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Managerialism and academic professional autonomy – power and resistance in the UK universities: the case of lecture capture policies before and during Covid-related shift to online learning'

Nataliya Rumyantseva, Ruth Ballardie, Ratnes Alakahone

University of Greenwich

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Executive Summary

Research aims

New Public Management (NPM) and marketisation have dramatically changed UK higher education (HE). Academic roles have been re-shaped (MacFarlane, 2012), workloads increased (Jacobs, 2004; Tight, 2010; Zucas & Malcolm, 2017) performance management has increased surveillance, with diminished professional autonomy, academic freedom and professional discretion. Institutional power has shifted from academics to managers (Deem & Brehony, 2005). New technologies contribute to this. Since the COVID-19 pandemic, lecture capture (LC) technologies although enabled teaching to go on during lockdowns, have also increased the rift between managerial and professional perspectives often at the expense of academics' job satisfaction and job security.

The aim of this research project was to explore how managerial and professional powers are negotiated during lecture capture policy development and implementation as well as the shift to online teaching. How these negotiation dynamics and wider institutional, social and economic inform and shape academic responses to changes (through compliance, adaptation or resistance), and how individual and collective responses mediate academic agency. This report focuses on reporting negotiation patterns across institutions and processes of academic resistance.

Methodology

A mixed-method approach was engaged in this study. In the first stage, survey data were collected from 40 University and College Union (UCU) Branch Officials, in the second stage 61 semi-structured interviews across seven institutional cases were conducted. For each institutional case, at least one UCU Branch official and at least 4 academics were interviewed. In the majority of cases, the sample included a Head of Department or Deputy. Our goal was to explore how tensions between the divergent interests of managers and academic staff become apparent, contestable, and negotiable in the context of disruptive change. Scholars have long been aware that institutional policies are mediated, implemented, and resisted by local actors (Fanghanel, 2007). The introduction of lecture capture policies, now very common across UK institutions (Ibrahim et al, 2020), and the pandemic-dictated shift to online teaching in the academic year 2020-2021 presented an opportunity to explore the dynamics of managerial and academic power dynamics. We focused on the processes of academic responses and resistance in particular at individual and collective levels.

Findings and Conclusions
Survey

- The survey results indicated that pre-92 institutions have more stringent regulations of teaching recordings through opt-out or compulsory policies (80%) as opposed to their post-92 counterparts (36%).

- The survey results highlighted that the majority of UCU Branch Officials (63%) had concerns about the LC policies as they were initially proposed, but only 40% of the Branches were able to take part in meaningful negotiations. More than 65% of the policies in the sample were either opt-out or mandatory, removing academic discretion over the recording of teaching. The stringency of the opt-out clause varied across institutions with no appanrent differences between pre and post-92 institutions.

- 70% of the Branches solicited their members' views about LC policy negotiations, 13% of the Branches have registered a formal failure to agree with senior management, 5% have threatened industrial action and a third of respondents, 2.5% (1 branch only) has registered a trade dispute with management. 11% have observed processes of opposition amongst academic staff in their institution outside the union channels. The level of resistance through the union was similar across pre and post-92 universities.

- A third of the institutions in the sample indicated an intent to review their existing LC policy in response to the pandemic-related changes, whilst 45% of the Branches were actively seeking changes in the existing policies since the start of the pandemic.

Case studies via semi-structured interviews

- Academics and union concerns with regards to LC policy and practice alongside the transition to online teaching covered areas of professional autonomy with regards to the decision to record, usage of recordings alongside Intellectual Property Rights (IP Rights), Performer's rights (PR), Moral Rights (MR) and GDRP right as well as pedagogical concerns. Concerns were more severe in the institutions with opt-out policies and during the pandemic. These concerns were present in equal measure pre and post-92 institutions.

- Data analysis identified three broad patterns of managerial and professional power relations in three categories: 1. Strong union with good union-management relations; 2. Weak or strong union branches but with poor management – union relationships. 3. Ambivalent cases: mixed union-management history with mixed managerial practices. The patterns cut across pre and post-92 institutional types.

- The general patterns of power relations, previous history, and the context of the pandemic were found to shape academic responses and resistance in particular to LC policies and the changes introduced during the pandemic-related transition to online teaching.

- Findings discuss processes of collectivisation of individual acts of resistance and the development of a resistance subject in one institutional context.

Policy Recommendations and Dissemination Plans

We conclude this report with recommendations for academic institutions and union branches as well as their representatives at the national level. We include academic and non-academic plans for the dissemination of our findings.

Literature Review

Higher education managerialism and lecture capture policies

New Public Management (NPM) and marketisation have dramatically changed UK HE. Academic roles have been re-shaped (MacFarlane, 2012), workloads increased (Jacobs, 2004; Tight, 2010; Zucas & Malcolm, 2017) performance management has increased surveillance, with diminished professional autonomy, academic freedom and professional discretion. Institutional power has shifted from academics to managers (Deem & Brehony, 2005). New technologies contribute to this. Since the COVID19 pandemic, digital technologies that enabled teaching to be delivered at a distance have also increased the rift between managerial and professional perspectives often at the expense of academics' job satisfaction and job security. The trend that has been noted by researchers before the pandemic (Woodcock, 2018) has since become even more pronounced in academic practice.

For example, LC technology and associated implementation policies potentially enhance teaching, yet can also operate as surveillance, reduce professional discretion and weaken professional autonomy (Edwards, Martin and Henderson, 2018). LC involves a technological platform that is designed to record live teaching sessions (usually lectures), store and deliver them later. Such practices are increasingly accompanied by policy documents that regulate the use of technology. The survey conducted in 2015-2016 in 149 British universities revealed that 75% of all institutions either had some form of LC policy or were in the process of developing one (Ibrahim, Howarth, and Stone, 2020). The policies typically fall into optional for staff (opt-in supporting academic discretion) or mandated (usually with various types of opt-out specifications or some time without one, thus reflecting different degrees of managerial imposition). Types of policy formalise the degree of professional autonomy academics are granted over aspects of their teaching practices. Ibrahim et al (2020) observe the proliferation of opt-out LC policies shifting from 0 in 2012 to 9% in 2015-2016. This trend points to the tightening of managerial control over academic practice. Since the onset of the pandemic and the associated shift to online teaching, lecture capture policies and practice have become a critical tool in enabling continuous teaching delivery whilst also causing much controversy across the sector (e.g. Basken, 2021)

Despite their apparent value to students, researchers observe that LC policies are rife with complexity and contradiction (Ibrahim, Howarth, and Stone, 2020). Professional logic suggests that the recording of lectures can also operate as surveillance, reduce professional discretion, undermine the quality of teaching, and weaken professional autonomy and labour rights (Edwards et al., 2018). Despite profound complexities, managerial logic tends to predominate in the literature portraying the use of this technology as largely unproblematic and a minimal service provision. Counteracting attempts to problematise the nature of these policies and technologies from within professional logic are few and far between (for a more detailed discussion of this see Ibrahim et al, 2020). And yet researchers have long

been aware that institutional approaches to policy implementation vary widely across universities in the UK. Moreover, institutional policies are often mediated, implemented, and resisted by local actors (Fanghanel, 2007) resulting in unique local patterns of practice. Academics' responses to a variety of different approaches to technologically driven change and the shift to online teaching remained an unexplored area. The present study explores the issues of power, professional autonomy, and academic resistance in the context of lecture capture policy negotiations, implementations, and the recent pandemic-related shift to online teaching.

