

## **Submission from Universities New Zealand – Te Pōkai Tara (New Zealand Vice-Chancellors’ Committee)**

*To the Royal Commission into Covid-19 Lessons.*

### **Introduction**

This submission is from Universities New Zealand – Te Pōkai Tara, the operating name of the New Zealand Vice-Chancellors’ Committee, a statutory body established under Part 19 of the Education Act 1989, which has statutory responsibilities and represents the interests of New Zealand’s eight universities on a wide range of matters.

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### **Profile of the university sector in New Zealand**

Collectively New Zealand’s eight universities employ more than 25,000 staff, teach more than 185,000 students, and spend around \$4.2 billion dollars annually.

Universities carry out about a quarter of this country’s research. A substantial proportion of research involves living creatures (animals, plants, etc) and these require regular care and attention. A significant amount of research is time-sensitive – for example, requiring measurements or sampling carried out at specified intervals.

Around 180,000 students are currently enrolled at New Zealand’s eight universities. About 15% are international students and the remaining 85% are domestic students.

44% of the domestic students (around 67,000) travel away from their hometown, city or locality to study at university.

Universities collectively have halls of residence with up to 20,000 students living on campus during term times. Universities also have a wide range of support services – including health services, counselling services, and dedicated staff monitoring and supporting student wellbeing and health.

Universities are autonomous Crown entities with substantial expertise and experience in effectively managing a wide range of challenges and crises.

### **How the university sector is organised**

Each university is an autonomous Crown entity able to set its own strategies and priorities. Every university has a council that employs the Vice-Chancellor (Chief Executive) and provides overall governance for the university.

Every university is structured differently below the level of Vice-Chancellor. There is significant variation within universities as to how functions are grouped and how they are represented at the senior leadership level. For example, at some universities the Director of Student Services may be a

member of the senior leadership team. At other universities the same role may report through another role.

### **How the sector is supported by its peak body – Universities New Zealand**

The New Zealand Vice-Chancellors' Committee (NZVCC trading as Universities New Zealand) is a statutory body that comprises the Vice-Chancellors of all New Zealand universities.

NZVCC meets at least six times annually and more often if required. NZVCC is supported by a wide range of committees and working groups – including those with responsibility for (a) research, (b) academic programmes and quality, (c) student services, (d) Māori staff and students, (e) Pacific staff and students, (f) planning and reporting, (g) finance, (h) ICT, and (i) communications.

NZVCC and the committees are supported by a small secretariat. For the purposes of this submission the secretariat is referred to as Universities New Zealand (UNZ).

UNZ operates as a peak body for the university sector. As a peak body, UNZ does three main things:

1. It is the interface for the sector in Wellington. It represents the eight universities when dealing with Government and provides a single point for Government to work with the sector.
2. It is a contact point for the sector when you don't know where else to go. UNZ receives many queries for access to academic expertise, and requests for key contacts at each university to support with a particular Government project.
3. It is the coordination point for the sector when it is more efficient for the sector to work together than individually. This sees UNZ bringing sector representatives together across a range of initiatives – including projects, advisory groups, etc.

There are also peak bodies for all other parts of the education system – schools, polytechnics, and private training providers. They vary significantly in size and capability, but all generally include responsibility for the same three things.

### **The Covid-19 Period**

Over the Covid period the following things happened to ensure the response to Covid was as joined up and effective as possible:

1. Universities New Zealand took the lead at the start of the pandemic in pulling together an inventory of all the people, equipment, and infrastructure potentially able to be drawn upon by Government as it responded to Covid.
  - a. UNZ assisted in locating skills and knowledge for relevant Government agencies.
  - b. UNZ established the first Covid-19 research database for researchers and officials to know what had been done where and by whom in order to expedite access to information and expertise.
  - c. UNZ assisted in triaging offers of assistance to the Office of the Prime-Minister's Chief Scientific Advisor and in connecting offers to the correct agencies when the offers appeared potentially useful.
  - d. UNZ assisted in locating testing equipment and expertise from human and animal health facilities.
2. The Ministry of Education brought together all parts of the education system regularly. This included all peak bodies, representatives from larger or more impacted providers (particularly universities), student representatives, and representatives from other relevant Government

agencies. Over lockdown periods these meetings were usually every second day. They were a very effective way for everyone to share information and answer questions. They were accompanied by email bulletins that summarised key information the next day.

