

The University of Auckland

COUNCIL

MINUTES

11.12.2006

**Held in the Function Hall (Room 220)
Population Health Complex, Tamaki Campus**

PRESENT Vice-Chancellor, Mr Bidois, Ms Cosey, Mrs Corban, Professor Dalziel, Professor Faull, Mr Fletcher, Mr France, Jennifer Gibbs, Professor McCarthy, Mr Menzies, Ms Sutton, Mr Taylor

RESOLVED THAT THE PUBLIC BE EXCLUDED FROM THE FOLLOWING PARTS OF THE PROCEEDINGS OF THIS MEETING NAMELY:

Items 3C and 7

THE GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED WHILE THE PUBLIC IS EXCLUDED, THE REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND THE SPECIFIC GROUNDS UNDER SECTION 48(1) OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 FOR THE PASSING OF THIS RESOLUTION ARE AS FOLLOWS:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED:

Item 3C Human Participants Ethics Committee – Membership
Item 7 Clause 5 – Budget Report 2007; and
Clause 6 – 10 Year Financial Projections

REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER:

The protection of the interests mentioned below.

GROUND UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION:

THOSE IN SECTION 9 OF THE OFFICIAL INFORMATION ACT 1982 NAMELY:

1. To protect the privacy of the persons referred to in the recommendations and to maintain the confidentiality of those recommendations.
2. To enable the University to carry on without prejudice or disadvantage negotiations and to prevent the disclosure or use of Official Information for improper gain or advantage (Item 7 - Clauses 5 and 6)

RESOLVED ALSO:

THAT Tim Greville, Jonathan Blakeman, Professor Barnes and Grant Wills be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the matters to be discussed. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because

they relate to aspects of the administration of The University of Auckland for which those persons are responsible.

ELECTION OF CHANCELLOR

Section 177 of the Education Act specifies the procedures for the election of the Chancellor, in particular:

“s177(3) A member of the Council who is the chief executive of the institution, a member of the staff of the institution or a student member is not eligible for election as the Chairperson or Deputy Chairperson of the Council.

s177(4) The Chairperson and Deputy Chairperson of a Council each hold office, subject to this section, for 1 year but are eligible for re-election.”

The Chancellor, Hugh Fletcher was first elected at the 18 October 2004 meeting of Council.

He was last re-elected Chancellor for a further term of one year from 18 October 2005.

Accordingly Council held an election to fill the office of Chancellor.

Procedure for Election of Chancellor

Council 12.7.74 resolved –

1. The Registrar to call for nominations – each nomination to have a proposer and a seconder.
2. Should one nomination only be received the person nominated to be declared elected.
3. Should more than one nomination be received then a secret vote be held as follows:
 - (i) Each member of Council entitled to vote be asked to write the name of the candidate for whom (s)he wishes to vote on a voting paper.
 - (ii) The voting papers to be collected and the Registrar and one other member of the administrative staff to act as scrutineers.
 - (iii) The Registrar to declare the nominee gaining the highest number of votes elected.

In the event of an equality of votes the election shall be determined by lot.

The term of appointment will be for one year from 11 December 2006

The Chancellor will then take the Chair.

The Registrar called for nominations for the Office of Chancellor

Mr France nominated Mr Fletcher (seconded Jennifer Gibbs). There being no further nominations, nominations were declared closed and Mr Fletcher declared elected as Chancellor for a term of one year from 11 December 2006 (carried by acclamation).

HONOURS AND AWARDS

The Royal Society of New Zealand

A. **Rutherford Medal** – the highest scientific award in New Zealand – Distinguished Professor Ted Baker

B. **Fellows**

Professor Tim Cundy – Professor of Medicine, Faculty of Medical and Health Sciences
Professor Howard Carmichael, Dan Walls Professor of Physics, Faculty of Science
Professor Bruce Melville, Professor and Head, Department of Civil and Environmental Engineering
Professor Peter Lobie, Liggins Institute

RESOLVED THAT LETTERS OF
CONGRATULATIONS BE SENT TO:

- (1) DISTINGUISHED PROFESSOR TED BAKER
FOR HIS AWARD OF THE RUTHERFORD
MEDAL; AND
- (2) PROFESSORS TIM CUNDY, HOWARD
CARMICHAEL, BRUCE MELVILLE AND
PETER LOBIE FOR THEIR ELECTION AS
FELLOWS OF THE ROYAL SOCIETY OF
NEW ZEALAND.

