

Council Member Appointments and Elections Statute

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Contact Officer	General Counsel Registrar

Introduction

This document describes the appointment process and appointment criteria of members to University of Canterbury Council (“Council”).

1. Appointment of Council Members other than Staff and Student Representatives

Appointment Criteria

1.1 Under the [Education and Training Act 2020](#) at [S 278\(2\) \(b\)](#), persons appointed to Council must have relevant knowledge, skills or experience.

Areas of relevance include:

- strategic planning and governance,
- business acumen/financial management,
- Te Tiriti o Waitangi,
- the employment environment,
- performance improvement,
- tertiary education, and
- community links.

Note: The Tertiary Education Commission document “[TEI Council Members: Framework for Selection](#)” [Tertiary Education Commission \(TEC\) website](#)) contains helpful guidance.

Other Considerations

- 1.2.1 The balance of skills which is desirable on Council may differ from time to time. It is desirable also to ensure that one or more members of Council have the skills necessary to fill the position of Chancellor in future.
- 1.2.2 The Act provides that as far as reasonably practicable the Council should reflect:
- (a) The ethnic and socio-economic diversity of the communities served by the University;
 - (b) The fact that approximately half the population is male and approximately half female.
- 1.2.3 In making appointments regard should be had to the ability and availability of the candidates to attend meetings and perform Council functions.
- 1.2.4 Under the Constitution:
- a) two of the members appointed directly by Council must be graduates of the University of Canterbury – clause 3.1(g).
 - b) At least one of the 12 members must be Māori – clause 3.2(b).

Register of Suitable Persons

- 1.3 The Committee will establish and maintain a register of the names of persons who it believes may be suitable for appointment to Council. The names may be obtained by the process of advertising for expressions of interest under clause 1.6 of this statute, by direct application, or at the Committee's own initiative.

Appointment Process for Council Members other than Staff and Student Representatives

- 1.4 These appointments include:
- Members appointed by the Minister, and
 - Council appointed members.

The process of appointment for such members is set out below.

Appointments of four members made by the relevant Minister under clause 3.1(a) of the Constitution

- 1.5. (a) It is the sole prerogative of the Minister to make four appointments.
- (b) However, Council may, on the advice of the Committee, indicate to the Minister any particular skills which it believes are desirable to redress an imbalance in Council membership.
 - (c) Council may also, if it thinks it appropriate on the advice of the Committee, provide names for the consideration of the Minister.

Appointment of Council member in consultation with Te Rūnanga o Ngāi Tahu under clause 3.1(f) of the Constitution

- 1.6.1 If there is a vacancy for the position of member of Council under clause 3.1(f) of the Constitution (see [Appendix 2](#)), the Committee will consult with Te Rūnanga o Ngāi Tahu and seek a recommendation from them.
- 1.6.2 The Committee may if it wishes, indicate to Ngai Tāhu any skills which it believes would be desirable to redress an imbalance of skills in the current membership of Council.
- 1.6.3 The member may not be employed as a staff member or enrolled as a student at **any** university.

Appointments by Council of three members, two of whom must be graduates of the University of Canterbury, under clause 3.1(g) of the Constitution

- 1.7.1 If a member whose term is about to expire is eligible for reappointment and desires to be reappointed, Council may at its discretion reappoint the member for a further term without calling for expressions of interest. However, Council may decide to call for expressions of interest, in which case it is open to the member concerned to be considered along with other candidates for the position.
- 1.7.2 (a) A reasonable time before a vacancy is to occur, the Committee will call publicly for expressions of interest. An advertisement should be placed on the University website and in such other media as the Committee thinks appropriate.
- (b) The advertisement may, if the Committee thinks appropriate, specify any specific skills which it believes would be desirable to redress an imbalance in the Council membership.
- (c) Persons whose names are on the register referred to in clause 1.3 may be approached by the Committee and invited to submit expressions of interest.
- (d) An expression of interest should contain a summary of the candidate's background, and the skills they can bring to the position. The Committee may specify a maximum word length.
- 1.7.3 (a) When the expressions of interest have been received, the Committee will compile a short list. It may if it wishes interview candidates.
- (b) The Committee will forward to Council the expressions of interest of all short-listed candidates, together with the names of all other candidates. It may indicate to Council the candidate or candidates it prefers.
- (c) Council will then make an appointment as it thinks appropriate.
- 1.7.4 The members appointed by Council may not be employed as a staff member of the University of Canterbury or enrolled as a student at **any** university.

- 1.7.5 While a four-year term will be the norm, Council may appoint a person for a shorter term if it thinks that would ensure an orderly rotation of members in the medium to long term.

2. Election and Appointment of an Academic Staff Member under clause 3.1(c) of the Constitution

2.1 The term “permanent member of the academic staff” means a member of that staff who is designated by the University as a continuing employee, and whose letter of employment does not specify an end-of-employment date. The person may be either full time or part time.

2.1.1 Only permanent members of the academic staff of the University are eligible to be nominated or to make nominations.