3. Vice-Chancellors met more frequently. During 2020 when policies and processes were being developed and there was continual change and new information the Vice-Chancellors met weekly. Towards the end of 2022 meetings of the Vice-Chancellors were generally monthly.
4. Key UNZ committees (such as International, Research, Academic, and Planning) also moved to more frequent meetings where there were rapid changes or higher than usual levels of uncertainty to navigate.
5. Vice-Chancellors nominated a key contact person within their university for day-to-day Coronavirus communications. The coordinator was copied into everything from Wellington and UNZ and was responsible for ensuring everything was shared appropriately with all relevant parts of their university.
6. A number of existing and new groups were employed at different stages of the pandemic to deal with specific short-term challenges or needs. These were agreed to by the Vice-Chancellors and were coordinated by UNZ until the challenge or need had been addressed. Groups were stood up for the following:
  - Developing the framework for what could and could not be done at different alert/traffic light levels.
  - A quarantine/managed isolation working group to look at challenges of bringing students safely through managed borders.
  - Groups to address specific short-term lockdown challenges around the care of animals, plants, and other living organisms used for research purposes.
  - Student support services – ensuring residential students were cared for appropriately over lock down periods by sharing practice and interpreting changing guidance.
  - Guidance as to how to deal with student hardship and wellbeing challenges – particularly for students who could not work but who had to keep covering rent/accommodation and other living expenses.
  - Getting support to students studying from home who did not have computers or adequate internet access.
  - Teaching and assessment practices for students whose studies were substantially impacted by Covid and lockdowns.
7. From time to time, all the education sector and/or RS&I (Research, Science, and Innovation sector) peak bodies coordinated on feedback to Government proposals or requests for advice. This helped ensure that Covid response settings were more likely to suit the very largest providers as well as the very smallest. It also meant that the sector could provide advice that it collectively saw as workable rather than looking to Government officials to try to synthesise solutions for sectors they had never worked in.

By and large this all worked well. However, there were a few practical lessons that should inform planning for any future pandemic.

## **Plans and accountabilities were unclear in the early stages of the pandemic.**

Universities are large and very experienced in managing complex health issues presenting on campuses and within halls of residence. Left to themselves, they all have a range of plans and in-house expertise to respond to and manage most conceivable risks and eventualities.

Covid was unusual in that it was a national response and universities had to reconcile public-health policies and directives with their own plans and with events that unfolded in different ways and at different times.

Early in the pandemic, universities looked for national plans to try to understand what was likely to happen. There was no national pandemic plan. The closest thing to a national pandemic plan was the 2006 New Zealand Influenza Pandemic Action Plan which was 200 pages in length and hard to navigate.

Many universities got ahead of Government and set up contact tracing systems (using QR codes and access cards) and policies for moving around campuses before national systems were rolled out. The subsequent Government-mandated requirements were different, but not necessarily any better. However, they did impose additional work on universities.

Government mandated contact tracing systems were onerous – with many hours of follow up required for every Covid case. The system developed in 2020 took weeks to develop and was abandoned by universities within two days of being rolled out when the number of actual Covid cases in halls of residence went from a handful to dozens.

The framework that detailed what education providers could do at each alert or traffic light level worked well. We suggest that a variant of it be included in any national pandemic planning.

*Recommendation:* there be a national pandemic plan with shorter, clearer guidance for different types of organisations (including large education providers with people living on site) for managing the early stages of a pandemic response.

## **The university sector as a source of key capability in dealing with future pandemics**

Universities had a wide range of specialist expertise that both Government and the media drew upon extensively over the Covid-19 period. This included expertise in public health, immunology, virology, and statistical data modelling.

With around 10,000 research-active academic staff in the university sector, there are few challenges universities cannot help with.

*Recommendation:* note that universities are likely to be good places to find insights and expertise at all stages of pandemic preparedness and response.

## **Use of Peak Bodies**

Peak bodies exist for most sectors and are usually the most efficient and effective way for Government to initiate sector engagement. They usually have the existing relationships, credibility, and capability to coordinate a sector or whole-of-system response quickly and successfully.

*Recommendation:* that working with and through peak bodies be a feature of pandemic preparedness planning.

## **Government interventions need to support a wide range of capability and needs**

A key lesson of the Covid period was that the education sector comprises a very wide range of providers with different levels of capability. Schools and smaller tertiary education providers often wanted detailed and quite prescriptive Government guidance and direction. By contrast larger providers like universities and Te Pukenga had more experience in dealing with issues of quarantine, contact tracing, and pastoral care than Government agencies. The larger providers needed only to understand minimum requirements and to be empowered to make sensible choices.

