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NEW ZEALAND UNIVERSITIES AND TE TIRITI O WAITANGI

**COMPILED BY
JOHN M. JENNINGS**

MARCH 2004

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*New Zealand Universities Academic Audit Unit
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PREFACE

AIM

The aim of this publication is to address the issues arising from the legislated duty of university Councils 'to acknowledge the principles of the Treaty of Waitangi',¹ and:

- to arrive at a set of straightforward principles arising from the articles of Te Tiriti which can be applied to university education,
- to consider the expectations of universities by Government,
- to consider the expectations of this Unit,
- to summarise, by way of illustration, university commitments and activities as reported during 2001 and 2002,
- to provide a sample of frameworks, reviews or initiatives by way of examples of good practice,
- to provide a possible framework for university self review.

BACKGROUND

In the various editions of its audit manual, the New Zealand Universities Academic Audit Unit has defined its expectations with respect to processes and procedures in place in aspects covered by audit. The Cycle 1 audits of New Zealand universities administered by the Unit during 1995-1998 were full institutional audits, covering all aspects of operations including structure, planning, Te Tiriti o Waitangi, research, teaching, staff matters, support for students, reviews, feedback, facilities and resources. Late in 1999, the Unit commissioned a summary of university responses to Te Tiriti as evidenced in reports arising from those audits, but the survey was never written.

Three years later, the Unit prepared a briefing paper which was considered by a small working group early in 2003, and from which a discussion paper was developed. The discussion paper was considered by a hui organised by the Association of University Staff of the New Zealand in July 2003 involving Maori representatives from all New Zealand universities. The expressions of support from that hui encouraged further discussion with interested persons which has informed the development of this publication.

ACKNOWLEDGEMENTS

The Unit is responsible for the content of this publication, but it gratefully acknowledges the encouragement and advice it has received from many people. Emeritus Professor Ranginui Walker, formerly of the University of Auckland, Dr Liz McKinley, University of Waikato and Dr Te Maire Tau, Ngai Tahu were involved in the very earliest discussions within the Unit; Associate Professor Hirini Matunga, Assistant Vice-Chancellor (Maori), Lincoln University, Professor Mason Durie, Assistant Vice-Chancellor (Maori), Massey University, Toby Curtis, Deputy Vice-Chancellor (Maori), Auckland University of Technology, and Helen Potter, Kaitūhono, Te Mana Akonga (Inc) (Maori University Students' Association) provided important input into the development of the framework in section 5. Other people to contribute were Professor Peter Holland, University of Otago; Naomi Manu, Te Awhina Arahi, Association of University Staff of New Zealand; and Rauru Kirikiri of Landcare Research, Lincoln. I am grateful also for the support and comment of members of the Board of the Unit.

JOHN M. JENNINGS
DIRECTOR

¹ Education Act 1989 (Section 181(b)).

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1

TE TIRITI O WAITANGI

1.1 'TE TIRITI' OR 'THE TREATY'?²

The official version of Te Tiriti o Waitangi comprises a preamble and three articles, and is dated early February 1840 but signatures were gathered through the following five months. The document was written in English (normally referred to as 'The Treaty of Waitangi') and in Māori ('Te Tiriti o Waitangi'). Recent debate has demonstrated that it is not possible to refer to one being the translation of the other because of the inability of one to translate fully the meaning of the other, particularly in the Māori terms chosen to translate the concepts such as sovereignty, rights and powers. Stokes (1993) refers to a study of the language of the document undertaken by Biggs³ and concludes that the real problem lies in the translation of alien concepts from one language to the other.

In describing the approach of the Waitangi Tribunal to Te Tiriti, Stokes (1993:6,7,8) observes that:

The actual text of the Treaty is brief, and expressed in broad and general terms. It is not seen as a finite contract, rather as a guide to the management of future relations between indigenous Māori and immigrant Pakeha. The [Waitangi] Tribunal is guided by what can be described as the spirit and intention of the Treaty. . .

In making a place for both cultures, a test of reasonableness must be applied. . . .

In framing practical recommendations to accommodate customs and perspectives of the indigenous Māori, the spirit and intention of the 1840 Treaty must be reinterpreted to have meaning for this generation, and for those who succeed us. The past is part of the present and is carried with us into the future.

Stokes (1993:6) notes that the Waitangi Tribunal in 1991 set the basis for recent interpretations of Te Tiriti by giving preference to the Māori version, and backs this up by quoting from a Tribunal report:

In the case of the Treaty of Waitangi, with very few exceptions, the Māori version of the Treaty was signed by the Māori chiefs. Where there is a difference between the two versions considerable weight should, in our opinion, be given to the Māori text since this is the version assented to by all but a few Māori. This is consistent with the 'contra preferentum' rule that where an ambiguity exists, the provision should be construed against the party which drafted or proposed the provision, in this case the Crown.

This present publication follows that protocol by referring to the document as Te Tiriti - or Te Tiriti o Waitangi - except when quoting from other documents where Te Tiriti is referred to by its English title.

² Appendix 1 contains Hugh Kawharu's translation of Te Tiriti of Waitangi as in Kawharu (1989: 319-321).

³ B.Biggs, Humpty-Dumpty and the Treaty of Waitangi, in Kawharu (1989): 300-312.

1.2 THE THREE ARTICLES OF TE TIRITI

In the first article of Te Tiriti, the chiefs

give absolutely to the Queen of England for ever the complete government over their land.

The English text uses the word *sovereignty*, but Kawharu⁴ notes that:

There could be no possibility of the Māori signatories having any understanding of government in the sense of 'sovereignty' - i.e., any understanding on the basis of experience or cultural precedent.

Stokes (1993) points to another significant difference - the use of the term 'cede' to the Crown in the English version compared to 'give absolutely' (*tuka rawa atu*) in the Māori, and she notes that in a Māori context, *tuku* means a gift which also includes reciprocal obligations.

In the second article, the Crown agrees

to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

Kawharu notes that 'unqualified exercise' of the chieftainship would emphasise to a chief the Queen's intention to give them complete control according to their customs; and that 'taonga'/'treasures' refers to all dimensions of a tribal group's estate, material and non-material. Stokes (1993) and Walker (2001) both point out that the term *mana*, meaning authority, status and prestige, is not used in Te Tiriti, as it was not likely chiefs would have signed away their *mana*.

Walker (2001:7-8) sums up the differences in perception of both the first and second articles of Te Tiriti this way:

The missionaries knew that if they used the native word 'mana' in the first clause of the cession of sovereignty, no chief would have signed. The term 'kawanatanga' was substituted for 'mana' from which the chiefs inferred that a Governor would set up an administration among them as 'primus inter pares' [first among equals] because their own 'rangatiratanga' was guaranteed in the second clause of the Treaty. Clauses one and two can be interpreted either as contradictions in the English version, or as balancing principles in the Māori version. . . . As a consequence of the tricky translation of the Treaty, Pākehā behaved as if Māori ceded sovereignty to the Crown, while Māori reacted as though they had never surrendered it.

In the third article:

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

⁴ See *Appendix 1*. All quotations here use Hugh Kawharu's translation and notes as contained in *Appendix 1*.

Kawharu notes problems with 'tikanga'/'protecting' and 'tikanga'/'rights and duties'. In normal usage, 'Tikanga' most commonly refers to custom(s), for example of the marae, and custom(s) clearly includes the notion of duty and obligation. Kawharu also points out:

There is a real sense here of the Queen 'protecting' (i.e., allowing the preservation of) the Māori people's tikanga (i.e., customs) since no Māori would have had any understanding whatever of British tikanga (i.e., rights and duties of British subjects).

1.3 PARTNERSHIP, PROTECTION AND PARTICIPATION

There have been many discussions as to whether Te Tiriti text or the principles to be taken from the text should apply to present-day applications of the document, to ensure the 'active protection of Maori interests'.⁵ Hancock and Gover (2001:77), in their discussion of the application of Te Tiriti by the Courts and the Waitangi Tribunal, summarise the position thus.