Academic agency and resistance

In response to growing managerial pressures across the HE sector, significant critical literature on 'the neoliberal university' and its effects on education, academics and students has emerged which analyses and critiques these changes (e.g. Collini, 2018; Smyth & Smyth, 2017; Ball, 2012; Holmwood, 2011). Yet contesting neo-liberal reforms has not translated into direct collective resistance by academics (Holmwood, 2011; Davies & Bansell, 2012). Some argue that the nature of these changes themselves (e.g. increased workloads, surveillance, loss of professional autonomy) produce compliance/ collusion with managerial demands (Ryan, 2012). However, post-structural analyses of power as compliance, adaption and 'the micro-politics of resistance' at the level of the individual, attend to academic identities and meaning-making. Investigating how discourses and practices constitute neoliberal subjectivities, they also find subversion through individual, sometimes 'hidden', acts. (Lucas, 2017; Thomas & Davies, 2005; Trowler, 1998).

 Acts of micro-resistance by individual academics in the face of managerialism have been typified as 'the weapons of the weak' (Anderson, 2008), and commonly explained as stemming from individualised approaches (e.g. REF and TEF), privileging the individual aspect of academic work, with a profession recognising individual achievement (Lucas, 2014; Leathwood & Read, 2013). Yet collective action by academics also occurs (Bergfield, 2018). Labour Process Theory (LPT) is centrally concerned with power and resistance within the employment relationship, both at the level of individuals and collectively in relation to institutions. Resistance is at the heart of labour relations, emerging from the fundamental indeterminacy of the labour process, the tensions and contradictions between the different interests of managers and employees and how these are managed. It is concerned with how work is organised and governed, how consent is elicited, and the possibilities for resistance, with a tradition of attending both to the collective level and to the micro-dynamics of the labour process, worker experiences and agency. Consent is embedded in structural relationships, institutional arrangements, and the material, political and economic contexts that shape these (Thompson & Smith, 2010). While LPT initially developed in research on blue-collar workers, since the 1990s it has extended to professional public sector workers under NPM, including in schools (Carter & Stevenson 2012), universities (Willmott, 1995) and healthcare (Bolton, 2004). Tensions between the different interests of managers and employees become apparent, contestable and memorable when change disrupts traditional work

processes and power relationships. Then, the potential for collectivised and/or overt forms of resistance may emerge, with significant outcomes. One example is the recent introduction of LC into UK universities (Newland, Martin & Ringan, 2015), despite limited evidence for its claimed advantages (Huyssen, 2018; Edwards & Clinton, 2019) or its implications for professional autonomy in relation to managerial prerogatives. LC is often an institutionally contested process involving varying degrees of managerial coercion to gain academic compliance, with a range of policies developed, from a compulsory requirement (opt-out-under exceptional circumstances only policies) to allowing academic discretion (opt-in policies). Forms of resistance may include individual and collective responses involving trade unions (Tarrant, 2018). Responses and policy outcomes vary across universities, indicating significant institutional effects shaping the power dynamics between academics and managers (Fanghanel, 2007). The implementation of LC is an opportunity to examine academic and managerial power dynamics, resistance, compliance and adaption at both individual and collective levels and how these are shaped by institutional characteristics. For example, academic professional power may differ between post-1992 and pre-1992 universities due to historically different trajectories of their development. Hence negotiation and implementation of lecture capture offer a valuable context for examining how academic autonomy is shaped and professional autonomy negotiated in relation to technology-mediated, managerial-driven changes to academic work. This research aims to elucidate how managerial and professional power is negotiated in implementing lecture capture and the shift to online teaching and learning. We consider how the interactions between individual and collective levels mediate academic agency and the effects of these processes and their outcomes on professional autonomy. The research contributes to broader debates about individual and collective resistance and the capacity of the academic agency to contribute to shaping the future of Higher Education.

Although the managerial pressures have been growing across the entire higher education sector, historical factors shaping the higher education landscape in the UK have warranted researchers to explore differences and similarities in pre-92 and post-92 universities in the studies of managerialism and professional autonomy. The two groups of universities in the UK context have different trajectories of development, with post-92 institutions emerging from the former polytechnics because of the Further and Higher Education Act (1992). Researchers of university governance (e.g. Fulton, 1996) have argued that differences between two institutional types both persist over time but also converge under the isomorphic pressures, with the post-92 institutions presumed to be more bottom heavy and more democratic than the post-92 ones. Different patterns of power relations have been noted to translate into different degrees of resistance across different institutional types against changes imposed from the outside. For example, such policy-driven changes as quality inspection processes and institutional audits have encountered stronger resistance in the pre-92 universities (Riddell et. al., 2006; Brown, 2004). There are currently no studies that have explored LC policy implementation in comparative terms between pre and post-92 universities. However, Jenkins et. al. (2001), who explored practices of implementation of technology-enhanced learning have found identifiable differences between the two university types in the relative

importance of different internal and external drivers of technology-enhanced learning; the relative importance of different types of institutional and external incentives to embrace technology as well as different views regarding barriers academics staff experience when deciding to implement learning technologies.

The research questions guiding this study are:

- RQ 1 How is managerial and professional power negotiated in implementing lecture capture policies and the shift to online teaching?

- RQ2 How do academics (individually and collectively) resist/comply/adapt to implementing lecture capture, as a technology-mediated, managerial-driven change to academic work affecting professional autonomy, in pre and post-1992 universities?

- RQ3 How do interactions between individual and collective levels mediate academic agency?

- RQ4 How do institutional, social and economic factors shape these dynamics?

Methodology

This research used a mixed-methodology, by firstly surveying UCU Branches about their experiences with the development and negotiation of lecture capture policy and union strength to enable the identification of suitable comparative cases. This was followed by 61 semi-structured interviews with academics and managers across seven Universities selected for case studies.

The key comparisons were between pre-92 and post-92 universities; those with opt-in lecture capture policies and those with opt-out lecture capture policies (selected based upon survey results). The decision to sample universities based on the pre-92 and post-92 status was based on the UK historical context, where there is some evidence that academic staff in the pre-92 universities are considered to be more resistance to managerially-driven changes when compared to academics in post-92 institutions.

Data Collection and Analysis

The online survey of UCU branches:

The survey was conducted in between June and August of 2020 shortly after the onset of the pandemic and coinciding with preparations for the uncertain academic year 2020-2021. A list of all branch contacts was developed with the support of the UCU Central Office, supplemented by research team's own web searches. The survey was sent to branch committee contacts in 102 branches in England and Wales, with x2 follow-up reminder emails. This resulted in 54 responses and a response rate of 51%. Fourteen responses were discarded because the universities did not yet have a lecture capture policy. The survey findings are based on the remaining 40 responses.

Survey questions covered the following areas:

- Policy development of lecture capture
- Types of lecture capture policy with regards to degree of academic discretion and any additional provisions in the policy
- Union involvement in the negotiation of the LC policy
- Key concerns about LC policy before and after negotiation or resistance from the Branch
- Branch's involvement and experiences with management on the development of the policy
- Where relevant, any forms of collective or individual resistance to the policy and the outcomes.
- Changes to the policy if any with the shift to online teaching with the onset of the pandemic

Survey data were analysed by deriving descriptive statistics for the key items to evaluate general trends across participating institutions. The survey was also used as a filtering tool to identify institutional cases for in-depth interviewing.

Case selection and interviews:

14 institutional cases in total were initially selected for this study based on the pre-and post-1992 status and types of lecture capture policy (opt-in, opt-out, compulsory). Initial interviews with UCU officials and follow-up recruitment of academic staff narrowed down the selection to 7 cases.

Recruitment of participants:

Branch officials, managers or manager-academics and academics were recruited for participation in interviews.

Emails were sent to each selected branch committee of those who had indicated in the survey they were interested in further participation in the project explaining the project and inviting participation. There were 14 positive responses.

