

THE USE OF TE REO MĀORI FOR ASSESSMENT POLICY: PROCEDURE FOR THE FACULTY OF LAW

I INTRODUCTION

1. E ngā mana e ngā reo, e ngā karangatanga maha, tēnā koutou. Kua whakamanahia ā-ture te reo Māori, ā, ko Aotearoa anake te whenua i te ao e kōrerohia ai te reo Māori. He āhuatanga tēnei nō tēnei motu me ōna tāngata. Nō reira, kua whakatūria e te Whare Wānanga o Te Ūpoko o te Ika a Māui te kaupapa here e pa ana ki te reo, mā tātou taua kaupapa here, me te reo, e whakaora.
2. This memorandum sets out the process to enable assessment and marking in te reo Māori (“Procedure”), as required in *The Use of Te Reo Māori for Assessment Policy* (“Policy”), available online at <https://www.wgtn.ac.nz/documents/policy/academic/the-use-of-te-reo-maori-for-assessment-policy.pdf>.
3. This Procedure, we believe, meets an urgent need for the Faculty to ensure the implementation of the Policy. Further, we believe that Procedure could serve as a model for other schools and faculties within the University.

II APPLICATION OF THE POLICY

The Policy states:

- (a) Students may use te reo Māori in assessment except where:
 - (i) a paper is taught fully or partly in a language other than English or Māori and the assessment requires students to demonstrate their facility in that language, or
 - (ii) facility in the English language is central to the objectives of all or part of the paper.
- (b) Students may use te reo Māori in assessed oral presentations only with the prior agreement of the examiner.
- (c) Wherever possible work submitted for assessment in te reo Māori will be marked by an examiner who is competent in the discipline and competent in te reo Māori.

Note: If the item of assessment counts for more than 40% of the final grade for a paper, the approval of the Pro Vice Chancellor or nominee is required if the assessment is to be marked by someone other than the examiner ex officio.

The Policy itself does provide some guidelines as to how the Policy is to be implemented.

Procedures and Guidelines

- (a) All matters to do with work submitted for assessment in te reo Maori are handled by the Manager of the Faculty Student Administration Office (see Use of Te Reo Maori for Assessment: Guidelines for Faculty Managers).
- (b) Students in the first instance must contact or be referred to the Manager of their Faculty Student Administration Office (see Use of Te Reo Maori for Assessment: Guidelines for Students). It is important that they do so as soon as possible or at the latest at least one month before the examination is to be sat or the item of assessment is due to ensure that arrangements can be made in a timely manner.
- (c) It is recognised that some delay may occur due to arrangements being made for an alternative examiner or the inclusion of translation in the marking process.
- (d) If the student chooses to proceed, the Manager will advise the Head of School and examiner (see Use of Te Reo Maori for Assessment: Guidelines for Schools). If the Head of School determines that there are no examiners competent to mark the work in te reo Maori, the Manager will arrange for it to be translated into English.
- (e) The University realises that some native speakers of te reo Maori might use Maori/English interchangeably in answering an examination paper. Any student who does so and has not already informed the Manager of the Faculty Student Administration Office must do so immediately after the examination. The Manager will then advise the examiner and arrange for an alternative examiner who is competent in te reo Maori or for the work to be translated. In such cases there may be further delay in the marking process.
- (f) Where an examiner discovers an item of work written in te reo Maori and no prior arrangements have been made they will immediately pass it to the Manager who will arrange for the work to be assessed by another examiner who is competent in te reo Maori or translated. In such cases there may be further delay in the marking process.
- (g) The Manager will ensure that any translator is an appropriately qualified professional, acceptable to the University.
- (h) The Manager will ensure that work which is sent to be translated bears no identification other than the student's identification number.
- (i) The translator will be instructed to translate what has been submitted by the student as accurately as possible (see Use of Te Reo Maori for Assessment: Guidelines for Translators). In particular:
 - (i) Effective and creative use of language should be reflected in the English translation as far as possible.
 - (ii) The student's use of language should not be improved in the process of translation, eg by correcting errors or inconsistencies, or by improving the flow of awkward passages.
- (j) To assist translation, it is necessary for a student to provide technical vocabulary in the form of a glossary. This terminology should be developed in advance, in consultation with the examiner and translator if necessary.
- (k) The examiner will mark the translation as they would mark any other work. Where necessary, the examiner may seek clarification of the translation of the assessment from the translator.
- (l) Where work has been translated the student will receive back any original script, the translation and any comments made by the translator. Normal procedures for the return of examination scripts will apply.

