Codes of Practice

for domestic tertiary students in New Zealand: A stock-take

Research Summary

Contents

Executive Summary

When domestic students enrol with tertiary organisations, there is a significant contractual undertaking for both parties. These may take the form of:

- codes of practice
- service guarantees
- provider–student contracts.

The agreement to enrol in a course or programme is essentially the formalisation of that contract, but it is often unclear whether mutual expectations are all that well understood. Do students always fully understand what they are committing to when they undertake tertiary study? Do organisations explicitly identify the standards of learning support they aspire to and/or the minimal levels of support that any student within their organisation has a right to expect?

This stocktake of agreements in place for domestic students in New Zealand's tertiary education system gives an overview of how providers deal with the commitments and obligations (for both organisation and student) that come with enrolment.

The aims of the project were to address the following questions:

- How good is New Zealand's tertiary sector at ensuring prospective students understand what is expected of them before they enrol in qualifications?
- How explicit are the commitments and obligations for both provider and student, and what is the level of reciprocity?
- How well do providers articulate their service standards to students? How do they ensure these standards are met in practice?
- How democratic are these processes?
- Are there any differences in approach between different parts of the sector?

The project looks at international trends in developing codes of practice and terms of engagement for tertiary organisations and students, how these have been (and are being) developed in a New Zealand context, and what the factors are that drive change.

The research shares a series of case studies of good practice, and finds that:

- all New Zealand tertiary education organisations have some form of enrolment document that includes a declaration signed by students. However, codes of practice and policies regarding reciprocal relationships and practices where organisations view students as partners are not common across the sector
- many of the current codes of practice are designed to regulate student behaviour only, and are driven by the need of organisations to manage risk to them
- few organisations explicitly commit themselves to standards of service performance (although this is an emerging trend amongst leading organisations)
- many leading organisations are exploring increased student reciprocity and "democracy" in their policy development, and there seems to be a growing realisation of its importance.

The recommended responses to these findings are (in brief):

- Tertiary organisations should consider developing value-based codes or contracts that position the student as a learning partner in the organisation.
- Large tertiary organisations must ensure the relationship with students is consistent across the whole organisation. Ensuring consistency is particularly important where third-party agreements are involved in delivery.
- Signed declarations on enrolment forms should only relate to the material on the form and its purposes. If agreement with terms and conditions is a course requirement, the terms should be included on the enrolment form or on a separate document requiring agreement before enrolment is completed.
- Where possible, organisations should promote reciprocal policies and solutions, and foster increased student involvement and representation, at the level of policy and practice.
- Organisations should work to provide a range of supports using technological resources and shared services to reduce barriers to disability support.
- Given recent developments internationally, there may be value in investigating the possibility of an integrated tertiary review and appeal authority that has a broad sector focus and powers of decision-making and advocacy across the sector.

Introduction

Post-compulsory education operates on a set of mutual expectations between tertiary providers and their students. These expectations may be explicit or implicit, but in essence there is a multi-faceted agreement between each tertiary organisation and their students. Students (assuming they have a serious intent to complete their course or programme) undertake to commit to their studies and to apply effort to learning, while providers undertake to provide support for that learning.

Relationships between the student and the tertiary organisation have always been contractual. However, these contracts are contracts with no fixed outcomes, because the quality of the experience in the end is determined not only by the facilities and teaching offered by the university, but also by the aptitude and hard work of the student. Nevertheless, the development of a formal contractual relationship puts the onus of performance on the tertiary organisation.

This project was undertaken so we might have a clear picture of the nature and effectiveness of the codes of practice/service guarantees/provider–student contracts currently in operation for domestic students in New Zealand's tertiary education system, and their implications for the relationships between tertiary organisations and students.

The four main areas of organisation-student relationships examined were:

- pastoral care, health, disability, support and related areas
- teaching and learning
- the regulatory context, including general rules and regulations, student codes or charters and related rules
- third-party agreements covering matters of external supervision, placement, industry regulation, accreditation and the like.

Methodology

This project examined national and international practice in the relationship between tertiary education providers and students, and undertook a stocktake of the publicly available information on policies and regulations in New Zealand tertiary organisations (109 providers), a survey of tertiary organisations in New Zealand (160 respondents), and eight in-depth good practice case studies of tertiary organisations including universities, polytechnics and Private Training Establishments (PTEs).