Initial interviews were conducted with union branch officials about the process of negotiating lecture capture policies, union-management relations, engagement with the members, and issues related to the shift to online teaching to check the suitability of the case. Following this, academics and managers were recruited from Business Schools, Social Sciences, Arts and Humanities and Science Faculties by identifying academics using the Faculties' public webpages and emailing them to explain the project and to invite participation. Universities with low response rates from academics were excluded from the sample of cases as were cases from similar institutional types that had reported similar negotiation processes and lecture capture policy types, leaving 7 University cases with 61 participants across four faculties (Table 1). Respondents' consented to participation and use of data through a signed consent form and confirmed verbally during the interview.   Participant confidentiality was maintained by de-identifying the digital files and transcripts. Any potentially identifying information in transcripts was removed prior to publication. Ethical approval was received from the University of Greenwich Ethics Committee.

Table 1. Institutional Case Studies: policies, participants and university types

Cases	Number of respondents	Role	Discipline	University Type	Policy Type
1	7	2 UCU officials, 1 HoD, 4 academics	4 departments Social Sciences and Humanities	Pre-92	Opt-in
2	14	1 UCU official, 13 academics	4 departments in Social Sciences, Humanities and Business	Pre-92	Opt-out
3	6	1 UCU official, 5 academics	3 departments in Social Sciences, Humanities and Business	Pre-92, Russel Group	Opt-out
4	8	1 UCU official, 1 HoD, 6 academics	2 departments in Social Science and Humanities	Post-92	Opt-in
5	7	1 UCU official, 6 academics	3 departments in Science, Social Sciences and Humanities and business	Pre-92	Opt-out
6	12	1 UCU official, 1 HoD, 11 academics	7 departments in Business, Social Science and Humanities and Science	Post-92	Opt-out
7	7	1 UCU official, 1 HoD, 5 academics	5 departments in Social Sciences, Humanities and Business	Post-92	Opt-out

Online interviews

The interviews were conducted in the Spring-Summer of 2021, which meant interviews were conducted in the second half of the full academic year affected by the pandemic.

The interviews lasted from 40 minutes to 90 minutes and were conducted by two of the researchers using the online platform MS Teams. Interviews were recorded via Teams and the video was stripped from the files to preserve anonymity. The audio files were de-identified of personal information and sent to a professional transcriber for verbatim transcription via a secure online system. All files have been stored on a secure University platform password protected and accessible only to the research team.

The interview guide for academics covered the following topics: Perceptions, concerns and experiences of Lecture capture; perceptions, concerns, and experiences of the shift to online teaching during the Covid pandemic; perceptions and experiences of professional autonomy; perceptions of the local union branch.

Following transcription, interviews were analysed using thematic coding supported by using Nvivo (latest version has no number) by the research team Thematic coding reveals themes embedded in the data, which in turn enables negotiation, codification and presentation of meaning (William and Moser, 2019). Both deductive codes based on theoretical interests and inductive codes emerging form the interviews were developed. After the initial thematic analysis of each case was completed, patterns within and across cases were discussed and analysed by the research team.

Limitations of method:

There was a significant variation in the actual implementation LC policy and of how the shift to online teaching was rolled out within institutions, with variation across and within any University's Faculties and departments. With the limited numbers of interviews drawn from a small range of departments in each case, it is possible and perhaps likely that other forms of implementation, local differences in responses by heads of faculties or departments and differences in responses by academics occurred that have not been included in the research. Furthermore, only a limited number of managers and Heads of School/Departments were recruited during what was a highly demanding period, early in the Covid-19 pandemic. Academics were primarily drawn from social science disciplines with a very limited representation of the sciences. Hence is it not likely that saturation was achieved.

Selected Findings

This section outlines the summary of *findings from the survey data* pointing to general trends in LC policy types, degrees of union's concerns over the policies and patterns of responses from the UCU Branches and academic staff, as well as LC policy changes that resulted from the shift to online teaching.

Key themes from the semi-structured interviews describe common and distinctive patterns across seven institutional cases. Although exhaustive exploration of each

case study is beyond the scope of this report, case material provides useful illustrations of the general patterns and adds contextual richness through illustrations and specific examples.

The key themes from the interviews report union and academics' concerns about LC policies as well as the shift to online teaching, which are situated within the broader context of the power relations between union branches and management. Following a detailed analysis of individual institutional case studies, we distinguish between three distinct patterns here: strong union and good union/management relations, weak or strong union but poor management relations, and ambivalent relations. The findings then discuss managerial controls and patterns of academic staff's responses to the complex power dynamics with a particular focus on resistant responses and the process by which academics turn into resistant subjects.

Online survey

Key aspects of the lecture capture policy

The survey link was sent to 101 UCU Branches in universities in England and Wales. A total of 54 surveys were returned indicating a 53% response rate. Out of 54, only 37 institutions confirmed that they had a lecture capture policy in place, whilst three have seen a draft of a policy under development. The survey results are based on the total of 40 UCU Branches that were able to comment on the LC policy either published or draft. Twenty-nine universities in the sample were pre-92 and 11 post-92 institutions.

In the sample of *29 pre-92 universities, 20% (*six) had an opt-in policy, where individual academics were given discretion over the recordings of their own teaching. In the sample of 11 post-92 universities, the figure for opt-in policies was 64% (7).

In the pre-92 cases 7% (two) had a compulsory policy without any option to opt-out. None of the post-92s had compulsory policy. In the pre-92 cases, 73% (21) universities had an opt-out policy with varying mechanisms for opt-out, and in post-92 cases this figure was 36% (4). These figures and the breakdown of cases by various mechanisms of opt out are presented in Table 2.

The data in this sample suggests that pre-92 institutions may be exercising more control over teaching recordings than post-92 ones. This is contrary to our initial expectation based on pervious research into the difference on power dynamics and resistance in the two university types.

While lecture capture was intended to be used to enhance the students learning experience, key union and academic concerns focused upon use for managerial purposes, for example for use in disciplinary procedures; for performance appraisal; for strike breaking. Out of 29 pre-92 institutions 24% (seven) have made no assurances that teaching recordings won't be used for managerial purposes as compared to 45% (5) of post-92. These figures suggest that more post-92 universties use LC policies as compared to post-92 universites. However, when we

look at policies in more detail, the picture becomes more mixed. For example, 45% (13) of pre-92 universities reserve the right to use the recordings for disciplinary purposes, as compared to 55% (6) of post-92 institutions. The same figure for pre-92 institutions that implicitly reserved the right to use teaching recordings in performance appraisal processes is 31% (nine); 55% (16) have reserved the right to use the recordings for the disciplinary hearings against academics, and 62% (15) failed to guarantee that recordings won't be used for strike breaking. Out of 11 post-92 55% (six) institutional LC policies were more consistent in making all of these provisions explicit, with the exception of 45% (five) universities that had none of these clauses included. See Table 2 for a summary of these data.

Table 2 Lecture Capture Policy Types and Clauses for Pre- and Post-92 universities.

Types of policy and clauses	Pre-92 Universities, percentage out of total	Post-92 Universities, percentage out of total
Opt-in LC policy, recording at individual academic's discretion	20% (6)	64% (7)
The opt-in LC policy guarantees not to use recordings for		
- Disciplinary hearings with academics	14% (4)	36% (4)
- Performance appraisals with academics	17% (5)	36% (4)
- Teaching cover where academics are on strike	17% (5)	36% (4)
- None of these provisions	3% (1)	27% (3)
Opt-out policy	73% (21)	36% (4)
Opt-out process		
- Automatic in good will	31% (9)	36% (4)
- school/department or faculty level approval process	24% (7)	18% (2)
- providing valid reasons to students	3% (1)	
- a mixture of other less clear processes	14% (4)	9% (1)
The opt-out LC policy guarantees not to use recordings for		
- Disciplinary hearings with academics	31% (9)	18% (2)
- Performance appraisals with academics	52% (15)	18% (2)
- Teaching cover where academics are on strike	31% (9)	9% (1)
- None of these provisions	17% (5)	18% (2)
Compulsory, no opt-out possible	7% (2)	0
The opt-out LC policy guarantees not to use recordings for		
- Disciplinary hearings with academics	0% (0)	N/A
- Performance appraisals with academics	0% (0)	N/A

- Teaching cover where academics are on strike	3% (1)	N/A
- None of these provisions	3% (1)	N/A
Total institutions	29	11

Concerns and negotiation of the LC policy

Out of the 40 UCU Branches, approximately 63% (25) *had significant concerns* about the policy and *wanted to take part in negotiations.* Approximately 42% (17) UCU Branches report that management provided them with sufficient and timely information about the development of LC policy and 40% (16) said that their Branch was actively involved in meaningful negotiations of the policy with management before it was implemented. Approximately 22% (nine) UCU Branches were refused by management any form of negotiation on the policy. Table 3 presents comparisons of these figures between pre- and post-92 institutions. According to the available data the general trends appear to be fairly similar across the two institutional types, with the eception of refusals to negotiation. More pre-92 university UCU branches reported that senior management refused to negotiation with them on the LC policy.

