

## Final Project Report NZEI Scholarship 2022

Name: Sue Kemp

Project Title: Three papers from Otago University's online MBA course

Purpose: To achieve the Post Graduate Diploma in Business Administration. This comprised four papers from the MBA. I self-funded one of these papers. The scholarship was for three further papers - Business Law, Strategic Planning and Leading Sustainable Enterprises.

Changes: On the advice of the university the original strategy paper that I thought I could study was swapped for another strategy paper that was more in keeping with the stage of study that I was at. This was approved by NZEI at the time.

### **Achievements aligned with the proposal as submitted**

Leading Sustainable Enterprise: The aim of studying this paper was to learn how to make the school more sustainable. This paper led me to consider sustainability in many different ways and demonstrated that sustainability is much more than climate change, recycling or using power more efficiently (although these are all important). Using the UN Sustainable Development Goals as a guide we looked at sustainability from the perspectives of health, education, diversity, poverty, industry, innovation and so on. This wider definition led to my investigation into the way we approach quality education and diversity to protect our students and allow them to engage in learning in a safe environment.

Strategic Planning: The aim of this course was to provide an insight into preparing a strategic plan. This was very timely because a new strategic plan was in the making. The most relevant thing I learned was that having an idea of the type of school we want to have is not enough on its own. This is a goal but not a strategy. The strategy is how we achieve that goal and is frequently lacking from school strategic plans which often just demonstrate a vision without a practical path to reach it.

Business Law: The aim of this course was to understand the key basic legal and governance principles and frameworks commonly present and crucially important in commercial transactions and business situations which as a Business Manager I come across regularly in my work. This paper gave me the confidence to navigate source documents such as Acts of Parliament. I also learned about the structure of the legal system in New Zealand - particularly important for me as I grew up in the UK.

## **Research findings**

### Leading Sustainable Enterprise

The overall question addressed by my research was whether the values, strategy, charter, and policies of the school board support social, economic, and environmental sustainability, and whether these filter down to the rest of the school.

Sustainability is more than just being environmentally friendly. It includes social, economic, and environmental issues which together with governance are known as ESG. It is in the best interests of a school, a community and society in general to support ESG initiatives to ensure the developments of today do not harm the populations of the future.

There are an overwhelming number of ESG issues which touch every area of school life. Under the governance category, the charter, strategies, and policies were compared against ESG principles. ESG and the connection with economic realities were examined as were the risk assessment tools used by the school. Finally quality education was looked at through the lens of UN Sustainability Goal 4.

A quality education is the backbone of a sustainable society. Article 26 of the Universal Declaration of Human Rights begins, 'Everyone has the right to an education'. Goal 4 of the UN's Sustainable Development Goals is quality education. Without it, many of the other UN sustainability goals would be harder to achieve, e.g., no poverty, zero hunger, good health and well-being, gender equality, decent work, and economic growth, so I looked at how this is reflected in the microcosm of my school.

Due to confidentiality concerns I cannot elaborate too much on the results of this research, but there were areas where my school came out extremely well and areas where more work needs to be done. This gives me a great basis for future focus in my role as Business Manager to improve sustainability.

### Strategic Planning

Every New Zealand school must have a strategic plan per the Education Act 1989. Since 1989, the government's policy on schooling in New Zealand has been the result of Tomorrow's Schools. Due to this policy, schools are expected to be independent entities and create their own strategies. Whilst there is some limited guidance from the Ministry of Education on how to do this, each school must work through the process themselves.

The purpose of my research was to critically evaluate my school's strategic plan and build on it using strategic management frameworks learnt during the course to provide recommendations for its development and improvement.

Firstly, the relevant stakeholders and their level of investment in the strategic plan were put into a power/interest matrix to make sure the right people were included and consulted at the right level. I then used several models to analyse the situation and position of the school as follows:

- ESTEMPLE was used to assess the external opportunities and threats facing the school
- SWOT analysis matched the opportunities and threats to the school's strengths and weaknesses.
- Porter's 5 forces and VRIO identified the school's external pressures and compared the school's response to these with other providers.
- A BCG matrix was used to separate the main funding areas of the school into 'cash cows,' 'question marks,' 'stars' and 'dogs'.
- A C-D map was used to show how my school was positioned compared to other high schools in terms of its character, values, and philosophies.
- A cultural web highlighted the things that created the culture at my school.
- A Blue Ocean vs Red Ocean graph identified the points of difference between my school and other schools.

- Complementors i.e., other organisations that my school has formed alliances with over the years were identified and their benefits to our students were explored.
- Dynamic capabilities - how the school prepares for the unexpected in terms of health and safety and risk management.
- Ansoff's Box identified the types of strategies the school may adopt and has already adopted

Finally I looked at alternatives to the existing wording for the school's vision.

The conclusion of my research was that the existing strategy for my school was a good starting point but that the models clarified the situation and pointed to areas of refinement and improvement that would benefit the school.

