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Academic Staffing Review – Prof. Elizabeth Rata

Good morning,

1. The Free Speech Union is a registered trade union with a mission to fight for, protect, and expand New Zealanders' rights to freedom of speech, conscience, and intellectual inquiry. We believe that freedom of speech is not only a legal principle, but a social good that allows for people in modern liberal democracies to peacefully, freely advocate for the causes they care about without risking unjust retribution.
2. The Free Speech Union represents Prof. Elizabeth Rata, a sociologist of education and a professor in the School of Critical Studies within the Faculty of Education and Social Work ("the faculty") at the University of Auckland ("UoA").
3. It has been brought to our attention that the faculty is currently undergoing a restructure, more specifically, an 'Academic Staffing Review' ("the review"). Following the faculty's release of the outcomes of Phase One of the review, Prof. Rata was informed that her position is 'in-scope' and may be disestablished.
4. Of concern to us is how data relating to 'strategic contributions' will be used by the Selection Committee to recommend whether positions be disestablished or not. One of these 'strategic contributions' is contribution to the faculty's expertise in mātauranga Māori. As you will be aware, there is significant public debate as to whether mātauranga Māori constitutes science – a debate sparked by a letter signed by seven UoA professors (including Prof. Rata) to the *New Zealand Listener* in July 2021.
5. Under section 267(4) of the Education and Training Act, UoA staff have the right to academic freedom which includes freedom "*within the law, to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions stipulates academic freedom in relation to a university.*" In performing its functions, the UoA must give effect to this by preserving and enhancing academic freedom and autonomy. Underpinning this is the requirement for institutional neutrality.
6. The role of mātauranga Māori in our education institutions is a controversial political issue. Considering an employee's contribution in this area as part of a restructure process discriminates against employees who do not share the UoA's institutional view of the role and status of mātauranga Māori in education. Setting aside the fact universities should remain apolitical and neutral, the UoA is in clear breach of its obligations under the Education and Training Act as it is requiring its staff to adopt a specific view on mātauranga Māori.
7. Further, the Selection Committee's consideration of 'strategic contributions', specifically, contribution to the faculty's expertise in mātauranga Māori, may be in breach of the Employment Relations Act, namely:

- a. Section 4 (Good Faith)
- b. Section 104 (Discrimination)

8. To be clear, this letter is not notice of a Personal Grievance. Rather, we wish to bring to your attention our concerns with the unlawful nature of the 'strategic contributions' and invite your comment on whether the consideration of contribution to expertise in mātauranga Māori will be withdrawn in light of the above.

9. We look forward to hearing from you.

Yours faithfully,

Free Speech Union (New Zealand) Inc.



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