1. **MINUTES** of the meeting of the Council held on 16 October 2006 (already circulated).

RESOLVED THAT THE MINUTES OF THE COUNCIL
MEETING HELD ON 16 OCTOBER 2006 (ALREADY
CIRCULATED) BE TAKEN AS READ AND
CONFIRMED.

2. **SENATE**, 6 November and 4 December 2006

Part A - Policy and other matters requiring Council approval
Part B - Matters for noting by Council.
Part C - Matters approved by Chairperson between meetings.

Part A – 1 – 5

Council noted reports on the implementation of reviews of the Departments of Art History and Economics.

The report from the Department of Art History had been prepared during a period of restructuring which had created some uncertainty about the implementation of some recommendations. The Deputy Vice-Chancellor (Academic) will discuss implementations with the Dean and Head of Department.

Deletions of qualifications in the Faculty of Education as a result of the restructuring of Faculty programmes were noted.

Other academic matters included in Part A were outlined.

Part B – 1 – 3

Leave reports were noted.

Proposals for the 2007 Winter Lectures and 2008 Robb lectures were also noted.

Part C – 1

NOTED.

RESOLVED THAT PART A BE ADOPTED AND THE
REMAINDER NOTED.

STANDING COMMITTEE OF COUNCIL which report through Senate

- 2.1 **Equal Opportunities**, Report to Council (six monthly report)

The Report was noted. Highlights of the activities in the last period were outlined. The recent death of Aaron Marsters of the EO team was noted with regret.

Professor McCarthy was congratulated on an excellent report.

RESOLVED THAT THE EQUAL OPPORTUNITIES,
REPORT TO COUNCIL BE NOTED.

3. RESEARCH

Professor Barnes noted 10 excellent Centres of Research Excellence proposals had been submitted by the University. A total of 34 CoRE applications had been received by the Government. The University of Auckland list included all four existing University of Auckland CoRES, together with six proposals to establish a new CoRE.

Council congratulated the researchers and the Research Office for the CoRE submissions made and thanked all involved for their hard work.

Issues of fundraising to support research through Partnership for Excellence Programmes and the work being undertaken by Starpath were also discussed.

A. Research Committee 17 October 2006 and 21 November 2006 resolved to recommend that the grants in Schedule 1 attached, be adopted.

B. Grants received year to date totals.

(i) Value of New Contracts/Grants Awarded by External Sponsors

Professor Barnes suggested revenue targets for the year will be met.

(ii) Revenue from all Current Contracts/Grants.

It was felt that the changing funding patterns, particularly the amount of time and effort required to make a funding application, were impacting on research funding likely to be available to the University in the future.

Overall 2006 research revenue was very satisfactory compared to the corresponding time in 2005.

The public were excluded from the following item

4. CONFERMENT OF DEGREES

WITH THE AUTHORITY OF THE COUNCIL, THE CHANCELLOR CONFERRED THE DEGREES AS LISTED IN SCHEDULE 2.

5. AWARD OF DIPLOMAS

WITH THE AUTHORITY OF THE COUNCIL, THE CHANCELLOR AWARDED THE DIPLOMAS AS LISTED IN SCHEDULE 3.

