

Draft: The appropriateness of the Victorian TAFE Multi-Business Agreement to Higher Education

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Introduction

There are an increasing number of TAFEs offering degree and associate degrees in Australia. They are primarily located in Victoria, but several are in other States. There are also dual sector institutions such as RMIT and Swinburne, but they are not our concern here. We concentrate on institutions that are just TAFEs but which also offer degrees. These are Box Hill Institute of TAFE, Canberra Institute of Technology, Challenger TAFE (WA), Gordon Institute of TAFE (Vic.), Holmesglen Institute of TAFE (Vic.), Northern Melbourne Institute of TAFE (Vic.), Southbank Institute of Technology (Qld), Swan TAFE (WA), TAFE SA, and the William Angliss Institute of TAFE (Vic.) [1].

The Victorian TAFEs have recently settled an enterprise bargaining agreement called the Multi-Business Agreement [2], or MBA for short. Other States have similar agreements. The MBA is “... intended that where an Institute engages staff to teach, lecture or manage or develop TAFE programs, those employees are to be employed pursuant to the terms of the MBA” (MBA, Schedule 7, page 80). The MBA is not designed for staff lecturing in degree courses, but for teachers of VET courses such as diplomas and certificates.

Most of the Victorian TAFEs employ degree teaching staff under the MBA. Some do not: for example, NMIT employs degree teaching staff under conditions based on the LaTrobe University Enterprise Agreement. The dual sector institutions employ degree staff under their Higher Education EBA, and the TAFE teaching staff under the MBA. If staff teach in both sectors, then they may have two distinct contracts. We do not consider these dual sector institutions any further.

The major question addressed in this paper is: is the MBA appropriate for the employment of degree teaching staff? If not, can any problems be fixed by local modifications to the MBA? If not, should degree lecturing staff be employed under a different agreement to the MBA?

The structure of this paper is as follows. A comparison was made between the MBA and a typical university agreement (in fact, the proposed 2010 agreement at Monash University [3]). There are many minor differences, as there would be between any two agreements. We ignore those and concentrate on the significant differences. Some of these are inherent in funding models between TAFEs and universities. However, many differences are derived from the different cultural, financial and educational models of the two types of institution, and it is here that we try to concentrate.

General

Institutions with degree courses are subject to a number of constraints, on the institution, the degree teaching staff of that institution and on the courses they can teach.

TAFEs offering degrees in Victoria must be registered with the VRQA. This is done in accordance with the National Protocols for Higher Education Approval Processes [4]. This requires institutions

to “A2: contribute to the goals of higher education in Australia”:

18. The goals of higher education in Australia include:

- advancing knowledge and understanding
- enabling individuals to learn throughout their lives (for personal growth and fulfilment, for effective participation in the workforce and for constructive contributions to society)
- meeting the demands of the labour market through quality education
- equipping the community with social, cultural and international knowledge, skills and attitudes to
- improve the quality of life for all citizens
- contributing to a democratic, equitable and civilised society
- contributing to an improved national economy through high levels of skills, knowledge and research, including collaborative research with business, industry and government.

It also commits institutions to “A3. has a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in the institution’s academic endeavours ” and “A8. its academic staff are active in scholarship that informs their teaching, and are active in research when engaged in research student supervision .”

Institutions must demonstrate that they are capable of meeting these goals and commitments.

To qualify an institution as capable of delivery of a particular degree course, the institution must satisfy VRQA requirements with respect to staff of [5]

7.1 The numbers, qualifications, experience, expertise and sessional/full-time mix of academic staff who will be involved in delivering the course are appropriate to the nature and level of the course and to ensure quality outcomes for students undertaking the course.

Degree teaching institutions are not required to do research, but degrees are constrained by the AQF (Australian Qualifications Framework) and (in Victoria) by the VRQA. The AQF makes requirements on the outcomes expected of degree students [6]:

Characteristics of learning outcomes at [the degree] level include:

- the acquisition of a systematic and coherent body of knowledge, the underlying principles and concepts, and the associated communication and problem-solving skills;
- development of the academic skills and attributes necessary to undertake research, comprehend and evaluate new information, concepts and evidence from a range of sources;
- development of the ability to review, consolidate, extend and apply the knowledge and techniques learnt, including in a professional context;
- a foundation for self-directed and lifelong learning; and
- interpersonal and teamwork skills appropriate to employment and/or further study.