- (m) Students who consider they have a grievance with regard to the translation itself, or the procedure for translation or marking of the work may have their case reviewed by the Associate Dean (Students) of the relevant Faculty. Any decision made by the Associate Dean (Students) may be appealed to the Convener of the Academic Committee under Section 4 of the Examination Statute or Section 28 of the Personal Courses of Study Statute.

III LAW SCHOOL GUIDELINES

The intention of this proposed process is to provide guidance specific to the Law Faculty in the implementation of the Policy that are consistent with the above guidelines.

Exemptions to the Policy

Te reo Māori assessment will be made available in the Law Faculty **unless there are good reasons to invoke the exception under Clause 4.1(a)(ii)**. We note the wording of the exception relevant to the law faculty:

Students may use te reo Māori in assessment except where:

facility in the English language is central to the objectives of all or part of the paper.

This exception is designed for courses where the teaching of the English language provides the core course content.¹ On this basis it is unlikely that law courses would be eligible for exemption, unless it can be shown that facility in English (as opposed to facility in law) is central to the objectives of all or part of a law paper. English is usually the tool used by the student to demonstrate that facility, but facility in English is not in itself usually a stated objective for a law course. An exception to this position may be LAWS 123 (Introduction to Statute Law) where facility in English in order to learn and carry out statutory interpretation is understood to be a requirement of the course.

Notwithstanding the above, the following observations are relevant to the exemptions policy and its application to law courses:

1. Course coordinators will be required to apply for exemptions under Clause 4.1(a)(ii) to the Dean of the Faculty. The onus shall be on the Course Coordinators to demonstrate why he or she is of the opinion that some or all of the assessments of a given course should be exempted.
2. The Course Coordinator should apply to the Dean for exemption from the Policy at the time of drafting the Course Outline.
3. The Dean will decide if a course shall be exempt. The Dean may consult with the Course Coordinator and other relevant Faculty members in determining if a course shall be exempt.
4. Exemptions may apply to all or part of the assessments in a paper. Where exemptions are granted for part of the assessments for a paper every effort

¹ As discussed with Pro-Vice Chancellor (Māori) Piri Sciascia, former head of school of Te Kawa a Māui, Te Ripowai Higgins, and with at Toihuarewa Wednesday 25 July 2007.

will be made to provide for submission in te reo Māori in the non-exempted parts of the assessment.

5. If the Dean determines the assessments of a course are to be exempt from the Policy, students will be advised in the Course Outline that assessment in te reo Māori is not possible for this course and a brief explanation should be given.
6. Exemptions, where granted, will not be considered permanent exemptions. It is envisaged that Course Coordinators will need to apply for exemptions at appropriate intervals.
7. In matters of statutory interpretation and case analysis, where the student is required to analyse the meaning and effect of a statutory clause or case extract, students will need to paraphrase the English statutory or case language within their assessments. Students should not seek to translate statutory or case-extract English into Māori. The inclusion of such English phrases within a student's assessment does not preclude analysis of that English phrase or series of phrases in Māori.
8. Notwithstanding that an exemption that may be granted to a course, the Course Coordinator for that course may still receive assessments written in te reo Māori. In such cases the Dean will decide whether that student will be made to re-submit his or her assignment.

IV OBLIGATIONS

The Law Faculty's obligations under the Policy are to:

1. identify students who wish to be assessed in te reo Māori;
2. where possible, mark assessments submitted in te reo Māori;
3. where such language expertise is not available within the Faculty, provide for accurate translation of assessments submitted by students in te reo Māori into English by an externally contracted translator. The translation will then be marked by the appropriate marker for the paper, and the result reviewed and confirmed by the Course Coordinator.

The Faculty also has the discretion to provide for the assessment questions to be translated into te reo Māori, but is not obligated to do so under the Policy. The Faculty will make reasonable endeavours to provide translated assessment questions where requested by students. Further details of such provision are given below at Paragraph V.

