



Submission
of the
**New Zealand Union of Students’
Associations**
on
**Education (Domestic Tertiary Student
Contract Dispute
Resolution Scheme) Rules 2021**

Prepared by
Liam Davies
National Vice President

Contact
Andrew Lessells
National President
president@students.org.nz
0278959928

To	Ministry of Education
From	New Zealand Union of Students' Associations (NZUSA)
Date	8 September 2021
Subject	Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021

1. Introduction

1.1. The New Zealand Union of Students' Associations ("NZUSA") would like to thank you for the opportunity to make a submission on the Education (Domestic Tertiary Student Dispute Resolution Scheme) Rules 2021.

2. Background

2.1. The New Zealand Union of Students' Associations (NZUSA) is the national voice of students in tertiary education. We are proudly owned by students' associations and councils from universities, institutes of technology and polytechnics around the country. We work alongside our partner organisations Te Mana Ākonga (National Māori Tertiary Students' Association), Taura Pasifika (National Pasifika Tertiary Students' Association) and the National Disabled Students' Association (NDSA) to fight for a barrier-free education for all.

2.2. NZUSA's members are:

- Albany Students' Association (ASA)
- Auckland University Students' Association (AUSA)
- Lincoln University Students' Association (LUSA)
- Massey@Distance (M@D)
- Massey Wellington Students' Association (MAWSA)
- Massey University Students' Association (MUSA)
- Otago University Students' Association (OUSA)
- Students' Association at Nelson Marlborough Institute of Technology (SANITI)
- Students' Association at UCOL (SAU)
- Students' Association at Wintec (SAWIT)
- Student Connection at Weltec & Whitireia

- Unitec Student Council (USC)
- Victoria University of Wellington Students' Association (VUWSA)
- Younited Students' Association at Eastern Institute of Technology

3. Preamble

- 3.1. NZUSA enthusiastically welcomes the Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021 ("DRS"). The new DRS will enable domestic students to feel confident in expressing their concerns – knowing that there is an effective procedure to follow.
- 3.2. We feel that the new DRS is long overdue. At the moment, if a student wishes to raise a concern, they must first go to their provider with the complaint to give that provider an opportunity to resolve the issue through an internal complaints process. Often these processes are inaccessible, and outcomes tend to favour the provider rather than the student. If a student wanted to take a complaint further, there are several pathways they could follow: NZQA; Disputes Tribunal; Human Rights Commission; or iStudent Complaints. These services are tricky to navigate, which is incredibly disempowering.
- 3.3. As a collective voice for the 400,000 taira in Aotearoa, we are aware of the myriad of issues students face when laying complaints against providers. This DRS must work to enable students to act and support them throughout the entire process.

4. Submission

- 4.1. The Consultation Process
 - 4.1.1. We would like to begin by pointing out our disappointment in the length of time, as well as the period-in-time with which we have been offered to submit feedback.
 - 4.1.2. Two weeks is not enough time to submit on such an important policy, nor does submitting during a COVID-19 lockdown allow for effective engagement.
 - 4.1.3. We strongly recommend that more time be allowed to receive feedback on the DRS, to ensure that it accurately reflects the voice of learners and those within the wider tertiary sector.
 - 4.1.4. Furthermore, there has not been sufficient consultation with learners throughout this specific phase of the Learner Wellbeing

and Safety journey. While NZUSA was impressed with the resounding level of engagement the Ministry of Education undertook for the Code of Learner Wellbeing and Safety, more attention should be given to submitting on this (DRS) aspect of that suit of legislative changes as well.

4.2. Combining the Disputes Resolutions Schemes

4.2.1. At the moment, there are two separate Disputes Resolutions Schemes – one for domestic learners and one for international learners which was last updated in 2016. The new Code of Learner Wellbeing and Safety is clear in that it is a code for both domestic and international learners. A merged Disputes Resolutions Scheme for both international and domestic learners would create greater consistency for students and ensure that there is an equitable system underpinning all disputes within the tertiary sector.

4.2.2. NZUSA strongly recommends that the Ministry of Education merge both Disputes Resolutions Schemes together, to match the workings of the new Code. To us, it is not clear as to why such consideration has not yet been taken.

4.3. Support to enable students to make a claim

4.3.1. NZUSA strongly agrees that support through the complaints process is crucial.

4.3.2. Support must be provided to disabled learners to ensure that the process is accessible and able to be tailored to meet specific demands. No student should be disadvantaged when making a claim against a provider, and we feel this section resolves that.

4.4. General approach to resolving disputes

4.4.1. We fully support the importance of upholding Te Tiriti o Waitangi and tikanga Māori as well as allowing for alternative avenues to be explored when solving a dispute that considers all learners, including disabled learners.

4.5. Functions of the DRS operator

4.5.1. While we are pleased to student representatives mentioned in Section 26(2)a, we recommend that engaging with student representatives 'on the ground' become a separate subclause, to ensure the engaging with student representatives is clearly outlined for the operator to see. If the operator happens to be a

private provider, they must understand the importance of representation – particularly when administering the DRS.

4.6. DRS operator must ensure accessibility of the scheme

4.6.1. As aforementioned in the preamble, many of the current disputes and complaints processes are inaccessible to students. It is critical for just outcomes that this scheme be made accessible and that it be readily available throughout all aspects of a tertiary learner’s journey.

4.6.2. Making this scheme available should be included in the likes of induction packages and prospectus information, as well as online, on student portals and through students’ associations.

4.7. General comments

4.7.1. Defining a statute of limitation

4.7.1.1. As stated in Section 536(6) of the New Zealand Education and Training Act 2020, “a student may not lodge a dispute for resolution under subsection (5) later than 7 years after the date of the act or omission on which the dispute is based”.

4.7.1.2. We recommend that there be a clear directive on what a potential statute of limitation would be for a former student who wishes to make a complaint.

4.7.2. *Prospective Student* should be defined

4.7.2.1. Under section 30(4), the DRS states “[w]here 1 or more persons or agencies are responsible for administering the scheme, those persons or agencies must ensure that there is a single contact point for domestic tertiary students (and former and prospective domestic tertiary students) to access the scheme (for example, 1 Internet site, phone line, and email address).

4.7.2.2. We recommend that ‘prospective student’ be defined in Section 4(1) [The Interpretation] of the DRS.

5. Conclusion

5.1. With changes made, NZUSA believes that the Education (Domestic Tertiary Student Contract Dispute Resolution Scheme) Rules 2021 will be a strong policy. One that will empower students to speak up and be supported in their tertiary education journey.

- 5.2.** The new DRS, and its operator, has the power to enable better practices within institutions in response to claims made against them, and promote better and more equitable outcomes for all.