



Council

Appointment Statute 2013

Campuses at:

Palmerston North

Masterton

Whanganui

Council Appointment Statute pursuant to section 222AB of the Education Act 1989

Pursuant to section 222AB of the Education Act 1989 the Council hereby resolved to:

- 1. revoke the Council Appointment Statute approved on 26 January 2010, and;**
- 2. adopt the attached Council Appointment Statute at its meeting on 27th June 2012; and**
- 3. adopt the attached Council Appointment Statute with effect from 1 January 2013.**

Signatures


..... Date 27 / 6 / 12
(Member, UCOL Council)


..... Date 27 / 6 / 12
(Member, UCOL Council)

**UNIVERSAL COLLEGE OF LEARNING:
COUNCIL APPOINTMENT STATUTE 2012**

Preamble

This Statute is made under section 194(1)(j) of the Education Act 1989 to comply with the requirements of section 222AB of that Act, inserted by the Education (Polytechnics) Amendment Act 2009, which came into force on 1 March 2010.

This Statute sets out the process by which the Universal College of Learning will appoint the four members of its Council that it is required to appoint under section 222AA(1)(b) of the Act. The purpose of this Statute is to ensure that the UCOL Council:

- (a) Complies with all statutory requirements of the Education Act;
- (b) Appoints members under section 222AA(1)(b) who are able to add value from a governance perspective; and
- (c) Includes members that are representative of UCOL community interests, including the interests of local iwi, and is balanced with respect to ethnicity, gender, lifestyle, and place of residence.

Title

1. This Statute may be cited as the Council Appointment Statute 2012.

Interpretation

2. In this Statute, unless the context otherwise requires:
 - (a) "The Act" means the Education Act 1989;
 - (b) "UCOL" means the Universal College of Learning;
 - (c) "Council" means the Council of the Universal College of Learning.

PART A: COUNCIL MEMBERSHIP

Term of Office

3. Council members appointed by the Council under this Part must be appointed for a term of four years, unless the Council considers in its discretion that a shorter term is appropriate. The term of office for a Council member begins on the later of the following:
 - 3.1. The day on which his or her appointment takes effect (as specified by the Council); or
 - 3.2. The expiry of the term of office of his or her predecessor.
4. The Council must appoint one person in accordance with category 5.1 and three people in accordance with category 5.2 set out in clause 5.

Categories of Council Membership

5. The two categories of Council membership are as follows:
 - 5.1. A person nominated by a roopu of the iwi of the tangata whenua in the Manawatu, Whanganui, Wairarapa and wider regions provided he or she meets the general requirements of all Council appointees set out in Part D of this Statute. If the nominated person does not, in the Council's discretion, meet the requirements set out in Part D of this Statute, the Council must appoint a person under this category that, in the Council's discretion:
 - (a) Meets the requirements set out in Part D of this Statute; and
 - (b) Brings a Maori perspective to the UCOL Council; and
 - (c) Will assist the Council to undertake its duty under section 181(b) of the Act to acknowledge the principles of the Treaty of Waitangi.
 - 5.2. Three persons appointed by the Council to ensure that the Council, when considered collectively, possesses, in the opinion of the Council, the characteristics, skills, knowledge and experience set out at clauses 16-21 below.

Vacancies

6. If at any time there is a vacancy in relation to one or more of the Council members appointed under section 222AA(1)(b) of the Act, the Council must appoint a replacement Council member from the category in clause 5 above corresponding to the vacancy.

PART B: Applications for Membership

7. The UCOL Council must call for applications in relation to category 5.2 of Council membership, as set out in clause 5 of Part A above, by publishing a “Request for Applications” in appropriate media (including electronic), including the two major daily publications, local newspapers, and any other publication that the Council determines to be appropriate.

The Council must advise the Roopu of the iwi of the tangata whenua in the Manawatu, Whanganui, Wairarapa and wider regions of any Council vacancies.

8. The “Request for Applications” must include the following information:
 - (a) The particular characteristics, skills, knowledge and/or experience that the Council determines are desirable in potential Council members; and
 - (b) That all applications must be accompanied by a curriculum vitae and any other supporting information that provides evidence of the information required by (a) above; and
 - (c) The date and time by which applications are due, and the address to which they should be sent.
9. In addition to applications received under this Part, and notwithstanding clauses 7 and 8 above, the Council may nominate or otherwise recruit persons for consideration for Council membership under category 5.2 in clause 5 above.
10. All applications received and all further nominations made by the Council must be considered by the Council to determine whether the applicant:
 - (a) Possesses the required characteristics, skills, knowledge and/or experience set out in the “Request for Applications”; and
 - (b) Meets the general requirements for appointment, set out in Part D of this Statute.