At this stage it is not envisaged that assessment of students' participation in the Moot programme or the presentation of Honours or Masters seminars can be provided in te reo Māori. The Faculty notes, however, that it is desirable that Māori speaking students be able to be assessed effectively in te reo Māori therefore is prepared to revisit this question at a later date. For the present requests to be assessed in te reo Māori are unlikely to be granted by the Dean.

This Procedure is to be fulfilled as a matter of course and with as little disruption to the student as possible.

The Deputy Dean will initiate an initial review of this Procedure within a period of two years from its inception, and at agreed periodic interviews after that initial review.

V THE PROCEDURE:

A Publicising the Policy

It is important that the Law Faculty be familiar with its te reo Māori Policy, and this Procedure. In the first instance, the Dean should bring the Policy and Procedure to the attention of Faculty. Thereafter, the Academic Advisor to Māori Students and the Deputy Dean should be primarily responsible for this, taking special care to inform new staff members of the both documents.

C Identifying Students:

The Faculty must identify students who may wish to be assessed in te reo Māori as soon as possible. There are several ways to identify such students. They may include:

1. adding a statement in course outlines requesting students who wish to submit assessment in te reo Māori to contact the Academic Advisor to Māori Students;
2. providing a permanent announcement about the Policy and a direct link to the Policy and this Procedure on the Law Faculty website;
3. Course Coordinators making an announcement at the start of each course asking students who wish to submit assessment in te reo Māori to contact the Academic Advisor to Māori Students; and
4. requesting the Academic Advisor to Māori Students to introduce himself or herself to 1st year students and requesting to consult with students who wish to submit assessment in te reo Māori.

The Academic Advisor to Māori students will advise:

- the Course Coordinator concerned;
- the Deputy Dean and Dean;
- the Student Administration Manager;
- the Kaitakawaenga Ture; and
- Assessment administrators;

of the names of students he or she identifies who wish to be assessed in te reo Māori.

The Academic Advisor for Māori Students should inform the above personnel of the process, Law Faculty obligations (including copies of this procedure) and be available to discuss any concerns with the relevant Course Coordinators.

The Academic Advisor for Māori Students will advise all students who express interest in being assessed under the Policy to contact the Student Administration Manager and will provide such students with the pamphlet entitled “Use of Te Reo Maori for Assessment: Guidelines for Students”.

The Academic Advisor to Māori Students will also ensure that specific issues of submitting assessments in te reo Māori shall be explained to students. Those difficulties include (but may not be limited to) the following:

- Students with poor or merely average reo Māori skills are likely to be **disadvantaged** by choosing to submit in te reo Māori. It is of **critical importance** that students who choose to submit their work in te reo Māori **be fully competent in te reo Māori**. Those students not fully competent in te reo Māori will be advised to submit their assignments in English.
- Students are likely to experience reasonable delays in receiving their assessments back where external translations are required.
- No extra time will automatically be given for students choosing to submit assessments or sit exams in te reo Māori. Requests by such students for extra time in the preparation of their assessments or in sitting exams will be considered on the same basis as all other students.

It is important to note that the Academic Advisor for Māori Students is responsible for identifying students who may wish to submit assessment in te reo Māori. It is important to note that the person responsible for ensuring the smooth administration of the submission of assessments in te reo Māori is the Student Administration Manager (referred to in the Policy as Manager of the Faculty Student Administration Office), as set out in Clause 4.2 of the Policy above.

D Finding Translators

Where a request under the Policy has been made, the Deputy Dean, the relevant Course Coordinator and Academic Advisor to Māori Students will consult to determine if the Course Coordinator of the course, or a marker for the relevant assessment (where the marker is different to the Course Coordinator) is able to mark any assessments submitted in te reo Māori, or to provide translations of assessment questions where the Faculty has granted a request for assessment questions to be translated into Māori.

Where neither the Course Coordinator nor a marker (where the marker is different to the Course Coordinator) can carry out such tasks the Student Administration Manager in consultation with the Deputy Dean and Academic Advisor to Māori Students and other willing advisors, will identify and contract with appropriate translators. The Student Administration Manager will provide all translators with a copy of the appendix to the Policy entitled “Use of Te Reo Maori for Assessment: Guidelines for Translators”.