Table 3 Presence of Concerns and Opportunity to Negotiate the LC Policy

Issues around policy negotiations Agreed with the statement	Pre-92 Universities	Post-92 Universities
Our branch was given sufficient and timely information by management about the development of the LC policy	41% (12)	45% (5)
Our branch was actively involved in meaningful negotiations with management before the LC policy was instituted	41% (12)	36% (4)
Our branch had serious concerns which were raised in meetings with management, but had only limited opportunity to negotiate during LC policy development	41% (12)	36% (4)
Our branch had significant concerns but was refused negotiation and had no influence in LC policy development	24% (7)	9% (2)
Total institutions	29	11

The leading concerns amongst responding institutions included issues of rights (performer's rights and copy rights) and pedagogical concerns, subsequent non-pedagogical usage of the recordings (in appraisals, during strikes, inappropriately by students) and privacy issues. Eighteen institution expressed concerns over mandated use of lecture capture. Two institutions reported concerns over institutions breaching their own policies. There were no notable differences between pre and post-92 universities in this regard.

Resisting the LC policy

Twenty-eight UCU branches reported that they have consulted with their members and evaluated their concerns regarding the policy. Five branches have registered a formal failure to agree through formal union/management negotiation channels, 2 branches have threatened industrial action and 1 branch has declared a trade dispute with senior management of the university. In 11 institutions, UCU Branches were aware of academic staff resistance against the policy through other non-union channels. All 40 branches say they have made some gains in terms of amending the policy to address some of their concerns either through negotiations or resistance. A A few more post-92 university UCU Branches (18%) as compared to pre-92 (10%) have registered a formal failure to agree with management and one Branch in the pre-92 university declared a trade dispute as compared to non in post-92 group. Overall, the levels of resistance through the Union appear to be quite similar between the two groups of instutions.

Table 4.   UCU Branch's Resistance Mechanisms against the LC Policy Implementation in pre- and post-92 universities.

UCU Resistance Mechanisms	Pre-92 Universities	Post-92 Universities
UCU Branch executive consulted and evaluate members concerns about the LC policy	69% (20)	72% (8)
UCU Branch executive has formally registered failure to agree with management regarding concerns about the LC Policy.	10% (3)	18% (2)
UCU Branch executive has declared a trade dispute	3% (1)	0% (0)
Universities where Branches were aware of other individual academics or groups (e.g. professors; teaching and learning groups, etc) who attempted to challenge the LC policy or its implementation	26% (8)	27% (3)
Total institutions	29	11

LC policy changes related to the shift to online teaching

Twelve institutions have indicated the intent to change LC policy in response to the shift to online teaching and 18 UCU Branches were proactively seeking changes to the policy in the changing context. There are no notable differences between pre-and post-92 universities.

The interviewees were drawn from seven institutional case studies, 3 of them were pre-92 universities and 4 were post-92 universities. Table 1 provides more detailed information on each case.

Context: Power in Universities

While universities policies are developed centrally, and can involve union input to varying degrees, the universities in the case studies demonstrated significant variation between faculties and departments in how and to what extent the lecture recording policies or guidelines, and mandated requirements related to the shift to online teaching, were actually implemented. Significant power seems to reside at the faculty level, hence within universities there was variation between the faculties in how or if the policy was instituted and how the shift to online teaching was managed in relation to academic discretion. In addition, within faculties the department heads also have various degrees of influence, for instance in how rigorously they vetted applications from academics to opt-out of LC. These variations and the role of the union significantly shaped implementation of policies and procedures locally. Although our original expectation was that pre-92 universities will demonstrate more professional autonomy and greater resistance against managerially driven changes than post-92, this expectation was not necessarily confirmed. Instead, we see a mixed findings with distinctive patterns of management-union relations derived inductively from the interviews, where patterns appear to cut across institutional types.

 LC policy and the shift to online teaching as a result of the Covid pandemic: Key union and academics' concerns

Union concerns

Union officials expressed comprehensive concerns, regardless of the university type, about LC policies informed by their experiences of policy negotiations and working with wider union membership. The concerns included the unequal power dynamics underlying (the lack of) negotiations with management during the initial policy development, concerns about lack of academic discretion over the decision to record alongside IP rights, Performer's rights, Moral rights, GDPR rights and institutional use of recordings. Pedagogical concerns were discussed in conjunction with academics' right to exercise professional judgement with regards to the act of recording.

With regards to the shift to online teaching, six Branches that include three pre-92 (cases 1-3) and three post-92 universities (cases 5-7), expressed concerns over the lack of negotiation about the shift, health and safety issues associated with attendance on campus during the pandemic and increasing academic workloads. Case 4, a post-92 institution demonstrated a different pattern, where the union

reported that their concerns were addressed in negotiations with management to their mutual satisfaction.

Academic concerns

Most of the union concerns in the six cases (1, 3 and 5-7) were echoed by many academic respondents to various degrees. Unlike the comprehensive concerns expressed by the union officials, individual academics' concerns were mostly informed by their own experiences, experiences of their colleagues, and at times by the position of the union. Most academics' concerns were situated within their own immediate practice.

There was a notable difference amongst academic in case 4, where academics showed greater awareness of LC policy issues both pre and post-pandemic and appeared more relaxed about the way in which they interacted with the policy. Some have chosen not to use the LC technology, however, others over time embraced it out of their own choice. Not all of the concerns about LC were fully resolved in case 4, this was particularly relevant for issues around rights. Academics acknowledged that training in these matters did not always lead to any conclusive set of principles, especially as far as legal aspects were concerned. On the whole, however, respondents in case 4 demonstrated a greater level of tolerance towards the uncertain elements of the policy and a degree of confidence that they will be resolved fairly in due course.

Academics in all cases varied in their knowledge of the specific LC policies of their institutions but were generally aware of whether or not they have discretion over teaching recording processes. In the institutions where the LC policy was opt-out, many academics were concerned about lack of discretion over recording of their lectures. *Concerns over IP rights* were prevalent amongst academics in all institutions and were closely tied with the concerns over use of recordings for purposes other than immediate teaching context. Specifically, academics shared *concerns about managerial use of recordings* during strike or for disciplinary/appraisal purposes; misuse of recordings by students and the perceived risks associated with the specific platform Panopto. Although during the pandemic period many academics across all cases started recording lectures at a higher rate to support their students, the concerns about rights and actual and potential usage remained. This was the case across all cases, including case 4. As one academics in case 4 puts it, they were willing to record in order to support their students but were aware that by doing so they were

> '*putting a nail in the coffin of our employment security*'.

> Case 4, post-92, Academic

The understanding of performer's rights and how to claim them in relation to LC were fairly limited amongst academics, with some notable exceptions. Exceptions were present across all cases and appeared to be connected to curiosity about this matter and research academics have done individually and in some cases to disciplinary knowledge of the member of academic staff.