Findings: Examining the four types of organisation–student relationships
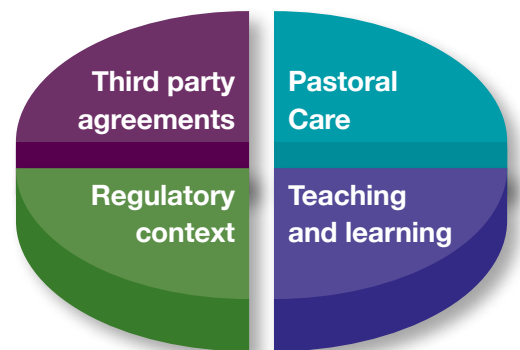
1. Pastoral care

Pastoral care encompasses a range of areas of support, of which the main three are:

- health and disability, including counselling
- learning support options, including IT
- cultural support, including for Māori and Pacific Students.

Health and disability

Tertiary organisations have been required to provide equity of access to educational opportunities for all students since the enactment of the Education Act 1989. Recent developments have been sparked by:

- the Tertiary Students Disabilities Special Supplementary Grant, introduced in 1998 and now being paid out of general equity funding rather than as a per capita amount
- the development of a national code of practice to provide an inclusive environment for students with impairments. The Ministry of Education and the Tertiary Education Commission supported the development of this set of best practice guidelines for the tertiary education sector. It is not compulsory at this stage.[1]
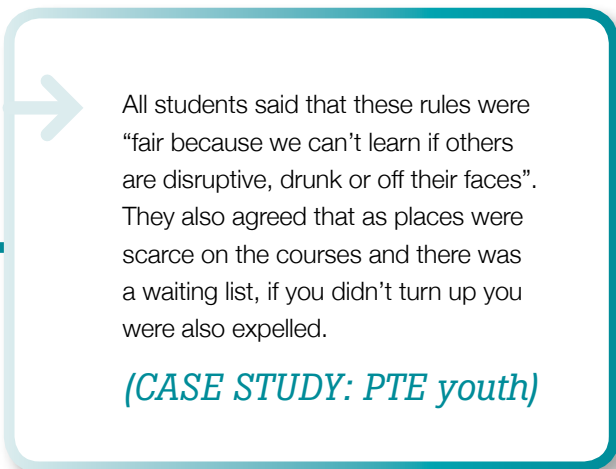
Universities tend to have dedicated disability support centres, although access to these services can be strictly controlled. While the general detail of the universities' policies on disability is very similar, some universities provide measurable goals and encourage feedback from staff and students. The polytechnics appear to have, in most cases, only one disability support person with limited resources at each organisation. Fewer than 10 percent of the PTEs reviewed in this study have disability policies available online, with the remainder making no mention of the issue.

The case studies identified a range of difficulties in providing disability services. The main problem is unevenness of service, which may be of two kinds:

- some types of disability and some solutions are better catered for than others by organisations
- some parts of organisations have better access to services than others. The case studies show that this usually occurs when organisations deliver courses on more than one site, and they have difficulty providing services consistently across campuses.

A number of organisations were found to have recently changed or updated their policies to include a drug-free environment, underpinned by a system of drug testing. In the survey undertaken for this report, policies on drug testing were noted as the most common recent change or update to policies.

In one case study, most of the students surveyed had not read the student handbook, but all were able to recite some core policies, especially concerning drugs or alcohol.

All students said that these rules were "fair because we can't learn if others are disruptive, drunk or off their faces". They also agreed that as places were scarce on the courses and there was a waiting list, if you didn't turn up you were also expelled.

(CASE STUDY: PTE youth)

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1. Tertiary Education Commission and Ministry of Education. (2004). Kia Ōrite – Achieving Equity. New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments. http://www.achieve.org.nz, http://www.tec.govt.nz, http://www.minedu.govt.nz.

Cultural support

The three main approaches found to increase student achievement for Māori and Pacific students were:

- developing Māori or Pacific learning organisations, either within the public sphere (wānanga) or as a PTE
- taking specific action to attract these students into existing tertiary organisations
- developing a range of services to support the retention and achievement of these students.

No wānanga agreed to participate in the project. However, research and website analysis identified that they have a distinctively Māori approach to relationships between staff and students that differs significantly from the mainstream model. This is part of the kaupapa of each organisation and thus the mutual expectations are explicit.