The Faculty considers it mandatory that translators engaged by the Faculty have the following qualifications:

1. fluency in te reo Māori,
2. professional competence in translation (which assumes professional competence in English and Māori;
3. a law degree, or significant experience in translating legal language.

The Faculty acknowledges that there may be dialect peculiarities that make it equitable for a student utilising the Policy to have his or her assessment translated by a speaker of the same dialect. Such students are more likely to be known to the translator. Furthermore, regardless of iwi or hapū connections, in a small community (Māori speaking law students, academics and practitioners) anonymity between translator and student will not always be possible. Where the identity of the student does become known to the translator, this will not necessarily disqualify that translator from being contracted to provide translation services for that student. In view of these observations the Faculty emphasises the following points:

- where a student informs the Faculty that he or she needs a translator of his or her own iwi or hapū due to significant dialect differences between his or her reo Māori and other speakers from other dialects the Faculty will make reasonable efforts to ensure that student will have his or her work translated by a translator fluent in the same dialect;
- The Course Coordinator will ensure that any student assessment that goes to the translator does not include any identifying information other than the student ID number.
- There is to be no direct contact between the translator and a student whose work is being translated by that translator in the implementation of this Procedure.

Once the Faculty has entered into a contract with a translator (“Translator”), the Deputy Dean will, in consultation with the Academic Advisor to Māori Students, and the relevant Course Coordinator, draft a timetable for:

1. the submission of (where relevant) the assessment questions to the Translator;
2. translation of the assessment questions (where relevant);
3. translation of the student’s answer;
4. the provision of some time for the Course Coordinator (or marker where the Course Coordinator is not the marker) and Translator to discuss the assessment to ensure consistency in grading.

To the best of our ability the Faculty will seek to ensure that the Translator can translate 1,2 and 3 above in the time set by the Course Coordinator (to meet his or her requirements vis a vis examiners’ meetings etc).

As stated in the above Policy the Translator will translate what has been submitted by the student as accurately as possible. In particular:

- (ii) Effective and creative use of language should be reflected in the English translation as far as possible.
- (ii) The student's use of language should not be improved in the process of translation, eg by correcting errors or inconsistencies, or by improving the flow of awkward passages.

The Māori Language Commission lists accredited translators and interpreters at http://www.tetaurawhiri.govt.nz/english/registry_e/registry1.shtml. Further, Te Hunga Roia Māori (Māori Lawyers' Association) members may be able to assist.

VI COURSE COORDINATOR RESPONSIBILITIES ("the examiner" in the Policy)

A Preparation and Translation of assessment questions (not obligatory)

If a student in a given class requests the assessment questions to be translated into Māori, the Course Coordinator will notify the Deputy Dean of such a request. The Deputy Dean may, in his or her discretion, agree to this provision, after making reasonable endeavours to determine if such a translation can be provided, and in reasonable time. Where the Faculty agrees to provide such a translation, the following steps are required:

1. The Course Coordinator will ensure that the assessment questions are prepared in sufficient time for it to be translated appropriately.
2. The Course Coordinator or the marker for that assessment (if not the Course Coordinator) will be responsible for drafting the question in English.
3. The Assessment Administrator, if necessary, will ensure the assessment questions are sent to the Translator.
4. The Course Coordinator or the marker for that assessment (if not the Course Coordinator) will consult with the Translator to ensure that nuances of the original questions are not lost in the final translation.
5. To avoid any doubt, where the student is required to analyse the meaning and effect of a statutory clause or case extract, this aspect of the question does not need to be translated and may continue to be stated in English or, alternatively, may be stated both in Māori and English.
6. The Assessment Administrator will ensure the student then receives the translated assessment questions.

