

The association of university staff and the NZQA

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ABSTRACT

This article describes and analyses the role of the Association of University Staff (AUS) in the debate over the qualifications framework and the place of universities. Three key themes are identified as being fundamental to universities; the distinctiveness of universities, academic freedom and autonomy, and research. The reform process involving Skill New Zealand, Tertiary Lead Group (TLG), Tertiary Action Group (TAG), Industry Training Organisations (ITO's) and National Standards Bodies (NSB's) is then discussed with reference to the key themes.

Introduction

This article describes and analyses the Association of University Staff (AUS) involvement, experience and concerns, in the debate concerning the qualifications framework, and in particular, the place of universities. This is done by outlining three key issues or themes which are fundamental to universities and consequently, to university staff. These themes are the distinctiveness of universities, academic freedom and autonomy, and research. These key issues are then discussed in conjunction with the reform process which includes Skill New Zealand, Tertiary Lead Group (TLG), Tertiary Action Group (TAG), Industry Training Organisations (ITO's) and National Standards Bodies (NSB's).

AUS

The AUS is a professional organisation and a trade union which has members in all employee categories of staff in New Zealand universities. Currently there are over 5600 members, with a ratio of 1:1 academic staff to general staff. The AUS has participated in debate over reforms in anyway we could, contributed submissions, and have lobbied on issues ranging from employment law, health and safety, ACC, superannuation, taxation, education reform and qualifications reform. The debate over the qualifications framework has spanned years and has taken numerous hours of elected officials and staff time in meetings and submissions.

Key issues

The underlying issues in our discussions with NZQA and the Minister about the development of the qualifications framework were essentially that the government was (and still is) trying to

fundamentally change the nature of tertiary education without debate. This is an attempt to homogenise tertiary education, and focus it on training.

Distinctiveness of Universities

Current legislation defines the types of tertiary educational institutions. The characteristics of colleges of education, polytechnics, universities, and wananga are defined in the *Education Amendment Act 1989 as amended by the Education Amendment Act 1990* s.162(4)(b). In addition, universities should have all the following characteristics (other tertiary institutions have one or more of those characteristics):

- i. They are primarily concerned with more advanced learning, the principal aim being to develop intellectual independence:
- ii. Their research and teaching are closely interdependent and most of their teaching is done by people who are active in advancing knowledge:
- iii. They meet international standards of research and teaching:
- iv. They are a repository of knowledge and expertise:
- v. They accept a role as critic and conscience of society.

S 162 (4)(a) Education Act 1989 as amended by the Education Amendment Act 1990

The AUS has consistently argued that the way in which NZQA has developed their proposals for a unified qualifications framework does not take into account these definitions or section 254(3)(a) which defines a degree. As such, the proposals can be viewed as contrary to current law.

Academic freedom and autonomy

Academic freedom and autonomy are the cornerstone of universities. To fulfil the characteristics defined in section 162 of *The Education Amendment Act 1989 as amended by the Education Amendment Act 1990*, the institution and staff within them must be protected from persecution. In New Zealand, these concepts are defined in legislation.

Unfortunately the notion of academic freedom has been perceived by the media and the public as something that can be pulled out as a defence against any action for which universities and/or their staff have been criticised. The legislative definition is worth listing in full as it makes it clear that it is not a defence for bad practice or lack of accountability.

Academic freedom

1. It is declared to be the intention of Parliament in enacting the provisions of this Act relating to institutions that academic freedom and the autonomy of institutions are to be preserved and enhanced.
2. For the purposes of this section, 'academic freedom', in relation to an institution, means:
 - a. The freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions:
 - b. The freedom of academic staff and students to engage in research:
 - c. The freedom of the institution and its staff to regulate the subject-matter of courses taught at the institution:
 - d. The freedom of the institution and its staff to teach and assess students in the manner they consider best promotes learning:

- e. The freedom of the institution through its chief executive to appoint its own staff.
3. In exercising their academic freedom and autonomy, institutions shall act in a manner that is consistent with:
- a. The need for the maintenance by institutions of the highest ethical standards and the need to permit public scrutiny to ensure the maintenance of those standards; and
 - b. The need for accountability by institutions and the proper use by institutions of resources allocated to them.