The small Māori-based PTE that participated in the case study identified that the best way for it to achieve success is by adopting a whānau model in which the PTE combines a strong set of rules with a supportive environment. Students are also included in all policy development and reviews, and there is a class representative system in place. While there are many 'rules', these are developed with the students in each classroom.

Most organisations provide a basic statement outlining their commitment to the Treaty of Waitangi, and larger tertiary organisations have a kaumātua and other Māori leadership positions. In addition, larger organisations have a policy recognising te reo Māori as an official language of New Zealand. One implication of this is that students should be able to submit work in that language; most universities and polytechnics have policies outlining how and when this is allowed. In some, the cost of translation must be met by the student, while in others this is met by the organisation.

The small number of Māori and Pacific students who were interviewed as part of the case studies reported that they used the support structures put in place by and for them. They also considered they had good input into the policies of the organisation.

2. Teaching and learning

A core theme highlighted in this project is the diversity that exists in the tertiary education sector. Both size and differences in student composition affect the nature of the relationships between the organisation and students. There are numerous pathways to tertiary education, a wide selection of courses and a diverse staff and student body. Consequently, students arrive at tertiary organisations in varying states of readiness to undertake learning, and a wide range of learning support services have been set up to meet their diverse needs.

Issues identified include:

- provision of services and support for students
- involvement of students in teaching and learning policy development
- class representation
- course-related issues.

Provision of services and support

Most organisations have policies outlining the learning support offered to students. The scope and nature of this varies according to institutional factors (size and type) and student factors (level of education, type of course, student backgrounds).

Larger organisations nearly always have a standalone student learning centre, whose services tend to include:

- a drop-in office for enquiries
- online support with frequently asked questions and increasingly, through online learning programs, live "ask for help" sessions
- specific formal (timetabled) or ad hoc (for a group of students) courses.

In smaller organisations, and those working with students who have identified gaps in their learning, the learning support and pastoral care roles tend to blur. The case studies showed that in some small organisations, all staff, from tutors to support staff to the CEO, work together to ensure every student is able to learn. This is often quite a pragmatic and practical process, requiring, as noted in one case study, staff flexibility.

Policy development in learning and teaching

Most tertiary organisations have a system of student feedback in place, and an estimated one third of them provide opportunities for student input to the development of policies.

The case studies identified a growing intention (and, in many cases, practice) of tertiary organisations to involve students at both the policy and practice levels in improving teaching and learning. It is now recognised by many providers that organised student input can have a positive effect on policy and planning for teaching and learning.

A strong element in this organisation is the use of research and review to get feedback on progress, as part of the organisation's teaching and learning strategy. For example, alongside the usual course review document, the organisation is currently undertaking research (an exit poll) to ascertain the views of students on classes they have just attended. Both the polytechnic and its students' association also engage in an informal way with students on the campus, discussing with them any issues that arise. As a result, there is a high level of penetration of student views, which are then built into policies and practices.

(CASE STUDY: an urban polytechnic)

Recent policy changes

Tertiary organisations reported that they regularly review and update all their existing policies. These changes are being driven by an attempt to meet the TEC's expectations for higher rates of course completion; course review; disability and assessment policies; as well as a desire to become more inclusive and democratic.

When asked to choose the 'best description' of how an organisation views its students, 70 percent of those surveyed believe that students have a strong voice, and are active in their own learning and in the further development of the organisation. (See figure 1.)

Figure 1. How organisations view their students.

Response	Chart	Percentage	Count
Learning partners (students and staff work together)		70%	111
Other, please specify:		11%	18
Consumers (people who use our services)		11%	17
Customers (people who pay a fee to get goods)		8%	13
	Total Responses		159

One urban polytechnic that was not selected for the case study provided detailed information on an emerging over-riding policy approach called "student voice", that was currently under development.

The project appears to consist of a range of measures to improve reciprocity between students and the organisation across all levels of policy and practice. (See sidebar.)

A student voice project

The purpose of the Student Voice Project is to develop, support and promote an institution-wide model/approach and commitment to the Student Voice. The outcome of the project will be:

- a Student Voice Policy and associated processes
- a communication strategy and support materials for the implementation of the [organisation's] Student Voice Policy and associated processes
- staff and student development modules to promote and support the Student Voice Policy and associated processes
- a tool or mechanism to monitor the success and outcomes of the Student Voice Policy and associated processes, and to identify areas of excellence and areas for development.

