



**TEU Waikato Branch Committee Submission to the Racism Taskforce
14th December 2020**

**To: The Taskforce
Professor Linda Tuhiwai Smith, Taskforce Co-Chair
Professor Alister Jones, Taskforce Co-Chair**

Introduction:

1. Te Hautū Kahurangi | Tertiary Education Union (TEU) is the largest tertiary sector union in this country, representing approximately 10,000 members, (of which 1000 are Māori) covering all types of TEIs in the sector, of which approximately 530 are members of the University of Waikato Branch, including approximately 60 Māori members.
2. As such, we trust this submission carries the appropriate corresponding weight when submissions are considered.
3. We make every effort in this submission to genuinely reflect the views of our members, and it is intended to support and complement individual and group submissions that may also be made.
4. In September 2020, the University of Waikato Council commissioned the Hon Hekia Parata and Sir Harawira Gardiner to undertake an independent review of recent public claims of structural and systemic racism at the University of Waikato, the issues that had given rise to those claims and the University's progress in meeting its Treaty obligations (Parata Gardiner Review).
5. TEU raised concerns in its submission about the process followed in the investigation of those claims at the time, and a copy of our submission is attached.

6. Those concerns were not addressed, and TEU consequently cannot completely accept the findings of the Parata Gardiner Review.

a. In particular, TEU takes issue with the finding that:

“...the specific claims against the Vice-Chancellor, Deputy Vice-Chancellor Māori and the University contained in the 29 May 2020 Protected Disclosure were inaccurate, incorrect or matters of differing opinion.”

b. This suggests that the staff members making the protected disclosure did so without foundation. TEU does not accept this. It is very disappointing that when Māori staff raise a genuine issue about racism their integrity, mana and motives are questioned and publicly ridiculed. This demonstrates the very nature of the racism that all Māori staff face at the University of Waikato. We note the recently published research Inequities in Maori and Pacific promotions and earnings substantiates that the claims made by Maori staff in their protected disclosure, were in fact accurate and correct.

c. The Parata Gardiner Review also found:

- That there is a case for structural, systemic, and casual discrimination at the University;
- That the structures and systems must be redesigned to give authentic voice and practice to Te Tiriti o Waitangi The Treaty of Waitangi, its principles of partnership, participation, and protection;
- That the University has the opportunity to lead change, not only for itself, but to serve as a model to the wider tertiary sector; and,
- That this work is urgent and necessary

7. In response, the University of Waikato has established a Taskforce (the Taskforce) with agreed terms of reference to address this structural, systemic, and casual discrimination and racism at the University.

8. This submission raises concerns around the membership of, scope of, process followed by, and utility of, the Taskforce. It also makes suggestions as to the way forward from here.

Taskforce Terms of Reference:

9. It is unclear what process was followed to set up the Taskforce. The 9 October 2020 email update to University of Waikato staff on this issue advised that:

“The draft Taskforce [Terms of Reference](#) have been developed based on [Council’s resolutions](#) following the Parata Gardiner Report and are deliberately broad in nature.

They will be considered by the Taskforce at its first meeting shortly.”

10. While it seems somewhat unusual that membership was determined before terms of reference were finalised, of greater concern is the question of how this relates to the University’s obligations under the Treaty of Waitangi?
11. The Taskforce Terms of Reference provide that:

Terms of Reference

1. To consider the principles of Te Tiriti o Waitangi The Treaty of Waitangi as embodied and enacted in the University’s:
 - values and strategy
 - structures and systems
 - people
 - places and spaces
 - scholarship.
2. To develop and consult on a plan to redress structural, systemic and casual discrimination and racism at the University founded in the equal status of mātauranga Māori and Western knowledge that will:
 - a. animate the University’s motto “Ko te tangata” in the everyday life of the University community, and
 - b. embed Te Tiriti o Waitangi The Treaty of Waitangi as the future focused framework for the University.
3. To develop an implementation process, for the plan to commence during 2021 utilising resourcing consistent with the financial environment of the University in 2021 and 2022, including provision for ongoing monitoring or achievement of milestones and opportunities for critical reflection.

12. This frames the inquiry as including a consideration of *the principles of Te Tiriti o Waitangi* rather than as including a consideration of *the University of Waikato’s obligations* and commitment to Māori and Te Tiriti o Waitangi through the model of partnership and collective responsibility as outlined in the Te Tiriti o Waitangi.

