



# The Hand that Feeds Us

How Voluntary Student Membership has Impacted the Freedom of Associations and the Voice of Students

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## Background

**Voluntary Student Membership (VSM)** is a model where tertiary students decide on an individual basis whether to be a member of their local students’ association. This is the opposite of ‘universal student membership’, the model pre-2011, whereby all students of a tertiary institution are automatically members of their students’ association by virtue of being a student. VSM has been floated multiple times across the Parliamentary floors, beginning with Michael Laws’ Bill in 1994.

After several unsuccessful attempts, a Bill was passed by the House of Representatives in 1999 by National MP Tony Steele, which brought about a national referendum held in every tertiary institution on the issue of whether students’ associations should stay ‘compulsory’ or go ‘voluntary’. Waikato and Unitec student unions became voluntary for a brief period of time before voting in a second referendum to return back to a universal model. Auckland University Students’ Association voted in favour of VSM and have continued to retain this model.<sup>1</sup>

<sup>1</sup> [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=10640682](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10640682)



Victoria Students Protesting



Cage protest by OUSA President Logan Edgar

VSM then rose to prominence again in 2009 when Roger Douglas' (later taken over by ACT MP Heather Roy) '**Education (Freedom of Association) Amendment Bill**' was drawn from the ballot which would abolish universal student membership nationwide.<sup>2</sup> This sparked major student protest across Aotearoa. They did not let VSM pass without a fight. The New Zealand Union of Students' Associations (NZUSA) led a nationwide campaign, "Save Our Services", to fight voluntary student membership legislation, stressing the devastating effects VSM would have on student voice and the student movement. The campaign was supported by a range of organisation including Rural Women New Zealand, University Sport New Zealand, the Quality Public Education Coalition, the Tertiary Education Union, UniQ Victoria, the Council of Trade Unions and Te Mana Ākonga.<sup>3</sup>

Prior to 2011, students' associations charged a levy to students which was set by the student body. This levy was then collected by the institution and was given in its entirety to the students' association. This meant students' associations provided advocacy and services that their *students* wanted not what their *institution* wanted. In 2011, power was removed from students. Despite major pushback from students across Aotearoa, the Education (Freedom of Association) Amendment Bill was passed by Parliament the 28<sup>th</sup> September 2011, taking action in January 2012.<sup>4</sup>

The Bill enforced VSM on all students' associations based on the ideology that students should be free to join their association if they wished to do so (despite the majority of associations having an opt-out option for their members). ACT's VSM Bill was supported by the National Party and United Future. The Labour Party, the Green Party, Mana and the Māori party stood with students and opposed the Bill.

<sup>2</sup> <http://www.legislation.govt.nz/act/public/2011/0080/latest/DLM2301302.html>

<sup>3</sup> <https://www.newshub.co.nz/general/voluntary-student-membership-bill-passes-2011092820>

<sup>4</sup> <http://www.scoop.co.nz/stories/ED1003/S00025/campaign-to-save-student-services.htm>



2011 NZUSA Co-President David Do speaking at protest at Parliament during VSM Bill's third reading.



"Massey Say NO to VSM".

The introduction of VSM has resulted in a range of consequences for students' associations across Aotearoa. Many students' associations have collapsed, unable to survive without the necessary funding used to provide services to their students.<sup>5</sup> Others had their budget severely reduced meaning the loss of services. Some maintained their level of service provision but power to decide what services should be provided and how much funding the association should receive shifted from the hands of students, to the institution.

The "Save Our Services" campaign claimed that VSM would result in the loss of student services, a loss of independence and a loss of student voice. Have these fears been realised? Has the student movement been stifled? How can we ensure tertiary students are effectively represented for years to come? This report hopes to reignite this much needed conversation.



## Observations

### Student Voice

Prior to VSM, all students were members of their respective students' associations unless they opted out of membership. Students' associations therefore legitimately represented all students studying at tertiary institutions. While most students' associations still claim this fact in the VSM world despite not all students being members, some tertiary providers do not recognise students' associations as representative of all students. Waikato Students' Union (WSU) lost their student seats on University Council and all other University committees following the implementation of VSM. WSU were told by the University that "as

<sup>5</sup>

<http://www.scoop.co.nz/stories/PO1309/S00190/vsm-has-weakened-our-national-student-voice.htm>

membership was no longer compulsory, they no longer represented all students." WSU was forced to contest University-run elections for a seat on Council and other committees.

Victoria University of Wellington Students' Association (VUWSA) faces a similar prospect. They no longer have a seat on Victoria University Council. Instead, two students are elected bi-annually in alternate years. Like WSU, VUWSA may put forward candidates from their Student Executive to contest a University-run election. It may be perceived that there is less accountability to students under this model. A single student representative does not have the same consultative resources, lobbying power, and political capital as students' associations. A Student Executive member sitting on a Tertiary Council or committee is accountable to the Executive - and therefore students - for their decisions. This enhances not only the lobbying power of students, but accountability of students' representatives.

