



**SPECIAL MEETING OF MASSEY UNIVERSITY
COUNCIL**

FRIDAY 3 JULY 2015

commencing at 8.00 am

to be held in

**THE BOARD ROOM
GROUND FLOOR
SPORT AND RUGBY INSTITUTE
ALBANY DRIVE
MANAWATŪ CAMPUS**

MASSEY UNIVERSITY COUNCIL

**A special meeting of Massey University Council will be held in the
Board Room, Ground Floor, Sport and Rugby Institute, Albany Drive,
Manawatū Campus
On**

Friday 3 July 2015

Commencing at 8.00am

AGENDA - PART I

Official Information Act 1982 and Local Government Official Information and Meetings Act 1987

Massey University (including its Council) is subject to the Official Information Act 1982. This means that if a specific request for disclosure is made, information that it holds must be disclosed unless non-disclosure can be justified in the terms of the Official Information Act 1982.

Matters that are included in Part II and most matters in the Finance Section of Council (or Committee) meetings are protected from disclosure under the Official Information Act 1982. That is, non-disclosure of information relating to such matters can usually be justified in terms of the Official Information Act 1982. Therefore, care should be taken to ensure that papers relating to Part II or Finance Section matters are not seen outside Council (or its relevant Committee) and that such matters are not mentioned outside Council (or its relevant Committee).

All requests (whether written or oral) by any person who is not a Council member for information included under Part II or the Finance Section of Council (or Committee) meetings and requests for the minutes of those parts of Council (or Committee) meetings must be referred immediately to the Registrar for decision on disclosure or otherwise. Individual members are advised not to disclose Part II or Finance Section matters.

Interest: Declaration and Disqualification

In accordance with the Education Act 1989 members are reminded that if they have any direct or indirect pecuniary interest (including their conditions of service as the Chief Executive or as a member of the staff of the institution) in a matter being considered or about to be considered by the Council (or Committee) then as soon as possible after the relevant facts have come to their knowledge they:

- (a) must disclose the nature of the interest at a meeting of the Council (or Committee);
- (b) must not be present during any deliberation or take part in any decision of the Council (or Committee) with respect to that matter unless the Council decides otherwise.

Index Number	Item	Paper Number
1.0 INTRODUCTION		
	1.1 Welcome	
	1.2 Health and Safety Briefing	
	1.3 Apologies	
A	1.4 Declaration of Interest/ Register of Interest	
	1.5 Meeting Agenda Review	
2.0 DECISION ITEM		
B	2.1 Proposed Massey University Council Constitution (Gazette Notice 2015) – <i>Moved from Part II</i>	C15/50
3.0 MOVING INTO PART II		
	3.1 Exclusion of the Public	

THE CHANCELLOR WILL MOVE THAT, EXCLUDING

- Mr Stuart Morriss, Assistant Vice-Chancellor Operations, International and University Registrar
- Ms Cathy Magiannis, Assistant Vice-Chancellor Strategy, Finance, IT and Commercial Operations
- Ms Paddy Nicol, Executive Secretary

WHO HAVE, IN THE OPINION OF COUNCIL, KNOWLEDGE THAT COULD BE OF ASSISTANCE, MEMBERS OF THE PRESS AND PUBLIC BE NOW EXCLUDED FROM THE MEETING SO THAT FOR THE UNDERNOTED REASONS THE FOLLOWING MATTERS MAY BE DISCUSSED WITHOUT PUBLIC DISCLOSURE; THE COMMITTEE BEING SATISFIED, WHERE APPROPRIATE, THAT THERE ARE CONSIDERATIONS WHICH OUTWEIGH THE PUBLIC INTEREST OF DISCLOSURE. Reference: Section 48 (1) of the Local Government and Information and Meetings Act 1987. Reference: Section 9 as detailed hereunder of the Official Information Act 1982.

Item 5.0 Such matters as members of Council declare their intention to raise under Late Items in the privileged part of the meeting.



UNIVERSITY OF NEW ZEALAND

MASSEY UNIVERSITY COUNCIL

**PROPOSED MASSEY UNIVERSITY COUNCIL CONSTITUTION
(GAZETTE NOTICE 2015)**

3 July 2015

Purpose

1. The purpose of this paper is to seek the Council agreement to forward the proposed new Massey University Council Constitution to the Minister for approval.