11. The Council may only appoint applicants and/or nominees that meet the requirements of this Part and who are therefore eligible for appointment.

PART C: Iwi Nomination

12. A roopu of the iwi of the tangata whenua in the Manawatu, Whanganui, Wairarapa and wider regions will have the mana to nominate a person for Council membership whenever a vacancy arises in category 5.1 of Council membership.
13. The Council must notify the roopu of a vacancy and the date by which the nomination should be received, which must be not less than twenty-eight days from the date that the notification is given.

PART D: General Requirements of Council Appointees

14. All Council members appointed under this Statute must meet the general requirements set out in this Part.

Disqualifying Factors

15. A person must sign a declaration to the effect that he or she is not disqualified from being a Council member by reason of any of the disqualifying factors set out in section 222AA(2) of the Act before he or she may be appointed to the Council.

Relevant Knowledge, Skills or Experience

16. All Council members appointed under this Statute must, in the Council's opinion, add value to the Council from a governance perspective.
17. In accordance with section 222AD(3)(a) of the Act, the Council must be satisfied that a potential Council member, in the Council's opinion, possesses some or all of the following relevant skills, knowledge and experience:
 - (a) Governance experience; and/or
 - (b) Tertiary education industry knowledge; and/or
 - (c) Adult education skills and experience; and/or
 - (d) Financial skills and knowledge; and/or
 - (e) Business experience; and/or
 - (f) Strategic thinking experience; and/or
 - (g) Tikanga Maori and iwi expertise; and/or

- (h) Leadership qualities; and/or
 - (i) Chairing experience.
18. In determining the suitability of a potential Council member, the Council must take account of the following:
- (a) At least six members, and ideally six to eight members, will have governance experience; and
 - (b) At least four members, and ideally four to eight members, will have tertiary education industry knowledge; and
 - (c) At least two members, and ideally three to four members, will have adult education skills and experience; and
 - (d) At least two members, and ideally three to four members, will have financial skills and knowledge; and
 - (e) At least two members, and ideally three to four members, will have business experience; and
 - (f) At least two members, and ideally three to four members, will have strategic thinking experience; and
 - (g) At least two members, and ideally two to four members, will have iwi development expertise; and
 - (h) At least two members, and ideally two to three members, will have leadership qualities; and
 - (i) At least two members, and ideally two to three members, will have chairing experience.
19. In accordance with section 222AD(1) of the Act, the Council must take account of the fact that it is desirable in principle that:
- (a) The Council should include Maori; and
 - (b) So far as possible, the Council should reflect the ethnic and socio-economic diversity of the communities served by UCOL.
20. In determining the suitability of a potential Council member, the Council must take account of the fact that it is desirable to include on the Council:

- (a) Members of diverse ethnic backgrounds; and
- (b) Male and female members; and
- (c) Members who are or have been students of UCOL; and
- (d) Members of diverse lifestyles, including employed and retired members; and
- (e) Members that reside in a diversity of regions served by UCOL including the Manawatu, Whanganui and Wairarapa regions with due regard to proportionality of the regions' respective populations.

21. In determining whether the skills, knowledge and/or experience held by the potential Council member is relevant, the Council must consider section 160 of the Act, which states:

The object of the provisions of this Act relating to institutions is to give them as much independence and freedom to make academic, operational, and management decisions as is consistent with the nature of the services they provide, the efficient use of national resources, the national interest, and the demands of accountability.

Individual Duties of Council Members

22. In accordance with section 222AD(3)(b) of the Act, the Council must be satisfied that a potential council member is likely to, in the Council's opinion:

- (a) Fulfil the individual duties of Council members set out at section 222AH of the Act; and
- (b) Fulfil the functions, duties and responsibilities of the Council set out at sections 180-181 of the Act.

Evidence of Requirements

23. In determining whether the potential Council member possesses some or all of the necessary relevant skills, knowledge and experience, and whether the potential Council member is likely to fulfil the individual and collective duties, functions and responsibilities of the Council, the Council may require the potential Council member to:

- (a) Provide the Council with a curriculum vitae; and/or
- (b) Provide the Council with references from previous employers or other relevant persons; and/or

- (c) Provide the Council with any other documentation the Council requires;
and/or
- (d) Attend an interview with the Council or a Committee of the Council.