Treaty principles are therefore informed by various sources, including the literal terms of both texts, the cultural meanings of words, the influences and events which gave rise to the Treaty, as far as these can be determined from historical sources, as well as contemporary explanations and legal interpretations. These principles interpret the Treaty as a whole, including its underlying meaning, intention and spirit, to provide further understanding of the expectations of signatories.

The Royal Commission on Social Policy (1998:103) focussed attention on three 'fundamentals' which it considered relevant to the application of the Te Tiriti with respect to social policy (including education): partnership, equality [= participation?] and guarantee [= protection?] (see Royal Commission on Social Policy (1998:79-220)). Durie (1994:87-90) builds on these principles in his discussion of their application to the health sector.

Partnership implies an association of equals, with the real significance to be found in the underlying constitutional symbolism whereby the two partners of Te Tiriti work together to realise mutually acceptable goals.

Participation refers to Māori involvement in a particular activity, and one question that arises is whether appointees on decision-making bodies have a mandate from Māori people or whether they are simply Māori members who can bring their own Māori perspective to the deliberations.

Protection refers to the State's policies and programmes to guarantee Māori the same rights and privileges as other New Zealanders. Therefore Durie points out that this includes proactive measures; rather than simply allowing Māori to take their chances alongside other groups, the principle of active protection requires positive intervention. This is consistent with the 'principle of active protection' as practised by the Courts and the Waitangi Tribunal. (See Hancock and Gover (2001:93-100.)

Bishop and Graham (1997:10-11) offered a model which ascribes a principle for each article and describes an explanation for each principle with respect to the responsibilities of a tertiary education institution.

⁵ Hirini Matunga, personal communication.

Article 1

Partnership - guaranteeing to Māori participation and a sharing of power in the decision-making processes of the institution.

Article 2

Protection - guaranteeing to Māori the power to define what constitutes treasures, and to 'protect, promote, prefer and proscribe' treasures; this requires the Te Tiriti partner to facilitate those guarantees

Article 3

Participation - guaranteeing to Māori equality of opportunity and outcomes.

Later in that study, Bishop and Graham (1997):28 provided a model for the evaluation of institutional responses to Te Tiriti in which each of the articles is evaluated with respect to five criteria:

<i>Initiation</i>	Who initiates and defines the qualities relevant to the requirements of each article?
<i>Benefits</i>	How will Māori benefit from the responses to each article?
<i>Representation</i>	Who is involved in work associated with the work arising from the responses to each article?
<i>Legitimation</i>	What authority do the arrangements have in realising the responses to each article?
<i>Accountability</i>	Who is accountable and how will the accountability be delivered and monitored?

In a later paper, Bishop (2001) posed three questions to staff in his own School within his university with respect to each of the articles of Te Tiriti.

Article 1

What systems (policies and procedures) do we have in place to promote partnerships in decision making at all levels?

Article 2

What systems do we have to acknowledge, promote and protect Māori cultural aspirations for teaching, research and decision making?

Article 3

What systems do we have for monitoring and improving admission, retention and achievement?

2

EXPECTATIONS

2.1 THE GOVERNMENT

The Education Act 1989 (Section 181(b)) states that it is the duty of university Councils:

To acknowledge the principles of the Treaty of Waitangi.

The Ministry of Education's Tertiary Education Strategy, released in May 2002, spells out more fully the obligations of the tertiary sector, with the second of its six strategies (Strategy (2002:29)) being:

Te Rautaki Matauranga Māori - contribute to the achievement of Maori development aspirations.

The Strategy (2002:29) paints the scene five years from now:

In 2007, consistent with the Treaty of Waitangi, Māori will exercise greater authority and responsibility within a tertiary education system that is working increasingly in partnership with Māori communities. The system will take greater responsibility for the success of Māori students and be more accountable to diverse Māori realities. Māori communities will increasingly engage with a tertiary education system that is more supportive of Te Ao Māori (the Māori world) and which is inclusive of tikanga Māori.

Strategy 2 has six objectives (Strategy (2002:30-34)).

Objective 8

Tertiary education leadership that is effectively accountable to Māori communities.

Objective 9

Strong and balanced Māori staff profiles within the tertiary education system.

Objective 10

Quality programmes that recognise Te Ao Māori perspectives and support the revitalisation of Te Reo Māori.

Objective 11

Robust options for kaupapa Māori tertiary education that reflect Māori aspirations.

Objective 12

Increased participation by Māori in both a broader range of disciplines and in programmes that lead to higher-level qualifications.

Objective 13

A tertiary education system that makes an active contribution to regional and national Māori /whanau/hapu/iwi development.

The measures of progress towards these objectives will be (Strategy(2002:63)):

- participation and completion rates for Māori,

- educational attainment by Māori,
- labour market trends for Māori,
- Māori graduate destinations and employment outcomes,
- Māori employment in the tertiary sector,
- Te Reo Māori fluency rate amongst Māori.

2.2 THE NEW ZEALAND UNIVERSITIES ACADEMIC AUDIT UNIT

The 1998 edition of the New Zealand Universities Academic Audit Unit audit manual - Woodhouse (1998:62) - details the expectations of universities.

All institutions are required by law positively to take account of the Treaty of Waitangi and its implications in their planning and actions, and the Unit has a corresponding responsibility to review the way and extent to which this is done in the academic affairs of the universities.

It is expected that an institution's defining documents (charter, mission, plans, etc) would spell out clearly the institution's intentions in relation to the Treaty of Waitangi. The institution should then be clear on how it gives practical implementation to these intentions, and how Treaty of Waitangi responsibilities are addressed in terms of quality assurance policies. In particular, the institution's quality manual should include appropriate processes to give effect to the relevant objectives.

The manual then sets down the procedures within a university which an audit panel would investigate.

The manual makes clear that attention to Te Tiriti o Waitangi issues permeates the eleven other factors covered by a full institutional audit, namely the institutional context – structure and planning; the institutional context – quality management systems; staff matters; courses and programmes; teaching, learning and assessment; research and teaching; reviews; feedback processes; joint, franchised and external programmes; support for students; and facilities and resources.

The terms of reference for the Unit, as agreed to by the New Zealand Vice-Chancellors' Committee, are silent about the responsibilities of the Unit with respect to Te Tiriti. The Unit's *Planning document 2002-2006*, however, has as one of its guiding principles *that the Unit is committed to the principles of Te Tiriti o Waitangi*. This recognises the Unit's own responsibility to the Te Tiriti as being not only to review the way universities 'positively take account of Te Tiriti and its implications in their planning and actions' and 'the way and extent to which this is done in the academic affairs of universities', but also to ensure that the Unit itself carries out its own responsibilities to Te Tiriti.

3

NEW ZEALAND UNIVERSITIES AND TE TIRITI O WAITANGI

3.1 COMMITMENTS BY UNIVERSITIES TO TE TIRITI

The commitments of universities to Te Tiriti can be found in each university's *Statement of objectives* and progress towards achieving the objectives is described in each university's *Annual report*. It is recognised that goals and objectives are always under review and that the new and more strategic charters and profiles exercise being introduced at the present time will require more detail with respect to universities' commitments to Te Tiriti in response to strategy 2 of the Tertiary Education Strategy.

The following should be read on the understanding that this section provides examples only of commitments and activities as were set down in 2001. It should also be understood that the documents surveyed here are public documents and that, in practice, objectives are supported by policy documents and various operational materials, reviews and reports. The aim of this section, then, is to provide a snapshot only of publicly-reported objectives and activities; there is no pretence to being able to access, or to convey in this document, the richness of activities being carried out throughout the university system.