Background

2. The Education Amendment Act 2015 (the Act) provides for changes to university and wānanga governance by establishing a new legal framework.
3. At its May meeting Council approved release of the consultation document on the Massey University Council Constitution and the Draft Massey University Council Notice 2015 (Appendix 1). Targeted consultation with Academic Board, Senior Leadership Team, staff, students and Māori stakeholders was undertaken over the 10 April to 18 May 2015 period (Appendix 2). Consultation activities included:
 - a. Webpage: A Council Consultation webpage with consultation document and consultation timetable was made available on 9 April 2015.
 - b. Letter: Letter from the Chancellor inviting recipients and their constituencies to take part in a consultation session and directing them to the Council Consultation website and the submission document to:
 - i. student association presidents
 - ii. Māori staff
 - iii. Māori student contacts on each campus
 - iv. Manawhenua in each region
 - v. Massey TEU
 - vi. National TEU and National Student Association
 - c. Media release: A media release was placed on the Massey University media site.
 - d. Students: A text was sent to internal students on each campus reminding them of the consultation session on 'their' campus. An email was sent to all students directing them to the Council Consultation website and the submission document and inviting attendance at the Consultation session and to make a submission.

- e. Academic Board: The Chancellor attended the 15 April Academic Board and spoke to the Consultation document and received feedback at the meeting.
 - f. Staff: Publication in People @ Massey and message in Vice-Chancellor' e-log directing them to Council Consultation webpage.
 - g. Alumni: A message from the Chancellor was placed in the electronic Alumni newsletter with links to the Council Consultation webpage and inviting feedback.
 - h. Tertiary Education Union (TEU): The National TEU and National Student Association were contacted but a consultation session was unable to be made.
 - i. Consultation Sessions: Consultation sessions with Chancellor and members of Council were held. See Appendix 3 for timetable.
4. Submissions were received from the following:
- a. TEU website directed submission: 52 in total of which 80% are from students and others; 20% from staff. The TEU webpage and summary of submissions is attached.
 - b. MUSAF
 - c. Kōkiri Ngātahi Executive Body at Massey University Wellington (Māori students)
 - d. Te Matawhānui (Palmerston North) and Māori staff (Albany)
 - e. Women@Massey
 - f. TEU Submission: Massey University Branch including a signed submission with 115 signatories.
 - g. Five personal submissions.
5. A summary of submissions is included as Appendix 4. Key submission points made were that: membership be at the maximum allowed (12); enshrining the Vice-Chancellor position was supported; the number of students on Council should be two; the proportion of members that should be elected be one third; the balance of students and staff to the total be one third; there be one academic staff member on Council; there be one professional (general) staff member on Council; there was support for the Chair of Academic Board to be in attendance at Council meetings; enshrining the Māori position was supported but how the appointment was to be made required discussion; and that Alumni needed to have a specific representation on Council.

Governance Committee Recommendations

6. The Governance Committee of Council met on 27 May 2015 and considered feedback from consultation. The Committee's recommended amendments to the draft Constitution based on feedback from consultation, and recommendations on matters raised but not recommended for change are outlined below. The revised Constitution recommended for approval, with changes highlighted, is attached as Appendix 5.
- a. Membership: the membership should be the maximum allowed (12).

Committee's recommendation: Unchanged. As proposed in the Draft Massey University Notice (Constitution) 2015

- b. Enshrining the Vice-Chancellor position was supported.

It was noted that Section 171C(2)(ii) stated that Council may provide for direct appointment of a member holding a stated office and that this would be included in the Constitution for the office of Vice-Chancellor.

Committee's recommendation: As proposed in the Draft Massey University Notice (Constitution) 2015 with the following addition at the end of the clause *'by virtue of the holder of the position.'*

- c. That number of students should be two.

While it was acknowledged that two elected students, not one, would bring the elected positions to four which was in line with the issue raised in d. below, given the constraint of 12 members the Committee considered one student was appropriate. However it did suggest that behind this position 'advisory council/s' be established consisting of students (distance, Māori, Pasifika, international etc.) to widen student opinion. The concept of student advisory councils will be included in the Election and/or Appointment Statute to be considered by Council at its 7 August meeting. The status of 'person' to be elected in the Constitution was not determined but a current student and a first-year graduate if they concluded their term in that year were suggested.

Committee's recommendation: As proposed in the Draft Massey University Notice (Constitution) 2015 with the term 'person' to be replaced by 'member' and the definition of eligibility to represent students to be reflected in the Election Statute.