A course leading to this qualification also usually involves major studies in which a significant literature is available. Course content is taken to a significant depth and progressively developed to a high level which provides a basis for postgraduate study and professional careers.

These requirements implicitly place requirements on the staff who teach in the degree courses, and part of the accreditation and review processes is to ensure that the staff are capable of delivering such student outcomes.

The question raised in this paper is whether or not the MBA is an appropriate award for the employment of staff who have to meet these requirements.

Out of scope

This paper only comments on the MBA as regards TAFE. We realise that each TAFE will also have procedures and guidelines which are outside of the MBA. Contracts to staff may include extra conditions or give extra rewards which are not covered by the MBA. We ignore all of these as out of scope of this paper. Our primary focus is on the MBA itself, not on how individual TAFEs work around any possible limitations. However, this issue is revisited in an appendix.

Research

Universities are funded by the Commonwealth Government to pursue basic and applied research. For example, in 2001 approximately 20% (\$1.198 billion out of \$5.9 billion) of the block grant was allocated to research [7]. In addition, the ARC supplies further significant funding, and on the horizon are efforts such as the ERA to add a quality measure (and funding) to research activities. Universities place great store on their research activities. The Group of Eight advertises their research achievements regularly – for example, the University of Melbourne has a regular – and excellent – broadsheet in the Melbourne newspaper *The Age*. Swinburne University, while not a member of the Group of Eight, has a similar broadsheet. Universities with high research reputations use their ranking in the JiaoTong Index, which is heavily research based.

This focus shows up (quite properly) in enterprise agreements. For example, section 60.6 of the Monash agreement says

The starting point for discussions about the allocation of work for teaching and research academic staff is:

- Teaching 40%
- Research and Scholarship 40%
- Other activities 20%

The National Protocols (above) have two points directly related to research:

- advancing knowledge and understanding
- contributing to an improved national economy through high levels of skills, knowledge and research, including collaborative research with business, industry and government.

It should be noted that the use of the word *research* has multiple meanings. When used in contexts such as the above, it means *original research leading to new knowledge*. When used in most other contexts, such as in dot point two of the AQF degree outcomes (“development of the academic skills and attributes necessary to undertake research”), it means *investigative and critical research*, examining material new to the student and being able to comprehend and evaluate this material. Being able to perform original research is the goal of Honours, Research Masters and PhD courses.

TAFEs are not funded for original research. Nevertheless, it is clear from the previous section that degree staff should either be research active or if not, then maintain a high level of scholarship in

some way.

If we turn to the MBA, it scarcely mentions research. In Schedule 2, page 69 there is a description of teaching roles. It lists 46 functions and activities for Teachers T1 to T4. One of these 46 is “Develop project and or research skills”. The Senior Educator 1 classification lists “Conduct action-based research and prepare briefing papers on curriculum, teaching or management services as appropriate” and “Apply research, analytical and innovative skills” amongst its 36 points. The type of research meant here is probably of the investigative type rather than original research. The word “scholarship” does not appear anywhere in the MBA.

It is clear that the MBA falls down badly in support of research or scholarship activity to be performed by degree teaching staff. Without substantial extra conditions, staff employed under the MBA are unlikely to be able to fulfil any of the requirements for research and scholarship required by external quality and accreditation bodies, unlike university agreements.

Workloads

As discussed in the previous section, a typical teaching workload model for a university academic will be about 40% of their total load. This load may be made up of a number of factors, not just face-to-face teaching:

60.8 Teaching may include

- preparation of teaching materials for face to face, online and other models of delivery;
- unit and course development, including online, off-campus and off-shore learning materials;
- delivery of lectures, tutorials, laboratory classes and clinical education;
- delivery of online learning;
- delivery of off-campus, off-shore and distance education;
- co-ordination of units and courses;
- supervision of teaching staff, including casual professional and Teaching Associate staff;
- supervision of honours year and post-graduate students;
- supervision of undergraduate students undertaking research projects or fieldwork;
- preparing and marking of student assessment; and
- student consultation.