Six universities had a high-level goal, aim or key strategic area:

- *Becoming a preferred university for Māori and developing staff and students' awareness of the implications of the Treaty of Waitangi for Aotearoa/New Zealand's future and unique position in the world.*
- *To acknowledge and embrace the responsibilities and obligations of the under the Treaty of Waitangi.*
- *To develop in the University forms of partnerships between Māori and other New Zealand people that are embodied in the Treaty of Waitangi.*
- *To give effect to the principles of the Treaty of Waitangi within the policies and practices of the University, and to recognise the mutual benefits which follow.*
- *To be a university community that reflects the Treaty of Waitangi in its activities and operations.*
- *To demonstrate commitment to partnership with nga iwi Māori, particularly Ngai Tahu, by acting in a manner consistent with the Treaty of Waitangi.*

Four of these statements acknowledge institutional responsibilities to Te Tiriti (one refers to giving effect to the principles) but they are not specific as to how those principles shall be interpreted by the university. Two of the statements refer only to the principle of partnership - in one university with particular reference to Ngai Tahu, and in another university with reference to 'forms of partnership between Māori and other New Zealand people'.

In the case of one university, its key strategic objective with respect to Te Tiriti for 2002-2004 was more general than that against which the university reported in its annual report for 2001:

- *To incorporate the University's strategic plan for Māori Development throughout the infrastructure and core business of the university, including formal protocols based on the three principles enunciated in the Treaty of:*
 - * *partnership*
 - * *protection*
 - * *participation*

The Charter goal in one university was more specific, referring to the principles of partnership and participation and providing an account of key activities:

- *Acknowledge the Treaty of Waitangi by working in partnership with tangata whenua, Māori leaders, representatives of Māori staff and students and the community to strengthen the position of Māori within the University, encourage the access, participation and success of Māori students and staff, and improve awareness of Treaty issues amongst Māori and non-Māori.*

3.2 PROPOSED ACTIVITIES BY UNIVERSITIES IN RESPONSE TO TE TIRITI

Goals, aims and strategic areas identified by each university in 2001 were to be supported by a range of strategies with a range of performance measures.

Some strategies and performance areas are high-level - such as:

- *To develop as a preferred university for Māori.*
- *Recognise that all members of the University community are encompassed by the Treaty with mutual rights and obligations.*
- *Support the Runanga.*
- *To utilise the Māori language appropriately within the University.*
- *To encourage full Māori participation across the University, including in areas of governance and management.*
- *To foster mutual regard and understanding for academic knowledge and customary Māori knowledge.*
- *To be reflecting the partnership principles of the Treaty of Waitangi with the University.*
- *To have an enhanced quality of New Zealand citizenship through advanced knowledge - which has included consideration of the principles of the Treaty of Waitangi - giving insight into, and promoting a rigorous and informed analysis of, New Zealand history, culture and society.*

Some relate specifically to the principles of partnership and participation in such areas as:

RELATIONSHIPS WITH MAORI

- *To continue to work in partnership with Tainui and other iwi.*
- *To support Te Ropu Manukura as a partner to Council.*
- *To develop new thinking about the achievement of our aspiration in this area.*

- *To continue consultation with appropriate internal and external Māori reference groups.*
- *Ensure that the university has in place effective formal mechanisms for partnering with iwi and other Māori organisations to promote cultural understanding, community development and accountability.*
- *To develop and maintain effective dialogue with Māori.*
- *To encourage and maintain Māori participation in University governance.*
- *To strengthen links with nga iwi Māori in research and to promote and support research in Māori language, culture, education, science, health and history.*

STUDENTS

- *To increase our proportion of Māori students.*
- *Recruit and provide for the learning needs of Māori students.*
- *To improve our ability to support Māori students.*
- *To increase enrolment of Māori undergraduate and postgraduate students.*
- *To achieve greater academic success by and retention of Māori undergraduate and postgraduate students.*
- *To ensure that the university has teaching programmes relevant to the aspirations of Māori in both content and delivery, and encourage research into resource and community development issues deemed to be important by Māori.*

STAFF

- *Increase the number of academic and general Māori staff.*
- *To provide full career development opportunities to Māori staff.*
- *To ensure that all staff have a proper understanding of the Treaty of Waitangi.*
- *To make new appointments which ensure full participation by Māori in the University decision-making.*
- *Achieve proportions of appropriate qualified staff, at all levels in the University, which are representative of the wider community.*

STAFF AND STUDENTS

- *To provide all staff and students with the opportunity to enhance their awareness of and participation in Aotearoa/New Zealand's bicultural context.*
- *To foster staff and student awareness of issues relating to the Treaty of Waitangi including the significance of the Maori language and customary practices.*

Objectives and strategies related to Māori are often included in other sections, in particular the strategic priorities for the university, the university responsibilities with respect to the Ministry of Education Special Supplementary Grants for Māori and Pacific People, and the curriculum.

3.3 ACTIVITIES IN UNIVERSITIES IN RESPONSE TO TE TIRITI

The reporting of activities in response to university goals and objectives related to Te Tiriti, as recorded in the annual reports (2000, 2001) of universities, is usually restricted to activities initiated, or enhanced, at an institutional level. Some universities report on developments to strengthen existing support systems and services for students, and on the continuing work of key personnel and committees at institutional level. Other universities report especially significant initiatives of particular schools, colleges, faculties or departments - such as the appointment of specialist staff, discipline-focussed recruitment, retention and support activities. In general, universities take as a 'given' (and therefore do not report on) the work of Māori Studies departments or the 'routine' research, curriculum, special delivery methods and student support schemes to be found operating as part of the ongoing operations of Māori and other academic departments. Reports, therefore, tend to concentrate on significant or new initiatives and achievements at institutional level.

With respect to participation rates, all universities provide the statistics - percentage of students who identify as Māori (often separated into undergraduate/postgraduate), percentage of staff who identify as Māori - and where relevant, achievements against targets set with respect to improving recruitment and retention (especially into postgraduate programmes), as well as to increasing enrolment in specific courses and/or discipline areas.

As might be expected, the detail of reporting depends to some degree on the detail of goals and objectives. In their reports for 2001, for example:

- the Auckland University of Technology reported achievements against each of the three key performance measures,
- the University of Auckland presented a single report of 'achievements and highlights' with respect to its four objectives,
- the University of Waikato presented a narrative of activities and achievements entitled 'Applying the Treaty of Waitangi', identifying eight strategies,
- Massey University reported outcomes in considerable detail against the performance indicators and targets set for each of their eight objectives,
- Victoria University of Wellington reported achievements and activities against four categories,
- the University of Canterbury presented a single report of achievements and activities with respect to four objectives,
- Lincoln University reported on its objective with respect to enhancing Māori and International perspectives in degrees,
- the University of Otago reported achievements against the performance indicators and targets for each of its five objectives.

The following examples of specific areas of improvement and achievement reported by various universities is presented here to indicate the range of such activities.

POLICIES AND INFRASTRUCTURE

- Appointment of Deputy Vice-Chancellor/Pro-Vice-Chancellor (Māori).

- Strengthening of the resources in support of the work of existing Deputy Vice-Chancellor/Pro-Vice-Chancellor (Māori)/Te Waananga O Waipapa infrastructure.
- Development and distribution of key performance indicators to measure Te Tiriti compliance.
- Development of policy in relation to programme development that will lead to policy guidelines with respect to the review of all courses.

PARTNERSHIP

- Memoranda of understanding with local iwi and Māori business networks.
- Interaction and co-operation with marae, schools, Māori educational organisations.

PROTECTION

- Curriculum reviews with respect to content and to the number of courses in Te Reo Māori.
- Appropriate management practices for sites owned/administered by the universities which are of importance to Māori.
- Research projects that address Māori issues and the needs of Māori.

