

29 September 2011

Student Services Fees Submissions

Tertiary Education Policy

Ministry of Education

PO Box 1666

Wellington 6140

Education (Compulsory Student Services Fees) Notice 2011

1. Introduction

This submission is made on behalf on the New Zealand Union of Students' Associations (NZUSA). NZUSA is a federation of students' associations with members at universities, institutes of technology and polytechnics across the country. NZUSA has been representing the collective interests and concerns of tertiary students since 1929 as the peak body for learners and leaders of the student movement in New Zealand.

NZUSA is a 'federation' of fourteen constituent Students' Associations:

- Albany Students' Association, (ASA)
- Auckland University Students' Association, (AUSA)
- Association of Students at UCOL, (AS@U)
- Lincoln University Students' Association, (LUSA)
- Massey at Wellington Students' Association, (MAWSA)
- Massey University Extramural Massey Students' Society, (EXMSS)
- Massey University Students' Association, (MUSA)
- Otago Polytechnic Students' Association (OPSA)
- Otago University Students' Association, (OUSA)
- Student Association at the Waikato Institute of Technology (SAWIT)
- Victoria University of Wellington Students' Association, (VUWSA)
- Waiariki Institution of Technology Students' Association, (WITSA)
- Weltec Students' Association, (WSA)
- Waikato Students' Union (WSU)

NZUSA welcomes the opportunity to submit feedback on the Education (Compulsory Student Services Fees) Notice 2011.

2. Outline

Student Services Levies should be regulated. All services should be subject to student oversight and control.

We are however very concerned that that list of services outlined in the Notice is very narrow. We believe that important, valuable services will be lost if the list is not amended. Specifically, we are very concerned that services that students' associations currently provide will collapse if this regulation and the *Education (Freedom of Association) Amendment Act* come into affect at the same time.

The Prime Minister had assured the New Zealand public and students that services provided by associations would be able to be funded by the SSL. We are deeply concerned that services, such as student groups and club support, will be completely lost with this regulation.

3. First Principles

NZUSA has adopted some guiding principles relating to our approach to Student Services Levies.

The purpose of Student Services Levies (SSL) is to fund:

Student services that enhance and support student achievement and participation in tertiary study but that are not part of the core academic provision of an institution.

Services should be subject to **student oversight and scrutiny**. This must go beyond superficial surveys and consultation.

Each service funded by a Student Services Levy should meet certain criteria. These should include:

- The service is not part of the core academic provision of an institution.
- It can be clearly demonstrated that the service enhances and supports student achievement and participation in tertiary study.
- It can be clearly justified why the service should be funded *universally*. Furthermore, if a service is funded, the right balance between user charges, other income and the compulsory levy must be reached after careful consideration and consultation with students.
- Students value the service and a significant majority of students believe that the service should be provided by a universal levy.

These principles are best achieved by giving students oversight of the SSL.

4. Current Situation and the Need for Regulation

At some institutions the SSLs are now **unjustifiably high**. Many institutions, particularly those without universal students' associations, are insufficiently transparent and accountable.

In recent years some tertiary institutions have pushed the boundaries of acceptability and affordability. In many cases increases in SSLs have been met with no corresponding increase in the quality or range of services offered. High SSLs add significantly to the **cost of study** and contribute to the now \$12 billion of **collective student debt**.

In some cases SSLs have been wrongly used to fund core academic services that should be funded by a tertiary provider's main pool of funds or by the Government.

We also believe it is important to keep in mind the goals of the Government's 2010-2015 Tertiary Education Strategy.

The strategy states that "we want to enable providers to be innovative and responsive to the needs and aspirations of students".¹

It also states that to support and encourage system performance: "Providers also need to focus on the non-academic needs of students and ensure that they have a good environment in which to perform."²

These regulations should work to support achieving the stated goals of the government's Tertiary Education Strategy, rather than undermining them. In this light, we make recommendations that seek to improve this regulation.

5. Student Oversight

NZUSA welcomes moves to improve student oversight over the levies. We have offered our expertise on how student oversight can best ensure efficiency and effectiveness in the provision of student services.

Student representation is vital in ensuring institutions provide useful and relevant services. It is also vital to ensuring efficiency in the provision of services and the right mix between user charges and compulsory levies. Some institutions have a habit of backing their own services and are slow to change without student pressure. Without student pressure, compulsory levies are the easiest and most reliable form of funding.

Surveys and standard consultation methods are insufficient and are easily manipulated. They do not provide for genuine student oversight and do not enable an ongoing discussion or contribution in the way constructive and organised student representation can. Both methods of student consultation and involvement are essential to ensure a comprehensive approach to gaining student feedback.

