination. It matters that, like justice, marking is fair and seen to be done fairly. The literature on anonymous marking shows that it is the best way of avoiding bias.

marking or perceived biased marking. So, in attempting to equalise assessment, it may have increased the risk of bias (Office for Students 2019).

Bias is not the only explanation for the attainment gap. It has been suggested that some students do not come to university equipped with the necessary academic skills to study their chosen discipline. For example, in Law, students do not come with the ability to write or read analytically. This problem is known as the ‘deficit’ model; this model places all culpability on the student (Valencia 2021: 2): it is their attributes and characteristics that are seen as the problem, not the education system or the society in which they have matured. No accountability is placed on how schools or colleges are organised, or the structural discrimination that may lie in the society in which the student has lived. Though the deficit model attempts to explain the problem, it does not solve it. It has been suggested that institutions fail to take responsibility for the problem of the attainment gap (African Caribbean Achievement Project 2020).

### *After university*

Without a ‘good’ degree, a student cannot progress to postgraduate studies, a qualification essential to progress to senior academic roles. A person may teach without a postgraduate degree, but that lack of qualification may later bar academic promotion and progression. The 2018/19 policy briefing from the UK Council for Graduate Education (UKCGE 2020) demonstrated that students from an ethnic minority are under-represented in postgraduate study. They highlighted that the proportion of Black, Asian and Minority Ethnic (BAME) students enrolled in UK HE dropped from 24.81% at undergraduate level to 18.07% at postgraduate research level. Further, in the same period, 48.19% of postgraduate research students (PGRs) received no award or financial backing for their tuition fees, as compared with 32.66% of white PGRs. There was a gap of almost 2% in the qualification of white and ethnic minority PGRs: 18.91% of white PGRs qualified in 2018/19, as opposed to 16.13% of BAME PGRs. The UKCGE concluded that greater diversity in PGR participation could only be improved with direct intervention. They noted that the growth rate was so small that it would take more than half a century for ‘BAME’ participation in postgraduate research to reach its equivalent proportion at undergraduate level. To tackle this issue, the OfS announced a funding competition to improve access and participation for black, Asian and minority ethnic groups in postgraduate research study (OfS 2020). We will wait to see the success of this initiative.

Even if a candidate from an ethnic minority background has achieved the necessary GCSE and A Level qualifications, attended a good university, achieved a ‘good’ degree and passed a postgraduate qualification, the next hurdle they must successfully jump in order to start or progress in their academic career is being selected for interview and subsequently being appointed. Research

has demonstrated that when white and ethnic minority candidates are considered for the same post at application stage, the ethnically diverse candidate is not selected as often as the white candidate even when they have the same qualifications. The explanation for this discrimination is ‘implicit’ prejudice or bias (Bhopal 2015: 7–8; Deaux & Snyder 2018: 116).<sup>24</sup> Bhopal stated that although interviews are designed to be neutral, as they progress, they become ‘negotiated’ and ‘contextual’ (Bhopal 2015: 53), which can be detrimental to an ethnically diverse candidate. Representatives of the institution may wish consciously or unconsciously to appoint in their own (white) image (Calvard & Cornish 2018: 89).

One constant theme from reports on universities is that many academics from an ethnically diverse background feel that promotion pathways are not as transparent as that of their white colleagues (Universities UK & NUS 2019: 4 & 36). UCU found that black female professors reported four significant barriers to promotion: being overtaken by less qualified and less experienced white female colleagues in appointments to new posts and in the promotion process, poor feedback after interviews, a lack of rigour and transparency in the promotion process, and being delayed in applying for promotion as a result of unsupportive or bullying Heads (UCU 2019: 4).

Once suitably qualified, the ethnically diverse person has to find a position within a university in which to work as an academic and in which to progress their academic career. We will see below that problems may arise when trying to work within these institutions.

## Part V: An Unchanging University Culture

This comparative lack of progress of ethnically diverse academics to the top of the ‘ivory tower’ is reflective of the embedded/entrenched culture of universities. Despite changes to funding, regulation and student diversity, universities essentially remain culturally unchanged. These traditions may stymie the recruitment and progression of ethnically diverse academics. The first UK university was the University of Oxford, founded around 1096 (Brockliss 2019: 75). In or about 1249, Oxford student lodgings evolved into what are now known as Oxford colleges, when University College came into being; thus the white, male, middle-class academic culture was born. It is into this established culture that all academics must fit (Gabriel & Tate 2017; Gabriel 2020). If an academic does not fit into this image they may find it difficult to find employment; if they reject or feel uncomfortable within that university culture they may feel compelled to leave, disengage or de-emphasise their cultural identity.

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<sup>24</sup> A standard description of implicit biases is that they are unconscious and/or automatic mental associations made between the members of a social group and one or more attributes or a negative evaluation (FitzGerald, Martin & Berner 2019: 7).