PARTICIPATION

- Implement strategies to enhance the recruitment of Māori students (such as school visits and specialist induction courses) and for retention of Māori students, especially into postgraduate programmes.
- Strengthening of postgraduate peer support systems.
- New programmes, such as Māori and Indigenous Graduate Studies.
- Staff development workshops.
- Offer a programme to develop expertise in inclusive teaching.
- Staff awareness courses.
- Establishment of a ihonui (Māori academic forum).
- Public acknowledgement of Māori, such as Māori graduations, bilingual signage.

4

EXAMPLES OF GOOD PRACTICE

4.1 A MODEL FOR PUBLIC SECTOR ORGANISATIONS

Controller and Auditor-General (1998) included an article that set out processes that the Office of the Auditor-General considered public sector organisations should include in the conduct of their business in order to be effective for Māori – that is, to have a positive impact on outcomes for Māori. The article sets out a model which the Office considers would be applicable to all public sector organisations and which may be relevant to other organisations.

The model was devised to assist organisations conduct a self review of their own management processes which would assist them improve their service provision for Māori and, ultimately, contribute to positive outcomes for Māori. The model sets down its expectations in each of strategic planning, policy advice, service delivery, human resources, structure and working environment, and these are expanded in *Figure 1*. The article then sets out a commentary (not included here) to each section in which the reasons for the expectations are given as well as advice on how the model might be implemented.

Figure 1

A Tiriti audit model as developed by the Office of the Controller and Auditor-General

Source: ‘Delivering effective outputs for Maori’ in Controller and Auditor-General (1998)

Strategic planning

It is expected that a strategic planning process would:

- **take account of Te Tiriti o Waitangi, and in particular the Crown’s position on Te Tiriti issues,**
- **consider how to contribute to the Government’s strategic goals with respect to Māori,**
- **identify potential Te Tiriti issues,**
- **involve Māori as appropriate,**
- **require co-ordination and co-operation with other organisations delivering related outputs for Māori,**
- **include objectives in relation to Māori, which translate into operational objectives and outputs to fulfil the Government’s strategic goals with respect to Māori,**
- **produce performance measures to assess progress towards strategic goals, objectives and outputs, and changes in outcomes for Māori,**

Figure 1 continued

- review, and identify how to improve, Māori-related capability and outcomes for Māori.

Policy advice It is expected that policy development and advice would:

Research

- draw on available empirical research and statistical data to define disparities that exist between different population groups, in this case between Māori and other groups,
- identify gaps in research data;

Analysis

- consider Te Tiriti issues where appropriate,
- consider the reasons for the underlying causes of high or low participation by Māori,
- consider the reasons for the higher incidence of adverse outcomes for Māori than for other groups, and the causal relationships between different outcomes;

Consultation

- consult with appropriate Māori expertise and/or Māori clients;

Options

- develop options to alleviate or overcome barriers experienced by Māori,
- consider issues for Māori in relation to service design and delivery, and provider development,
- assess for each policy option the possible impact on Māori,
- identify costs/benefits, risks and implementation issues in relation to each option;

Evaluation

- review the impact of the policy on Māori.

Service delivery

It is expected service delivery would:

Service design

- consider Māori as one, or several, of its customer groups,
- provide for Māori input to planning, design and purchase decisions,

Figure 1 continued

- reflect Māori needs and differences in the design of programmes and customer serviced decisions,
- consider the full range of service delivery options, and evaluate the options in terms of likely effectiveness in achieving improved outcomes for Māori;

Service delivery

- ensure that accessible, appropriate and effective services are available to Māori,
- disseminate information in a manner and form which is capable of being received and used by Māori,
- include appropriate service delivery standards in relation to Māori in contractual arrangements with service providers;

Monitoring and evaluation

- monitor and evaluate –
 - * service uptake, and impact on Māori,
 - * the extent to which the service has met Māori needs and expectations,
 - * proposals for improvements to systems, service design and policy,
 - * where appropriate, compliance by service providers with service delivery standards.

Human resources

It is expected human resources practices would:

- evaluate an appropriate level of Māori participation in relation to client base and workforce,
- recruit and retain Māori employees,
- developing relevant skills and competencies such as understanding Māori social structures, cultural practices an values,
- acquire external expertise where needed,
- link to the strategic goals of the public sector organisation.

Structure

It is expected structure would allow people with appropriate Māori expertise the authority to:

- monitor and report on organisational performance with respect to Māori,
- control quality to ensure outputs are effective for Māori.

Figure 1 continued

Working environment

It is expected a working environment would:

- **develop corporate values that are consistent with, and refer to, the values and needs of Māori,**
- **develop guidelines for the use of ‘tikanga Māori’ in organisational practices,**
- **develop guidelines for the use of ‘te reo Māori’ in publications,**
- **promote practices that present a suitable corporate image.**

4.2 PRINCIPLES FOR THE TERTIARY EDUCATION SYSTEM

In its second report in February 2001 – *Shaping the system* - the Tertiary Education Advisory Commission stated that ‘the tertiary education system must operate in a manner consistent with the five generally recognised Treaty policy principles’. Tertiary Education Advisory Commission (2001¹:24) defined those policy principles as follows:

- *The **Kawanatanga Principle** (Government Principle) is based on Article 1 of the Treaty and recognises the right – and the solemn obligation - of the Crown to govern and to make laws for the common good.*
- *The **Tino Rangatiratanga Principle** (self-determination) is based on Article 2 of the Treaty and guarantees to Māori their rangatiratanga over all they possess for as long as they wish to retain it. It recognises the right of iwi to manage their own affairs. It affirms the rights of Māori to development in the widest sense.*
- *The **Partnership Principle** refers to the notion of good faith and is based on the Treaty as a whole as signed between Māori and the Crown. The partnership principle involves developing a greater sense of mutuality between the partners.*
- *The **Protection Principle** refers to the sense of active protection for Mātauranga Māori, Te Reo Māori and Tikanga Māori and other taonga or treasures of the ancestors that have been handed down to, and augmented by, successive generations. Within this principle is also a principle of redress.*
- *The **Participation Principle** refers to the rights of citizenship and equality. In education, generally, this principle means such things as the right to equitable access and educational opportunity.*

In its fourth report, dated November 2001 – *Shaping the funding framework* - the Tertiary Education Advisory Commission included a table which set out the implications of these principles for a tertiary education system that acknowledges the principles of Te Tiriti o Waitangi. *Figure 2* is taken from Tertiary Education Advisory Commission (2001²:171).

Victoria University of Wellington, for example, has used this table to provide a ‘principle-based operational framework’ for its task of fulfilling the University’s obligations.⁶

Figure 2

Principles of Te Tiriti o Waitangi

Source: Tertiary Education Advisory Commission (2001²:171)

<i>Principles of Te Tiriti</i>	<i>Implications for the tertiary education system</i>
<i>Kawanatanga</i>	<ul style="list-style-type: none"> • Crown should make provision for tertiary education for all citizens. • Crown should include Māori as tangata whenua citizens in its provision of tertiary education. • The Crown in partnership and consultation with Māori, has the right to define the common good. • Māori should benefit from Crown’s governance and law-making in the tertiary education system. • The common good is not good if Māori are not also winners.
<i>Tino rangatiratanga</i>	<ul style="list-style-type: none"> • Allows for Māori autonomy and authority over Māori tertiary education. • Māori knowledge, language and customs are taonga, owned and controlled by Māori. • Māori have the right to define their own knowledge and world-views, and to transmit them in Māori ways. • Māori are not self-determinative if a generic body controls their education content, pedagogy and delivery. • Independence of thought and action, policy and delivery, and content and outcome are essential for self-management and self-control. • Tertiary education should enhance Māori development in all fields and at all levels.

⁶ Further information about the development and implementation of a principle-based operational framework based on the table in Figure 3 can be obtained from the Office of the Assistant Vice-Chancellor (Māori).