- d. The proportion of members that should be elected is one third, and the balance of students and staff to the total is one third.

The Committee did not consider that electing one third of the members, or that staff and students should total one third of the membership was necessary in light of addressing the increased opportunity for students to have a greater student voice through 'Advisory Council/s'.

Committee's recommendation: Unchanged. That the proportion of members elected and the balance of staff and students remain as proposed in the Draft Massey University Notice (Constitution) 2015.

- e. There be one academic staff member

Committee's recommendation: Unchanged. As proposed the Draft Massey University Notice (Constitution) 2015.

- f. There is one professional (general) staff member.

The Committee considered that the term 'professional' should be used rather than 'general'. It was noted that this group of staff had previously been referred to and defined as 'general' in the Education Act 1989, and also in employment agreements.

This reference in the Act has now been repealed, but for clarity, and as the Committee considered the term professional (staff) should preferably be used, it is recommended that the term Professional be retained but be bracketed with (general).

Committee's recommendation: as proposed in the Draft Massey University Notice (Constitution) 2015 with 'professional' bracketed as (general).

- g. There was support for the Chair of Academic Board to be in attendance.

To ensure that this was a workable proposition the Committee recommends that the 'in attendance' position should be the Academic Board Chair or proxy. As this did not form part of the Draft Massey University Notice (Constitution) 2015 it was suggested that an 'In Attendance Protocol' be developed. This would also encompass any others in attendance at Council meetings, the manner of their attendance and the reporting requirements. No changes to the draft constitution are required to address this point.

Committee's recommendation: that the Chair of Academic Board or proxy attend Council meetings in accordance with the 'In Attendance Protocols' (to be developed).

- h. Enshrining the Māori position was supported and how the appointment was to be made was for discussion.

The Committee considered that it was important under the Treaty of Waitangi for Council to ensure this position is filled. While Council has input into Ministerial appointments, it needed to control the appointment of the Māori member to ensure that this position was always filled. It was therefore agreed that the Committee recommend the Māori member should be one of the four Council Appointees.

Committee's recommendation: As proposed in the Draft Massey University Notice (Constitution) 2015 with (g) 'At least one member of the Council shall be Māori' being blended into the (f) Council Appointees

- i. Alumni needed to have a specific representative.

The Committee did not consider that alumni needed to have representation named in the Constitution. It was considered that the most appropriate way to recognise this was by way of Council having regard to alumni being among the Council appointees, and that this be written into the Appointment Statute as described in Section 171C in the Education Amendment Act 2015.

Committee's recommendation: As proposed in the Draft Massey University Notice (Constitution) 2015 alumni representation would not be named in the Constitution, rather such recognition would be written into the Appointment Statute.

- j. Appointment criteria

In relation to Council appointments, the Committee recommended a statement be added to the Draft Massey University Notice (Constitution) 2015 to clarify the

objective of the appointees such as: ‘Appointments must meet the needs of Massey University and ensure sound governance of the Institution.’

Committee’s recommendation: The additional statement ‘Appointments must meet the needs of Massey University and ensure sound governance of the Institution’ be added to the Draft Massey University Notice (Constitution) 2015

k. Term of Office

It was noted that the Education Amendment Act 2015 states that a term of office for member can be for any period of not more than four years (S172). The Act also requires that the constitution of the council must contain a provision limiting the number of occasions on which a person may be appointed as a member of the council (S171D(1)).

The current Massey University constitution states that the maximum term for any member, other than the Vice-Chancellor, shall be three consecutive four-year terms. In order to comply with S171D(1) the Committee recommended that Clause 4 in the Draft Massey University Notice (Constitution) 2015 be amended.

Committee’s recommendation: That Clause 4 in the Draft Massey University Notice (Constitution) 2015 be amended to read:

Subject to section 173, 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.

l. Process of nominating Council Appointees

The value of the Vice-Chancellor continuing to nominate Council appointees was seen as providing an appropriate balance between Council and Management in light of changes to the Education Amendment Act 2015. It was recommended that the process of making the appointments be addressed in the Appointment Statute.

Committee’s recommendation: Unchanged. As proposed in the Draft Massey University Notice (Constitution) 2015

7. Transitional arrangement for appointing Ministerial Appointees to the reconstituted Council

The Governance Committee agreed to recommend that Council write to the Minister of Tertiary Education requesting that the current Ministerial Appointees, all of whose terms would not have expired on 31 December 2015 be re-appointed to the new Council.