It is no secret that students' associations at Institutes of Technology and Polytechnics (ITPs) have been either stripped to their core or have collapsed completely as a result of VSM. There have generally been three forms ITP students' associations have taken since VSM: collapsed; replaced by a Student Council installed by the tertiary provider; or remained but with a loss in funding. Without legitimate student organising bodies, thousands of students at ITPs have lost their voice. This has also meant no student representation on councils or committees - stripping away student consultation from the institution's decision-making process. Where students' associations have remained, they have ultimately lost a significant amount of funding and political capital.

There is still a handful of tertiary providers that have entrenched student representation on councils and committees through the students' associations. Otago University Students' Association (OUSA) is one of these. While OUSA's funding has increased since VSM - the University contracts OUSA for student services - the fate of that funding, and therefore services, is ultimately at the mercy of the University. The difference between pre-VSM and the current environment is that the level of funding is no longer decided by the students - the primary stakeholder - it is decided by the University in consultation with OUSA. The University enters these negotiations with all the bargaining power as they control the money. And so enters the tension of the association trying not to bite the hand that feeds them.

The conclusion of this section is that student representation on tertiary councils and committees have been stifled as a result of VSM. Students' associations have become less vocal, less effective, and less relevant. Many student seats on committees have been lost, which is where the student voice is most needed to be heard. Even in cases where there is student representation at these levels, students' associations are not always recognised as the legitimate voice for local students within the committee system - although this does appear to be changing in the University environment. Some of these negative effects are not a direct result of VSM, but realities of an evolving VSM environment. The primary

observations of this research find that student representation is generally now in the hands of tertiary institutions rather than in the hands of students.

## **Biting the Hand**

Students' associations that have service contracts/agreements with the tertiary provider have all indicated throughout this research that not biting the hand that feeds them is the unspoken thing in the VSM environment. This is anecdotal evidence, students' associations have said this time and time again. There is an underlying fear that if the association is too vocal in opposition of the tertiary provider in any action or inaction, the institution may reduce their funding or remove student representation from committees. Remember, funding cuts can have wide-ranging effects; redundancies, loss of services for students, and loss of political resources are most at threat. When students' associations do not push hard enough against their tertiary provider because of the fear of funding cuts, it is not simply because of money. It is because they know it would have real effects on real people. Lincoln University Students' Association (LUSA) and OUSA have specifically highlighted this as a real concern for them.

If students' associations do not push hard enough for positive change for students, then the chance of seeing that change is limited. But if students' associations lose a percentage of funding then tough decisions will have to be made with regards to cutting resources or staff. While it is an oversimplification and an exaggeration to say these two are constantly in tension when students' associations determine how vocal to be on certain issues, it would be ignorant to say no such tension exists. The timing of issues in tertiary institutions can also play a part in how this tension manifests. If, for example, a students' association is negotiating their funding with the tertiary provider while an issue surfaces, then this tension may be more prevalent. OUSA cited this as a problem in 2018 with the timing of the Proctor Protest and Menstruation Protest.

## **Funding and Services**

Students' associations that survived VSM financially unscathed were those that shored up service provision before or immediately after VSM's implementation. University of Canterbury Students' Association (UCSA), LUSA and OUSA are the main examples of this. Their respective Universities came to the rescue and vowed to fund the associations through the Compulsory Student Services Fee (CSSF). Students still pay for their association's services, but the funding is collected through the CSSF. Most of OUSA and LUSA's funding comes via the University and is allocated to student services. Both associations make their case for funding changes, but ultimately the decision sits with the Universities. Before VSM, students decided what services their association provided and how much funding was allocated to which service. Now the institutions decide what services associations should provide and their worth.

Other associations - particular in ITPs - were not so lucky. Associations at Tai Poutini Polytechnic, Western Institute of Technology at Taranaki and Whitireia Community Polytechnic all collapsed in the aftermath of VSM. Many others have been fighting for survival ever since. Part of the reason these associations collapsed is because the tertiary provider did not offer funding for their services. Other associations collapsed but were revived under compulsory levy agreements with tertiary institutions.

Less funding for students' associations has had a flow-on effect at a national level. Several associations pulled out of NZUSA after VSM's implementation because of the cost of membership. By 2012 the Association had its funding cut by 44%. NZUSA has struggled to become sustainable since. It has had to downsize, both physically in structure and politically in nature. With these changes, it is more difficult to apply pressure to the government of the day and to get the best deal for students. It is untenable for NZUSA to charge more for membership fees because member associations simply don't have more. Before VSM NZUSA was charging up to \$80,000 for some membership fees, now it cannot charge any more than \$50,000. As a result of the tightened funding for local associations, the national voice for students has shrunk in size and voice; meaning it is harder for students to get on the government's agenda.