Figure 2 continued

Principles of Te Tiriti

Implications for the tertiary education system

Partnership

- **All providers should act in good faith towards Māori as Treaty partners, with honesty and sincerity of intention.**
- **Joint association in a common activity or function is needed with both partners working for the best outcome.**
- **Commonality of purpose, community of interest, co-operation in endeavours and communication of experience are key objectives.**
- **The Crown through its tertiary forms would never act unilaterally or in isolation from its treaty partner.**
- **Mutual dependence advances social and individual well-being.**

Protection

- **Māori taonga are deserving and worthy of protection, maintenance and expansion.**
- **Te Reo Māori is actively protected through tertiary interventions, structures, philosophies and programmes.**
- **Tikanga Māori is not reserved for ceremonial occasions but permeates the tertiary education system.**
- **Protection could involve redress; that is, the remediation or compensation of a wrong or grievance.**

Participation

- **Providers should not entertain or allow marked differences in provision, process and product on the basis of ethnicity.**
- **Tertiary education as a vehicle of equality should not allow marked differences in participation and outcome levels for Māori to persist.**
- **Equal educational opportunity and equality of rights are key objectives.**
- **Equity of access means each person should receive access to appropriate education according to their need. Where inequity of access exists, the tertiary education system should work to remove the barriers to Māori which may inhibit proportionate access.**
- **Equal expectations, equal education capital and equal means to access.**
- **All providers should pursue equality of educational outcomes.**

Figure 2 continued

- **Allows for both a quantum of consumption and a quality of involvement that leads to a meaningful product.**
- **Enrolment in low level tertiary programmes should not be used to hide the under achievement of Māori at higher levels.**

4.3 FRAMEWORK FOR THE TERTIARY EDUCATION SYSTEM

In January 2004, the Ministry of Education released *Māori tertiary education framework: a report by the Māori Tertiary Reference Group* [Māori Tertiary Reference Group (2003)]. This document sets out a framework as a first step towards collective Māori agreement on a strategic direction for tertiary education. It builds on the Tertiary Education Strategy 2, and is designed to guide tertiary education organisations and agencies on how best to meet all objectives under the Strategy. The document seeks to identify synergies between Māori aspirations and expectations of the tertiary system and current government directions, and provides a checklist for the tertiary system to improve responsiveness to and interaction with Māori communities, iwi, hapū and whānau.

In developing the framework, the Reference Group drew on Professor Mason Durie's work on Māori education advancement with his three shaping visions:

- *to live as Māori,*
- *to actively participate as citizens of the world,*
- *to enjoy good health and a high standard of living.*⁷

Figure 3 summarises the five guiding principles:

Ngā Kawenga,

Tino Rangatiratanga,

Toi Te Mana,

Mana Tiriti/Ahu Kāwanatanga,

Whakanui

and the seven priorities:

Whānau, hapū and iwi advancement; Māori leadership; Māori as sustainable wealth creators; Providing for kaupapa Māori; Inclusive learning environments; Lifelong learning pathways; and Māori-centred knowledge-creation.

⁷ The document refers the reader to Professor Durie's address at the opening of the February 2001 Hui Taumata Mātauranga at <http://www.minedu.govt.nz>.

Figure 3

Maori tertiary education framework

Source: Māori Tertiary Reference Group (2003)

The five **GUIDING PRINCIPLES** are:

- **Ngā Kawenga – responsibilities:** a system accountable to Māori and reflecting Māori goals and aspirations for advancement.
- **Tino Rangatiratanga – authority/self-determination:** supporting aspirations for Māori self-determination, enabling provision by Māori and enshrining Māori ownership in and authority over tertiary education.
- **Toi Te Mana – influence/empowerment:** empowering Māori to influence the tertiary system at all levels.
- **Mana Tiriti/Ahu Kāwanatanga – contribution/partnership:** achieving shared visions and understandings within a partnership built on shared responsibility, contribution and accountability to all Māori.
- **Whakanui – respect/inclusiveness:** accommodating different Māori realities.

The seven **PRIORITIES** are:

- **Whānau, hapū and iwi advancement** – the vital role of tertiary education in advancing Māori and regional development
 - Overall goal Māori whānau, hapū and iwi have access to regional provision that reflects their needs and aspirations
- **Māori leadership** – the desire to boost Māori representation in positions of authority and leadership that shape the tertiary education system.
 - Overall goal 1 A tertiary system reflecting and stimulating shared authority for Māori.
 - Overall goal 2 The proactive development of Māori leadership, governance and workforce capacity in the tertiary system.
- **Māori as sustainable wealth creators** – Māori whānau, hapū and iwi aspirations for cultural, economic, social, environmental and spiritual wealth, all of which are linked to tertiary achievement.
 - Overall goal 1 Māori whānau, hapū and iwi actively participating and succeeding in the economy
 - Overall goal 2 Māori as skilled and active citizens participating in the economy and whose position is enriched through participation in tertiary education.
 - Overall goal 3 Te ao Māori cultural and spiritual values are recognised and valued within the tertiary system.

Figure 3 continued

- ***Providing for kaupapa Māori*** – the expectation that the tertiary education system will deliver comprehensive, high quality Māori content, meeting the needs and aspirations of Māori communities.
 - Overall goal 1 For Māori to be able to access kaupapa Māori education at all levels and areas in the tertiary education system.
 - Overall goal 2 Government deepens its understanding of the nature and role of non-public Māori providers, their contribution to the tertiary education system, and the attainment of tertiary knowledge by Māori.
- ***Inclusive learning environments*** – the need for the tertiary system to reflect Māori expectation of access to and acquisition of knowledge.
 - Overall goal 1 A system meeting the needs of all Māori learners and accountable to those learners and their communities.
 - Overall goal 2 A tertiary education system with organisations able to work for Māori learners
 - Overall goal 3 Knowledge developed and available in the tertiary education system is accessible by the wider Māori community.
- ***Lifelong learning pathways*** – the need for the tertiary education system to reflect Māori expectation of access to and acquisition of knowledge.
 - Overall goal 1 Flexible programmes that equip Māori learners to enter tertiary education.
 - Overall goal 2 Implementing workforce development strategies across all industries and sectors.
 - Overall goal 3 a system enabling Māori learners to have seamless pathways and that responds to and supports Māori students returning to study.
 - Overall goal 4 Increase numbers of Māori entering tertiary education straight from secondary school
- ***Māori-centred knowledge-creation*** – the expectation that the tertiary education system values te ao Māori including mātauranga Māori.
 - Overall goal 1 Tertiary education research relevant to Māori communities.
 - Overall goal 2 Research and development within tertiary education of benefit to Māori.
 - Overall goal 3 Māori guardianship of knowledge is recognised and embraced by the tertiary education system and the Tertiary Education Organisations.
 - Overall goal 4 Tertiary Education Organisations and government agencies support the development of Māori intellectual independence and Māori knowledge according to tikanaga Māori.

4.4 REVIEWS AND STOCKTAKING

Recent reviews of the performance of three tertiary institutions with respect to fulfilling their Treaty objectives and obligations prepared by Emeritus Professor Ranginui Walker - for the University of Auckland [Walker (1998¹)], for the University of Otago [Walker (1998²)], and for the Manukau Institute of Technology [Walker (2001)] - raise three key points.

- Progress is made only where there is alignment of stated goals and objectives with action and results from action.
- Appropriate structures are required to get the institution's relationship right with the *tangata whenua*. The structures should be based on Māori needs to produce an end product compatible with those of the institution.
- Māori want access, participation and positive outcomes; they want equity of access and equity of completion. To achieve this, given the lower level of entry of many Māori, will require special entry schemes and appropriate support that complements other university support services.

Walker (1998²:26) highlights the special demands placed on Māori staff - being role models to other Māori, especially students; having responsibilities to iwi; and taking on responsibilities with respect to the university's obligations to Te Tiriti at institutional level.

