

Council Membership Statute

Date of adoption: 26 February 2024

Date this issue: 27 February 2024

1. Title and Commencement

- 1.1. The Council of the Auckland University of Technology makes this statute under section 284 of the Education and Training Act 2020.
- 1.2. This statute may be cited as the Council Membership Statute.
- 1.3. This statute comes into force on 27 February 2024.
- 1.4. The Council Members Appointment Statutes 2017 is repealed from the date this statute comes into force.

2. Application

This statute applies to Council members and those eligible for appointment or election to Council.

3. Purpose

This statute governs the election and appointment of members to the Council in accordance with the Constitution of the Auckland University of Technology and section 276 of the Education and Training Act 2020 (Act).

The purpose of this statute is to ensure that the overall composition of Council reflects the knowledge, skills, experience and diversity necessary for the effective governance of the University.

4. Composition of Council

- 4.1. Under the Council Constitution, the Council comprises 12 members as follows:
 - a. Four members appointed by the Minister by written notice to the Council.
 - b. The Vice Chancellor of the Auckland University of Technology.
 - c. One permanent member of the general staff of the Auckland University of Technology elected by the permanent members of that staff.
 - d. One permanent member of the academic staff of the Auckland University of Technology elected by the permanent members of that staff.
 - e. One member who is a student of the Auckland University of Technology appointed by the association of students recognised by the Council of the Auckland University of Technology; and
 - f. Four members appointed by the Auckland University of Technology Council by resolution, in accordance with its statutes.

5 Vice Chancellor (or Acting Vice Chancellor)

- 5.1 The Vice-Chancellor (or acting Vice-Chancellor), by virtue of their holding office as Chief Executive Officer of the University, will be a member of Council for as long as they hold that office.
- 5.2 The term of office of the Vice-Chancellor (or acting Vice-Chancellor) is unlimited.

6 Appointment by the Students of the University

- 6.1 One Student who has been elected by the association of students recognised by Council of the Auckland University of Technology in accordance with the constitution or rules of that association, will be a member of Council.
- 6.2 The Student member is to be appointed for a term of two years or until they cease to be an enrolled student of the University or until they cease to be the elected representative of the association of students, whichever is the earlier event.

7 Election of Academic and General Staff Members

- 7.1 Council must, by resolution, appoint as a member of Council one Permanent Member of the Academic Staff elected by the permanent members of that staff, and one Permanent Member of the General Staff elected by the permanent members of that staff.
- 7.2 Except as otherwise provided by this statute, the elections are to be conducted in accordance with the Council Elections Procedures.
- 7.3 To be a candidate in an election the Academic or General Staff must:
 - be a Permanent Member of the Academic Staff or the General Staff;
 - provide a Nomination Form and personal statement, within the timeframe and as specified by the Returning Officer; and
 - not be disqualified from appointment under Section 277 of the Act.
- 7.4 The candidate's personal statement must not exceed 200 words.
- 7.5 The Returning Officer is to compile a list of electors who are eligible to vote in each election, which is to include each permanent member of Academic or General Staff, and at a date to be determined by the Returning Officer.
- 7.6 Each person elected in accordance with the provisions of this statute as Academic or General Staff representative is to be appointed to Council by resolution for a term of not less than one year and not more than four years or until they cease to be a member of the permanent Academic or General Staff of the University, whichever is the earlier event.
- 7.7 A person may not be appointed to Council as Academic or General Staff representative in consecutive terms of more than 12 years.

8 Council Appointments

- 5.1 The Council must decide on the appointment of Council members in its own discretion, and in accordance with the purposes of this statute.
- 5.2 A person must not be disqualified from appointment under section 277 of the Act.
- 5.3 When appointing members Council must comply with section 278 of the Act that Council should as far as is reasonably practicable reflect:
 - (a) The ethnic and socio-economic diversity of the communities served by the University; and

- (b) The fact that approximately half the population of New Zealand is male and half the population is female.
- 5.4 Council must ensure that at least one Council member is Māori, and appoint people who in Council's opinion have:
 - (a) Have relevant knowledge, skills, or experience; and
 - (b) Are likely to be able to fulfil their individual duties to the council; and
 - (c) Together with the other members of the council, are capable of undertaking its responsibilities, duties, and functions.
- 5.5 Each person selected in accordance with the provisions of this section is to be appointed to Council by resolution for a term of not less than one year and not more than four years.
- 5.6 The maximum number of occasions on which a person, other than the Vice-Chancellor, may be appointed as a member of the Council is the number that, for that person, ensures that the total period for which they are a member of the Council does not exceed 12 years.

6 Casual vacancies

- 6.1 If the office of a Council member becomes vacant before the end of the member's term of office, in accordance with clause 7 of Schedule 11 of the Act another person must be appointed to the office by the procedure by which the Council member became a member.
- 6.2 If the appointment procedure is no longer available or applicable to the vacant position, Council must consider whether it is necessary to appoint another person under its constitution and, if so, both:
 - (a) Determine the appropriate procedure for appointment of another person; and
 - (b) Appoint another person using it.
- 6.3 If the office becomes vacant within 6 months before the end of the member's term of office, the Minister or Council (as applicable) can decide that the vacancy does not need to be filled.

7 Returning Officer

- 7.1 The Secretary to the Council of the University shall be the Returning Officer in respect of elections to the Council of persons representing:
 - (a) Academic Staff; and
 - (b) General Staff;of the Auckland University of Technology.

8 Term of office

- 8.1 In accordance with clause 6(1) of Schedule 11 of Act, a member of Council may be appointed for not less than one year and not more than four years.
- 8.2 In accordance with clause 3 of Schedule 11 of the Act the maximum number of occasions on which a person, other than the Vice-Chancellor, may be appointed as a member of the Council is the number that, for that person, ensures that the total period for which they are a member of the Council does not exceed 12 years.

Definitions

Academic Staff	Means persons employed at the University in a position which the Vice-Chancellor has determined forms part of the academic staff of the University.
Act	Means the Education and Training Act 2020.
Council	Means the Council of the Auckland University of Technology -Te Wānanga Aronui o Tāmaki Makau Rau.
Constitution	Means the Constitution of the Council as published in the Gazette from time to time.
General Staff	Means is employed at the University in a position which the Vice-Chancellor has determined forms part of the General Staff of the University.
Permanent Member	<p>As defined in section 10(1) of the Act in relation to the teaching or general staff¹ of the University, a member of staff who:</p> <ul style="list-style-type: none">(a) is employed, on a full-time or part-time basis, for a period ending, unless sooner terminated, on the member's resignation or retirement; or(b) has been employed, on a full-time or part-time basis, whether under an employment agreement for a fixed term or otherwise, for at least 3 months; or(c) has been employed, on a full-time or part-time basis, whether under an employment agreement for a fixed term or otherwise, for less than 3 months and whose employment is, in the opinion of the Vice Chancellor, likely to continue for at least 3 months from the date of commencement of that employment.
Student	Means a student enrolled at the University.
University	Means Auckland University of Technology - Te Wānanga Aronui o Tāmaki Makau Rau

Key relevant documents

Education and Training Act 2020

Elections Procedures

Council Appointments Procedures

Document management and control

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¹ The University uses the terms academic staff and allied//professional staff rather than teaching staff or general staff as used in the Education and Training Act 2020.