Before VSM students had a direct influence over the functioning of their associations. This led to strong independent voices on campus. This independence enabled a flexibility of service provision. Now, tertiary providers (in the case of some associations such as LUSA and OUSA) have a disproportionate influence over associations' services. This reduces students' independence as they don't have a say over their services and silences the student voice. The lack of independence restricts the freedom of authentic student voice. Not only do students not have a say over their services, but their associations are too afraid of biting the only hand that feeds them. The institutions' money is the only revenue keeping associations alive. A LUSA former President noticed a switch - "no longer did we have to be accountable to just students, but we also had to be accountable to the University as well." OUSA has noticed the same switch with their own Association. They are directly accountable to the University for the quality and delivery of services. The Chief Executive Officer regularly reports to the University on how the Association is achieving their Key Performance Indicators (KPIs). This informs the University when entering yearly negotiations about the Association's budget.

In cases where this contract for services agreement exists, the services and events provided by the associations have been cited as being more professionally run compared to pre-2012. Again, USCA, LUSA and OUSA are the primary examples of this. Although, most other associations are moving quickly towards this service provision model to legitimise themselves in the eyes of the tertiary provider and to future-proof themselves in the face of the financial unknown. Providing services by means of institutional funding comes with

an increased sense of pressure and distraction. Not only does this financial relationship form a ominous cloud above associations' heads with regards to keeping their loud voices at bay, it also acts a distraction from genuine student engagement and representation. Associations, as a result, have to represent the needs and wants of both students and tertiary providers. Representing tertiary institutions directly goes against the intrinsic purpose of students' associations. This is the harsh reality of most associations today. It is difficult to authentically represent students when the tertiary provider has half a stake in the business.

As a result, students' associations are spending more time looking good and providing student events than they are on championing the student voice. Tertiary providers having a direct say over associations' activities limits independence. Ultimately, VSM has meant that students continue to pay service fees for student services but no longer control the services themselves.

## **Independence**

Independence is closely linked with student voice. The lack of independence contributes to the stifling of student voice. And lack of independence is a result of tertiary providers' stake in associations' services. The contract model for services severely undermines the independence of many students' associations. As previously mentioned in this report, student voice is stifled as a result of institution-association agreements. It is difficult for students' associations to be a genuine independent voice for students when pleasing tertiary providers is added to the equation. Most of the time, associations are only directly accountable to tertiary providers for their services. But this accountability sometimes spills over into the political arm of students' associations.

Since VSM, we have seen less public action from students' associations. This is largely due to their diminished independence and the fear of biting the hand that feeds them. Instead, students' associations have worked within the machinations of tertiary institutions to achieve wins for students. While the efficacy of this is immeasurable, there is no doubt that working alongside institutions has its benefits. With constructive working relationships, much can be achieved for students with this model. However, when associations fervently disagree with the institutions on a matter, the power imbalance within this relationship may enhance. And as a result, associations may not be so loud in voicing their concerns. It must be recognised that tertiary institutions have not yet overstepped that mark (although there have been threats - discussed later in this section), but it is in the back of every associations' minds - that institutions have the power to force their hand when they want.

Good independent student media is an important arm of strong student voice. Since VSM, student media has crippled. Underfunding and censorship have been the major factors of this. More and more we are seeing tertiary institutions censoring student media. LUSA



cited that their University regularly attempts to interfere with their student magazine. Earlier this year, the University of Otago disposed of hundreds of Critic (OUSA's student magazine) issues because of the cover content. This regular interference is a lasting result of VSM. Tertiary institutions are starting to take responsibility for the content of student media. Because student media often criticises the institution, this sort of behaviour undermines the legitimacy of independent student voice.

The recent events at Massey University has reinforced that the fear of being cut when the association does something the institution doesn't like is well and truly warranted. The politics students' association had organised to host Don Brash to speak on campus. Massey's Vice-Chancellor, who had her emails released through an OIA request, considered cutting funding to the association and clubs if they did not cancel the event. This demonstrates that tertiary institutions are well aware of the powers at their disposal, and that these powers can strongarm students' associations into doing what they want. This also shows that despite tertiary institutions claiming they acknowledge and respect associations' independence, they are willing to flex their power when necessary.

Independence basically boils down to the reliance on tertiary providers for associations' survival. This limits the independence of associations. And while institutions purportedly acknowledge their full independence, the ever-present fear of being cut for undermining the institution enhances as we move further away from the pre-VSM world. This fear has been recently confirmed with the case of Massey University.



"Silenced by VSM".



"Save Our Services" campaign poster



Joint statement by Labour, Green, Māori and Mana parties opposing VSM.



# Conclusion

VSM has significantly transformed the way students' associations operate. While this research has mainly focused on how associations have changed, we can't forget that many associations at ITPs have collapsed - students don't have a mandated voice. Most surviving associations count themselves lucky to be operational in the current environment. But those associations carry a raft of issues.

Before VSM, strong student voice enabled genuine independence, and genuine independence enabled a flexibility of student-owned services. After VSM, tertiary institutions have a stake in student services, which restricts independence, and stifles student voice. Reversing this current relationship back to its pre-VSM form is the end goal.

At the NZUSA Congress 2018, we will be discussing the effects VSM has had on the student movement and where we can go from here to ensure student are meaningfully represented for years to come. Before Congress, think about how VSM has affected your students' association and what needs to change. We look forward to hearing your thoughts and opinions as we begin the conversation; **how has voluntary student membership affected the freedom of associations and the voice of students.**