However,

60.9 Each academic unit will develop and maintain (or review, as appropriate) a Workload Model, through a collegial process, and will provide

for the equitable and transparent allocation of workload with respect to teaching and other activities with the academic unit.

Thus there is considerable flexibility in allocation of duties, but there are also mechanisms in the EBA for dealing with “Unreasonable Workloads.” In practice, face-to-face teaching varies between different universities, between different sectors of a university, and for different levels of staff. The typical range for a level B academic is about 9-14 hours per week during two 13-week semesters.

That is, a total of 234-364 hours per year.

The MBA states

18.7 The maximum teaching duty hours shall be 800 hours per year (pro rata for part-time or employment for less than the full teaching year).

There is also an allowance for curriculum development. There are a number of possible reasons for such an allowance, including

18.7.4(a) Preparation of classes and assessment of programs which are part of degree programs:

- 80 hours per year for a teacher whose total teaching is in these programs or a fraction of 80 hours based on the proportion of a teacher's total teaching in these programs

For VET teachers this typically results in a weekly face-to-face teaching load of 19-21 hours over a 34 week period. It is a little uncertain how to interpret the situation for degree teachers since applying the 720-800 hour teaching load over a 26 week period would mean a face-to-face load of 27-30 hours per week, which is clearly not meant.

The university concept of teaching loads allows a number of factors to be included, such as "preparation of teaching materials." The weighting to be given to such factors is not spelt out. However, in the MBA such activities are included within the 80 hours of curriculum development, so are severely bounded.

The MBA appears to require a face-to-face teaching load of about 19-21 hours per week, far in excess of what would be considered reasonable for degree teaching anywhere else.

Salaries

Salaries vary across different universities, according to their EBA. For Monash, the salary for a lecturer level B from 31/3/2010 is in the range \$73,765 - \$87,597. The equivalent teaching level for the MBA is T2.1 to T5, with a salary range of \$54,252 - \$72,275. The top of the MBA range does not even reach the bottom of the Monash range.

Staff employed under the MBA are at a severe financial disadvantage compared to university lecturers.

This is not all. If we look at superannuation conditions, the Monash award says:

26. SUPERANNUATION

The University will maintain the current employer contributions and arrangements for superannuation that were in effect as at 22 November 2005, including UniSuper as the required recipient fund, except that: ...

This arrangement contributed 18% to the superannuation fund. The MBA states

32.1 The employer will make employer superannuation contribution payments equivalent to those required by the Superannuation Guarantee (Administration) Act 1992

which is only 9%. This is a further shortfall to salary conditions. There is no difference in leave loadings between the two awards.

Academic Qualifications

In this section we are concerned with non-teaching qualifications; teaching qualifications are discussed in the next section.

The Monash Agreement is explicit about levels of academic qualification required for Higher Education Workers. For example, an HEW Level 5 “typically require ... completion of a degree”. For academics, there are no such criteria. However, in the pay scales of Schedules 1 and 2, a clear distinction is drawn between those with and those without a doctoral qualification.

In a similar vein, the MBA ties salary levels to academic qualifications. For example, to be employed as a Teacher Level 1, a bachelor degree plus 2 years work experience will suffice. No position requires or benefits from a doctoral or even a master's qualification.

The MBA is only designed for teaching VET courses, and not degree nor higher degree courses. To that extent the MBA is mainly satisfactory, just incomplete.

Teaching Qualifications

The Monash Agreement does not require any teaching qualification except in the special case of Early Career Development Fellowships, which require study of the Graduate Certificate in Higher Education. In general, teaching qualifications are being required by many universities as extra conditions of employment, but are not yet formalised in enterprise agreements.