¹ Tertiary Education Strategy 2010-2015, Office of the Minister for Tertiary Education, p3.

² Ibid, p15.

6. Categories of Services

NZUSA believes a focus on improved processes and principles, rather than strict regulation, is a more effective and appropriate mechanism for addressing the recent issues with SSL. We support *all* the services that are currently on the list. However, we are very concerned that some services are missing from the list.

a. Categories that should be added

We are very concerned at the narrow list of categories proposed, and particularly those that are missing. These are important services and there is a very real possibility that they may not continue past this year unless funded by the institution through SSL, due to the passage of the *Education (Freedom of Association) Amendment Act*.

Many of the services that are missing assist in the Strategy's expectations of "seeking better course and qualification completion and progression rates for students as a result of higher-quality teaching and learning, and more effective and culturally responsive pastoral care."³

The provision of these services is also particularly important for Maori and Pasifika students. Their omission will make it harder for providers to "focus on improving their pastoral and academic support and the learning environment...Particular emphasis is needed to improve progression to, and achievement at, higher levels of study."⁴

i. Student Groups – Clubs and Societies

Student groups are part of the fabric of a tertiary institution. We invite the Minister to reflect on the words of Justice Kennedy, of the United States Supreme Court:

*The University may determine that its mission is well served if students have the means to engage in dynamic discussions of philosophical, religious, scientific, social, and political subjects in their extracurricular campus life outside the lecture hall. If the University reaches this conclusion, it is entitled to impose a mandatory fee to sustain an open dialogue to these ends.*⁵

Tertiary institutions possess significant interests in encouraging students to take advantage of social, civic, cultural, and religious opportunities. It is part of the student experience and significantly enhances the goals of tertiary study.

Student groups on campus include groups that support minorities, such as queer, Pasifika or Maori students. These groups have required support in the past and will struggle to operate in a fully user-pays environment. They are absolutely vital to the participation, retention, and completion rates of many students in the tertiary environment.

³ Ibid, p13.

⁴ Ibid, p12.

⁵ The case is Board of Regents of the University of Wisconsin System v. Southworth. More information at Centre for Campus Free Speech, webpage http://www.campuspeech.org/student_fees/legal, accessed August 27, 2011,

Many student clubs and societies currently operate on a partial user-pays basis (for example, a student pays a small membership fee to join a club or go to an event).

In addition to this, there is considerable justification for there being some tertiary institution funding of these groups and in particular, the infrastructure that support these groups.

Students' associations currently provide the following services for student groups:

- a. Advice and support in setting up a student group (constitutions, budgets, elections, seeking funding etc), club development and advice on events. Student groups suffer from high-turnover of students, and often external support is necessary to keep groups going before they flourish.
- b. Publicity and an 'infrastructure' for student groups. This includes official recognition in publications, Clubs Weeks, and student groups guides.
- c. Clubs meeting rooms, postage/mail facilities.
- d. Grants.

Without this infrastructure many student groups will disappear and there will be little incentive for groups to congregate around a tertiary institution. These groups are already *in part* user-pays, and we implore the Minister to let institutions strike the right balance with student oversight.

ii. Student Representation – Students' Associations, Representative Groups, support for Faculty Delegates and Class Representative Systems

Organised, resourced and mandated student representation is vital to the quality assurance, decision-making and accountability mechanisms and systems within tertiary institutions. It ensures that learner needs are considered at all levels of the institution and delivery of education. Independent and autonomous representation is appropriate and effective in delivering high quality courses, qualifications and services, and is widely valued throughout the tertiary sector.

Student representative structures need not cost a lot of money, but they do require basic support and our grave fear is that institutions will fail to adequately fund these structures if the SSL can not be used.

iii. Sports Clubs and Activities

Organised sporting clubs and activities contribute to the community, vitality and reputation of tertiary institutions. They create social and networking opportunities that complement academic endeavours and contribute to fostering well-rounded graduates. Annual University Games and Blues Awards ceremonies are examples of activities that foster and promote excellence and contribute to the international reputations of our leading tertiary institutions. They are a longstanding tradition on campuses, and are a fertile breeding ground for New Zealand sporting careers and heroes. It is vital that sporting clubs and activities are supported to continue.

iv. Social and Academic Events including Orientation

Effective and appropriate orientation into the tertiary environment is extremely important. Without a welcoming and inclusive start, learners can find themselves alienated and struggling.

Campus coaches, as well as social and academic events such as the annual Orientation and Re-Orientation events are an important aspect of this transition to tertiary study.

Without SSL student orientation services, such as campus coaches, will be underfunded. We believe that institutions and student representatives are in a better position to recognise and assess the value of such services in acquainting students with the tertiary environment, so we ask that he does not make such a determination.