13. Points 2 and 3 describe processes that are completely devoid of tikanga Māori. This serves only to further demonstrate the institutional racism that the Taskforce is supposedly going to address! This also stands in contrast to the Parata Gardiner Review's recommendation that the University of Waikato Council, "Agree that the response and redress will be founded in the equal status of mātauranga Māori and Western knowledge, in scholarship and operations, reflecting and giving substance to the bicultural platform of Te Whare Wānanga o Waikato The University of Waikato".

Taskforce Membership:

14. The taskforce comprises 2 co-chairs and 8 members. Of these 10, only Rāhui Papa is external to the University. 8 others are University employees and 1 is a University of Waikato student. It therefore appears that this is largely an "internal" review - something that is at odds with the Parata Gardiner Review's acknowledgement of the importance of this issue to the tertiary sector as a whole.

15. It is unclear how these Taskforce members were appointed or who they are intended to represent? Nor is it clear what mandate they have and who are they accountable to (Of course, in the case of the 8 University of Waikato employees, they will be accountable to the Vice-Chancellor, as their employer)?

16. TEU is concerned that, despite the ambitious language that [announced the establishment of the Taskforce](#), this exercise appears to be a largely internal review. There is a consequent risk that the outcomes/recommendations of the Taskforce may be perceived as lacking in independence and/or perceived as "loaded" or "biased". There is also a risk that findings may be minimized, because of the self-censorship that employees inevitably fall into, even if only unconsciously.

17. In saying this, TEU is not suggesting for a moment that Taskforce members will be anything other than professional in carrying out their role. The issue TEU is identifying is "apparent independence" - the fact that 80% of the Taskforce membership are employees at the University of Waikato means they cannot appear to be sufficiently independent.

18. Equally, for colleagues wishing to contribute to the work of the Taskforce, the lack of external committee members may be dissuasive. Racism is a serious matter, and this issue is not raised lightly. It is not an easy issue to discuss and union members have reported to TEU that they feel unsafe raising these issues through the Taskforce process. TEU members are concerned that they may be targeted for speaking up, particularly given the University's current financial situation and the projected employment uncertainty for 2021.

19. On an issue as important as this one, it is vital that robust processes are followed and independent investigations carried out. To support this, the Taskforce needs external, independent members who can give it a broader level of expertise - and who can give credibility and objectivity to the process and recommendations.

20. Although reference has been made to an "External Advisory Group" which will support the Taskforce, no further information has been provided on this, and it is unclear who the members of this Group are and what is the mandate, nature and scope of their roles.

Race for a Resolution:

21. The process to-date has been a hasty one. The Parata Gardiner Review was commenced and concluded within a fortnight. The Taskforce has signalled its intention to be in a position to implement a plan addressing institutional racism from 2021, following a period of 2 months of consultation with University of Waikato staff. It is unclear what consultation or investigation is being undertaken beyond the University of Waikato.

22. It appears that the University may be more concerned with the rapid resolution of an issue that reflects unfavourably on the University than with the reconciliation and restoration of relationships recommended in the Parata Gardiner Review.

23. As the Parata Gardiner Review noted, "structures and systems must be redesigned". However, before redesign can take place, past failures must be reviewed and understood. This is particularly so where racist outcomes are attributed to the institutional environment.

24. Institutional racism is insidious and implicit. It is not as easy to identify and address as overt racism. Careful examination of the context in which it is occurring is needed. This must not be rushed, yet the Taskforce approach suggests that velocity is a key Taskforce priority.

25. Concerningly, the lack of a Maori Advancement Plan has meant that institutional racism has flourished at the University. The issues of systemic racism at the University of Waikato are profound and complex, and the University of Waikato has not been well-placed to address these. Again, this indicates the need for external advice and input.

26. Despite their obligations under the Te Tiriti o Waitangi, the University of Waikato:

- a. disestablished the Office of the Pro Vice-Chancellor Māori in 2016;
- b. disestablished the position of Pou Arataki, Manager Strategy, Policy and Engagement in 2017; when the incumbent was actively developing the Maori Advancement Plan.
- c. decided to implement a Divisional administrative structure at the University in 2018 and determined that the Faculty of Māori and Indigenous Studies (FMIS) should become part of the Arts, Law, Psychology and Social Sciences (ALPSS) Division and lose its stand alone status and Māori academic autonomy; and
- d. removed the Dean of FMIS from the Academic Promotions Committee.

