

## *Council*

### *Delegations Policy*

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#### **PURPOSE**

Delegations within the University are intended to achieve three objectives:

- to ensure the efficiency and effectiveness of the University's administrative and financial processes;
- to ensure that the appropriate officers have been provided with the level of authority necessary to discharge their responsibilities; and
- to ensure internal controls are effective.

By this policy Council:

- Delegates to the Vice-Chancellor or to Academic Board certain functions and powers;
- Authorises delegations made by the Vice-Chancellor of Council functions and powers;
- Authorises University staff to enter into certain documents on behalf of the University; and
- Authorises the Vice-Chancellor to undertake certain actions.

By this policy the Vice-Chancellor delegates to the staff members of the University certain functions and powers of the Vice-Chancellor.

#### **1 LEGISLATIVE REQUIREMENTS**

- 1.1 Sections 285(1) and 286(1) of the Education and Training Act 2020 (the Act) enables Council, by writing to delegate to the Vice-Chancellor or to any committee appointed under section 283(4) of the Act, any of its functions or powers, (except the power to appoint a Vice-Chancellor).
- 1.2 By section 286(5) of the Act the Vice-Chancellor or Academic Board may, with the prior written approval of Council, subdelegate such of those functions and powers as the Council approves, to a staff member of the University.
- 1.3 Section 295(1) of the Act enables the Vice-Chancellor by writing to delegate to the Academic Board or to any staff member of the University any functions or powers of the Vice-Chancellor including those functions or powers delegated to the Vice-Chancellor by Council.

- 1.4 By section 296(5) of the Act the Academic Board or a staff member of the University may, with the prior written approval of the Vice-Chancellor, subdelegate such of those functions or powers as the Vice-Chancellor approves to any other staff member of the University.
- 1.5 A delegation by the Council or by the Vice-Chancellor does not affect or prevent the performance by them of any function or power or of the responsibility for any actions of any person acting under the delegation (section 296(3) and 286(3) of the Act).
- 1.6 A delegation is revocable in writing at will (section 296(1) and 286(6) of the Act).

## **2 COUNCIL DELEGATIONS**

- 2.1 Pursuant to section 285 of the Act 2020, Council delegates to the Vice-Chancellor or to Academic Board those powers and functions more particularly described in Schedule 1.
- 2.2 Subject to the provisions of sections 285 and 286 of the Act, and in accordance with Schedule 1, Council approves the delegation of those powers and functions by the Vice-Chancellor to staff members of the University and that person may exercise or perform those powers or functions in like manner and with the same effect as the Vice-Chancellor could have exercised or performed them.

## **3 COUNCIL AUTHORISATIONS**

- 3.1 Pursuant to section 273(1) of the Act, Council authorises certain staff members of the University to execute certain documents on behalf of the University being those more particularly described in Schedule 2(a).
- 3.2 Subject to the provisions of sections 285 and 286 of the Act and in accordance with sections 297, 255 and 256 of the Act, Council authorises the Vice-Chancellor to undertake certain actions being those more particularly described in Schedule 2(b).
- 3.3 Pursuant to sections 295 and 296 of the Act and in accordance with Schedule 2(b) Council approves the delegation of certain authorities and functions by the Vice-Chancellor to staff members of the University.

## **4 VICE-CHANCELLOR MANAGEMENT DELEGATIONS**

- 4.1 Pursuant to sections 295 and 296 of the Act, the Vice-Chancellor delegates to certain staff members of the University, certain management powers and functions of the Vice-Chancellor being those more particularly described in Schedule 3.

## **DEFINITIONS**

### **Capital Expenditure (Capex)**

A purchase of an item of property, plant or equipment , or the subsequent development or improvement of an existing asset at a cost exceeding the minimum capitalisation level that derives a future benefit to the University.

### **Delegation**

Delegation is the authority granted by the Council to University staff to make commitments to authorise documents, functions and/or payments on behalf of the University. All

delegations must be in accordance with University policy and within approved budget and authorised delegation.