The scope of the Student Voice Project includes:

- the review and implementation of a revised student representative programme across all faculties and directorates, including provision of training and support for students and staff
- the review and implementation of a revised student complaints policy and processes including provision of training and support for students and staff
- the review and development of ways in which students can initiate and provide feedback about issues and opportunities
- the development of a coordinated, across-campus approach to surveys, focus groups and other methods used to collect and collate data/feedback from students about their experiences and/or to consult with students, for example, about projects, changes, initiatives
- the development of clear lines of communication across campus and with students to ensure that Student Voice work is promoted, informed and coordinated and that the outcomes of Student Voice work is communicated clearly to students and staff
- the clarification of the role and responsibilities of all staff and of [the students' association] and of access to independent support in relation to Student Voice.

Class representation and course-related issues

Teaching and learning as it occurs in the classroom forms the focus in this section. This is where many of the problems noted by students' associations take place, and where advocacy services are most likely to be engaged. Most of the findings on class representation and course-related issues came from student interviews as part of the case studies.

Student class representative schemes are an efficient and effective way of promoting bottom-up democracy in tertiary organisations at virtually no cost. They are common in many organisations and viewed positively by all groups as an efficient way of developing and sharing information as class reps are able to take issues back to their classes.

There had been a protest by students shortly before the case study was undertaken in relation to the axing of one particular course, which was seen to serve local industry but was expensive. In the end, the course was saved, which has put extra pressure on the organisation to save resources elsewhere. Another course, also quite unique and important, was however axed.

(CASE STUDY: a provincial polytechnic)

Ensuring student involvement at the class level provides the opportunity for organisations to engage effectively and reciprocally with students.

This in turn may prevent student action against organisations such as the protest that occurred in this case study because decisions were made by the organisation outside the consultative process that was in place.

The case study interviews revealed that students feel strongly that their voice should be heard in decision-making, and that including students at all levels can lead to better decisions.
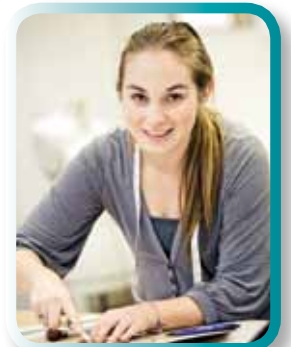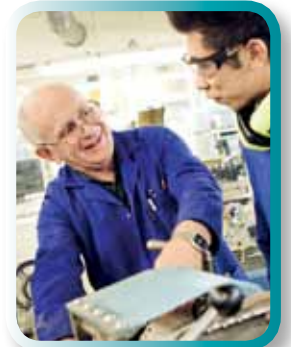
3. Regulatory context

Driving change

A range of drivers for changes in codes of practice and contracts that govern tertiary education were identified in this study (also see figure 2):

- a search for more accountability
- the growth of managerial systems within organisations
- external demands from existing or new tertiary coordinating organisations
- growth in fees paid by students
- a diversification in the types of tertiary organisation.

Figure 2. Factors affecting content of student codes and agreements

Response	Chart	Percentage	Count
Reputational factors (e.g. student behaviour)		57%	89
New approaches to risk management		54%	85
A strategic commitment to reciprocity with students		49%	77
Specific legal issues that have arisen		26%	41
An environment of market competition in the sector		22%	34
Changes in student composition		20%	32
Other		16%	25
A period of financial stringency		7%	11
	Total Responses		157

Reputational/Market factors

A frequently arising issue is the growth in free-market type competition which makes tertiary organisations more sensitive to their public profile now than in the past. The way an organisation views itself and its level of sensitivity to image will affect the relationship between the organisation and the students.

Risk Management

Government funding requirements and the internal growth of risk management approaches within organisations have driven the trend for organisations to develop large numbers of policies. Enhanced course completion is among the recent requirements set by the TEC. Those organisations with low rates of completion will, in the future, be penalised financially. The case studies identified that organisations are tending to link student contracts much more explicitly with course completion and the funding needed to keep the organisation in operation.

Reciprocity

A commitment to reciprocity comes from philosophical changes within tertiary organisations that see students as 'partners' in the organisation. One case study organisation displays on its website all relevant policies, documents, contracts and a 'student charter'. The existence and display of the charter indicates a commitment to inclusive and reciprocal relations.