6. SURRENDER OF DIPLOMA OF TEACHING (EARLY CHILDHOOD EDUCATION)

Council has previously awarded the Diploma of Teaching (Early Childhood Education) to the following students:

Name	Date Awarded
Sopath Khoun	10 December 2003*
Anne Robinson	29 September 2005
Vanessa Jo Winter	10 December 2003*

* Awarded by the Auckland College of Education Council

Under the regulations for the Bachelor of Education (Teaching), it was possible for those students who had completed the requirements for the Diploma of Teaching (Early Childhood Education) to qualify

for up to 330 credits towards the Bachelor of Education (Teaching). To graduate with a Bachelor of Education (Teaching) degree requires the surrender of the Diploma of Teaching (ECE).

As these students have now met the requirements for their Bachelor of Education (Teaching), they now surrender their Diplomas of Teaching (Early Childhood Education).

All these students have returned their diploma certificates to the Graduation Office.

RESOLVED THAT CONSISTENT WITH THE REGULATIONS FOR THE BACHELOR OF EDUCATION (TEACHING) DEGREE IN EARLY CHILDHOOD EDUCATION COUNCIL CANCELS THE DIPLOMA OF TEACHING (EARLY CHILDHOOD EDUCATION) AWARDED TO:

Sopath Khoun
Anne Robinson
Vanessa Jo Winter

IN ORDER TO ALLOW THE COURSES TO BE REASSIGNED TO A BACHELOR OF EDUCATION (TEACHING) DEGREE.

7. **FINANCE**, 6 December 2006

Part I

Clauses 1,2,3,4 and 7

NOTED.

The public were excluded from the following items

AS THE BUSINESS FROM WHICH THE PUBLIC HAD BEEN EXCLUDED HAD BEEN CONCLUDED THE PUBLIC BE RE-ADMITTED.

RESOLVED THAT THE AMENDED REPORT AS A WHOLE BE ADOPTED.

8. **AUDIT**, 7 December 2006

Clauses 1 -12

NOTED.

RESOLVED THAT THE REPORT AS A WHOLE BE ADOPTED.

9. **SEAL**

Delegated Authority

Since the last meeting on 16 October 2006 the seal has been applied to the following documents in accordance with the Council resolution of 18.2.91:

- A. Auckland District Health Board and The University of Auckland (Premises at Building 1, Grafton Site Park Rd) – Deed of Licence Fee Review
- B. Deed of Rent Review – University of Auckland Law Library, 13-15 Eden Crescent
- C. Memorandum of Agreement – The University of Auckland and Her Majesty the Queen (Crown) Transit New Zealand – land to provide access to the new Business School.
- D. Electric City Music (1995) Limited – Just Sounds Limited and Rodney Stuart Croon, Shareholder – The University of Auckland, Landlord – Deed of Assignment of Lease

- E. Pernod Ricard New Zealand and The University of Auckland – Deed of Lease – 169 Pilkington Road, Panmure (warehouse space)
- F. The University of Auckland – Portables Plus Group Ltd; Anthony Robert Fitzgerald, Calum Andrew Haslop (guarantors) Deed of Lease Rooms 291B and 291E Kate Edger Information Commons
- G. Letters from Auckland University Press 14 November 2006, 20 November 2006 and 29 November 2006 forwarding for execution by Council agreements in the form approved by Council between The University of Auckland and Janet Charman in respect of her work “Cold Snack”; Fiona Farrell in respect of her work “The Pop-up Book of Invasions”; C.K. Stead in respect of his work “The Black River” and Laurence Simmons in respect of his work “Speaking Trust to Power”.

RESOLVED THAT THE AFFIXING OF THE SEAL TO THE DOCUMENTS BE NOTED.

10. **FINANCIAL STATEMENTS** for the ten months ending 31 October 2006

It was noted that the restructuring exercises were being implemented and the outcomes were satisfactory.

RESOLVED THAT THE FINANCIAL STATEMENTS FOR THE TEN MONTHS ENDING 31 OCTOBER 2006 BE RECEIVED.