Committee’s recommendation: That the Chancellor, on behalf of the Council write to the Minister of Tertiary Education requesting that the current Ministerial Appointees be re-appointed to the new Council for what would have been the remainder of their term.

8. Transitional arrangement for appointing Council Appointees to the reconstituted Council

The transitional arrangement for appointing the Council Appointees was discussed. It was agreed to recommend that Council follow the Ministerial Appointee process in which those appointees whose terms would not have expired on 31 December 2015 are appointed on 1 January 2016 for what would have been the remainder of their term.

This would result in two Council Appointee vacancies as at 1 January 2016. It is recommended that these be filled by the new Council according to the approved Massey University Notice (Constitution) 2015 and Appointment Statute.

Committee's recommendation: That Council appoint those Council Appointees whose terms would not have expired on 31 December 2015 to the re-constituted Council for what would have been the remainder of their term.

9. Development of Election and Appointment Statutes

The power to adopt Statutes relating to the appointment of members to Council lies in S171(C). It was considered that both an Election Statute and Appointment Statute would be required.

Matters to be considered by Council prior to the development of the statutes were:

a. Election of members for appointment:

The Committee recommended that first-past-the-post electronic voting for all Council elections be used, as had been approved and undertaken for the elections of students onto Council over the last two elections.

Committee's recommendation: That Council approve that first-past-the-post electronic voting be used for all Council elections.

b. Election of staff onto Council:

The Committee agreed to recommend this would be as previous elections apart from changes to the voting system outlined above.

The definition of 'permanent' staff has been repealed in the Education Amendment Act 2015. Previously this definition has been used to determine the academic and professional (general) staff eligibility for Council elections. The definition has served the University well in being able to accurately define eligibility.

Committee's recommendation: That Council retain the definition of 'permanent staff' as described in the repealed Section 171 (10) of the Education Act 1989 to determine academic and professional (general) staff eligibility for Council elections

c. Election of Students onto Council:

Feedback from consultation indicated that the student associations wished to be involved in this process in some way. The Committee noted that the student associations made up less than 10% of students and therefore suggested that the nomination process needed to be wider than the associations.

Following discussion it was agreed to recommend to Council that nominations would be called from the whole student body. The skills and competences as determined in the Election and/or the Appointment Statutes would be provided to frame their nomination. A Council Committee, possibly the Governance Committee or a smaller group, or an independent person would evaluate the nominations for suitability against a published set of criteria with yes/no outcome. Those who met the criteria could stand in the election.

Recommendations

It is recommended that the Council:

- a) Note the feedback from consultation on the draft Massey University Council Constitution.
- b) Note the recommendations of the Council Governance Committee to make changes to the draft constitution as outlined in this report.
- c) Approve the Revised Massey University Council Constitution following amendments made in light of feedback from consultation (Appendix 5).
- d) Agree to submit the Revised Massey University Council Constitution to the Minister for approval and notification in the New Zealand Gazette.

Stuart Morriss

Assistant Vice-Chancellor Operations, International and University Registrar

Appendices

Appendix 1	Draft Massey University Council Constitution as approved for consultation by Council at the 1 May 2015 Council meeting
Appendix 2	Timeline for new Constitution to be enacted on 1 January 2016
Appendix 3	Consultation Timetable
Appendix 4	Summary of Key Submission Points
Appendix 5	Revised Massey University Council Constitution recommended for approval.

Appendix 1: Draft Massey University Notice (Constitution) 2015 – Consultation Version

Pursuant to section 170 of the Education Act 1989 ("the Act"), the Minister for Tertiary Education gives the following notice.

N o t i c e

1. (1) This notice may be cited as the Constitution of Massey University Council Notice 2015.
(2) This notice shall come into force on the date of its publication in the New Zealand Gazette.
(3) This notice will replace the previous constitution established in 2013*.
2. The Massey University Council shall be constituted as follows:
 - (a) Four members appointed by the Minister responsible for Part 13A of the Education Act 1989.
 - (b) The Vice-Chancellor of Massey University.
 - (c) One permanent member of the academic staff of Massey University appointed by Council following an election (conducted in accordance with Statutes made by the Council) by the permanent members of that staff.
 - (d) One permanent member of the professional staff of Massey University appointed by Council following an election (conducted in accordance with Statutes made by the Council) by the permanent members of that staff.
 - (e) One person who must be appointed following an election (conducted in accordance with Statutes made by the Council) by students enrolled at Massey University.
 - (f) Up to four members appointed by the Massey University Council on the nomination of the Vice-Chancellor in accordance with its Statutes established under Section 171C of the Education Act 1989.
 - (g) At least one member of the University Council shall be Māori .
3. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Act 1989.
4. Subject to section 173, the maximum term for any member, other than the Vice-Chancellor, shall be three consecutive four-year terms.
5. The powers of the Massey University Council shall not be affected by the vacancy in the membership thereof.