Education Act 1989 as amended by the Education Amendment Act 1990

The above section and the two highlighted parts in particular, are important legislative background for our contention that the changes NZQA is wanting, would require legislation, or to put it another way, the changes would be *ultra vires* current law.

Research

There are statutory definitions of what particular institutions are and what they should be involved in. Universities remain the dominant type of institution which confers degrees. Under sections 162(4)(a)(ii), (iii) and 162(4)(b)(iii), universities are required to be involved in research. In addition, a degree is defined as "course of advanced learning taught mainly by people engaged in research"¹ Contrary to the provisions of the Act, the Ministry of Education proposals in the Green Paper attempt to downgrade the degree qualification. Again, we contend that this move is *ultra vires*.

The reform process

Skill New Zealand is a government strategy designed to raise the skill levels of all New Zealanders. The New Zealand Qualifications Authority (NZQA) and the NQF are an integral part of this strategy, along with ITO's and NSB's.

The last major legislative change for universities was brought about from the "Learning for Life" reforms of the last Labour government. AUS had participated in the debate surrounding the proposals and played a part in ensuring that the autonomy of universities was protected to some extent in the Education Amendment Act 1990. The current attack on universities can be seen as serious as these, and certainly more insidious.

AUS has usually been blocked from direct involvement of working groups but occasionally our persistence has paid off. Generally though, AUS is regarded as a "stakeholder", but this is usually restricted to submissions and occasional meetings with the working groups.

Tertiary lead group (TLG)

The discussion to capture university qualifications in the NQF began in earnest with the establishment of the TLG. Their brief was to constructively implement the NQF in the tertiary sector. The Minister of Education refused to have AUS representatives on the TLG, despite acknowledging that our members would have to implement any proposals. The universities and students however, were represented. The Executive Director and the National President of the time met with TLG to make our views known. Our concerns were mainly the unit standard methodology and competency-based assessment as the basis of all qualifications.

The TLG report concluded, amongst other things, that degrees should be put onto a harmonised framework (as opposed to a unified one) and recommended setting up another committee to design the proposals.

Tertiary action group (TAG)

TAG followed on from TLG. Again we argued for representation but it was denied, with the Minister of Education stating that one of the university staff members on the TAG would represent staff views. We were incensed by this approach, especially as the staff member concerned was not aware of the minister's comments, and besides, we had asked for representation. AUS formed a small committee comprised mainly of academics who were involved in education departments to assess and respond to developments. The Management Committee of AUS became so concerned that a resolution which recommended boycotting the framework was passed in 1995. This action had immediate consequences with meetings with the TAG Chair and NZQA officials in our offices the following week - after weeks of avoiding contact. The result was that we were able to comment on drafts of the draft discussion papers.

The TAG discussion papers took some account of our concerns. Of more concern however, was the draft legislation being formulated which would cut across what TAG was doing. We were assured that this was not the case but copies of cabinet papers proved otherwise. These papers were not developed further possibly because of the government's precarious hold on power.

By August 1995, AUS was concerned enough to inform every member an outline of the main issues, based on TAG's consultation papers. The key points made in this document were: the unsatisfactory nature of the consultation process; the lack of recognition of current quality processes within the university sector; the threat to university autonomy and academic freedom; the inflexibility of the proposals; the distinction between national and provider degrees; the unit standard methodology; the broad definition of research; and the lack of resourcing for implementation. After their public consultation, their final report took account of some of our concerns, but major ones of autonomy, unit standards and research still remain.

The Green Paper

Little happened after the final report from TAG, probably because it was close to the election. Part of the coalition government's agreement was a review of tertiary education. The recently published green paper (1997) on the qualifications framework will be one of a number of consultation documents to be produced this year.

Parallel developments

It is important to keep in mind that the debate over the framework has not occurred in isolation. There have been significant issues which the education sector has had to face which have influenced AUS's participation in the framework discussion. Alongside TAG, the Minister had formed another group, the Tertiary Reference Group (TRG), which was then divided into two sections. One part was to develop a model for the proposed tertiary capital charge and the other, proposals for changes to governance structures. AUS were successful negotiating joint representation on this group with ASTE (Association of Staff in Tertiary Education). Many of our members saw these two groups (TAG and TRG) as having similar broad objectives to reduce university autonomy. I would expect that the green paper on tertiary education will further this objective.