11. **THEOLOGY MEMORANDUM OF AGREEMENT**

Memorandum from Deputy Vice-Chancellor (Academic) together with Memorandum of Agreement

RESOLVED THAT COUNCIL APPROVE THE MEMORANDUM OF AGREEMENT SETTING OUT THE BASIS ON WHICH THE UNIVERSITY AND THREE LOCAL COLLEGES OF THEOLOGY, (ST. JOHNS, TRINITY METHODIST AND THE CATHOLIC INSTITUTE OF THEOLOGY), WILL COOPERATE IN PROVIDING PROGRAMMES IN THEOLOGY FOR THREE YEARS FROM 1 JANUARY 2007.

12. **OTHER REPORTS**

12.1 **Smoke Free Policy**

The Smoke Free Environments Act 1990 requires that each year the Council reviews its Smoke Free Policy and consider any submissions made by employees etc. This policy was last amended in December 2004.

One submission had been received from OESHAC proposing that a total ban on smoking in University grounds be enunciated, (extending the existing ban on smoking in buildings controlled by the University) so that the concerns about smoking on Campus being addressed to the Committee are dealt with.

Council noted that from a University perspective, the Smoke free legislation only prohibits smoking in workplaces. Workplaces are not places which are traversed on the way to work. A “place of work” is also a place where the employer has “control and at least a right to occupy the place to the exclusion of others”. This means the University cannot enforce a blanket no smoking ban under the legislation, nor can it state where one can smoke as opposed to where one cannot.

For the reasons set out above it was agreed that Council receive the submission but note that while the University arguably can enforce a blanket no smoking policy for staff and students under the Disciplinary Statute, that cannot be used for others, such as members of the public, on University grounds. Therefore the Council cannot support the proposed policy and agreed to endorse the existing policy which complies with the legislation

RESOLVED THAT COUNCIL ENDORSES THE
SMOKE FREE POLICY FOR 2007.

12.2 **Court of Convocation Register Statute 1990 and
The Council Elections (Court of Convocation Representatives) Statute 1990**

In 2007 two positions on Council appointed by the Court of Convocation become vacant on 18 July. It will be necessary to call for nominations and, in the event there are more than 2 nominations, to have an election.

Over the years the present Statutes governing these elections have meant that the numbers of graduates participating in these elections remained low as the voting processes were

determined at a time when postal voting was the only option available and the costs of postage, plus the time taken to communicate by post, meant that graduates overseas could not participate in the elections.

As the University seeks to “re-engage” with these graduates, it is possible to rewrite the Statutes so as to transfer to electronic voting by a process where alumni log-in to the University website, click onto an “elections” site, then are authenticated and permitted to vote in the election.

As part of the process the University will need to write to members on the Court of Convocation Register Statute and advise them of the plan to introduce electronic voting and the way this will operate in the future. A campaign involving the marketing team is being developed.

Initially, given that the majority of alumni (some 75%) have not supplied the University with an electronic address, it will be necessary for the University to write to all members on the Register to seek electronic contact details and to offer those in NZ the opportunity to vote in the traditional “hard copy” manner if they wish to vote but do not have access to a computer with email and worldwide web access.

As this will require a major revision of the present Statutes to allow such electronic voting to take place in 2007 Council was asked to indicate if they supported the proposal for electronic voting and to authorise the development of a proposal to be put to the February 2007 meeting.

RESOLVED THAT COUNCIL SUPPORT IN
PRINCIPLE THE INVESTIGATION OF A PROPOSAL
TO ALLOW FOR ELECTRONIC VOTING IN THE
COURT OF CONVOCATION ELECTIONS FROM 2007
AND INVITES THE VICE-CHANCELLOR TO
SUBMIT DETAILED PROPOSALS TO THE
FEBRUARY 2007 MEETING OF COUNCIL.

13. **APPOINTMENTS AND MEMBERSHIP**

13.1 **Council**

A. **Student Representatives, 2007**

Report from Returning Officer

Ms Anna Crowe
Mr David Do

RESOLVED THAT THE ELECTION OF MS ANNA
CROWE AND MR DAVID DO BE NOTED.

B. Minister of Education Appointment

Mr Hugh Fletcher has been re-appointed for a further four year term from 1 February 2007 to 31 January 2011.