Indeed, it is probable that the structure was formulated to exclude those who did not conform. It was designed to suit the dominant culture, i.e., the white and privileged male.

The dominant image of an academic is still a white and male one (Maylor 2018: 350–51). By contrast, women and ethnically diverse academics are a recent invention. However, white women academics are enjoying the labours and fruits of diversity and inclusion initiatives (Bhopal 2020). So although the British university system is almost a thousand years old, it was just over one hundred years ago, in 1908, that it acquired its first female professor, Edith Morley (Fraser 2004);<sup>25</sup> it was not until 40 years later, in 1947, the black economist, Sir William Arthur Lewis, became the first black professor, Professor of Economics at the University of Manchester (see Tignor 2020: 268). Another 73 years later, in 2020, Professor Charles Egbu became one of the first black VCs in the UK (Dacey 2021) when he was appointed to Leeds Trinity University.

This resistance to change in academia's cultural landscape may be viewed through a prism of institutional racism.<sup>26</sup> Authors such as Alexander and Arday (Runnymede 2015) and Miller (2016) have argued that universities remain institutionally racist, with policies and practices that, at the very least, take 'whiteness' to be the norm (Bhopal 2020; 2022). This institutional racism affects ethnically diverse academics progress within the academy. Coupled with this institutional racism are incidents of a racist nature.

There have been many reported racist incidents in British universities. For example, in November 2020, Zac Adan, a student at Manchester University, was wrongly accused by university security staff of 'looking like a drug dealer'. He was held against a wall and a demand to see his university identification was made (Halliday & Walker 2020). In 2018 a recording of racist student chants

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<sup>25</sup> Her professorship was not a benign gift for her academic skills, nor was it graciously given. Her employer, Reading College, in preparation for their university status, made all Heads of Department Professors – except for Morley, because she was a woman. After a battle, she was, in 1908, promoted to Professor of English Language.

<sup>26</sup> Defined as 'the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin, it can be seen or detected in processes, attitudes and behaviour which amounts to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people' (MacPherson 1999: para. 6.34). Such racism is pervasive in society (see Windrush Review 2020; Lammy 2017). It is detrimental to society in many ways, for example in damaging the economy up to £24bn (see Gov.UK 2017). Black people in England were more than three times more likely to be a victim of murder (Equality and Human Rights Commission 2016: 41) and four times more likely to be stopped and searched by the police (2016: 40). In 2016 the Equality and Human Rights Commission reported that black workers with degrees earned over 23% less on average than white workers with degrees (2016: 21).

made the newspapers (Bouattia 2018), as did the infamous banana incident at Warwick University in 2016 (Guardian Students 2016). Coupled with this blatant racism is the more common casual racism that is part and parcel of everyday life; this hostile environment makes life as an ethnically diverse academic difficult, as well as making it difficult for such students to study and attain a good degree.

Racial harassment is a common experience for many students and staff in UK universities. A total of 24% of students from an ethnically diverse background, compared to 9% of white students, said they had experienced racial harassment (Equality and Human Rights 2019: 6). This equates to 13% of all students (*ibid.*). In all, 56% of students who had been racially harassed had experienced racist name-calling, insults and jokes (*ibid.*). Other experiences included microaggressions, exclusion and exposure to racist material. The harasser was predominantly another student but in some cases a tutor or another academic (*ibid.*). It is within these institutions and cultures that academics from an ethnically diverse culture have to work. The same report found that approximately 3 in 20 ethnically diverse academics reported racial harassment which then caused them to leave their jobs, with many more saying they were considering, or had considered, doing so (*ibid.*). Others expressed a fear of reporting discrimination issues for fear of being branded a ‘troublemaker’ (*ibid.*), and others lacked the confidence to bring complaints against racial harassment (*ibid.*).

We have now examined the statistics, law and some suggested reasons for the lack of ethnically diverse senior academics and professors. What then are the possible solutions? We will now give consideration to this question.

## Part VI: Towards True Inclusion – Solutions

There have been many studies into ways of improving inclusion, as well reports more generally on racial discrimination and institutional racism; all have suggested ways of fixing the problems, and yet the problem remains stubbornly unresolved. This chapter does not attempt to review all the report literature, but highlights below themes emerging from some of those reports.

### *Government assistance*

The government has passed equality legislation, alongside inclusive university regulation and policy. However, whilst government anti-immigration rhetoric remains, we will not be able to tackle issues of racism; inclusivity cannot be achieved whilst this contradictory rhetoric remains. Likewise, politicians must stop using false narratives; for example, in 2016, the then Prime Minister, Theresa May MP, remarked, ‘If you’re a white, working-class boy, you’re less likely than anybody else in Britain to go to university’ (GOV.UK July 2016). This

observation may have been true, but is more nuanced. The actual outcome is that white working-class boys with lower educational qualifications and a lower likelihood of going to university still have higher employment rates and higher social mobility than those from an ethnically diverse background (Aoki, Battu & Mass 2019).