27. Although the decision to make FMIS part of the ALPSS Division was ultimately resisted, it is asserted that FMIS has since been marginalised and disempowered. This is not in line with the University's Te Tiriti o Waitangi commitments.

28. TEU contends that a full and comprehensive review of these events is necessary in order to determine how this could occur in an environment where the University of Waikato had acknowledged its Te Tiriti o Waitangi obligations TEU submits that a review must be undertaken of the processes that were followed in the lead up to the events set out in paragraph [26] and a determination should be made as to whether the University has met (or failed to meet) its obligations, and what it needs to do to "put things right". The Parata/Gardiner Review also recommended an immediate reconciliation process with Māori staff to restore their mana and rebuild relationships with the Senior Management of the University. Until this is done there is little likelihood of making

significant progress on addressing racism at the University regardless of the recommendation of the Taskforce.

Te Tiriti o Waitangi:

29. It is important to remember that this is not a “racism issue” or a “multiculturalism issue”. While the outcomes may be characterised as racist, at the heart of this is the University of Waikato’s obligations under Te Tiriti o Waitangi - obligations which it is alleged the University has failed to meet.
30. The University proudly proclaims its bicultural commitments and asserts the importance of Te Tiriti o Waitanga to its work, and it relies on its Māori staff to make good on its aspirations to biculturalism - yet the marginalisation of Māori staff tells a different story.
31. Biculturalism is part of the University of Waikato’s identity, more so than it is for other New Zealand universities. The University of Waikato stands on Tainui land. The University and Māori (students, staff, hapū, iwi and community) are partners. Māori research and teaching is fundamental to the University’s work and cuts across the work of all of the schools and departments in the University.
32. The University’s FMIS must also be partners. FMIS should have the status of a Division and should be led by a Pro Vice-Chancellor, as the other Divisions are.

The Impact of a Westernized Management Structure:

33. Institutional racism has been exacerbated by the change to a Divisional management structure, but the issues complained of at the University of Waikato are not just the result of this change. The reality is that all Universities, including the University of Waikato, have Western, Colonial, authoritarian, hierarchical management structures that disenfranchise, marginalise and discriminate against Māori staff and students.
34. These hierarchical structures are excluding participation by Māori in the decision-making processes. If we want to address racism, then we need to completely re-think these hierarchical structural models, and replace them with tikanga models that meet the obligations that the University of Waikato has under Te Tiriti o Waitangi.

35. Tikanga Māori consensus-based models of decision-making are participatory democracy, meaning the decision-making happens with ongoing conversation and debate until consensus is reached (kōrero until we find a place that no one is completely uncomfortable with).

36. [Te Ara Tika](#), for example, provides guidelines for Māori research ethics founded on tikanga Māori reflecting Māori values, beliefs, relationships, and ways of viewing the world:

“Tikanga are locally specific practices that aim to enhance these relationships and ensure the preservation of mana. As the environment changes or new situations arise, tikanga are enacted or adapted to provide context-specific responses....tikanga provide the primary interface for accessing repositories of cultural knowledge and experience that can be used to inform ethical deliberations.”

37. The Environment Protection Authority has incorporated [Māori perspectives into its decision-making](#) (see p6-11) which involves appointing experts (who provide independent advice expertise to inform decision-making), access by Māori (in te reo Māori and expressed in accordance with tikanga Māori), Te Tiriti o Waitangi obligations, Māori Advisory Committee, impact on Māori (capacity and capability of Māori to provide for their own environmental, economic, social, and cultural well-being), etc.

38. It is noted that the disenfranchisement and marginalisation referred to in paragraph [34] is not limited to Māori staff. TEU female members in particular have been reporting instances of unfairness, discrimination and bias for a number of years, which impacts both in their promotion attainment and associated salary levels. Models discussed in paragraph [36] would make a significant difference in addressing these issues for female staff also. It is noted that over half of Māori staff are female, so addressing gender discrimination is necessary to address race-based discrimination.

39. It is important to differentiate between negative impacts for particular staff who are Māori as a result of institutional processes and practices, and racist outcomes for Māori staff as a whole, for example through the marginalisation of the FMIS. Many staff, Māori and non-Māori, have experienced unfair, arbitrary and discriminatory treatment. As noted, this disproportionately affects Māori and female staff. Some of these outcomes may be able to be avoided through the redesign of processes to minimise discretion.