RESOLVED THAT THE RE-APPOINTMENT OF MR FLETCHER BE NOTED.

C. Last Meeting

Mr Dan Bidois and Mr Xavier Goldie

On behalf of Council the Chancellor thanked Mr Bidois and, in his absence, Mr Goldie for their contributions to the work of Council (carried by acclamation).

RESOLVED THAT MR DAN BIDOIS AND MR XAVIER GOLDIE BE THANKED FOR THEIR CONTRIBUTIONS TO THE WORK OF THE COUNCIL.

13.2 Committees of Council

A. Finance – Deans’ Representatives

Report of the Returning Officer

Professor Iain Martin and Professor Sharman Pretty were elected for a two year term from 1 February 2007 to 31 January 2009.

Student Representative

Ms Lesieli Moala, AUSA President 2007

RESOLVED THAT:

- (1) THE APPOINTMENT OF PROFESSOR IAIN MARTIN AND PROFESSOR SHARMAN PRETTY AS THE DEANS’ REPRESENTATIVES ON FINANCE COMMITTEE FOR A TWO YEAR TERM TO 31 JANUARY 2009; AND
- (2) THE AUSA PRESIDENT 2007 – THE APPOINTMENT OF MS LESIELI MOALA BE NOTED.

B. Vice-Chancellor’s Review

It is recommended that, in keeping with recent practice, the Vice-Chancellor’s Review Committee should consist of the Chancellor, Pro-Chancellor and the lay Chairs of the Audit and Finance Committees, Mr Roger France be appointed to the Vice-Chancellor’s Review Committee.

RESOLVED THAT THE APPOINTMENT OF MR ROGER FRANCE AS A MEMBER OF THE VICE-CHANCELLOR’S REVIEW COMMITTEE BE NOTED.

C. Honours Committee

Report of Returning Officer

Professor Michael Neill – Two year term from 1 February 2007 to 31 January 2009
(replacing Professor Vivienne Gray)

RESOLVED THAT THE APPOINTMENT OF
PROFESSOR MICHAEL NEILL TO THE HONOURS
COMMITTEE FOR A TWO YEAR TERM TO 31
JANUARY 2009 BE NOTED.

D. Runanga

The Registrar reported the Runanga was largely reconstituted with just two casual vacancies now to be filled.

14. ELECTION – PRO CHANCELLOR

S177 of the Act provides:

- (1) At the first meeting of a Council the Council shall elect one of its members to be the Deputy Chairperson of the Council.
- (2) Whenever a vacancy subsequently occurs in the office of Chairperson or Deputy Chairperson of the Council, the Council shall elect one of its members to fill the vacant office.
- (3) ..the chief executive..a member of staff..or a student member is not eligible for election as the Deputy Chairperson.
- (4) The Deputy Chairperson..hold office..for 1 year..
- (8) The Deputy Chairperson of the Council of a university may be referred to as the Pro-Chancellor or by such other title as the Council determines..

At the Council meeting on 17 October 2005 Jennifer Gibbs was elected as Pro-Chancellor for a term of one year.

Council was therefore required to elect a Pro-Chancellor for 2007. It was noted that the practice had been for Pro-Chancellors to serve two one year terms, then the Office be passed to another lay member of Council. Jennifer Gibbs had now served two years as Pro-Chancellor.

The Chancellor thanked Jennifer Gibbs for her many contributions to the work of Council during her terms as Pro-Chancellor (carried by acclamation).

Nominations were then called for the Office of Pro-Chancellor

Jennifer Gibbs nominated Roger France (seconded Chancellor)

There being no further nominations, nominations were declared closed and Roger France elected as Pro-Chancellor for a one year term from 12 December 2006 to 11 December 2007.

15. GENERAL BUSINESS

There were no items of general business

16. LEAVE OF ABSENCE

Mr Morris
Justice Stevens

CONFIRMED.

Hugh Fletcher
Chancellor

Date and Venue of Next Meeting: 26 February 2007, 4.00 pm. To be held in the Council Room 210,
ClockTower, 22 Princes Street