Our view is that government agencies added the greatest value where they:

- Consulted larger providers to seek their views and ideas about what was likely to work.
- Encouraged different sub-sector peak bodies to collaborate on providing advice and ideas back to Government.
- Were clear as to what was a requirement and what was a recommendation. Requirements were best when they were not overly prescriptive or came with optional good-practice guidance.
- Provided additional support on request to providers who needed it.
- Brought all the key parts of the system together to understand the issues and challenges and shared knowledge and lessons widely.

Recommendation: that the role of Government agencies in pandemic response be guided by these lessons.

## **Clear guidance on what is and isn't collusion could be useful**

Universities did not receive any additional funding over the Covid period and were not eligible for wage or leave support subsidies.

Heading into the first lockdown period in March/April 2020, many students in flats and university accommodation were encouraged to leave campuses and return to their family homes. Each university made its own decision as to whether to continue charging students for their accommodation. The fact that universities were not receiving wage or leave subsidies but had to continue paying support staff in accommodation services was a factor in decision making.

There was significant variation with some universities giving full refunds and some giving partial discounts and at least one not giving any discount.

The national students' associations saw this inconsistency and publicly challenged it resulting in a number of media queries and requests for information from Government.

What should have been easily resolved by bringing together the eight universities for a meeting was delayed nearly three weeks because an initial legal opinion argued that any attempt to discuss cancelling or discounting accommodation fees could be seen as collusion under the Commerce Act.

A second legal opinion was gained which advised:

- *"All New Zealand universities are likely to be found to be in competition with the other universities in New Zealand.*
- *"So, to the extent the discussions between the universities result in any market allocation, price fixing or an output restriction, then the arrangements will include a 'cartel provision' for competition law purposes. For example, if the discussions resulted in an agreed set of principles to determine how students affected by COVID-19 will be treated in terms of fees or fee refunds (including things like when refunds will / will not be provided, the amount of any refund, or a common approach to fee setting) this would likely amount to a price fixing provision.*

- *“If a cartel provision is included, it will be unlawful unless the collaborative activity exemption applies. The collaborative activity exemption applies if the cartel provision is **reasonably necessary** for the collaborative activity and the collaborative activity is **not for the dominant purpose of lessening competition**.*
- *“The key hurdle here is the “reasonably necessary” requirement. The second element (that the collaborative activity would not be for the dominant purpose of lessening competition) is more straight forward as the purpose is clearly to respond to COVID-19. The Commission takes the view that reasonably necessary does not mean “essential”; in other words, parties do not need to show that, “but for” the cartel provision, the collaborative activity would not occur. However, there is not yet any case law on the meaning of the words in this context, so a conservative approach is advisable.”*

This advice was followed and resulted in all universities sharing information and agreeing generally that no student would be charged for accommodation between the date when they had returned home in response to advice to do so and the date when they were allowed to return.

Recommendation: any guidance for responding to future pandemics include guidance on collusion.

### **Use provider channels for disbursing support**

There were two main instances where a proportion of students needed additional support during the Covid period:

1. Many students returned home ahead of lockdowns and had to carry out learning and assessment online. Nationally we found that around 14% of students lacked an adequate computer or internet connection. With financial support from Government, universities organised internet connections and computers for affected students.
2. All universities operate hardship funds that allow student support staff to provide short-term financial support to students. Funds are not large – typically totalling \$4-\$5m across the sector. As Covid went on, many domestic and international students found themselves struggling to cover living and study expenses as part time jobs disappeared. A proportion also had to manage reduced financial support from parents who had also lost jobs or had business income significantly cut.

Government was able to secure additional hardship funding which was given to universities to allocate using existing student support services and policies/criteria for hardship funds.

In both cases, use of existing university channels for getting support to students was very efficient.

Recommendation: future pandemic preparedness planning include provision for working through existing student support processes where education providers have proven policies and systems.

### **Avoid overly onerous restrictions on animal facilities**

Most lab animal were culled because of initial lockdown rules which were unnecessarily restrictive and didn't allow for enough people to care, feed and clean animal facilities. UNZ redrafted policies for subsequent lockdowns. The redrafted policies allowed staff who cared for animals to travel and go on site where they were able to observe physical distancing and contact tracing requirements.

Recommendation: ensure that pandemic response policies and processes allow for the continuing care of animals and other live specimens where requirements such as physical distancing and contact tracing can be observed.

## **Pandemic planning needs to include more than just the public-health dimensions**

The Covid period was first and foremost managed through a public-health lens. We believe that the gradual loss of social license was a combination of the duration of the pandemic and the fact that planning did not balance public-health considerations with longer-term economic, social, employment, educational, and wellbeing needs.

Recommendation: pandemic response planning should include scenarios where disruption may be over an extended period requiring public-health considerations to be balanced with the need for social license and protecting jobs and livelihoods.