The MBA requires all teaching staff to have completed a Certificate IV in TAA in order to work above Teacher Level 1. In addition, “Progression beyond the fourth incremental point of the Teacher classification is subject to the Employee completing a course of teacher training accredited at diploma (Australian Qualifications Framework Level 5) which includes supervised teaching practice and studies in teaching methodology, or equivalent; ”

It should be noted that a typical Graduate Certificate in Higher Education, while at a higher AQF level, does not usually include “supervised teaching practice.” Such a certificate may be more valuable for degree teaching, but is useless for progression beyond Teacher T4.

The MBA is admirable in explicitly requiring teaching qualifications. However, it is too narrow in requiring a specific type of qualification, one oriented to VET teaching. It excludes many higher education teaching qualifications and as such is inappropriate for degree teaching staff.

Intellectual Freedom

One of the hallmarks of universities is their protection of the ideals of free speech and intellectual freedom.

The Monash Enterprise Agreement is quite explicit about issues of intellectual freedom:

10.2.1 Without derogating from or limiting the employment obligations of staff, including the obligations to comply with reasonable and lawful directions and requests, the parties to the Agreement are committed to act in a manner consistent with the protection and promotion of intellectual freedom.

10.2.2 Intellectual freedom includes:

(a) the rights of all staff to:

(i) participate in public debates and express opinions about issues and ideas related to their discipline area or areas of professional expertise and about the institution within which they work or higher education issues more generally;

(ii) make other comment outside their discipline or areas of professional expertise as long as they do so on their own behalf and do not claim to represent the University;

- (iii) express unpopular or controversial views, but this does not mean the right to harass, vilify or defame or intimidate;
- (b) the rights of academic staff to pursue critical and open inquiry and to freely discuss, teach, assess, develop curricula, publish and research;
- (c) the right of all staff to participate in professional and representative bodies, including unions, and engage in appropriate community service;
- (d) the rights of all staff to express opinions about the operations of the University and higher education policy more generally.

The phrase “intellectual freedom” does not occur in the MBA. It is simply not discussed. The MBA is completely deficient in this issue.

Nomenclature

Academics in universities are classified as Level A, B, C, D or E. These traditionally correspond to Associate Lecturer, Lecturer, Senior Lecturer, Associate Professor and Professor. There are also many other titles which fall into these same scales, such as Research Fellow and Reader. These titles continue to be used by university academics. There is an international recognition of the meaning of many of these titles, although the US and some other countries use a different nomenclature.

The Monash Agreement generally uses the Level A-E classification. However on occasion it still uses the old terms as in Section 84.1: “The clinical loading for a medically qualified full-time Professor, Associate Professor/Reader, Senior Lecturer and Lecturer employed in a full clinical department in a medical school and responsible for patient care will be \$18,602 per annum. ”

None of the terms “lecturer,” “professor,” etc occur in the MBA. Staff are “teachers” or “senior educators.” The term “lecture” only occurs in a few places such as in the definitions section:

- (18) "Teacher" means a person employed to teach or lecture or to manage and/or develop a TAFE program or programs

and in

5.25 Teacher means any person employed to teach or lecture ...

This has caused problems in at least one TAFE when attempts were made to advertise in the Higher Education section of a national newspaper for a “degree lecturer.” The advert approved by Human Resources asked for “teacher” in concordance with the MBA, despite repeated requests by staff of the TAFE management. The advert (not unexpectedly) received zero applications.

The paper “The use of the title Professor” [8] has further discussion of this topic.

Some clarification of this area is required, as to what titles degree teaching staff are able to use, and the MBA is a hindrance rather than help in this.

Sabbatical Programs

Sabbatical programs are offered by most universities as a means of enhancing the intellectual capabilities of staff. Typically a staff member will spend about 6 months at one or more other institutions. The purpose of this is to learn what is going on in the rest of the world, to form collaborative relationships and to disseminate the knowledge of the academic to a wider audience.

The Monash MBA does not say much about Sabbatical programs (which it calls Outside Study Programs), except to try to ensure that they are also available to grant-funded research staff, and that departments should fund such programs. As such, it appears to be taken for granted as a procedural

matter rather than one for an enterprise agreement.

The MBA discusses Sabbatical Leave in Section 26.1:

On application, the Employer may grant an Employee sabbatical leave of one year every 5 years on 80% salary subject to the Employee agreeing to have her or his annual salary reduced by 20% for the relevant work period preceding the leave and the Employee entering an agreement with the Employer covering the terms and conditions of the sabbatical leave.