B Assessment marking

Students may submit their assessments in te reo Māori without notifying the Faculty in advance, as set out in paragraphs (e) and (f) of the Policy. When such an assessment is received, *or* when a student informs his or her Course Coordinator that he or she will submit his or her assessment in te reo Māori, the following steps are required:

1. The Course Coordinator will advise the Student Administration Manager and the Academic Advisor to

Māori Students that one of his or her students seeks to submit assessment in te reo Māori (or has submitted assessment in te reo Māori);

2. The Course Coordinator will consult with the Translator and Deputy Dean to draft an appropriate timetable for translation of the assessment into English, so that either the Course Coordinator, or the marker for that assessment (if not the Course Coordinator) can mark it.
3. Where the Course Coordinator has ability in te reo Māori, or has no such ability but is amenable to the option, the Course Coordinator may request that the Translator provide oral translation by way of a meeting or series of meetings instead of a direct written translation. For those Course Coordinators with ability in te reo Māori, the translator may then be used to supplement that Course Coordinator's own interpretation of the Māori language assessment.
4. Where a direct written translation is required by the Course Coordinator, upon receipt of the student's assessment, the assessment administrator will send the student's assessment and a marking guide to the Translator for translation.
5. The Translator will provide a translation of the assessment in English to the Course Coordinator within a reasonable time of receiving the student's assessment, and inform the Academic Advisor to Māori Students when he or she has done so
6. The Translator is not expected to be a marker of any assessment submitted in te reo Māori. However it will be necessary for the Course Coordinator or the marker of the assessment (if not the Course Coordinator) to discuss the assessment and its translation with the Translator to ensure grading consistency for the purposes of course moderation.
7. Notwithstanding (5) above the Course Coordinator may wish to engage the Translator as a marker for the course. In such as case the Course Coordinator will seek permission from the Deputy Dean before undertaking such an engagement and will undertake to oversee the Translator's work and ensure consistency in the marking for the course.
8. The Course Coordinator, as the examiner of the course, will be responsible for the confirmation and oversight of the final grade given to that student.
9. Once the result of the assessment is finalised, the result will be appropriately recorded and the Course Coordinator will notify the Academic Advisor to Māori Students, Deputy Dean, and the Manager of the Faculty Student Administration Office of the completion of the process.

As stated above at III(8), in matters of statutory interpretation and case analysis, where the student is required to analyse the meaning and effect of a statutory clause or case extract, students will need to paraphrase the English statutory or case language within their assessments. Students should not seek to translate statutory or case-extract English into Māori. The inclusion of such English phrases within a student's assessment does not preclude analysis of that English phrase or series of phrases in Māori.

VII ROLES:

The Dean:

- will bring the Policy and Procedure to the attention of Faculty
- will make decisions about exemptions of courses from the Policy in response to annual applications by Course Coordinators who wish their courses to be exempt from the Policy;
- may consult with the Course Coordinator and other relevant Faculty members in determining if a course shall be exempt; and
- will decide whether a student will be made to re-submit his or her assignment if that student has submitted an assessment written in te reo Māori in an exempt course.

The Deputy Dean will:

- use his or her discretion to determine if requests for assessment questions to be translated into Māori will be granted;
- periodically determine whether oral assessment (mooting, presentation of Honours or Masters seminars) in te reo Māori will be made available to Māori speaking students;
- draft a timetable, in consultation with the relevant Course Coordinator, for:
 - the submission of the assessment questions (where permitted) to the translator;
 - translation of the assessment questions (where permitted);
 - translation of the student's assessment written in te reo Māori;
 - provision of some time for the Course Coordinator (or marker where the Course Coordinator is not the marker) and translator to discuss the assessment to ensure consistency in grading;
- initiate an initial review of this Procedure within a period of two years from its inception, (August 2009) and at agreed periodic interviews after that initial review; and
- either grant or decline requests from Course Coordinators who wish to engage the Translator as a marker for one or more course.

The Academic Advisor to Māori Students will:

- introduce himself or herself to 1st year students and to consult with students who may wish to submit assessment in te reo Māori;

- advise all students who express interest in being assessed under the Policy to contact the Student Administration Manager and will provide such students with the pamphlet entitled “Use of Te Reo Maori for Assessment: Guidelines for Students”;
- inform the relevant students of potential difficulties of submitting assessments in te reo Māori;
- identify students who decide to submit assessment in te reo Māori;
- notify relevant Course Coordinators, the Student Administration Manager, the Kaitakawaenga Ture and the Deputy Dean/Deputy Head of School, of the students who decide to be assessed in te reo Māori; and
- inform the above personnel of the process, Law Faculty obligations (including copies of this procedure) and be available to discuss any concerns with the relevant Course Coordinators.