Dated at Wellington this
HON STEVEN JOYCE, Minister for Tertiary Education.

Appendix 2: Timeline for new Constitution to be enacted on 1 January 2016:

Date	Activity	Purpose
Monday 18 May	Consultation closed	
Wednesday 27 May	Governance Committee meets	Recommendations to Council: <ul style="list-style-type: none"> Proposed Massey University Notice(Constitution) 2015 Election/Appointment processes
Friday 3 July	Special Council meeting	Approve: <ul style="list-style-type: none"> Proposed Massey University Notice(Constitution) 2015 Approve Election/Appointment process for development of Statute/s
Monday 6 July	Send proposed Massey University Notice(Constitution) 2015 to the TEC and Minister of Tertiary Education	Seek approval of the Massey University Notice(Constitution) 2015 by Minister of Tertiary Education
Friday 7 August	Council meeting	Approve Election/Appointment Statute/s
Mid – late September	Publication of approved Massey University Notice(Constitution) 2015 in NZ Gazette	
Mid-Late September-beginning of October	Commence election and appointment processes as determined in Election/Appointment Statute	
End November	Complete election and appointment process	
4 December	Council meeting	Final Council meeting for existing members Attendance of new Council members where possible

Appendix 3: Consultation Timetable

Wednesday 15 April 2014: Video meeting – each campus

Who	When	Where
Academic Board	1.30pm	<u>Albany Campus:</u> Video Linked Teaching Room: AT4, Atrium Building, Lower Level 2 <u>Manawatu Campus:</u> Video Linked Teaching Room: GLB1.14, Geography Building, Level 1 <u>Wellington Campus:</u> Video Linked Teaching Room: Room 5C17, Block 5, Level C

Friday 24 April 2015: Albany Campus

Who	When	Where
Māori staff, students and Mana Whenua	11.00 -11.50am	Quad A Board Room
Students	12 noon – 1.00pm	Student Lounge
Staff and other Stakeholders	1.00 – 2.00pm	Student Lounge

Tuesday 28 April 2015: Manawatu Campus:

Who	When	Where
Tertiary Education Union	10.15 – 11am	University House Meeting Room
Mana Whenua	11.00- 11.45am	University House Meeting Room
Students	12 noon – 1.00pm	MUSA Lounge
Staff and other Stakeholders	1.00 -2.00 pm	MUSA Lounge
Māori students	2.00 – 3.00pm	MUSA Lounge
Māori staff	3.15 – 4.00pm	University House Meeting Room

Wednesday 6 May 2015: Wellington Campus

Who	When	Where
Students	12 noon – 1.00pm	Student Association Conference Room
Staff and other Stakeholders	1.00 – 2.00pm	Student Association Conference Room

Appendix 4: Summary of Submissions

A summary of the feedback is provided using the proposed new constitution as outlined in the Consultation document.

- a. Size: It was proposed that the Massey University Council comprise 12 members (with the ability to co-opt as required for specific issues). This would provide for four members to be appointed by the Minister and eight by Council.

Feedback:

A summary of the points made included:

- There were no submissions recommending any other than the maximum membership.
- b. Makeup of the eight Council appointees: It was proposed that some of the eight positions be enshrined in the Constitution of Council. It is proposed that the positions to be enshrined would include:

Feedback on the eight positions:

A summary of the points made included:

- Eight representatives –four staff and students and four community representatives rather than four Council appointees recognising connections to alumni, city of Palmerston North, from other regions a regional representative and local business representative.
- 52 submissions, using the TEU website submission material, recommend one third (four) of the seats being set aside to staff and students
- One third of seats should be set aside for Māori staff and students.
- Petition with 115 signatories requesting a guarantee of one third (four) of the seats be set aside for democratically elected staff and students of the University.