Regulatory context

Traditional avenues for student voice, representation and consultation are being reduced. In New Zealand, there is a move by Government to make students' association membership voluntary. Changes to government regulations reducing numbers on polytechnic councils, including student representation, has further weakened the student voice.

There are new lines of accountability for tertiary organisations. Changes to funding models, requiring new accountability in a range of areas, are common across nations. In New Zealand, the Performance-Based Research Fund (PBRF) funding system has trained the spotlight on research activity, increasingly linking funding to outputs.

Relationships between students and tertiary organisations are becoming increasingly complex. They are governed by the growth of managerial practices, increased competition and increasing external and internal accountability and compliance.

Student complaints about Institutes of Technology and Polytechnics, Private Training Establishments, Wānanga and Industry Training Organisations can be investigated by the New Zealand Qualifications Authority (NZQA). However, their powers are limited. For example, NZQA do not mediate and if they find in favour of the student they can only take action if the issue is identified as systemic.

New Zealand courts generally rule that disputes between students and educational organisations should be resolved within the organisation. This ruling puts pressure on an organisation to have robust rules and procedures.

If a student is unable to resolve their concerns through the usual channels, they may be able to access the services of the Office of the Ombudsmen. While the Ombudsmen do not consider matters of professional judgment such as academic assessment, they are able to investigate complaints about the administrative conduct of tertiary education institutions[2]. In 2004, Judge David Baragwanath called for the establishment of an education Ombudsman because there was no agency to focus on cases where organisations failed to deliver *"what the education system had a duty to provide"* (as reported in the *New Zealand Herald*, 4 September 2004). As yet no such office has been developed.

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2   It should be noted that the International Education Appeal Authority has expertise in education but only considers cases for international students.

Tertiary regulations and student codes

Most tertiary organisations have some kind of student code and/or charter, which serve a range of purposes across a wide range of types of document. The purposes identified include:

- the organisation has a strong set of values or beliefs and requires students to adhere to these
- the organisation wishes to promote particular relationships between the organisation and students
- the organisation seeks to bring together and clarify its rules and regulations relating to students
- documents have been negotiated over time between the organisation and students' associations to meet student needs.

With external agencies demanding much more explicit policy approaches, one common reason for having a student code is to bring together the main policies to assist students in understanding their obligations.

There are many variations of student codes and charters among New Zealand tertiary organisations. Some are entirely implicit, some are well advertised, and some are barely known within the organisation. Some are merely a way to assemble core policies in a way that students understand them.

The basis of the contract between organisation and student commences at enrolment. All enrolment forms require an actual or (if online) implied signature, and some kind of declaration. These declarations usually contain one or more of the following:

- a declaration that the information contained in the form is true and correct
- agreement to abide by the rules and regulations of the organisation
- acknowledgement that the information contained in the form will be shared with other agencies as required by law.

The enrolment declarations, and the processes in place for ensuring that students understand what they are signing, vary widely across the case study organisations, illustrating the diversity of the sector.

An example of good practice identified through the literature review is from the University of Central Lancashire. In this case, all first year students are given 'The Card' as part of their contract with the university. The Card provides a simple and clear statement of the reciprocal rights and obligations of both the organisation and its students. It is discussed with every new student by their personal tutor at their first meeting of the academic year. The Card includes the following information:

[Side One]

We aim to:

- Start and end all classes on time
- Give you one week's notice of changes to your classes
- Give you feedback on assessed work within 15 working days
- Give you clear, legible and informative feedback on your work
- Be available for timed appointments
- Treat you with respect at all times
- Support you in your preparation for the workplace

[Side Two]

You will get the best out of your time at UCLan if you are committed to:

- Preparing for classes and attending punctually
- Completing your work to the best of your ability and submitting it on time
- Not committing plagiarism
- Keeping up to date with course information through UCLan email and other channels
- Using the feedback you are given to improve subsequent work
- Making appropriate use of teaching staff's time
- Taking responsibility for your Personal Development Planning and skill development
- Treating staff, fellow students and neighbours in the local community with respect at all times

4. Third-party agreements

Third-party agreements are essentially of two types:

1. Agreements with an accreditation body, a professional body or another similar organisation in relation to the teaching, learning and assessment of particular courses. They may involve specific professional bodies, in teaching, nursing, medicine, law or engineering, for example. Organisations are increasingly seeking accreditation from national and international good practice organisations, especially in business studies and management.
2. Sub-contracting arrangements where part or all of the delivery of a course or programme is contracted out.