Māori academics have to constantly validate themselves as Māori by contributing time, money and service to their iwi. Most of them expend considerable amounts of time and energy on the affairs of their tribe by way of attendance at hui, giving advice, researching land claims and writing reports and submissions to government agencies. When work of this nature can be integrated directly into teaching programmes it ought to be counted as research for the purposes of annual performance reviews and promotion.

With respect to departmental responsibilities, Walker (1998²:26) observes:

Not all departments can incorporate Māori content in their programmes, nor should they. Despite that exemption, they are not exempt from the university's obligation to improve academic outcomes for Māori. Perhaps is it time for departments to consider the establishment of Treaty Issues Committees to generate responses to Māori student learning needs and to monitor department performance against the Treaty statements in the [university's] Mission 2000 document.

Walker (1998¹):42 identifies a number of strategies and practices at Auckland that have promoted successful participation by Māori, and helped develop:

the 'building blocks' required for meeting other needs . . . [which] include:

- *the development of a potential pool of Māori academics trained in a discipline or field of study,*
- *the enhancement of curriculum and pedagogical opportunities, and*
- *the development of research that meets the needs of Māori and that trains Māori in the appropriate field of research.*

As a result:

Faculties and departments that have instituted some of these practices have attested to the positive spin-offs that accrue to them . . . [which] include:

- *improved recruitment of Māori students,*
- *an enhanced profile of the discipline or field in Māori communities, and*
- *greater support by Māori communities for the work of students and staff in the department.*

The practices referred to are listed in Walker (1998¹:42-43), and summarised in *Figure 4*, for they provide a useful platform for action for any tertiary institutions. Key phrases have been *italicised* in the summary in *Figure 4*.

Figure 4

Good practice

Source: Walker (1998¹:42-43)

- *A clear and simple departmental policy that staff promote when advising students.*
- *A high level of departmental support from the Head of Department and senior staff.*
- *The inclusion of policies and assistance available for Māori in visual material that goes out to students or the community, such as handbooks and course notes.*
- *Designated academic staff mentors for undergraduate and graduate students.*
- *A staff group or subcommittee that actively supports the designated staff member, and seeks opportunities for further development.*
- *Complementary rather than compensatory tutorial support (that is, it is not perceived by staff or students as remedial).*
- *The strategic involvement of senior Māori students in promoting Māori in the department.*
- *Designated space where there is a large active group of Māori students (this often becomes a major recruitment, academic support and manaaki [mentoring] office).*
- *The employment of tutors with high level cross-cultural skills.*
- *Regular consultation and dialogue with Māori students and Māori staff from other departments to share ideas for the development of policies and dissemination of best practice.*
- *Involvement of former Māori graduates from the department as professional role models.*
- *Good systems for identifying and tracking Māori students from stage one to stage three.*
- *Mentoring of graduate students in relation to career opportunities, research training and academic options as both short and long term.*
- *The involvement where possible of the whanau and peer supports of Māori students.*

Figure 4 continued

- ***Close monitoring of the curriculum/paper/course selections and achievement patterns of students.***
- ***The appointment of a Māori member of staff with appropriate backing by a staff or policy support group.***
- ***The development of curriculum offerings appropriate for Māori student needs.***
- ***The provision of textbooks that include Māori and other cultural perspectives.***
- ***Selected papers at stages two and three where Māori or related topics and perspectives form a major core component as incentives to major in a subject.***
- ***A planned approach to further developments with direct leadership of Māori academic staff members.***
- ***Staff attendance at marae functions, such as Māori graduation ceremonies to meet student whanau.***

4.5 FORUM AND FRAMEWORK

FORUM

In November 2002, Massey University's annual Vice-Chancellor's Symposium was entitled 'The Treaty of Waitangi 2002: Ma te huruhuru ka rere te manu'. It was designed to explore the obligations and benefits of Massey's commitment to Te Tiriti. Identical symposia were held on all three Massey campuses and involved over 300 staff. Prior to the symposium, all registered participants received a collection of selected readings.

The morning comprised plenary sessions designed to provide a context for the place of Te Tiriti at Massey as well as an awareness and understanding of the relationship that Massey has with the Treaty. Keynote speaker, Kaye Turner, Deputy Chair of the Tertiary Education Commission, highlighted the strategic signals in the Tertiary Education Strategy no.2 - Te Rautaki Matauranga Maori: contribute to the achievement of Maori development aspirations - and looked at the messages being sent to tertiary institutions. The challenge posed to Massey was to ensure that the implementation of Strategy 2 will make a positive difference for Māori. In the second plenary, the Acting Vice-Chancellor referred to the relevant Te Tiriti goals and objectives in the Massey *10 year plan* and emphasised the critical importance of partnership and resources in their implementation.

The afternoon workshop sessions provided evidence and information about the range of initiatives being taken in various departments and academic units. These were presented as examples of good practice, offering options and actions that might be adopted and undertaken by others in the Massey community, and identifying ways of overcoming the difficulties they presented and the perceived barriers to such actions.⁸

⁸ The symposium was organised by the Training and Development Unit of Massey University; further information can be obtained from the Director, Gordon Suddaby

The outcomes of the symposium are long term, the challenge being to ensure that in five years there will be a positive difference at Massey. The symposium was seen as a catalyst for change, with the exposure of participants to exemplars of good practice. More immediate concerns are the need for further knowledge and understanding of Te Tiriti and of things Māori (including te reo and tikanga) for Pākehā members of the Massey staff; this led to the Training and Development Unit preparing a training package and finding the resource to appoint a 'Teaching Consultant: Māori'.

FRAMEWORK

At the symposium the appointment of an Assistant Vice-Chancellor (Māori) was announced. Early in 2003, the Assistant Vice-Chancellor (Maori) presented a paper entitled *Māori @ Massey* which set out strategies for developing and implementing the Treaty of Waitangi objectives listed in the University's *10 year plan*.

Six broad aims were identified:

- the enhancement of Māori academic capacity,
- the expansion of the Māori professional workforce,
- collaboration with Māori in the creation of new knowledge,
- informing cultural, social, economic and ecological policies and programmes,
- the promotion of te reo Māori as a living language,
- the direct participation in iwi and Māori ventures linked to positive Māori development.

The strategy is built on four 'platforms' - academic excellence, campus innovation, engagement with Māori, and effective policies - and ten projects were selected for progression during 2003. *Māori @ Massey* presents a challenge to the University, especially the extent to which projects associated with the strategy can be integrated across Colleges and campuses.

The overall aim of the strategy is to position Massey as:

- a Māori-relevant university,
- a place where Māori language and culture can flourish,
- a place where Māori students are likely to graduate,
- a university where Māori will obtain relevant higher degrees,
- a university which has the teaching and research capacity to make a substantial contribution to Māori development,
- a university that provides academic leadership for Māori development.

The implementation of the strategy is managed from the Office of the Assistant Vice-Chancellor (Māori) and it is expected that the strategy will support and add to the existing initiatives in Massey's five Colleges and three campuses.⁹

⁹ Further information about the strategy and its implementation can be obtained from the Office of the Assistant Vice-Chancellor (Māori).

4.6 INTELLECTUAL PROPERTY

A university's legislative obligation 'to acknowledge the principles of the Treaty of Waitangi' refers to all aspects of its core activities. In the case of intellectual property arising from research and writing undertaken by staff and students (both postgraduate and undergraduate), Lincoln University has a policy¹⁰ that makes explicit its understanding of its obligations with respect to Te Tiriti. The policy aims (section 1.1):

. . . to contribute to the development of an environment at Lincoln University in which all parties engaged in the creation of intellectual property are encouraged to produce, disseminate and utilise intellectual property for the benefit of the institution, its employees, students and the wider community.

The aims acknowledge Te Tiriti:

And, in the spirit of the Treaty partnership ideal encapsulated in its Charter, the University hereby states its intention to recognise and provide for Māori approaches to the expression and protection of their intellectual property.