Pedagogical concerns were another prevalent theme amongst academics. Before the pandemic, when lectures were recorded on weekly basis during live delivery, the key concern was about student attendance and unequal impact on underprivileged students. With the onset of the pandemic, many institutions with opt out policies required academics to pre-record all lectures and make them available to students at the start of term. This requirement intensified pedagogical concerns with regards to being able to surprise students or to leave them to ponder a difficult question before the answer is revealed to them by the tutor. Academics in certain disciplines feared that recordings of lectures on controversial topics (e.g. terrorism) can harm their careers if misused, whilst others argued they would stifle the normally lively student discussions on sensitive topics (e.g. gender and sexuality). Some institutions mandated recordings of seminars with the onset of the pandemic, intensifying concerns about privacy issues for staff and students alongside their impact on students' participation in discussions.

The transition to the online teaching brought additional concerns beyond those associated with the LC policy and practice. All academics who were recording lectures either out of choice or by managerial mandate, reported increased workloads associated with the recording process, the need to edit closed captions in recordings, and the steep learning curve whilst navigating various online platforms. There was some variability in the levels of technological and pedagogical institutional support offered to academic staff during this period. Many academics in institutions with limited support expressed concerns about navigating the complexities of the online pedagogies, feeling unsure of how to deliver teaching in the new environment and having to find their own ways in isolation. Many were bewildered and frustrated by often unexplained and in most cases inflexible institutional mandate to break down lectures in 10-15 minute segments.

Patterns of management-union relationships and strength of the union:

Our initial reasoning was that there was likely to be significantly more academic professional autonomy, (in terms of discretion with lecture capture and the mandating of procedures related to online teaching) at pre-92 universities compared to post-92 universities. However, this is not apparent in either the survey or the in-depth case studies. In the survey opt-in policies were more often found in post-92 universities, however, they were also more likely to be used for managerial purposes and beyond the originally intended teaching enhancement goals.

The in-depth case studies revealed that a key contribution to the development and implementation of policies was the strength of the union and nature of management-union relationships. There were three main patterns identified.

1. Strong union with good union – management relations (, case 4, post-92 university):

The union branch in this post-92 university in case 4 was strong, characterised by high union membership density and frequent strikes in the past. This was apparently not only in the interview with the Chair but also academic members. This Branch was able to negotiate an opt-in policy granting academics discretion in when and how

they used lecture recording, along with IP and PR shared between individual academics and the institution. Furthermore, union leadership and university management have worked successfully together to maintain this policy and its implementation on the ground during the shift to online teaching related to the Covid pandemic. Pointing at high union density and history of previously strong collective resistance, including via strikes as possible explanatory factors of these dynamics, the branch union official testified to an established good practice of regular policy negotiations between union and management and recognition of mutuality of interests in preserving a good institutional reputation.

> *'I think that there are two factors which are symbiotic here, and that is the strength of our membership and the strength of our members' position is, I think a consequence or a reflection of the success that we've had over the last few years in negotiating policy positions with management. The strength of our position strengthens our hand in negotiation with management. The strength of our hand in negotiation with management results in perhaps greater degrees of success than we might otherwise achieve. The greater degrees of success strengthens the membership commitment, and it becomes a self-reinforcing cycle'* (Case 4, post-92, UCU Branch Chair)

With the onset of the Covid pandemic, both parties drew on strong negotiation traditions to negotiate a safe and sustainable transition to online teaching early in the academic year 2020-2021. LC policy remained unchanged and although many academics have recognised the need for recordings and chosen to opt in, decisions continued to remain with individuals or programme level teams, and leaving open lines of communications where concerns can be aired and re-worked.

Academics consistently reported that they did not feel managerial pressure to engage with lecture capture but were left to decide for themselves:

> *I didn't feel the need to raise the issue in any way, because I wasn't confronted with any situation that would have motivated me to do it. As I said, the university has been quite - probably between accommodating and just kind of…it has not taken steps to force anything* (Case 4, post-92, Academic)

These relationships between university management and academics staff (as well as the union) also reflected the sense of professional autonomy that emerged in the interviews with academics and their more favourable perception of management (as compared to academics in the other six university cases) during the shift to online teaching during the Covid19 pandemic. This pattern of power dynamics and negotiation traditions was surprising and went against previously documented levels of managerialism and resistance in post-92 institutions.

2. Weak or strong union branches but with poor management – union relationships: (four pre and post –92 universities. Cases 2, 5, 6 and 7)

In these cases (2, 5, 6 and 7) the strength of the union branch varied from case to case. The common feature was that management was much more top-down and

less consultative with the unions and imposed an opt-out policy (or in one case the union had to fight to gain the possibility of being able to opt-out at all, the original policy was compulsory) and often with IP assigned to the university and performance rights not mentioned at all in the policy in some cases. Academics' perceptions in cases like these are well captured in the following quote:

> *There is huge pressure from senior management, beyond the school, to respond to student demand instantly, without proper due process and reflection, and discounting our expertise as educators. … while senior managers were concerned about protecting students they did not listen to academics concerns or provide satisfactory answers to academics concerns about the use of recordings, how long they would be stored for or who would have access to them and for what purposes. They minimised staff concerns about potential student misuse of recordings …*
> *(Case 2, pre-92, Academic)*

In these cases, the shift to online teaching generally included abandoning or suspending the opt-out policy and centrally mandating the recording of all lectures, often with requirements to pre-recording lectures rather than recording of live delivery, and in some cases recording all seminars/tutorials as well. Union Branches' involvement in negotiatons was considerably restricted by senior management. These poor union - management relations are reflected also in academics' perceptions of pronounced top-down managerialism and frequent lack of voice reported by academics in relation to managers. As new procedures and processes related to the shift to online teaching developed there was a gradual codification into what was initially offered as support and guidance. However, over time increasing this guidance became mandated by management. Feedback offered by the union was mainly disregarded.

In these cases, both the pre-Covid policies of lecture capture, the use of recording and other management requirements related to the shift to online teaching during the Covid-19 pandemic resulted in a range of concerns and responses being raised by academics. While some academics found the trainings offered and mandated requirements useful, other academics were more cynical but complied. However, there were many academics who resisted for various reasons, both individually and collectively, in relation to the union as well as at departmental levels. It is important to note that the local institutional context shaped these responses and this will be discussed in more detail below.

3. Ambivalent union-management relations and ambivalent managerial practices: (two pre-92 universities)

Finally, there are two cases of pre-92 universities (case 1 and 3) with generally poor union-management relations and union branches that are intermittently successful in achieving desired outcomes. Although prior to the pandemic union and management agreed an opt-in policy or its equivalent in the form of guidance on lecture capture, the formal policies were not always honoured by senior and middle level managers when the pandemic hit, resulting in ambivalence around acceptable practices

amongst academics. One UCU Branch chair called it a 'policy of deniability', which is further illustrated by the following quote:

> *'Managers are then given more or less direct instructions… and they're also put under specific pressures and those pressures are often far more important than the explicit policy of the institution because those pressures enable particular local interpretations to develop that are usually far more restrictive in terms of labour practices than the institution officially states. What that then does is that enables a plausible deniability on the part of the senior management which they can then say, but we don't mean this to happen, any individual cases are clearly – clearly, we might need to discuss them if you're unhappy about them, but our policy is such-and-such and here is the document. So, normally there is this policy of deniability on the senior management but that seems to be backed up by local interpretations that are far more aggressive, if you like, in terms of how staff are expected to be put under pressure (Case 1, pre-92, UCU Branch Chair)*

Pandemic generated new pressures to enhance teaching provisions through recordings, both due to unsatisfactory nature of distant learning, likelihood of illness in the student bosy and therefore need to miss classes as well as the growing demands from students for financial reimbursements for student accommodation and beyond. In case 1, a pre-92 university, the Union was able to insist on the original opt-in lecture capture policy but both union and academics staff had to firefight demands to record coming from faculty and department level managers on continuous basis, even though these demands went against the opt-in policy. In case 3, a pre-92 Russel Group institution, the guidance of opt-in nature was unilaterally changed by senior management to an opt-out and the union was involved in the process of re-negotiation at the time of the interviews. In both cases individual academics were often confused about the policy and their own position towards it, whilst others maintained a resistant position and have been educating colleagues about their rights. The shift to online teaching was not negotiated until later stages of the pandemic, where a form of consultation has taken place. By then, however, many experienced academics have figured their own way forward for their teaching delivery. In some cases younger member of staff were assisted by the senior colleagues and in others they were left to their own devices. These ambivalent contextual dynamics shape academics' responses and their practices.