Little information was available on third-party agreements of the second type, as they tend to be commercially sensitive and not available for scrutiny.

Where the requirements of third parties and those of organisations meet, there is significant potential for difficulty. In law, a contract is usually between two parties, and the legal arena has specific ways of considering and working through contracts with a third party.

> The relationship with these providers is managed by contract, but in reality these students often have little access to the advocacy and pastoral care available at the main campus.
>
> *(CASE STUDY: A REGIONAL POLYTECHNIC)*

The most effective outcome would be where the organisation placed all its policies and codes into the contract with the third-party providers, so that conflicts do not occur with students or with staff. During focus groups with students, it was noted that, at times, third-party requirements were used as a tool to correct or discipline students, whether or not such a process was justified.

Good practice

The question of what constitutes good practice in the relationship between organisations and students is not a simple one. Organisational goals for students, student characteristics and other factors necessarily affect the relationship.

The balance between organisational sanctions and student empowerment is played out in every organisation. Many of the examples provided in the good practice case studies were based strongly on a move towards a more reciprocal approach, involving voice and empowerment for students, more involvement in policy processes and high quality practice relationships.

Simply having sound written strategies is no guarantee of good practice. Good practice comes from consistency – from having student codes and agreements that are strongly linked to a set of values that inform practice.

There is a wide variety of forms of student codes and contracts that serve a multiplicity of purposes, such as collections of policies or statements of values. Some focus on rights and responsibilities, while others fulfil the purposes of a whole student handbook. Whatever the format, if there are to be explicit student codes or contracts, they should be underpinned by a clear purpose linked to the goals of the organisation.

Good practice would see all organisations with a clearly written document that offers reciprocity and a clear statement of the relative rights and responsibilities of organisation and student. The key is that any expectations should not be overly onerous on either party.

Many organisations are looking to student learning contracts to manage the process of tertiary funding being linked to successful completions. It is important that students are involved from the beginning, and that the agreements are facilitative rather than relying on contractual compulsion.

There is a very wide range of codes, contracts and agreements in force in New Zealand tertiary organisations. They reflect a system with a high degree of autonomy, with many organisations working through their basic policies and relationships from scratch. There is also a significant amount of borrowing between organisations.

While recognising the autonomy of organisations, moves to share good practice can only improve the sector as a whole, and individual organisations within it.

Good practice recommendations

Good practice is defined as changing the balance between sanctions and empowerment for students, over time. The following are recommendations for improving tertiary organisations' approach to codes and contracts, which, if taken up, will have a positive impact at both organisation and sector level.

1. Organisations should consider developing a student code or contract that is value-based and that positions the student as a reciprocal learning partner within the organisation. It could include a statement of rights, responsibilities, expectations and support, linked to the organisation's goals.
2. Large tertiary organisations need to ensure that they offer consistency across the whole organisation in terms of the relationship with students, whether this is course, programme, departmental, faculty or non-teaching parts of the organisation. Consistency must be considered particularly where third-party agreements are in place.
3. Signed declarations on enrolment forms should relate only to the material in the form and its purposes, not to other points such as agreement with general terms and conditions as these do not appear on the form. Enrolment forms generally provide information about courses, provide good and accurate personal details, and agree to the legal sharing of that information for the purpose of facilitating the enrolment.
4. If agreement with general terms and conditions is a requirement of the course, such terms should be included on the enrolment form or in a separate document requiring specific agreement before enrolment is completed.
5. Where possible, organisations should promulgate reciprocal rather than authoritarian policies and solutions. Organisations should foster increased student involvement. At the level of policy, student representation can inform good practice and make better policies. At the level of practice, student involvement is empowering and can lead to better learning.
6. Some organisations need to reduce barriers to disability support. These often seem unnecessary and can be demeaning. Instead of putting up barriers to ration resources, organisations should be working to provide a range of supports using technological resources and the rational sharing of services within budgets.
7. Given recent developments internationally, there may be value in investigating the possibility of an integrated tertiary review and appeal authority that has a broad sector focus and powers of decision-making and advocacy across the sector. A review process may consider:
   a. the quality, coherence and expertise of external appeal and review systems in the sector
   b. whether there is a need for an overall agency with a systems and legal expertise to hear and respond to appeals
   c. whether domestic appeals should be integrated with the International Education Appeal Authority.

www.akoaotearoa.ac.nz/codesofpractice