The definition of intellectual property (section 1.3) includes the rights relating to Mātauraka Māori, the ownership of which is defined in section 4.12:

In situations where intellectual property, protected or unprotected, is provided by Māori iwi persons and communities, ownership of that intellectual property shall be recognised as residing with the person/community that supplies it. The University agrees that Māori /iwi have a right to shared ownership of any intellectual property that is created from Mātauraka Māori, and that such shared ownership will be recognised through written agreement of the respective parties. Further, should any material benefits be pursued through proposed use of the intellectual property, then permission for such use will be obtained by and the share of derived benefits agreed, between Māori /iwi and all other involved parties prior to pursuing said use.

¹⁰ Dated 18 June 2001.

5

A FRAMEWORK FOR UNIVERSITY SELF REVIEW WITH RESPECT TO TE TIRITI O WAITANGI

5.1 THE PURPOSE OF SELF REVIEW

The previous section has presented examples of good practice models and frameworks as well as samples of positive action with respect to Te Tiriti in three universities. This section attempts to pull together ideas presented in that section as well as ideas arising in the discussion in earlier sections into a possible framework for a self review process.

The process of a self review should be guided by the principle that the ongoing assurance and enhancement of quality of a university's performance is a continuous, active and responsive process in which critical evaluation of performance aimed at informing improvement activities is a regular and progressive feature. Meaningful self review recognises institutional autonomy and responsibility; it also maintains a process of critical self-development, and it produces information and reflection on that information. Self review should go beyond description to analysis of strengths and weaknesses, and to a consideration of ways for addressing the latter. The university itself becomes a lifelong learner.

The process of self review is concerned with the success of the university in achieving its own objectives. This requires a consideration of the *objectives* themselves.

What are we trying to achieve?
Why are we trying to achieve it?

The *activities undertaken* to progress the university towards those objectives are also to be questioned.

What are we trying to do?
What actions are we taking now in relation to the objectives?
Why were those actions selected?

The *effectiveness* of those activities are assessed.

What are we doing well?
How do we measure the extent of achievement of our objectives?
What are the actual outcomes in relation to the objectives?
What indicators do we use?
How do we check the effectiveness of the indicators?

And the *enhancement* activities in response to this analysis are determined.

What do we do as a result of the check?
How can we improve on the current actions, even those that are already effective?¹¹

¹¹ See Jennings (2002):13-16 for details of the Unit's framework for institutional self review.

5.2 A FRAMEWORK

The framework that follows is presented as questions and suggestions to inform the thinking of a university as it develops its own process of self review with respect to assessing and enhancing the university's responses to its obligations to acknowledge the principles of Te Tiriti o Waitangi. The aim is that self review will lead to an improved response dedicated to securing the best possible outcomes for Māori.

The framework has three elements - *review and analysis* set alongside the *institutional response*, followed by *the identification of areas for enhancement*.

- *Review and analysis* offers questions a university can ask of itself about its goals and objectives, the processes to determine goals and objectives, the strategies and activities in support of the goals and objectives, and the processes to evaluate progress towards achieving the goals and objectives;
- *Institutional response* suggests strategies and activities a university can undertake to determine goals and objectives, to determine strategies and activities in support of the objectives, and to evaluate progress towards achieving the goals and objectives;
- *Identification of areas for enhancement* provides a checklist associated with the planning and monitoring of change as a consequent of self review.

5.3 USING THE FRAMEWORK

Ownership of the self review must rest with the university, and while the framework may prove to be useful as it is constructed, it must not be seen as the last word, or the complete word. It is intended that the framework be used by a university to assist the university in its preparations for self review. The logistics associated with self review will vary from university to university depending on the size of the university, the profile of its students and staff, its management structures, its processes and procedures already in place, and the relationships the university enjoys with its Māori communities. It is hoped that this framework will be used as a catalyst for enhancement. The Unit welcomes comment from those who use the framework, especially comment that will lead to its enhancement.

5.4 A POSSIBLE FRAMEWORK FOR SELF REVIEW

GOALS AND OBJECTIVES	
REVIEW AND ANALYSIS	INSTITUTIONAL RESPONSE
<p><i>How does the University interpret the principles arising from Te Tiriti when formulating goals and objectives?</i></p>	<p>Develop goals and objectives in line with the principles arising from Te Tiriti - namely:</p> <ul style="list-style-type: none"> • to promote partnerships in decision making, • to acknowledge, promote and protect Māori cultural aspirations for teaching, research and decision making, • to monitor and improve admission, retention and achievement.
<p><i>How do the University's goals relate to Strategy 2 of the Tertiary Education Strategy 2002/07?</i></p>	<p>Determine the relationship of the University's goals to Strategy 2 of the Tertiary Education Strategy 2002/07 - namely:</p> <ul style="list-style-type: none"> • Te rautaki mātauranga Māori – contribute to the achievement of Māori development aspirations.
<p><i>How do the University's objectives relate to the objectives associated with Strategy 2?</i></p>	<p>Determine the relationship of the University's objectives with the objectives associated with Strategy 2 -- namely:</p> <ul style="list-style-type: none"> • Tertiary education leadership that is effectively accountable to Māori communities. • Strong and balanced Māori staff profiles within the tertiary education system. • Quality programmes that recognise Te Ao Māori perspective and support the revitalisation of Te Reo Māori.

Framework continued overleaf . . .

- **Robust options for kaupapa Māori tertiary education that reflect Māori aspirations.**
- **Increased participation by Māori in both a broader range of disciplines and in programmes that lead to higher-level qualifications.**
- **A tertiary education system that makes an active contribution to regional and national Māori /whānau/hapū/iwi development.**

How does the University ensure an understanding of Māori iwi and other organisations so as:

- *to inform the goals and objectives in response to the principles of Te Tiriti?*
- *to develop objectives for research, teaching and learning that meet the needs of Māori and that train Māori in appropriate fields?*
- *to produce an end product for Māori that is also compatible with the University's wider goal and objectives?*

How does the University give recognition to Māori students and Māori staff as a particular Māori voice along with iwi and other organisations?

Develop processes of consultation with Māori iwi, Māori students, Māori staff and other organisations to ensure the University's goals and objectives meet, as far as possible, the needs of Māori in research, teaching and learning consistent with the roles and responsibilities of the University.

Note:

Māori are understood to include mana whenua, matawaka/taurahere and national Māori

STRATEGIES AND ACTIVITIES TO SUPPORT THE GOALS AND OBJECTIVES

REVIEW AND ANALYSIS

How effective are the University's strategies and activities in support of the University's objectives?

How effective are the University's structures and processes that ensure activities and outputs in research, curriculum content, course delivery and pedagogical opportunities:

- * *align with the stated goals and objectives?*
- * *develop active and effective working relationships between the institution and tangata whenua?*
- * *meet the needs of Māori iwi and other organisations?*
- * *meet the needs of Māori students?*

How effective are the processes designed to ensure the University has an understanding of Māori iwi and other organisations, and of Māori students, so as:

- *to inform the strategies in response to the goals and objectives?*
- *to produce an end product for Māori that is also compatible with the strategies developed to support the University's wider goal and objectives?*
- *to develop strategies for research, teaching and learning that meet the needs of Māori, that train Māori in appropriate fields, and that assist Māori achieve high levels of scholastic achievement and academic excellence?*

INSTITUTIONAL RESPONSE

Develop strategies, activities, structures and processes that enable the University to address the principles that arise from Te Tiriti.

Examples:

Article 1: Partnership

- **There is effective Māori representation, including effective Māori student representation, in governance, management, administration, academic boards and committees, and research committees, in which all representatives of Māori are full participatory members.**
- **There is regular consultation with the tangata whenua and/or other Māori at the behest of either party.**
- **There is iwi and/or other appropriate community input into the charter and objectives.**
- **There are formal channels for regular Māori student feedback and dialogue with University management and administration and Māori senior managers and administrators.**
- **There is a formal forum for community/organisational feedback and dialogue.**
- **There are effective procedures to monitor and review the working relationships of the University with Māori iwi and other organisations, Māori student associations and Māori staff organisations.**

Framework continued overleaf...