Feedback on the proposed enshrined positions:

- i. Vice-Chancellor, as the employer of University staff.

Feedback:

A summary of the points made included:

- Agreement or no comment.
- ii. One elected academic staff member appointed by Council. It was considered that the academic staff member did not need to come from Academic Board as the formal link to Academic Board would be achieved through the Chair attending all or part of the Council meetings.

Feedback:

A summary of the points made included:

- Support Academic Board representation on Council.
- Academic Board has had representative on Council since 1963. To break away direct connection is regrettable but to have the Chair in attendance in

Part I and Part II would suffice. However the relationship between Council and the Academic Board needed to be lifted and this may assist. Chair considered being in attendance would ensure a larger academic presence on Council.

- Academic Board provides support and provide assistance to Council on strategic matters and maintaining that independence from Council increased the academic voice on the Council without impacting on the Council membership. It was felt that it needed to be clear that Academic Board Chair could attend both parts of the Council meetings and what their role would be at the meetings.
 - Support the Chair being in attendance at council meetings. This should be reflected in the Constitution and if not there that Council write suitable policy/ or procedures to enable such access.
 - If possible get a variety in range across campuses, students, academic staff
- iii. One elected professional staff member appointed by Council. It was considered that the distinct natures of academic and professional staff required that a member from each body be on the Council.

Feedback:

A summary of the points made included:

- Support for this proposal.
- (Note: to run an election staff are deemed to be academic or general (not professional) and this is how the electoral bodies are determined)

- iv. One elected student member and appointed by Council.

Feedback:

A summary of the points made included:

- One in support of this.
- Two students: one internal and one distance student because of the size and variety of the student body.
- Representation was raised as a concern as the reduced number on Council constrains representation from campuses and the varied student body. It was noted that student representation covered in the proposal was ambiguous. The elected student will have responsibility to Council but not necessarily be representing the student body. How will Council engage with the student body and how will the elected student engage with them?
- Suggested that with a diverse student body and only one representative, other ways of engaging with students occurs.
- What other ways could be considered for Māori students to have input into Council.

- c. Process to appoint students: The question of whether the student member would be elected from all students, or appointed following nomination from the student body. It was concluded that an election was appropriate, but that the appointment could follow an appropriate election conducted by the students. Feedback on this matter was sought through consultation with students.

Feedback:

A summary of the points made included:

- Elected: one internal student elected by students in a manner determined by them via their student associations and one distance student elected by students in a manner determined by them via their student associations.
- Associations appoint a person each based on competencies to stand in an election by a panel of representatives from each campus. Distance students were considered to have different needs. This must be an active (current) student.
- Student member/s proposed through MUSAF having been democratically elected as President and to the Executive. These people have the greater level of governance understanding and are able to put forward a view wider than their own in contrast to isolated members.
- Each association puts forward a name and MUSAF decides either which are the best two representatives or the four names put to Council who decide.
- Presidents could decide. Suggested the wording be kept loose – elected by students and appointed by Council.
- At least two years membership. If appointed as a third year student they could carry on as first year graduate.
- How would you get buy-in from students and how would their participation in elections be encouraged.

- d. Other four Council appointees: It was proposed that the remaining four would be appointed by Council and must include one alumni member, and one Council member must be Māori.

Feedback:

General: A summary of the points made included:

- Is there a danger to not enshrining?
- Has gender balance on Council been considered?
- Chair of Academic Board should be a Council Appointee for the following reasons
 - The suggested in attendance role could be removed without a change to the Constitution
 - Speaking rights would be controlled as a member

Feedback:

Māori member: A summary of the points made included:

- Support for enshrining this position in the Constitution.
- Appointment process suggested using the three Mana Whenua groups.
- Due consideration be given to the increasing presence and importance of Māori advancement within the tertiary sector and that this consideration be recognised by a deliberate strategy to recruit a minimum of two Māori representatives at a governance level.
- The Māori member must be engaged whoever they are. They need to be a person in a senior position, not a student which would appear to be tokenism.
- Mana Whenua representation could be considered.