For almost 60 years, legislation has tried to resolve race discrimination, and yet it still remains a problem. The Equality Act 2010 was a positive step towards protecting people from discrimination, but to be more effective it requires additional measures. For example, litigants require quick, affordable expert legal advice which a change on government policy in regard to legal aid would resolve.

### *A coherent university approach*

Despite legislation, policy and regulation, the government needs to provide better guidance on how to tackle racism (including institutional racism: see Equality and Human Rights 2019). There are so many reports and recommendations that it results in a lack of coherence and clear messaging. A more streamlined approach is needed (Universities UK Taskforce 2016), as is a university sector joint approach to the problem (*ibid.*), as well as the sharing of applicable data (UCU 2019: 36) and the dissemination of appropriate research (*ibid.*). Universities are not precluded from sharing such information (and it has been questioned whether they fully understand the Data Protection Act 2018 (see Advance HE 2021)).

### *Individual universities*

Individual universities need strong leaders. Vice Chancellors and the senior leadership teams they command should be transparently appointed on excellence. They should lead by example and take responsibility for change, putting in place robust policies, plans, key performance indicators and progress reports on diversity. Strong leadership teams should be able to hold brave and honest conversations about race.

Human Resources (HR) departments should have policies that are clearly communicated, with meaningful resources and support dedicated to ensuring that recruitment is fair (and anonymous up until the time of interview). Unconscious bias training needs to be more than a typical HR multiple-choice test prescribed for mandatory training. Staff training is required on white privilege, as well as cultural awareness training. Universities need to be confident in talking about, and tackling, racial harassment.

Harassment and complaint processes must be clear, and robustly carried out. There has to be accountability. It has been recommended that universities have a clear and transparent complaints process (Equality and Human Rights 2019:

8–10, 12–13). Complainants need to understand their rights, and feel able to complain to HR without fear of losing their job, or being branded as ‘difficult’. HR needs to help ethnically diverse staff with issues of fatigue (Withers 2020), feelings of being brow-beaten or with fighting a system that is structurally racist. The law alone cannot resolve all these problems, and universities have to put in place structures and procedures to help such staff. Universities should have zero tolerance towards racism (Universities UK Taskforce 2016), and all university ‘bystanders’ should understand their role in ‘calling out’ racism or racist behaviour (ibid.).

### *Creating an inclusive culture*

Discussing race would stimulate an inclusive curriculum. Britain had an ‘Empire’, which at its height was the largest in world history, covering around 25% of the world’s land surface (Burton 2015). It has shaped not only British history, but world history. The ripples of that imperialism are still visible and as a result have relevance to all parts of the curriculum. By decolonising the curriculum, universities will help challenge racism and racial discrimination. Unfortunately, in the past many of these attempts for an honest debate have been met with a negative press or outright hostility (see for example: Mitchell 2020; Harding 2021); the UK has a problem discussing its colonial past and legacy (Brookfield 2018). Decolonisation will provide an inclusive curriculum and therefore an inclusive university. Problems with funding mean that many university academics have little time to redesign courses, so a strategy to deal with this is also needed. If universities are unable to speak to an inclusive curriculum, then university culture will remain stagnant and unable to tackle racial discrimination.

### **Conclusion: ‘Deeds not Words’**

UK universities lack ethnically diverse senior academics and professors despite almost six decades of race discrimination legislation. This suggests that the law alone cannot resolve the problems of deep-seated discrimination that is prevalent in UK society. Both UK culture and government policy require change. The government could help change UK culture by abolishing its anti-immigration rhetoric and policy. Other change could be assisted via education, and universities are well placed to lead the way. Universities should continue to be the stronghold of objective and research-led inquiry and be at the centre of re-examining British colonialism and empire. This is a both nuanced and complicated history, exactly the sort of inquiry and research that universities should be leading and teaching, but this cannot be done without diverse research and diverse academic leadership.

The law alone cannot effect equality, or single-handedly improve the statistics on the lack of ethnically diverse senior academic leaders and professors, but it should be able to protect people from discrimination and the corresponding harm that discrimination causes. The law should be the last resort for people who have been discriminated against, as universities should resolve issues before recourse to law (as you ‘dig two graves’ when you litigate, your own and the defendant’s). The time to merely talk about race and the under-representation of academics from an ethnically diverse background is over, since we need ‘deeds’ and not more words; there have been so many reports with excellent data and recommendations that need to be implemented. Action does not need to be taken in a sentimental fashion or within a culture of ‘victimhood’ (or sympathy); we just need to act in an objective manner, so favoured by academia, and driven by data. All academics, especially senior and professorial, have a duty to speak up against racial injustice as the law alone cannot resolve the lack of ethnically diverse professors and senior academics.

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