Key tensions

The AUS's first experience of NZQA concerned the application and approval in 1992 of a private training establishment, *Asia Pacific International*, over its right to call itself a university. *Asia Pacific International* offers only graduate business qualifications, yet the NZQA approved their application.

AUS argued that they did not meet the criteria for a university but NZQA replied they had confidence that *Asia Pacific International* would, in the future, be able to meet the criteria. AUS considered this decision to be *ultra vires* and considered legal action in conjunction with the NZVCC. NZQA reversed their decision before this was necessary. However, this hardly inspired confidence in NZQA processes, intentions, or quality measures.

The NQF can be described as having three broad features, that is; there would be one framework; the building blocks for the framework would be unit standards; and it should be mainly ITO's and NSB's developing the qualifications and unit standards. These features will now be discussed in relation to the key issues outlined above.

One Framework

The object of NZQA is "to establish a consistent approach to the recognition of qualifications in academic and vocational areas" (s247). It soon became apparent that their interpretation of their brief was one, unified framework, which would contain all qualifications from all educational institutions. The basis of this assertion was that there is no distinction to be made between academic and vocational education, with the assumption that the distinction existed because of elitism on the part of universities. This assertion has been pushed by NZQA.

Under this rationale universities were not seen as different from the rest of the tertiary education sector. The proposals treated all providers of tertiary education the same, and certainly the use of the term "TEI" in Treasury papers reinforce this view. AUS maintained that under the Education Act, universities are distinctive from polytechnics, colleges of education and wananga. The proposals alter this and fundamentally change how our current universities would be viewed internationally. Change that is aimed at homogenising tertiary education would be detrimental to the reputation of our universities overseas, both in terms of attracting top staff, and for our students wanting to gain entry to top overseas universities. Most attempts at discussion were greeted with the "provider capture" argument, implying the argument must be wrong. There seemed to be little interest in debating what New Zealand actually needed in terms of tertiary institutions. The green paper on tertiary education (1997) is unlikely to provide the needed debate, but may rather, entrench government control.

The autonomy set out in section 161 is threatened by the proposals. The draft TAG document set up the TQCC (Tertiary Qualifications Coordinating Committee) to, amongst other things, set national criteria for degrees. Further, the TQCC would comprise members who are all appointed by the Minister of Education. Even though the members would be appointed after consultation with stakeholders, the process would still remove the control of approving degree and other qualifications that are offered within universities to outside the university system.

The final report changed this by forming the DCAG (Degree Co-ordinating and Advisory Group), which would be set up as a joint venture between NZQA and NZVCC to monitor the implementation of the framework, with its members being appointed from a pool of candidates put forward by NZVCC and NZQA. This was seen as a workable compromise. However, since then, the green paper on the qualifications framework suggests removing the NZVCC's statutory powers, thereby removing the control of degrees outside of the universities.

The proposals in the qualifications framework green paper point to a change in policy by making registration on the framework voluntary. How voluntary will depend on the links between funding and qualification registration. The TAG proposals do two things in relation to research. The definition has been broadened, and research is only required in relation to level 7 and 8 on the NQF.

Research in relation to the framework is more important than first realised. It is only recently that institutions other than universities have been able to offer degree programmes. Once other institutions began to offer degrees they were concerned that the reputation of their degrees might

not be as high than those conferred by a university. This appears to be the main argument put forward by these institutions for university status.

The definition of research used by TAG and NZQA is very broad as it includes "professional practice" and "consultancy". The universities operate on the basis of the OECD definition of research, which is less broad. It encompasses a range of activities, from fundamental (or basic) research, and from strategic to applied research. We consider that the TAG/NZQA definition is in danger of undermining research in New Zealand and will negatively impact on the value of degrees from this country within the international community. Relaxing the definition so that more institutions can fit the criteria in the Education Act should never be a substitute for funding institutions so they are able to support research.