- Requirement that additional to the Māori Council appointee that one of the Ministerial appointees be a Māori.
- What is the Council's position on its legal duty to "acknowledge the principles of the Treaty of Waitangi", and, re the proposed Council membership, what does this mean for Mana Whenua for our three Campuses? (Council Response: While one position is allocated Māori, more are able to be appointed. Council members are required to work in the best interests of the Council/University, rather than on behalf of their constituency groups, so Council may choose to establish interest groups to advise it. Council also needs to consider whether it ought to enshrine the Treaty of Waitangi in its constitution.)
- Mana Whenua in the three Campus areas could be members of a subcommittee special interest group, and have responsibility for nominating a person to Council.
- An esteemed senior member of the Māori community (e.g. kaumatua status) be co-opted to reflect the Treaty of Waitangi partnership.
- An esteemed member of the Pasifika community be co-opted.
- Council establish a Māori Advisory Committee and a Pasifika Advisory Committee to advise Council on matters relating to Māori and Pasifika
- Recommend that a kaumatua be co-opted onto Council to ensure correct tikanga and kawa (cultural protocols) are a normal part of Council practice.

Feedback:

Alumni member: A summary of the points made included:

- The draft Massey University Notice reads as if the Māori and alumni member must come from this group when they could come from any group.
- Māori and alumni must be separate members from the Council appointees and Māori not from Ministerial appointments.
- The appointment of an alumni member raised some disquiet for one person who saw the potential for this position to be chosen from a small circle of 'known' alumni. This person trusted that there would be plans for a robust outreach programme to attract interest from a spectrum of candidates.
- It was noted that Alumni had not been written into the Draft Constitution

Feedback:

Appointment process: A summary of the points made included:

- The Vice-Chancellor as the sole employee of Council should not have the opportunity and oversee the appointment of one third of the revised Council. This could be seen as a conflict of interest in a smaller Council. The suggestion was made that they are on the nomination of the Chancellor, to ensure that the Council has sufficient rural, legal and business expertise to properly perform its functions.

- e. Competence: In all cases it was considered that appointments should reflect an appropriate balance of competence required for effective governance, and representation of university stakeholders. Requirements for the positions and for the role of council members will be developed and published prior to the election and/or appointment process. Candidates would be required to identify their competencies for

the role as part of the election process. It was also acknowledged that appropriate training and support for council members would need to be provided to new council members.

Feedback:

A summary of the points made included:

- Support clear competencies, including cultural competencies.
- All Council members should be provided with training to ensure they understand the unique role of universities in our society and economy for the advancement of knowledge.
- Ministerial appointments should be the last step, not first to ensure a balance of skills and talents of the governing body.
- When certain competencies or skills are lacking on Council a person/s should be brought in as required (not as member).

f. Other comments

Feedback:

A summary of the points made included:

- The Council should articulate its work with its communities. This is crucial.

Appendix 5: Revised Massey University Notice (Constitution) 2015, including changes recommended following Consultation

Pursuant to section 170 of the Education Act 1989 ("the Act"), the Minister for Tertiary Education gives the following notice.

N o t i c e

1. (1) This notice may be cited as the Constitution of Massey University Council Notice 2015.
(2) This notice shall come into force on **1 January 2016**.
(3) This notice will replace the previous constitution established in 2013*.
2. The Massey University Council shall **comprise 12 members and be constituted to ensure that appointments meet the needs of Massey University and the sound governance of the Institution** as follows:
 - (a) Four members appointed by the Minister responsible for Part 13A of the Education Act 1989.
 - (b) The Vice-Chancellor of Massey University, **by virtue of the holder of the position**.
 - (c) One permanent member of the academic staff of Massey University appointed by Council following an election (conducted in accordance with Statutes made by the Council) by the permanent members of that staff.
 - (d) One permanent member of the professional (**general**) staff of Massey University appointed by Council following an election (conducted in accordance with Statutes made by the Council) by the permanent members of that staff.
 - (e) One **member** who must be appointed following an election (conducted in accordance with Statutes made by the Council) by students enrolled at Massey University.
 - (f) Up to four members appointed by the Massey University Council on the nomination of the Vice-Chancellor in accordance with Statutes established under Section 171C of the Education Act 1989 **that will ensure that at least one of these members shall be Māori**.
3. The term of office of members of the Council, vacation of office, disclosure of members' interest and casual vacancies are covered in sections 173-176 of the Education Act 1989.
4. **Subject to section 173, 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.**
5. **No act or proceeding of the Massey University Council shall be invalidated by the vacancy in the membership thereof, or by any other matter referred to in S171F of the Education Act 1989.**

Dated at Wellington this
HON STEVEN JOYCE, Minister for Tertiary Education.