



FROM	Rawinia Thompson, Academic Vice President, on behalf of Sonya Clark, President, Victoria University of Wellington Students' Association
TO	Education and Science Select Committee
DATE	30 April 2014
SUBJECT	Education Amendment Bill (No 2)

INTRODUCTION

- 1 Victoria University of Wellington Students' Association ("VUWSA") provides comment on the Education Amendment Bill (No 2) ("the Bill"). As the primary representative body of the 22,000 students of Victoria University, VUWSA seeks to advocate for the rights and best interests of our students, in this instance particularly as key stakeholders in the university community. We address the sections of the Bill relevant to the governance of universities.
- 2 We would also like to speak to our submission. Please contact VUWSA President, Sonya Clark, to arrange a time. She can be contacted at sonya.clark@vuw.ac.nz or on 027 563 6986.

EXECUTIVE SUMMARY

- 3 VUWSA made a comprehensive submission to the Ministry of Education when the legislative settings for university governance were under initial review. We understand very well the aims this Bill attempts to achieve; to equip universities with skilled, knowledgeable, experienced governors; to ensure universities are able to meet the modern challenges they face; to see our

institutions performing highly, particularly in the international arena. VUWSA supports those broad aims, but we do not believe that legislative change is desirable or even necessary to achieve the outcomes desired.

4 Specifically:

- (a) VUWSA echoes the concerns expressed by many universities, academics, and other representative organisations of students and staff, that there has been insufficient evidence presented to justify the changes that the Bill seeks to make to the structure of councils, especially where larger, more representative councils seem to be the norm at high-ranking institutions internationally.
- (b) VUWSA strongly urges that the mandatory requirement for student and staff representation on councils, that the Bill seeks to remove, be retained.
- (c) VUWSA considers the difficulty in capturing the diverse range of skill, stakeholder representation and expertise needed to effectively govern universities, and believes a maximum council size of 12 is too small to achieve this. VUWSA agrees with the recommendation made by several universities that a maximum number of 14 is more appropriate.
- (d) VUWSA notes that the mandatory requirement for Māori representation on councils was not a part of the initial consultation in review phase, but has been included in the Bill. We congratulate the Bill on its recognition of Māori as an important stakeholder group, and strongly agree that Māori be represented on councils. However, this is inconsistent with the way other stakeholder groups, like students and staff, are regarded by the Bill.
- (e) The makeup of many councils do not reflect the ethnic, socio-economic or gender diversity of the communities served by the institutions they govern, not meeting the requirements outlined in the Education Act. VUWSA believes this Bill will perpetuate this problem.

VUWSA'S SUBMISSION

Stakeholder representation and good governance of tertiary institutions

- 5 The good governance of tertiary institutions requires that stakeholders, like students and staff, be represented on councils, and that councils are large enough to accommodate them. International best practice in tertiary governance, and analysis of the governing bodies of some of the world's highest-ranking institutions, affirms that this is the case. The council at Oxford has 25 members; Harvard has 32 members; Stanford has 33 members; Massachusetts Institute of Technology, ranked first in the QS world rankings, has 76 members. These high-performing institutions have comparatively larger councils with representative elements. There has been insufficient evidence presented to suggest that there is a problem with the way our councils are currently structured.

- 6 Concerns have been raised about the capability of representatives, an arbitrary distinction made between a representative and a skilled, capable governor. VUWSA believes that there is no mutual exclusivity here, but instead an opportunity for stakeholder representatives like students and staff to be upskilled through training, induction, and participation in governance. VUWSA also notes that presidents of students' associations, as executives and chairpersons of the governing bodies of quite large organisations, who engage in budget setting, strategic planning and sit on many boards and committees, are typically equipped with the skills and capability desired. For other representatives, VUWSA suggests a simple appreciation of governance is sufficient at entry level, and that people gaining knowledge, skills and experience in governance should be regarded as particularly appropriate at tertiary institutions for which educating people is core business.

- 7 Representatives of students and staff bring to the council table different but relevant points for discussion. At times, the interests of students, staff, management, legal and financial considerations may conflict; it is through the process of robust debate, weighing up all the relevant considerations and making compromises that good, sound decisions are made. VUWSA notes that having representatives directly involved in the decision-making process legitimises the decisions made by council. VUWSA suggests it is highly

irresponsible that mandatory representation be removed for the sake of more timely decision making.

- 8 When we consider the core business of tertiary institutions is teaching, learning and research, and that these are highly relevant considerations in the strategic direction of institutions, representation of students and staff on councils is absolutely necessary. Students, staff and academics are equipped with the relevant knowledge and day-to-day experience of delivering and receiving education, conducting and producing research. Councils should continue to engage with these groups using consultative methods, but participation in decision-making processes at that level and direct representation on the council are two quite different things. VUWSA believes that the groups who actually participate in the day-to-day affairs of the institution have strong interest in the good management of resources and the institution's reputation, and should not just have the opportunity to provide input through consultation, but be represented on council as decision makers. VUWSA believes the representation of these groups is too important to be left to chance, and should remain legislatively guaranteed.

- 9 If the Minister is so concerned that institutions are not performing, and this is the result of being poorly governed, the Minister already has available to him a number of intervention mechanisms he could employ in order to remedy this. The Minister can hand-pick members to act as his appointees on councils. The Tertiary Education Commission can withhold funding from institutions for poor performance. The powers of the Minister to appoint an observer to the Council (s. 195C), or dissolve the Council and appoint a commissioner in its place (s.195D), are provided for under the Education Act.

Reflecting the Diversity of the University Community

- 10 Council membership should reflect the diversity of the university community, and the communities that universities serve. The Education Act requires that councils reflect the ethnic, socio-economic and gender diversity of the communities served by the institutions they govern, but unfortunately this is often not the case. It is worth noting that representatives of students and staff on councils are often the people who bring diversity to the council table.

- 11 With regard to s.171(1)(a) of the Bill, where council appointments must take into account that ‘half the population of New Zealand is male and half the population is female,’ VUWSA is pleased to see the encouragement of gender representation but is worried that this particular phrasing is an expression of a gender binary. VUWSA notes that some people identify as neither male nor female.
- 12 With regard to s.171B(2)(a) of the Bill, where the Minister “must ensure at least one member of the council is Māori,” VUWSA would first like to express congratulations for the acknowledgement of Māori as an important stakeholder group deserving of representation on council and our support of this. However, VUWSA is puzzled by the Bill for acknowledging a stakeholder group and imposing the mandatory requirement that they be represented on councils, at the same time as removing the mandatory representation of other groups. Surely the same rationale that justifies Māori representation, recognition as an important group whose representation on council will improve outcomes for that group, also justifies the representation of students and staff. VUWSA is forced to question the inconsistency of the Bill in that regard.
- 13 Concerns were raised at the Bill’s first reading in the House, and have since continued to be raised in the media, around the lack of diversity in the Minister’s most recent appointments to councils. Of the 30 recent appointments, only five were women, only one Māori and no Pasifika. VUWSA has to question the sincerity of the section of the Bill that mandates Māori representation, when the Minister already has it in his power to appoint Māori members to councils and has not done so. Through his appointments, the Minister has the opportunity to fill the ever-present gaps in representativeness on councils, whose membership is predominantly not representative of ethnic, socio-economic or gender diversity. VUWSA strongly encourages the Committee to urge the Minister to make better use of his appointments to this effect.