**Delegates**

Deputy Vice Chancellors, Deans, Assistant Vice Chancellors, Pro Vice-Chancellors, Group Director People and Culture reporting directly to the Vice Chancellor

Others - Senior Managers reporting directly to the Deputy Vice Chancellors, Deans, Assistant Vice Chancellors, Pro Vice-Chancellors, Group Director People and Culture, including Deputy and Associate Deans, Heads of Schools and Group Directors

**Operating Expenditure (Opex)**

Expenditure incurred in the course of day-to-day University operations.

**Scope**

This policy applies to all staff and all University operations.

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CHANCELLOR

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PRO-CHANCELLOR

**Schedule 1**  
**Council Delegations Under Sections 285 and 286 of the Education and Training Act 2020**

This schedule includes Council delegations to the Vice-Chancellor, Council delegations to Academic Board and Council approval of Delegations by the Vice-Chancellor of Council functions and powers to University staff<sup>1</sup>

Area	C	VC	Delegations by the VC				
			DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and Group Directors
To ensure that the University is managed in accordance with its plan and to determine policies to implement that plan (s 280 Education and Training Act 2020)		√					
To determine, subject to the Public Service Act 2020, the policies of the University in relation to the management of its affairs (s 280 Education and Training Act)		√					
To provide courses of study or training, admit students (including by discretion and <i>ad eundem statum</i> ) and grant awards (s 283 Education and Training Act 2020)	√ - To grant awards	√					

<sup>1</sup> Delegations must be performed in accordance with University policy and with law

Area	C	VC	Delegations by the VC				
			DVC- Academic	DVC- Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and Group Directors
To grant fellowships, scholarships, bursaries, or prizes (s 283 Education and Training Act 2020)		√	√				
In exceptional circumstances, to make a grant or loan out of the money of the University to students of the University (s 283 Education and Training Act 2020)		√					
To accept gifts, devises, and bequests made to the University, whether on trust or otherwise (s 283 Education and Training Act 2020)	√	√					
To arrange for the manufacture of, and distribute (whether by way of sale or otherwise), any article or thing bearing a mark, symbol or writing that is associated with the University (s 283 Education and Training Act)		√	√	√			
To arrange for the provision of (whether by sale or otherwise) goods and services to staff or students of the University or other persons using, or otherwise attending at, facilities of the University (s 283 Education and Training Act)		√	√		√	√	√

Area	C	VC	Delegations by the VC				
			DVC- Academic	DVC- Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and Group Directors
To prescribe fees payable by students for courses not funded by the Ministry of Education under the EFTS funding system (excluding the fees for international students) (s 283)		√	√		Faculty Deans		
The power under section 613 of the Act to direct an employee of the University to exercise and perform all or any of the functions, powers, and duties of the Vice-Chancellor for a period of up to one calendar month where the Vice-Chancellor is absent from duty		√					
The power under sections 256 and 526 of the Act to refund to a student, whether domestic or international, all or any part of the fees paid or to be paid to Council		√					
The power under section 256(5)(c) of the Act to prescribe fees for administration services		√				AVC Finance and Infrastructure	

**Schedule 2 (a)**  
**Council Authorisations Under Section 273 of the Education and Training Act 2020**

This schedule includes Council authorisations to affix the Common Seal and Council authorisations for execution of documents on behalf of the University<sup>2 3</sup>

Area	C	VC	Delegations by the VC				
			DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and, Group Directors
<p>To affix the common seal of the Auckland University of Technology (section 273 Education and Training Act)</p> <p>The common seal must be affixed to:</p> <p>(a) qualification certificates;</p> <p>(b) documents relating to land and buildings including leases and licenses for land and buildings where the term exceeds five years or the transaction value is greater than</p>	<p>✓ (a), (b), (c)) (together with the Council Secretary to countersign the affixing of the common seal)</p>	<p>✓ (a), (b), (c) ✓ (together with the Council Secretary to countersign the affixing of the common seal)</p>	<p>(d) ✓ ✓ (together with the Council Secretary to countersign the affixing of the common seal)</p>	<p>(d) ✓ ✓ (together with the Council Secretary to countersign the affixing of the common seal)</p>	<p>(d) ✓ ✓ (together with the Council Secretary to countersign the affixing of the common seal)</p>	<p>(d) ✓ ✓ (together with the Council Secretary to countersign the affixing of the common seal)</p>	