In other words, Sabbatical Leave is supported out of the staff member's own salary! This is only support in a rather grudging sense, and not one that encourages wider dissemination of knowledge.

Conclusion

TAFEs are not universities. Nevertheless, in offering degree courses they are adopting some of the attributes of universities. At present the funding models for TAFEs and universities are substantially different, so many of the activities of universities are simply not possible for TAFEs. For example, TAFE teachers are not allowed to participate in ARC grants on the same basis as university academics, and TAFEs cannot partake in Cooperative Research Centres on the same basis as universities.

Despite this, there are many areas in which TAFEs have to match the same criteria as universities. The award that staff are employed under is a major indicator of how well the TAFE sector has adapted to these circumstances. Some TAFEs (such as NMIT) have abandoned the MBA for degree staff, but most in Victoria continue to employ degree teaching staff under the MBA.

This paper allows one to draw the following conclusions:

- Research: the MBA does not support research activities required of staff
- Salaries: the MBA salaries are substantially below academic salaries at universities. This will cause significant problems in attracting suitable staff
- Workloads: the MBA requires workloads far in excess of accepted degree workloads. This will cause extreme difficulties in staff meeting the required levels of scholarship or research required by the accreditation bodies, and is unlikely to be possible
- Academic qualifications: the MBA does not go far enough by not considering degree courses
- Teaching qualifications: the MBA prescribes the wrong type of qualification
- Intellectual freedom: the MBA does not consider this issue at all
- Nomenclature: the MBA does not allow appropriate nomenclature for degree staff
- Sabbatical programs: the MBA requires that staff pay themselves for sabbatical leave, rather than supported by the institution

These deficiencies are sufficiently large that it would be difficult to overcome them while also maintaining appropriate conditions for VET teachers. The overall conclusion to be drawn by this is that the MBA is not an appropriate award for degree teaching staff, and that TAFEs using this award should consider moving to a different award structure.

Appendix

Having come to that conclusion, it must be noted that individual TAFEs may have policies and procedures that alleviate some of these concerns. In the case of Box Hill Institute the following

apply:

- **Research:** There is no formal policy across the Institute for support of degree staff in research. However, it is part of the Box Hill Institute's Strategic Plan to become more active in research. There are various support groups for research activities. In my own Centre, time allowance is given to degree staff to pursue research degrees, but this is not uniform across the Institute.
- **Salaries:** Box Hill policy is to pay salaries "between the MBA and university rates," using over-award payments. However, individual contracts are not private, so exact details are not publicly available. However, they are unlikely to be as high as university salaries. Superannuation is at 9%.
- **Workloads:** workloads vary across the different degrees at Box Hill. Some centres count degree contact hours at a rate of 1.5 VET teaching hours, bringing the contact time down to 14 hours per week. However, other centres impose teaching loads of upto 21 hours per week.
- **Academic qualifications:** degree teaching staff are required to have (or be close to completing) a coursework Masters. Research degree qualifications are not required.
- **Teaching qualifications:** the Institute requires staff to be enrolled in a teaching qualification, preferably a Graduate Certificate in Higher Education. This is in conflict with the MBA, and a resolution to that is being sought now.
- **Intellectual freedom:** the Institute has no policy on intellectual freedom. However, all intellectual property developed by staff at any level belongs to the Institute. This causes minor problems with research publications, where the author is often required by the journal or conference to assign to it a copyright that the author does not possess! In practice so far, the Institute has signed a waiver of copyright, but each case is dealt with on an individual basis. Larger scale publications such as books, major software or artistic works have not been tested.
- **Nomenclature:** the official position of the Institute is as the MBA. However, informally staff may use whatever titles they want, and some staff use "lecturer" or "senior lecturer" on their business cards.
- **Sabbatical programs:** as the MBA.

It can be seen that Box Hill Institute has addressed some of the problems with the MBA, but in my opinion sufficient issues remain unresolved that my overall conclusion is unaltered.

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