Currently, degrees must be taught mainly by people who are involved in research. The proposals make the teaching - research link only at 300 level papers and above, resulting in the 'research informed' teaching content of a degree of 15% - 33%, depending on subject selection. This hardly equates to a degree being taught mainly by people who are researching. While universities could continue their research tradition, it would probably be in the face of a funding regime that would not recognise the additional costs of supporting research above the new minimum requirements. In the long term, the NZQA approach would also reduce the numbers of people participating in research and would send negative signals to people considering academic and research careers.

Unit Standards

Our experience of NZQA has been of an organisation with a missionary zeal, where the form of the argument has been as important as the content. An example is the use of the term "unit standard". The term creates an impression that it is of positive value and anyone arguing against such a notion must be against standards. Further, the use of unit standards to make up a qualification has been vigorously disputed. We have some serious and fundamental concerns about how the integrity of qualifications could be maintained if they could be made up with a series of unit standards from different providers, thereby resulting in the fragmentation of knowledge. This goes against the very nature of university education which is "primarily concerned with more advanced learning, the principal aim being to develop intellectual independence"².

By setting up a system in which there is no distinction between education and training, there is a denial that knowledge and education can be an end in itself. In addition to this, the assessment of unit standards is competency based, thus excellence in achievement has no place. Clearly these assertions are points of contention.

ITO's and NSB's

ITO's were not formed by NZQA or the framework, rather they were formed under the *Industry Training Act 1992*. These organisations are responsible for developing, organising to provide, and monitoring training in their particular sector. In qualification areas where there is no one identifiable sector to form an ITO, NZQA can establish NSB's who are responsible for developing qualifications.

Currently there are a number of NSB's formed, with others in progress. When the first proposals came out, we were concerned that the unit standard methodology could well see NSB's and ITO's formulating qualifications and instructing how the assessment would be done. This goes directly against s161(2)(c). While the current proposals talk about provider and national degrees, it remains unclear what the relationship between them will be. For example, could the Law Society or Institute of Professional Engineers have the power to determine the content of LLB and BE degrees. To date, the universities have worked closely with these and other professional bodies to develop current

qualifications. It has always been the university which has had the final control over the content, which is consistent with the legislation.

The courses which ITO's develop are put out to tender. To date this process has not occurred in universities, but the polytechnic sector has experienced real difficulties trying to cover the cost of the research component in degree programmes.

Summary

AUS's experience of NZQA in relation to the qualifications framework and other issues such as university status has been fraught with difficulties. NZQA is perceived as having an ideological view which is contrary to the existence of universities as distinctive tertiary educational institutions. Other key issues of academic freedom and autonomy and research have been virtually ignored.

The proposals to date do not recognise that universities are distinctive from other tertiary educational institutions, and that universities have specific legislative responsibilities. Nor it is recognised that the proposals cut across the legislative protection which enable universities to carry out their functions. As well as the proposals probably being *ultra vires*, the result could discredit New Zealand universities' reputation.

The down grading of research is especially worrying. The universities are one of the main institutions which employ people who research. The reputation of New Zealand universities degrees would be harmed if the requirement for research-informed teaching is substantially reduced. This would also reduce the number of researchers and thereby reduce the research output of New Zealand.

Notes

1. Section 254(3)(a) Education Act 1989.
2. Section 162(4)(a)(i) Education Act 1989.

References

The sequence of events has not been fully referenced, as much of the information was obtained from meetings and conversations with various people during the course of the events described. The main government documents are as follows:

Education Act 1989.

Industry Training Organisations Act 1992.

MINISTRY OF EDUCATION (1997) *A Future Qualifications Policy for New Zealand: A Plan for the National Qualifications Framework* (Green Paper). Wellington: Ministry of Education.

TERTIARY ACTION GROUP (August 1995) *Consultation with Stakeholders*, August-September 1995.

TERTIARY ACTION GROUP (April 1996) *Report to the New Zealand Qualifications Authority on the implementation of a Harmonised Qualifications Framework.*

TERTIARY LEAD GROUP (Nov 1994) *A Single Harmonised Qualifications Framework: Report of the Ministerial Tertiary Lead Group.*