Although we note differences between individual institutions and have grouped them into patterns, it is not possible to discern a clear pattern that would clearly group the pre- away from the post-92 institutions. The first exception to this trend is case 4, which whilst being a post-92 shows a more democratic form of engagement between management and the academic staff, largely mediated by the activities of a strong and well supported union branch. The second exception are the latter ambivalent cases that include only pre-92 universities. These cases may be manifesting the transitional spaces where the outcome of the struggle between democratic and autocratic modes of governance is not yet decided.

Managerial control and its limitation:

There is a significant literature on neoliberalism, new public management and academic compliance and resistance in HE (Deem and Brehony, 2005) Labour process theory attends the dual processes of resistance and the capacities for managerial control as a dynamic tension which is shaped contextually and emerges within the indeterminacy of the labour process itself (Carter and Stevenson 2012). Hence to understand resistance it is necessary to consider how managerial control manifested in relation to the implementation of LC and the shift to online teaching.

Managerial control

Management control can operate partly though policies and guidelines, however, these need to be communicated and institutionalised as consistent practices and may require some forms of surveillance and feedback. One of the key contextual issues influencing managerial control is that of technology. However, technology is often imperfect and while offering mechanisms of managerial surveillance also provide affordances for resistance. There were reports of instances where recorded lectures had been used in disciplinary procedures or to extend probation which is a severe form of managerial control. There were also reports in some cases of some managerial surveillance of Virtual Learning Environments (VLEs) to identify and try to ensure that academics had fulfilled all the mandatory requirements and completed all phases of mandatory training in relation to the shift to online teaching.

The process for the development of the guidelines, templates and requirements for supporting the shift to online and blended learning over the summer of 2021 varied across the cases, with some led at least initially by teaching focused academics and supported by educational technologists and in some cases external consultants. Many academics reported being confused by the shift to online teaching and valued some guidance on how to do this effectively. However, in most cases, over time these developed into more top-down managerialist approaches for example in cases where managers exerted control by excluding alternative approaches. In one case, suggestions offered by academics drawing upon the work done nationally by leads in their discipline to develop discipline-based guidelines for online teaching were ignored. What was initially support and guidance become mandatory and restrictive requirements which in some cases were inspected by managers. Strictness of these controls varied across the cases to some degree. In Case 4, academics saw framework as helpful and did not appear to be concerned about surveillance. In cases 1 and 3 the theme of frustration and ambivalence in relationships also manifested in how academics perceived controls: controls were present but could be avoided without consequences if this was one's inclination.

Management control can also operate by managers forming a nexus with students. In most cases with opt-out policies, management joined with the Student Union to discursively reinforce their power for implementing lecture capture because 'the students' want it' (and often based upon low response rate surveys). The only exception to this was case 4, where the stronger alliance appeared to be maintained

between management and the UCU Branch, although the Student Union was consulted.

Management control is also exerted through disempowering academics. Apart from case 4 with good union – management relations, the common concern expressed by academics was that managers did not consult with academics about the decisions that affected them nor listen to their concerns. This was particularly evident in relation to the shift to online teaching. There was a general perception that departmental meetings operated as forums for transmitting the decisions of managers, whilst academics were expected to comply, rather than forums for debate and discussion that could influence decisions upwards.

Limitations of managerial control:

Lecture capture: Even in HE institutions where academics perceive top-down micro-managerial forms of control this reached its limits in systems driven with technological and communicative limitations or affordances. In many of the cases, the initial introduction of lecture capture technology was frequently of poor quality or with automatic timings out of sync with lectures and so of little use to students. Academics were shown, or discovered for themselves and shared information, about how to turn the recording off, with some doing so for various reasons. The technology varied in how easy this was to do, for some this was a stop button on the lectern, in others it required negotiating more complex software or hardware. Some academics just pulled the plug to disconnect the entire system from the power supply!

Academics varied in their knowledge and understanding of the technology and the policies. Some seemed unaware of a central policy requiring the submission and approval of an opt-out form and mistakenly believed that 'opt-out' just meant using their own discretion when to turn the recording off, without seeking line manager approval for not recording. In other cases, managers would claim that 'the department recorded all lectures' in departmental meetings with new staff, but longer standing colleagues then would explain the opt-out clause for new staff. There was significant variability in how line managers applied the opt-out policy with some more lenient than others. It is not evident that such variability is manifested in some institutional types as opposed to others but appeared to depend on line manager's attitudes towards LC recordings and their sense of autonomy within their specific faculties. In the cases of opt-in policies, where academics could exercise discretion, some academics still reported feeling put under pressure by students' requests to record and various recommendations from educational development units which at times involved questions such as 'what is holding you back from recording?' raised in public forums.

Finally, there was the issue of resourcing the monitoring process to establish whether the letures were indeed recorded. In some cases, surveillance came from students' liaison meetings when students complained that some academics were not recording, in others student employees were tasked with the task of monitoring virtual learning enviroments.

Shift to on-line teaching: Managerial control of academic practices was significantly curtailed with the chaos associated with the sudden and dramatic lockdown at the beginning of Covid pandemic. Across the cases, many academics reported that initially managers had little idea of how to respond and that academics were left to cope as best they could using any technology they were familiar with to enable students to finish off the second term. This chaos left academics with limited support except their own resources, their colleagues and their students 'to muddle through as best we could'. The initial lack of leadership in one case and general lack of organisational support was problematic for many academics across the cases.

During the summer of 2020 universities developed a series of guidelines, templates and /or requirements to support the shift to online teaching and blended learning. In some cases there were reports of more managerialist interventions to try to standardise blended and online delivery. The limitations of managerial control in this situation was often associated with the immense workloads for academics and managers. Some academics were physically unable to comply with the requirements due to workloads and circumvented or ignored some of the requirements, such as the requirement to edit the closed caption of recorded lectures. One academic reported re-using the lectures from the previous year rather than preparing new pre-recorded lectures for one module due to high workload demands and just 'flew under the radar of managerial attention'. However, it is significant that more experienced academics were more likely to report non-compliance. One senior manager commented that in their specific Faculty there were not enough resources to monitor everything that academics were required to do, and that a buddy system of peer surveillance that was set up operated more as a support system, although this was not taken up by all academics.

These instances of non-compliance are due to the limitations of managerial power in relation to technological, communication and workload issues. Some of these are work-arounds or re-prioritisations of tasks by academics to ensure the overall function of the system for academics and/or students. The next section illustrates more direct forms of resistance and the processes associated with collectivisation of resistance.

Resistance: collective and individual

This section discusses both the role of the union in resistance and where successful its impact on academics in the shift to online teaching and academic – manager relation. We also consider how academics resisted managerial imposition of lecture capture and some of the requirements associated with online teaching. There were examples across the cases of individual resistance to lecture capture and to some of the requirements associated with online teaching, such as pre-recording lectures or recording all teaching sessions including tutorial and workshops in some cases. These were based upon pedagogical and ethical concerns rather than failure to comply, such as in relation to excessive workloads.

One key contribution of this research is to demonstrate the processes of the emergence of resistant subjects. The second key contribution is to trance the shift from individual forms of resistance to collective solidarity in resistance. This is examined through an analysis of an emblematic case.