<sup>2</sup> Regardless of the limits on authority, all actions that are not part of the current Investment Plan parameters or which may adversely affect the reputation or strategic plan of the University must be discussed with the Vice-Chancellor.

<sup>3</sup> All monetary amounts will be in New Zealand Dollars and exclusive of Goods and Services Tax.

Area	C	VC	Delegations by the VC				
			DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and, Group Directors
<p>\$1m per annum;</p> <p>(c) sale, purchase or ownership transfer of land and/or buildings, or where otherwise required by law; or</p> <p>(d) where the other party requests it.</p> <p>(c) is not required to be affixed to contracts or other enforceable obligations (including deeds) (section 274 of the Education and Training Act 2020).</p> <p>The common seal may be countersigned electronically or in writing</p>							
Memoranda of Understanding	√	√	√	√	PVC International – for international MoUs		



Area	C	VC	Delegations by the VC				
			DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and, Group Directors
Letters of Intent		√	√	√			
All contracts concerning land, including partition, exchange, lease, assignment, surrender or disclaimer of land, must be made by deed (except a lease for a term not exceeding a tenancy of one year) and, therefore, must be entered into under the Common Seal. <sup>4</sup> ,	√ (together with the Council Secretary to countersign the affixing of the common seal)	√ (together with the Council Secretary to countersign the affixing of the common seal)					
Authorised University bank signatories <sup>5</sup>		√	√	√	√	AVC Finance and Infrastructure AVC Corporate	

<sup>4</sup> All contracts concerning land, including partition, exchange, lease, assignment, surrender or disclaimer of land, must be made by deed (except a lease for a term not exceeding a tenancy of one year) and, therefore, must be entered into under the Common Seal.

<sup>5</sup> All bank payments require two signatories

Area	C	VC	Delegations by the VC				
			DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and, Group Directors
Operating and Finance Lease Agreements for buildings, infrastructure and equipment (NB. Lease agreements concerning land must be entered into by deed and made under the Common Seal).		Up to a limit of \$5,000,000 subject to the requirement to report to Council at its next meeting, entry into all contracts over \$2,500,000 (s 4 Public Bodies Contracts Act)				AVC Finance and Infrastructure: Up to a limit of \$2,500,000 subject to the requirement to report to the Vice-Chancellor, entry into all contracts over \$1,250,000 (s 4 Public Bodies Contracts Act)	Group Director Estates to a maximum \$1,250,000 subject to the requirement to report to the Head of Finance and Infrastructure, entry into all contracts over \$625,000

Area	C	VC	Delegations by the VC				
			DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and, Group Directors
General Expenditure either Operating or Capital Expenditure (except where separately identified) <sup>6</sup>		Up to a limit of \$5,000,000 subject to the requirement to report to Council expenditure over \$2,500,000					
Contracts, (other than contracts that must be entered into under deed) in writing and signed by an authorised person <sup>7</sup> within the limits of authority <sup>8</sup>		Up to a limit of \$5,000,000 subject to the requirement to report to	Up to a limit of \$2,500,000 subject to the	Up to a limit of \$2,500,000 subject to the requirement to report to the	Up to a limit of \$1,250,000 subject to the requirement to report to the	Up to a limit of \$1,250,000 subject to the requirement to report to	All delegations will be specific to the responsibilities of the position

<sup>6</sup> All delegations are limited to a maximum amount of 50% of delegate's financial authority.