Note:

The following headings might provide a structure for the questioning of present practice and the development of an institutional response.

- *Participation in decision making*
- *Research*
 - * *by Maori*
 - * *about Maori*
 - * *for Maori*
- *Curriculum*
 - * *Maori studies*
 - * *Maori content in other disciplines*
- *Students*
- *Staff*
 - * *Maori students departments*
 - * *other departments*
- *Facilities and environment*

Article 2: Protection

- There are visible practices and symbols of Māori culture.
- Māori language can be spoken, written, read, and heard in several domains.
- The policies relating to Te Tiriti issues are widely understood and effectively executed and monitored.
- Appropriate development courses are available for, and are taken up by, both Māori and non-Māori staff to increase their awareness and acceptance of their responsibilities under these policies.
- The highest standards of scholarship are pursued in all subjects.
- Courses and programmes dealing with Māori aspects of knowledge and culture are taught by staff appropriately qualified to teach that material, and are properly resourced.

Article 3: Participation

- There is a programme to support the aspirations of Māori students and staff for high levels of scholastic achievement and academic excellence.
- Courses and programmes for induction and pathways into university for Māori are taught by staff appropriately qualified and trained, and are properly resourced.
- There are support mechanisms for Māori students, especially those unaccustomed to university environments, and they are used effectively.
- There are Māori staff and Māori student networks providing a safe space for whanaungatanga.

- **There are clear and effective formal channels of consultation between senior Māori staff and other senior managers.**
- **Māori participation in the University workforce is at all levels and across all disciplines and divisions.**
- **Appropriate admissions policies are in place.**
- **There is appropriate support for Māori studies**
- **There is a programme to develop the pool of Māori academics trained in a discipline or field of study.**
- **There is a staff development programme that supports a culture of teaching that is inclusive of all students.**
- **There is support for Māori staff which recognises the pressures they face outside of their research and teaching responsibilities – such as their responsibilities to the University community, to all students, to iwi,**
- **Māori needs are taken into account in the design of programmes.**
- **Māori-based projects and practical examples are included whenever academically possible.**
- **There is provision for assessment in Māori.**
- **All students have an opportunity to enhance their understanding of bicultural issues.**
- **There is support for research projects on Māori issues and needs.**

Framework continued overleaf...

PROCESSES TO MEASURE PROGRESS TOWARDS ACHIEVING THE GOALS AND OBJECTIVES

REVIEW AND ANALYSIS

How does the University determine the indicators that, with respect to appropriate Māori content, will be used to provide data to monitor progress towards achieving the University's goals and objectives with respect to Te Tiriti?:

How does the University assess the effectiveness of indicators used to provide data, and the usefulness of the data obtained?

How does the University ensure effective use is made of the data produced by indicators to inform future enhancement of core activities in addressing the issues raised by the principles of Te Tiriti?

INSTITUTIONAL RESPONSE

Develop indicators that, with respect to appropriate Māori content, provide data to monitor progress towards achieving the University's goals and objectives with respect to Te Tiriti.

Examples

Research

- grants for research into topics of concern to Māori
- research output by staff in topics of concern to Māori
- completed research degrees in topics of concern to Māori

Teaching

- courses with Māori content
- take-up of opportunities that offer support to Māori learners

Student participation and retention

- participation rates of Māori students.
- success rates of Māori students
- grade profiles of Māori students
- Māori student progression to further study
- Māori student progression into postgraduate programmes and courses.

Staff

- percentage of Māori staff in Māori studies department.
- percentage of Māori staff in departments/disciplines other than Māori studies.
- take-up of staff development courses in Māori culture and learning

IDENTIFICATION OF AREAS FOR ENHANCEMENT
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The University identifies priority activities which the University believes can be achieved within the next planning period - say, three-to-five years. For each activity, the University determines:

- **Areas in which enhancement activities are to be undertaken within a defined period of time.**
- **Expected outputs and outcomes of enhancement activities.**
- **People responsible for overseeing the enhancement activities.**
- **Resources required to undertake the enhancement activities.**
- **Proposed timeline(s) for enhancement activities.**
- **The way the effectiveness of the outputs and outcomes of the enhancement activities will be monitored.**

End of framework

APPENDIX 1

TE TIRITI O WAITANGI TRANSLATED INTO ENGLISH BY HUGH KAWHARU

Source: Kawharu (1989:319-321)

Victoria, the Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship¹ and their lands to them and to maintain peace² and good order considers it just to appoint an administrator³ one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands⁴ and also because there are many of her subjects already living on this land and others year to come.

So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness.

So the Queen has appointed me, William Hobson, a Captain in the Royal Navy, to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents⁵ to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

1 'Chieftainship': this concept has to be understood in the context of Māori social and political organisation as at 1840. The accepted approximation today is 'trusteeship'.

2 'Rongo': 'Peace', seemingly a missionary usage (rongo - to hear, i.e., hear the 'Word' - the 'message' of peace and goodwill).

3 'Chief' ('Rangatira') here is of course ambiguous. Clearly a European could not be a Māori, but the word could well have implied a trustee-like role rather than that of a mere 'functionary'. Māori speeches at Waitangi in 1840 refer to Hobson being or becoming a 'father' for the Māori people. Certainly this attitude has been held towards the person of the Crown down to the present day - hence the continued expectations and commitments entailed in the Treaty.

4 'Islands' - i.e., neighbouring, not of the Pacific.

5 'Making' - i.e., 'offering' or 'saying' - but not 'inviting to concur' (as in the English version of the Treaty).

The first

The Chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government⁶ over their land.

6 'Government': 'kawanatanga'. There could be no possibility of the Māori signatories having any understanding of government in the sense of 'sovereignty' - i.e., any understanding on the basis of experience or cultural precedent.

The second

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise⁷ of their chieftainship over their lands, villages and over their treasures.⁸ But on the other hand the Chiefs of the Confederation and all the Chiefs will sell⁹ land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

7 'Unqualified exercise' of the chieftainship - would emphasise to a chief the Queen's intention to give them complete control according to their customs. 'Tino' has the connotation of 'quintessential'.

8 'Treasures': 'taonga'. As submissions to the Waitangi Tribunal concerning the Māori language have made clear, 'taonga' refers to all dimensions of a tribal group's estate, material and non-material - heirlooms and wahi tapu, ancestral lore and whakapapa, etc.

9 'Sale and purchase': 'hokonga'. Hoko means to buy or sell.

The third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties¹⁰ of citizenship as the people of England.¹¹

10 'Rights and duties': Māori 'tikanga'. While tika means right, correct (e.g., 'e tika hoki' means 'that is right'), 'tikanga' most commonly refers to custom(s), for example of the marae; and custom(s) clearly includes the notion of duty and obligation.

11 There is, however, a more profound problem about 'tikanga'. There is a real sense here of the Queen 'protecting' (i.e., allowing the preservation of) the Māori people's tikanga (i.e., customs) since no Māori could have had any understanding whatever of British tikanga (i.e, rights and duties of British subjects). This, then, reinforces the guarantees in Article 2.

[signed] William Hobson
Consul and Lieutenant-Governor

So we, the Chiefs of the Confederation and of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and our marks thus.

Was done at Waitangi on the sixth of February in the year of our Lord, 1840.

Kawharu (1989:320) notes:
While sometimes much is made of the several English versions of the Treaty, to my knowledge there is only one Māori version allowing for the odd spelling mistake) and this is the one signed by all but a small minority. Discussion in English (as well as in Māori) of the meaning of the Treaty should therefore focus on the Māori version and on its literal translation.

APPENDIX 2

RESOURCES CONSULTED

BOOKS, REPORTS AND PAPERS

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