40. For example, the promotions process is largely discretionary, with staff advancement depending on managerial recommendation rather than objective, measurable performance indicators that, when demonstrated, automatically allow staff to be advanced. Another issue with this process is that there is a clear lack of Māori staff involved at any of the levels throughout the promotions process, which is unacceptable as Tiriti partners.

41. Recently published research, [Inequities in Māori and Pacific promotions and earnings](#), using New Zealand's Performance-Based Research Fund (PBRF) data (2003, 2012, 2018) found that:

Māori and Pacific men and also women academics, compared with non-Māori non-Pacific men academics, had significantly lower odds of being an associate professor or professor or of being promoted, and had lower earnings....Māori and Pacific women academics earned on average \$7,713 less in 2018 than non-Māori non-Pacific men academics and had 65% lower odds of being promoted into the professoriate from 2003 to 2018.

The research findings suggest that current inequities for Māori and Pacific academics will persist without systemic change in New Zealand universities.

42. Introducing incremental steps within the salary scales that allow automatic progression through the scales would address a significant portion of the inequitable impacts on staff of managerial discretion in this area and the inherent race and gender bias that results from it. However, to address racist outcomes for Māori staff as a whole, it will not be enough to look at particular processes: institutional re-design is needed, especially in matters of University governance. This is discussed in the next section.

The Way Forward:

43. The 9 October 2020 email announcement of the Taskforce membership and terms of reference noted that:

“The Taskforce offers the University an exciting challenge and a unique opportunity globally to construct a new and different way of participating in partnership in a University setting.”

44. TEU agrees that addressing the findings of the Gardiner Parata Review offers this opportunity. However, for reasons identified above, TEU cannot agree that *the Taskforce* offers this. Thus far, it appears to offer the same approaches and processes that are part and parcel of the problem of structural, systemic and casual discrimination and racism at the University of Waikato.

45. TEU asks the Taskforce to think differently. To aspire to something more than the tired and tried approaches that institutionalised racism. To engage in correct tikanga Māori processes. To embrace external expertise. To critically review the past outcomes and existing structures and systems and ask what we can do differently?

46. In light of the points made in paragraphs [34]-[36], and to demonstrate its commitment to Te Tiriti o Waitangi, the University of Waikato needs to consider fundamental structural and system changes. Because the Parata Gardiner Review identified institutional racism as the issue, improved institutional design must be the vehicle for addressing this issue.

47. It is a time for questioning established structures and proposing bold alternatives. For instance:

a. The University of Waikato should have 2 Vice-Chancellors, one of which could be a Co-Vice-Chancellor Māori. This would reflect the true concept of partnership between Māori and the Crown that is at the heart of Te Tiriti o Waitangi.

b. All Divisions should have a Māori Pro Vice-Chancellor who is a Co-Pro Vice-Chancellor with the existing Divisional Pro Vice-Chancellors. They should have the same authority and be treated as equal partners, and to be given autonomy to run their own Division again reflecting the actual partnership relationship that underpins Te Tiriti o Waitangi.

c. FMIS must be given the same status as the other Divisions at the University of Waikato. The head of the Faculty needs to be given the status of Pro Vice-Chancellor.

48. While some might see these proposals as 'unworkable', what is apparent is that the current model is not fit for purpose: it discriminates against Māori and female staff, and perpetuates the unfairness, bias and discrimination that the University of Waikato has claimed it wishes to address. There is an opportunity now, as a result of the Parata

Gardiner Review, to explore processes that are consistent with tikanga Māori, which are consensus-based, and which reduce, if not eliminate, the scope for unfairness and inconsistent practice. Advantageously, this would reduce racism and sexism at the University of Waikato and allow the University of Waikato to meet its obligations under Te Tiriti o Waitangi.

49. Recognition and promotion of Māori staff needs to be given priority. The current process is failing Māori (and women). Currently, the only dedicated Māori representative in the promotions process is the Deputy Vice-Chancellor Māori. At the very least, the Pro Vice-Chancellor of the FMIS Division needs to be on the promotions committee. Consideration must be given to the adoption of a more consensus and tikanga Māori-based approach to the Universities promotion processes.

Conclusion

50. The issues of structural, systemic and casual racism at the University has identified the absolute need for more participative management and governance models. These need to be consensus and tikanga Māori-based, and allow staff to be actively involved in decision-making.
51. We need to promote and support tikanga processes of participation and decision-making, that gives credibility and mana to such processes, so that we are ALL able to meet our institutional, professional and personal obligations under Te Tiriti o Waitangi - we ALL need to walk the talk.

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