2.1.2 Every permanent member of the academic staff of the University may vote in the election. No other person may vote.

Nomination and Election Process

2.2 If there is to be a vacancy for the position of academic staff member on the Council the elections will occur in line with the *Elections Procedures* ([Appendix 1](#)).

3. Election and Appointment of a General Staff Member under clause 3.1(d) of the Constitution

3.1 The term “permanent member of the general staff” means a member of that staff who is designated by the University as a continuing employee, and whose letter of employment does not specify an end-of-employment date. The person may be either full time or part time.

3.1.1 Only permanent members of the general staff of the University are eligible to be nominated or to make nominations.

3.1.2 Every permanent member of the general staff of the University may vote in the election. No other person may vote.

Nomination and Election Process

3.2 If there is to be a vacancy for the position of general staff member on the Council the elections will occur in line with the *Elections Procedures* ([Appendix 1](#)).

4. Election and Appointment of a Student Representative under clause 3.1(e) of the Constitution

4.1 A student representative will be appointed by the Council following an election undertaken by the University of Canterbury Student's Association (UCSA) carried out in accordance with UCSA election and appointments by-laws and procedures.

Definitions

Act – means the [Education and Training Act 2020](#) including any amendments.

Committee – means the Honours and Appointments Committee of Council.

Constitution – means the Constitution of the Council of the University of Canterbury. See [Appendix 2](#).

Minister – means the Minister of Education.

Student – a person who is currently enrolled as a student at the University, either directly or through official arrangements with another organisation.

Related Documents and Information

Legislation

- [Education and Training Act 2020 \(New Zealand Legislation website\)](#)
- [University of Canterbury Act 1989 \(New Zealand Legislation website\)](#)

UC Website and intranet

- [Governance Statement \(University Governance and leadership website\)](#)

External

- ["How you can contribute as a tertiary education institute \(TEI\) Council Member" Tertiary Education Commission \(TEC\) website.](#)
- [The Governance of TEI's \(Tertiary Education Commission website\)](#)

Appendices

- Appendix 1 - [Election Procedures](#) – Staff Representatives on Council
- Appendix 2 - [Council Constitution](#)

Document History and Version Control Table			
Version	Action	Approval Authority	Action Date
1.00	Document development and inclusion of policy within the UCPL.	Council	Aug 2017
2.00	Scheduled full review by Contact Officer and approved by Council.	Council	July 2022

Appendix 1: Election Procedures– Staff Representatives on Council under clauses 3.1(c)&(d) of the Constitution

Conducting Officer

1. The officer responsible for conducting elections in accordance with these procedures is the University Registrar.

Electors, Notice of Elections and Call for Nominations

2. If there is to be a vacancy for the staff positions on the Council, the Registrar must, at least 30 days before the occurrence of that vacancy, send to all eligible electors under clause 2.1.1 and 3.1.1 of the *Council Member Appointments and Elections Statute*, a notice calling for nominations.
3. The Notice:
 - (a) May be electronic or in hard copy, as decided by the Registrar;
 - (b) Must state a closing time and date for the receipt of nominations;
 - (c) Must be accompanied by a nomination form, a copy of the Constitution, and a copy of sections [277](#) and [278](#) of the *Education and Training Act 2020* which state the grounds of disqualification from membership of Council, and the matters to be considered when appointing members to Council; and
 - (d) Must require persons nominated to supply to the Registrar by a named date and time, a biographical statement of a length no greater than that specified by the Registrar.
- 3.1 The Nomination Form must:
 - (a) Be signed by both the person nominated and the nominator;
 - (b) Contain a statement by the person nominated that he or she is not disqualified from membership of the Council by virtue of section [277](#) of the [Education and Training Act 2020 \(New Zealand legislation website\)](#); and
 - (c) be received by the Registrar, either electronically or in hard copy, before the closing time and date specified in the notice.
4. A nomination is invalid if the nomination form fails to comply with any of paragraphs (a) – (c) of clause 3.1 of these Election Procedures, or if the person nominated is disqualified from membership of Council by virtue of section [277](#) of the [Education and Training Act 2020 \(New Zealand Legislation website\)](#). A nomination will become invalid if the required biographical statement is not received within the time named by the Registrar under clause 3 (d) of these Election Procedures
5. If an invalid nomination form is received, the Registrar must immediately inform both the nominator and the person nominated.

6. If at the time nominations close there is only one valid nomination, the Registrar must declare that person elected.
7. If there is more than one valid nomination, the Registrar must conduct an election.