<sup>7</sup> The following persons are authorised to sign contracts other than the contracts dealt with elsewhere in the Delegations Policy:

- Service Contracts including teaching contracts with other organisations – in accordance with the delegations for general expenditure
- Building Construction Contracts – Vice-Chancellor, AVC Finance and Infrastructure
- Insurance Contracts – Vice-Chancellor, AVC Finance and Infrastructure
- Employment Contracts — Chancellor, Vice-Chancellor, AVC Corporate, AVC Finance and Infrastructure, Group Director People and Culture
- Student and Staff residential contracts – Vice-Chancellor, AVC Corporate
- Research Contracts - Vice-Chancellor, AVC Finance and Infrastructure, Deputy Vice-Chancellor Research

Area	C	VC	Delegations by the VC				
			DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Assistant Vice Chancellors	Deputy and Associate Deans, Heads of Schools and, Group Directors
Any substantive change in a contract with renewal or amendment shall be referred back to the delegator for approval		Council entry into all contracts over \$2,500,000 (s 4 Public Bodies Contracts Act)	requirement to report to the Vice-Chancellor, entry into all contracts over \$1,250,000	Vice-Chancellor, entry into all contracts over \$1,250,000	Vice-Chancellor, entry into all contracts over \$625,000	the Vice-Chancellor, entry into all contracts over \$625,000	and will vary in amount according to the extent of the Manager's budgetary responsibilities
Approve registration of business names		√					
Approve incorporation or creation of wholly owned University companies	√						

<sup>8</sup> The limit of authority refers to the total value of the contract over the contractual period. For example, if the contract is worth \$1,000,000 per annum for three years then the value of the contract is \$3,000,000 and those persons with authority to sign on behalf of the University must have an authority limit of \$3,000,000 or more.

**Schedule 2(b)**  
**Council Authorisations under sections 297, 255 and 256 of the Education and Training Act 2020**

This schedule includes Council authorisations

Area	VC	Delegations by the VC				
		DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Head of Groups	Deputy and Associate Deans, Heads of Schools and Group Directors
To establish, maintain and operate bank accounts in the name of the University at any registered bank or any registered building society (s 297 of the Education and Training Act and s158 of the Crown Entities Act)	√				AVC Finance and Infrastructure	
As soon as is practicable after receiving any money, to pay it into one or other of the University's bank accounts (s 297 of the Education and Training Act)	√				AVC Finance and Infrastructure	
Authorise every withdrawal and payment of money from any University bank account (s 297 of the Education and Training Act)	√	√			AVC Finance and Infrastructure  AVC Corporate	

Area	VC	Delegations by the VC				
		DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Head of Groups	Deputy and Associate Deans, Heads of Schools and Group Directors
To prescribe fees for administration services (s 256(5)(c) of the Education and Training Act)	√				AVC Finance and Infrastructure	
To consent to the enrolment of a student (s 255(1)(a) of the Education and Training Act)	√			Faculty Deans		
To determine the minimum entry qualifications for a course (s 255(1)(b) Education and Training Act)	√					
To determine that a person is capable of undertaking a course of study or training (s 255(2)(b) Education and Training Act)	√			Faculty Deans		
Where there is insufficiency of staff, accommodation or equipment, to determine the maximum number of persons who may be enrolled in a particular course and give preferential enrolment to a class of students who are under-represented among students undertaking the course (s 255(4))	√			Faculty Deans		

Area	VC	Delegations by the VC				
		DVC-Academic	DVC-Research	PVC with portfolio/ Faculty Deans	Head of Groups	Deputy and Associate Deans, Heads of Schools and Group Directors
Education and Training Act)						
Refuse to permit, or cancelling the enrolment of a person on the grounds that the person is not of good character, the person has been guilty of misconduct or breach of discipline, or the person is enrolled for full time instruction in another institution or school or the person has made insufficient progress in the person's study of training after a reasonable time at the University or another institution (s 255(6) Education and Training Act)	√	√	√	Faculty Deans		