Social events are almost always part or most user-pays. However, often the administrative costs carry some subsidy in order to make events viable and secure. This is appropriate and should be continued.

b. Comments on services on the current list

i. Advocacy and legal advice

Independent advice to resolve problems is vital to the quality and fairness of institutions. We support this category and strongly recommend that it is extended to include groups of students (discussed below).

ii. Careers information, advice and guidance

We support this category. Students routinely rank careers information and assistance as one of the most important services available.

iii. Counseling services

We support this category. All students benefit from a safe and healthy campus. This service can be easily justified as being funded universally, when one looks at the risks of not having such a service available.

iv. Counseling services

Pastoral care is a broad and vital service provided to support the personal and social wellbeing of learners. It can take many forms, such as Maori and Pasifika mentors and coordinators, and we would be concerned if the narrow definition of this category was to exclude such provisions.

v. Employment information

We strongly support this category. Most students have to work in order to study. NZUSA's 2010 Student Income & Expenditure Survey revealed that due to insufficient support through the student support system, 65% of students relied on paid work throughout the year to supplement their living costs. Providing employment services is one of the most important ways of reducing student poverty in New Zealand. We would like this category clarified so that it can definitely include providing the infrastructure for linking employers with students.

7. Implementation Date Concerns

There are inconsistencies within the draft directions regarding the commencement and effective dates. Clause 2 of the Notice notes the directions are to apply for the 2012 academic year only. This implies that all SSL to be charged in 2012 are to be covered by the directions. However clause 3 of the proposed direction notes that the direction is to take effect from 1 January 2012. This creates the possibility of the direction only being applied and followed from 1 January 2012, and before this date the status quo remains in place. Given the past experiences with SSL at some institutions, there is the worrying possibility of some students enrolling in 2011 for the 2012 academic year and being charged significantly higher SSL.

Notwithstanding these inconsistencies, neither of the date interpretations allows adequate time for the sector to prepare for what are significant changes. By the time consultation on these draft directions is completed, and Cabinet sign-off is obtained, there could be less than two months for associations and institutions to adjust. This is completely inadequate given the dozens of services offered and vast amounts of money needed to be reallocated or generated in order to cater to the new draft service categories. There is a very real risk of many important and longstanding services being lost simply due to an inadequate notice period.

Tertiary institutions' budget setting processes are already well advanced. These are long and considered deliberations that include student consultation and subcommittees to ensure budget recommendations are as thorough and robust as possible. Additionally, domestic and international tuition fee setting has already occurred at some institutions and is imminent at most others. Some institutions are about to open enrolments for 2012 in just a few days time. Announcing changes to SSL for the 2012 academic year when these processes are so advanced is irresponsible, unfair and unworkable.

We recommend that any new direction for SSL relate to the 2013 academic year.

8. Interaction of SSL with the VSM legislation

The introduction of two new systems (voluntary student membership and new SSL directions) in the immediate term will be significant for both associations and institutions. The issues with the implementation date noted above for institutions are also of relevance for students' associations, with consultation with student members essential in order to determine what services are wanted and needed under a significantly altered funding environment.

The university term is due to finish in mid October at most universities, with students then in exams and then away for the summer break. Polytechnics are not too far behind in some cases. This makes it almost impossible to consult with students and make the necessary informed changes under the new SSL directions.

The draft SSL directions have also come somewhat as a surprise to students, as SSL have previously been portrayed by the Prime Minister as a back-up for associations in a voluntary membership environment, when other revenue streams may be insufficient. This does not now appear possible.

Additionally, the draft SSL directions promote increased student involvement in the oversight of SSL, a welcome and overdue addition, yet the reality of a voluntary membership environment will

undermine the very mechanism that already exists to put this principle into practice – students' associations. The interaction of this legislation and these directions cannot be ignored, and must be remedied.

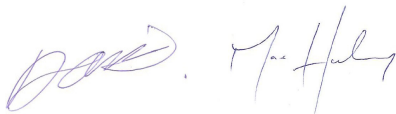
9. Concluding statement and recommendations

NZUSA supports the maintaining affordability and ensuring tertiary providers are accountable and transparent in the fees they charge. We believe that SSL should be subject to student scrutiny and oversight, and that all students should pay for these services through a universal levy (SSL).

We are however very concerned that this direction is leading to a low trust model where services are dictated from central Government rather than letting the process of student consultation take its course. We believe that institutions, students' associations and students themselves are best placed to make informed decisions regarding the appropriate and relevant services for their respective student populations.

We understand that we have a perspective on SSL that is largely shared by other sector peak bodies, and we urge serious consideration of this united position.

Yours sincerely



David Do & Max Hardy

NZUSA Co-Presidents 2011