Resistance and its' collectivisation: Lecture capture and the shift to online teaching

Resistance is not a singular act performed by an individual decontextualised from their situations. Its emergence is shaped by the wider context, including social and economic factors and its potency lies in the potential for collectivisation. This section focusses upon an emblematic case (Case 2) demonstrating the development of the resistant subject and the collectivisation of resistance in relation to specific situations.

Institutional context and external events shaping resistance:

Case 2 is a pre-1992 University. The union had succeeded in the UCU national ballot campaign and participated in the national UCU strikes. It led resistance to the proposed LC policies and demanded an opt-in policy and raising concerns about IP, GDPR, Performance rights and subsequent use of recordings. While initially negotiating with the union on an opt-in policy, the management reversed its position and unilaterally developed guidelines mandating the use of LC apart from exceptional circumstances (i.e. an opt-out policy) which was being contested by the union when Covid pandemic intervened. Covid pandemic is viewed as a powerful contextual factor creating both social and economic implications for higher education institutions across the country and the case 2 in particular.

Resistance in relation to some of the requirements related to online teaching needs to be considered in the context of the shift occurring during the Covid19 pandemic. Covid19 created a sense of emergency and increased uncertainty especially in relation to the need to quickly create a learning environment for students. The environment was rapidly changing, with high uncertainty and stress both work-related and personal, and with varying degrees of chaos within organisations. These social factors were accompanied by the economic pressures on the university to retain their student body and the associated funding, which translated into the need to ensure that students are engaged even more than usual. Many academics, while concerned about the massive increase in workloads and demands on their time and cognitive capacity, were somewhat tolerant of some of the changes in the shift to online teaching, in the short-term. They were keen to support their students. However, there were emerging concerns (and resistance) to the requirement to pre-record lectures and to record all tutorial and seminars.

This also shaped the possibilities for managerial control and resistance – as a senior Faculty manager/academic points out:

> *At the moment, I think it's a tricky one because I think there's actually been more - there's perhaps potentially more autonomy, or it's easy to resist changes because of just how messy and more complicated a module is and how people have to aim that, and how they're part of that module.' (Case 2, pre-92, Head of Department)*

From the manager's perspective the shaken social fabric and the resulting messiness of the situation potentially provided more scope for academics' non autonomy. This could also increase the potential for resistance.

More generally, management – academic relations also shape academics responses, including resistance. The shift to managerialism in HE in the UK has proceeded over the past 30-40 years, yet there remains institutional variation in the pace and degree of this. In Case 2, a pre-92 institution the shift to more top-down managerialism has been relatively recent. Many academics interviewed in this case held strong institutional memory of more democratic forms of decision-making, where departments would discuss and debate issues and have an influence on the final decisions. There significant recent anti-democratic shifts in the organisational culture formed the backdrop against which the resistance to the LC policy was taking place. Some academics framed the implementation of LC policy in relation to the erosion of democratic forms of decision-making:

> *This conversation about lecture capture has to be put in the context of the erosion of the democratic process. ... our school board meetings used to be the forum for which we would make democratic decisions about how we were running, so everything from marking policies - everything. It would have to be put on the agenda, seconded, debated. … and admin staff would be there, as well, to give their opinion, and so on. In the last X [number removed to protect identity] years, at least, that has just been erased, and it's now become forum for our head of school to tell us what college has decided.' (Case 2, pre-92, institution, Academic 1).*

This has resulted in many of the academics in this case commenting on how they feel that their concerns are no longer listened to by line managers or senior managers

> *My institution has gone through structural changes, which have meant that department structures have altered. There is now very much a feeling of not being heard, not being listened to, not having any autonomy at all. (Case 2, pre-92, Academic 2).*

For another academic their resistance to the LC policy was as much about the fact that managers were imposing it without listening to academics' concerns, as it was about recording lectures.

These resentments could flow, for some, into the shift to online teaching and reflect the status of managerial – academic relationships

> *… we haven't been told directly, 'we don't trust you to deliver this teaching', but to be so constantly hounded that you feel as though you have no professional respect from the people who are making managerial decisions over you, is utterly demoralising. It doesn't help that we're all doing this, as this interview is happening, over a screen in*

far-flung rooms. You don't have that sense of community and being able to go and complain to your colleagues or drink a beer with your colleagues and moan. It makes it worse. The messaging that comes from on high in the university is platitudes about what a wonderful strong community we have, which are frankly bullshit. They only found this word 'community' when the strike started happening and they realised they had to try and be nice to us in some way while they're ripping us off or whatever. I'm not even a particularly militant person when it comes to - I have my views on it but I'm not a militant person about that kind of stuff, but I find it so insulting. Then you get thanked for all of your hard work, but your pay is frozen and your sabbaticals are cancelled and your - this and this, and yet these other things have to drive on, the five-year visions and the restructuring of this and this and this. Then they meddle in your classroom. (Case 2, pre-92, Academic 2)

In this complex and passionate discussion, the managerial context of HE and academic-manager relationships frames the issues of LC, and in this case the requirements to record all teaching sessions in the shift to online teaching. Managers are perceived as not trusting the professionalism of academics as teachers and seeing LC and mandates related to online teaching as 'meddling in their classrooms'. For this academic, these issues are like the last straw and are positioned in relation to the ongoing substantive issues of frozen pay for a decade, of regular organisational re-structures, of sabbaticals cancelled due the shift to online teaching, of generally being 'ripped off' by managers and perceiving managers as manipulative communicators. The passion and potential radicalness in making these connections to substantive issues leads the speaker to maintain their credibility by distancing themself from being seen as a militant. LC policy and mandates related to recording all teaching session in the shift to online (in this case) are connected to the broader issues of managerialism and the general erosion of academic wages, conditions, and autonomy.

Becoming a resistant subject

The process of becoming a resistant subject is central to understanding how academics resist LC policy or aspects of the shift to online teaching in relation to the Covid pandemic. Several narratives by academics provide insight into these processes at an individual and collective level. The following example is Jane, an academic in Case 2 where senior managers reversed their initial position from supporting an opt-in policy to issuing LC guidance with mandated recordings (alongside an opt-out clause). The re-considered policy was implemented in a very top-down managerialist manner, on the backdrop of remembered history of more democratic forms of decision-making.

Developing resistant positions – seeking and sharing information

The remainder of this report draws on an individual case of an academic who we call Jane.

Jane was strongly against the mandated use of lecture capture and linked the shift in managerial approach from opt-in to that of mandating with exceptions, as part of the increased marketisation of HE in the UK where the student is now a customer. She contrasts the increased managerialism in the UK with the greater professional autonomy and valuing of liberty that she had experienced as an academic in her European country of origin.

Her initial response was to examine the literature on lecture capture and think critically about it. This served to clarify her position and arguments. She used Twitter to disseminate information about lecture capture, questioning if there had been due consideration of the evidence. This helped to build her confidence for speaking publicly.

Filling in an opt-out form as resistance: risk, collectivisation and mutual care.

The act of submitting an opt-out form itself was perceived as risky and became an act of resistance that could be collectivised. Jane recalls feeling nervous and not wanting to be perceived as a troublemaker. She considered that the university's approach was individualising and isolating people so she pushed back against this by emailing every academic in her department that she was filling in the opt-out form and why, with links to others' concerns about lecture capture. This was a conscious effort to collectivise by reaching out to other colleagues in her department.

Jane understood the feelings of insecurity and fear in confronting managers as individuals. She was empathetic towards junior colleagues who were more vulnerable and moved to act by her sense of care:

> *It made me feel like, well, that was a worthy thing to do. It was a good use of time, that if it encouraged some people. Again, especially more junior members of staff, to know it was okay to opt out, then that was good. … it came after having a conversation with a female colleague who was saying that the whole thing was making her anxiety bad, and she didn't know who to speak to, and she was new to the institution and she didn't want to be a troublemaker … I thought, if you're feeling like this, is there other people feeling like this too? That was the motivation for trying to speak out. What I hoped to achieve, was I suppose, a bit more of a collective call to arms.*

She wanted to shift feelings of isolation as individuals to collective action and mutual care and was successful galvanising the support from her colleagues. She also noticed how their email responses reflected these disparities in vulnerability (as job security), with female and junior academics emailing her directly, while white, male professors confidently emailed responses to the whole department.