The Student Administration Manager will:

- contact appropriate translators, and enter into a contract for their services, in consultation with the Course Coordinator and the Academic Advisor to Māori Students;
- provide all Translators with a copy of the appendix to the Policy entitled “Use of Te Reo Maori for Assessment: Guidelines for Translators”;
- be responsible for ensuring the smooth administration of the submission of assessments in te reo Māori; and
- be conversant with the pamphlet entitled “Use of Te Reo Maori for Assessment: Guidelines for Faculty Managers”.

The Course Coordinator will:

- advise the Student Administration Manager and the Academic Advisor to Māori Students if he or she is informed by a student that the student wishes to submit all or part of his or her course assessment in te reo Māori.
- make annual application to the Dean if he or she considers his or her course should be exempt from the Policy;
- in non-exempt courses, notify the Deputy Dean of any request from a student that the assessment questions to be translated into Māori;
- where an assessment has been received in te reo Māori, consult with the Deputy Dean, the marker for that assessment (if not the Course Coordinator), Academic Advisor to Māori Students and Translator to devise a timetable for;
 - the submission of the assessment questions (where permitted) to the translator;

- translation of the assessment questions (where permitted);
 - translation of the student's assessment written in te reo Māori;
 - provision of some time for the Course Coordinator (or marker where the Course Coordinator is not the marker) and translator to discuss the assessment to ensure consistency in grading;
- where assessment questions are to be translated into te reo Māori, ensure the assessment questions are drafted and sent to the translator in time for them to be translated, and inform the Academic Advisor to Māori Students when he or she has done so;
- consult (separately) with the Translator and student in the development of a technical vocabulary where necessary;
- work with the Translator and marker (if the Course Coordinator is not the marker) to ensure consistency in grading and correct understanding of the students' assessment;
- apply to the Deputy Dean for permission if he or she wishes to engage the Translator as a marker for his or her course/s; and
- notify the Academic Advisor to Māori Students, Deputy Dean, and the Student Administration Manager of the completion of the process, once the assessment process is finalised.

The Translator will:

- consult with the Course Coordinator in the development of a technical vocabulary where possible;
- comply with Use of Te Reo Maori for Assessment: Guidelines for Translators;
- provide the translated assessment questions to the Course Coordinator on the required date, and inform the Academic Advisor to Māori Students when he or she has done so;
- provide a translation of the assessment in English to the Course Coordinator within a reasonable time of receiving the student's assessment, and inform the Academic Advisor to Māori Students when he or she has done so.

Assessment Administrators will:

- when required, assist in ensuring the student receives the assessment questions in Te Reo Māori;
- when a student has submitted his or her assessment in te reo Māori, send the student's assessment and a marking guide to the translator for translation.

Students will:

- inform the Student Administration Manager and the Academic Advisor to Māori Students of their intention to submit assessment(s) under the Policy;
- provide technical vocabulary in the form of a glossary, where appropriate. This terminology should be developed in advance, in consultation with the Course Coordinator and Translator if necessary; and
- comply with the booklet entitled “Use of Te Reo Maori for Assessment: Guidelines for Students”.

Suggested paragraph for insertion into course outlines

The Use of Te Reo Māori for Assessment Policy

Students who are considering undertaking their assessments in te reo Māori pursuant to the above policy are advised to inform the Course Coordinator of their intention as soon as is practicable, preferably at the beginning of the trimester. A copy of the policy and the booklet entitled “Use of Te Reo Maori for Assessment: Guidelines for Students” is available from the Academic Advisor to Māori Students, Māmari Stephens, in Room 218, ph 463 6319.

Ki te hiahia koe ki te whakatakoto tuhinga i te reo Māori, he mea pai ake te kōrero wawe tonu mai ki te Kaiwhakahaere o tō karaehe. Kei te Kaitohutohu-a-matauranga mō Ngāi Tauira Māori te tuhinga roa e kiiā ana ko “Use of Te Reo Maori for Assessment: Guidelines for Students”, kei a ia hoki he kape o te Kaupapa Here Reo Māori. Tonoa mai ki a Māmari Stephens, te Kaitohutohu-a-matauranga mō Ngāi Tauira Māori mō aua pepa, ko tana nama waea 463 6319, kei te pae tuarua tona tari (room 218).