### Business Law

My main area of research in Business Law was Intellectual Property. Every year I sign an invoice for copyright at school, but I have no idea if the items I am paying for are what we truly need and what it all truly means to the school.

The first thing I learned is that Intellectual Property is in fact a much broader subject than purely copyright - it is about protecting ideas, which MBE describes rather poetically as 'creations of the mind'. These ideas can become valuable business assets which need adequate protection.

The three main categories of IP are Copyright, Trademarks and Patents. These categories also embrace things such as confidentiality, the protection of domain names, websites, company names, license agreements, plant variety protection, inventions, and industrial design.

In New Zealand, Intellectual Property is granted and registered by the New Zealand Intellectual Property Office, or NZIPO.

The core legal framework for copyright is the Copyright Act 1994 supported by the Copyright (General Matters) Regulations 1995.

According to S14(1) of the Copyright Act, Copyright exists in relation to original works of literature, drama, music, art, sound recordings, films, communication works and works published in print. In 2008 the Copyright Act 1994 was amended to include greater protection for online works and internet

communication.

S16(1) of the Copyright Act states that the copyright owner has the exclusive right to copy their work, issue copies to the public, perform, play, or communicate the work in public, make an adaptation of the work or authorise anyone else to do these things.

In order to qualify for copyright, most items must be written down or otherwise recorded in some way as per s15(1) of the act. There are certain other qualifications as well, such as the citizenship or domicile of the author and the country of first publication. This doesn't necessarily have to be New Zealand but can also refer to countries which have an international agreement with New Zealand per the interpretation section s2(1).

Interestingly, though, you don't have to apply for copyright. It applies automatically when something is published. You can use the © symbol but it only acts as a reminder. Even when it isn't there the copyright still applies.

Depending on the type of original work, copyright lasts for different lengths of time. For example, s22(1) gives a lifetime for literary, dramatic, musical, or artistic works of 50 years from the end of the calendar year in which the author dies.

If copyright is infringed, damages may be awarded or there may be a court order for the work to be returned to the owner (ss 121 - 122).

If the copyright is infringed in the course of business for commercial gain per s131 - for example the work is offered for sale or hire, imported for business use, or exhibited in public this can lead to criminal liability. The fine is \$10,000 for every infringing copy up to a maximum of \$150,000 or possible imprisonment up to 5 years!

Enforcement officers are appointed to uphold the act according to s134A. The police also have powers to apply for a search warrant to look for items that infringe the act per s134F. There is also a copyright tribunal which hears copyright infringement proceedings.

To avoid infringement, you can purchase a license from an appropriate agency. There are several agencies in New Zealand but probably the most well-known is Copyright Licensing New Zealand. Prices vary depending on what your organisation does for example education, not for profit or commercial, how many people are in your organisation and what work you are wanting to use.

Some copyright owners want their work to be available to anyone without receiving payments or royalties. Special creative commons licenses are available for these people. Some older work is 'out of copyright.' This is when the copyright period specified in the act for that particular category of work has expired. The work then goes into the public domain.

The core legislation for patents is the Patents Act 2013 supported by the New Zealand Patents Regulations 2014. A Commissioner of Patents, Trade Marks, Designs and Plant Variety Rights is appointed to oversee the Act and maintain a patents register as per s194. As of 2017 this has been Mr Ross van der Shyff.

Unlike copyright, a patent has to be applied and paid for. This is done through the NZIPO. Trade marks are covered by the Trade Marks Act 2002 supported by the Trade Marks Regulations 2003. Similar to patents, a trade mark must be registered and paid for through the NZIPO.

As well as intellectual property we also learned:

- How to confidently navigate Acts of Parliament (Really useful in my line of work)
- An overview of how the New Zealand legal system works
- Company constitutions and the Company's Act
- Shareholders and their rights
- How to read and extract specific information from legal documents accurately
- The Consumer Guarantees Act 1993
- What makes a contract valid (very useful to know as a Business Manager)

### **Liaison/interaction with NZEI Te Riu Roa members and/or community groups**

As part of my research, I interviewed several key staff around the school and sent out surveys to both staff and students. For example, I interviewed the teacher who runs the Rainbow group to discuss how

the school ensures that all students feel included, and diversity is celebrated so that learning and engagement is supported. I also interviewed the school groundsman as he is an expert in native planting in the school grounds.

I presented my strategy implementation assignment to the board of trustees, the principal and the company who were employed to generate a new strategy for us to enable it to be added to the discussion around the school's future direction.

I attended an NZEI dinner at which I was asked to do a spontaneous and brief presentation about the scholarship I had received, how much it was and what I was using it for. I also attended an online webinar and was asked to do the same there.

### **A general personal comment on the experience**

I am incredibly grateful for this scholarship. I thoroughly enjoyed my experience studying with Otago University. Whilst I have decided to put any further study plans on hold for now and take a break, I feel that these papers equipped me so well for working in my position as Business Manager.

My only advice to others is that you need to maintain your motivation throughout the whole project to see it through to completion which can be a challenge when life throws unexpected things like COVID your way!