The risk of being seen as a troublemaker re-occurs across the interviews with those potentially enacting resistance. In this instance the mere act of filling in an opt-out form as part of the bureaucratic process is prominent and could mark one as a troublemaker who stands apart from the group. Vulnerable academics can feel anxiety. In this narrative there is an inflection, where the collective of 'docile' academics' pivot towards a potential for more radical collective resistance, where the act of filling in a form to opt-out of LC can itself symbolise making trouble.

Resistance and collectivisation: speaking out at meetings – fear, shame, support

The issue of LC was heatedly discussed in the three departments in Case 2 with a range of perspectives represented. Some found that speaking out in Department or Faculty meetings quite intimidating. Jane recalls her fears and motives for speaking up at department meetings about LC:

> *Yeah, it's one of the topics that I've actually felt able to speak out about at school meetings and things. … Yeah, it was quite intimidating. Yeah, sometimes, when you put your hand up, and then, when it comes to it, you just think, oh, God, they're going to think I'm a stupid little girl [laughs]. Yeah, it's that kind of feeling - the imposter syndrome feeling of not having the seniority, or these feelings come up. … Yeah, I felt informed, because it's a difference from feeling, this doesn't sit right with me, or, this personally makes me feel anxious, to, it's almost framing the issue and building a case to appeal to a broad range of colleagues. It's a bit like social movement theory, really [laughs]. Just, how can I bring the most amount of people along with me in what I'm trying to say?*

The fear about being judged by colleagues as 'a stupid little girl, immature and ill-informed had to be overcome. Jane draws upon her informed academic self to overcome this anxiety. Her aim again is to move beyond herself by collectivising resistance and bringing as many people along with her.

Jane reflects upon her fears again:

> *So, I think me feeling scared about speaking out wasn't necessarily because of that change [the shift from more democratic forms of decision-making to managerial top-down decision-making], it was probably more about how I felt about speaking in front of my peers. Also, previously, people have spoken out about things and been told, well, the decision's made, so put up or shut up.*

Jane initially discounts the influence of the shift away from democratic decision-making in her fear of speaking out at department meetings and ascribes it to how peers might perceive her. Yet she re-inserts how the lack of participation in decisions can be a shaming device inhibiting speaking out. Managers are seen to use this coercive power – it has been decided by management, so you should do what you are told and shut up – to disempower academics with potentially shaming.

Jane also revealed that if there had not been the support from colleagues in the department she doubts if she would have spoken up as by doing so she may have jeopardised her next promotion.

Jane's narratives identify the work of symbolic power of management through bureaucratic form filling, where exercising the opt-out option is a risk. There is also discursive power through diminishing and controlling opportunities for discussion and debate and of the boundaries of the discourse itself, with management decisions intended to end discussion.

The narrative provides insight into the processes individuals endure in transforming their individual concerns to acts of individual resistances and then collectivising through dialogue with colleagues privately then publicly by speaking out in meetings. For many academics this is visceral and not without anxiety and perceived risks, both in term of the regard of their colleagues and their career prospects. Jane is moved by both her pedagogical and ethical concerns about changes to teaching practices as well as care for more vulnerable colleagues. She is consciously intent on endeavouring to move beyond individual acts to build collective solidarity.

Concluding Comments

This report has shed light on the under-explored area of academic staff and Union Branches engagement (with a special focus on resistance) to lecture capture policies and the shift to online teaching during the pandemic, demonstrating a variety of local patterns of policy development, implementation including in the context of rapid pandemic related changes. Situated within 3 different management-union relational patterns across 7 institutional cases, union officials and academic staff reported a range of concerns related to lecture capture policy and practice and a corresponding array of responses to lecture capture and changes introduced with the shift to online teaching. While in many of the cases there were various mechanism of managerial control, the research also identified limits to this control and examples of resistance both before and after the start of the pandemic.

In particular, the Covid related shift to online teaching and the chaos that ensured temporally interrupted normal mechanism of control and academics responded as best they could to provide the final weeks of teaching to students in the 2020 final term. However, with the introduction of guides, templates and standardisation which in some case included mandates relating to teaching there were renewed efforts to regain some degree of control by managers in the academic year 2020-2021. While some academics welcome the structure to guide them into new territory of online teaching, some aspects of the shift to online teaching were resisted individually and /or collectively. The report describes one academic's individual journey of resistance which shaped them from a docile member of staff into an informed academic and a resistant subject capable of persuading and supporting others on a similar trajectory.

The research contributes to understanding of the dynamics between managerial control and academic resistance by highlighting the importance of the institutional context in shaping the process of the emergence of a resistant subject and how resistance can shift form the individual to forms of collectivised solidarity.

Dissemination Plans

Completed outputs

Two completed conference presentations

Rumyantseva, Nataliya, Ballardie Ruth and Alakanohe Ratnes (2021) Academics in England responding to digital change pre and during the pandemic: a case of lecture capture policies. A paper presented at the annual meeting of the Society for Research into Higher Education, online December 2021.

Ballardie, Ruth, Rumyantseva Nataliya and Alakahone Ratnes (2021) Power and Resistance in universities: new technologies, lecture capture and the Covid related shift to online teaching. A paper presented at the 39th International Labour Process Conference, online, April 2021

Planned outputs

Journal articles based on the conference presentations to be submitted to the SRHE and Organisational studies journals

Survey report for dissemination to the UCU Head Quarters

Dissemination of recommendations via SRHE, UCU and other channels

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Appendix 1. Glossary of Terms

Lecture capture refers to practice and process of recording of teaching in university settings facilitated by purpose built online platforms typically sold by private providers to educational organisations. Developed initially in the United States, the practice of recording lecturers has started developing in the UK universities since the early 2000's. The software typically offers the option

of recording live presentations as they occurred in lecture theatres (synchronous presentation) or pre-recording them outside of live delivery (asynchronous presentation), capturing slides, voice and in some cases video of the presenter. The recordings are stored on the supporting online platforms and can be accessed by appropriate groups of students for viewing or downloading, depending on the setting chosen.

Opt in lecture capture policies are defined in this study as policies that leave discretion to record or not to record in the hands of academics staff. Under these policies, staff make decisions to record to not without having to inform anyone and/or in agreement with the programme team.

Opt out lecture capture policies are defined in this study as policies that assume academic staff's consent to recording. Under this type of policy staff are expected to record unless they explicitly express a preference not to. Typically, the opt out process requires academics to apply for opt out with varying complexities of the approval process for these applications.

Mandated lecture capture policies are defined in this study as policies that leave not option to opt out and make recordings an expected part of contractual duties.

Intellectual property rights are the rights given to persons over the creations of their minds (World Trade Organisation. wto.org)

Performer's rights provide several rights for performers in relation to their performances. A performer can be anyone who acts, sings, delivers, plays in, or otherwise performs a literary, dramatic or musical work (Gov.uk). The performer is the first owner of the performance, not the employer (Jisc.ac.uk)

Performers also have the following *Moral rights* in their performances: the right to be identified as a performer and the right to object to derogatory treatment. The derogatory treatment right enables performers to object to alterations made to their work. This is relevant particularly when the changes risk damaging the performer's reputation. (Jisc.ac.uk)

GDPR rights in the UK implementation is called The Data Protection Act 2018. Data protection law will apply to all identifiable individuals (students and lecturers). Processing must be fair and lawful: everyone attending should know that it is being recorded, why it's being recorded and who will have access to it.

A recording-free zone might be set up to accommodate those who wish to opt-out (Jisc.ac.uk)