Elections

8. If there is to be an election in accordance with clause 7 of these Election procedures, the Registrar will send a voting paper to each relevant elector in accordance with clauses 2.1.2 or 3.1.2 of the *Council Member Appointments and Election Statute*. The form will contain the names of all persons validly nominated.
9. The voting paper:
 - i. May be sent electronically or in hard copy, as decided by the Registrar;
 - ii. Must be accompanied by a copy of the Constitution of the University Council, and a copy of sections [277](#) and [278](#) of the [Education and Training Act 2020 \(New Zealand Legislation website\)](#);
 - iii. Must be accompanied by the biographical statements about each candidate referred to in clause 3 (d) of these Election Procedures;
 - iv. Must describe clearly the method of voting; and
 - v. Must state the closing date and time for the receipt of voting papers by the Registrar.
10. (a) Every eligible elector described under clause 2.1.2 and 3.1.2 of the *Council Member Appointments and Election Statute* may vote in the election. No other person may vote except as provided for under clause 10 (b) of these Election Procedures.
 - (b) Voting may be electronic or in hard copy, as decided by the Registrar.
 - i. If the voting is to be electronic then any elector that is partially blind or suffers from any other disability which makes it difficult to cast their vote in the prescribed manner, may be recorded by another person in accordance with the instructions of the elector.
 - ii. Where the elector is unable to access, securely or otherwise the electronic voting system, the same instructions will be supplied in hard copy.
 - (c) The Registrar must use their best endeavours to have a system in place which ensures that no person can vote more than once.
 - (d) If, after voting has commenced, a candidate withdraws due to illness, resignation, or any other reason, or if it is shown that the candidate is ineligible for election or disqualified from membership of Council, all votes previously cast will be invalid, and the Registrar will prepare and send out an amended voting form and set a new closing date and time.
11. (a) After the closing time for the receipt of votes, the Registrar will count the votes in the presence of a scrutineer appointed by the Chancellor, if so requested by the Chancellor.

- (b) If a voter votes for more than one candidate, or if it is unclear who the voter is voting for, or if a voting paper is received after the closing time, or if the voter was ineligible to vote, the voting paper is invalid.
- (c) The candidate with the most valid votes will be declared elected.
- (d) In the event of a tie, the result will be decided by lot by the Registrar in the presence of a scrutineer appointed by the Chancellor.
- (e) If, after a candidate has been declared elected, it is shown that that candidate was ineligible for election under clause 2.1 or 3.1 of the *Council Member Appointments and Election Statute* or disqualified from membership of the Council by virtue of section [277](#) of the [Education and Training Act 2020 \(New Zealand Legislation website\)](#), the Registrar will declare the election of that candidate void.
- (f) If the election of a candidate is declared void within 30 days of the close of voting the candidate with the next highest number of votes will be declared elected. If the time of 30 days is exceeded there must be another election.

General Provisions

- 12. (a) The Registrar has the sole power of decision on all questions relating to the eligibility, nomination and election of candidates and the conduct of elections, and their decisions on such questions is final. This is subject to the exception in clause 12 (b) of these Election Procedures.
 - (b) Despite clause 12 (a) of these Election procedures, if the Registrar declares the election of a candidate void under clause 11. (e) of these procedures, that candidate may within 7 days appeal to the Council, whose decision is final. If the appeal is successful, the candidate will be reinstated.
- 13. Subject to the *Council Member Appointments and Election Statute* and these Election Procedures, the Registrar may issue such instruction as they consider appropriate to ensure the fair and proper conduct, and campaigning, of elections.

Appendix 2: Council Constitution

New Zealand Gazette

Amendment to the Constitution of the University of Canterbury Council Notice 2018

Pursuant to section 170 of the Education Act 1989, the Minister of Education gives the following notice.

1.

(a) This Notice may be cited as the Amendment to the Constitution of the University of Canterbury Council Notice 2018 and amends the notice titled "University of Canterbury Notice 1990" and amends the notice titled "University of Canterbury Notice 1990", as published in the *New Zealand Gazette*, 13 September 1990, No. 159, page 3585, the amendment published in the [New Zealand Gazette, 4 November 2004, No. 143, page 3585](#), and the amendment published in the [New Zealand Gazette, 11 June 2015, Issue No. 65, Notice No. 2015-au3445](#).

(b) The third amendment notice shall come into force on 30th October 2018.

2. There shall be a council to be known as the "University of Canterbury Council" which shall control the University of Canterbury.

3. The University of Canterbury Council shall be constituted as follows:

3.1. The members shall be:

- (a) Four members appointed by the relevant Minister;
- (b) The Vice-Chancellor of the University of Canterbury;
- (c) One permanent member of the academic staff of the University of Canterbury appointed following an election by the permanent members of that staff;
- (d) One permanent member of the general staff of the University of Canterbury appointed following an election by the permanent members of that staff;
- (e) One member appointed following an election by the students of the University of Canterbury;
- (f) One member appointed by the University of Canterbury Council, following consultation with Te Rūnanga o Ngāi Tahu;
- (g) Three members appointed by the University of Canterbury Council, two of whom must be graduates of the University of Canterbury.

3.2. The following requirements shall apply to membership:

(a) Members appointed under clauses 3.1(f) and 3.1(g) may not be employed as a member of staff or enrolled as a student at any university;

(b) Of the 12 members one must be Māori.

4. In making appointments the council should, when considering whether a person satisfies the requirements of the requirements of the Education Act 1989, have regard to the person's governance qualifications and experience and his or her ability to ensure good governance, fiscal responsibility, and academic freedom and excellence.

5. The 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. The powers of the University of Canterbury Council shall not be affected by vacancy in the membership thereof.