

## COUNCIL APPOINTMENT STATUTE

<b>Section</b>	Institute Governance and Management		
<b>Approval Date</b>	22.06.2012	<b>Approved by</b>	Council
<b>Next Review</b>	31.03.2017	<b>Responsibility</b>	Chief Executive
<b>This review</b>	16.03.2016	<b>Key Evaluation Question</b>	6

### 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, as amended by the Education (Polytechnics) Amendment Act 2009, which came into force on 1 March 2010.

The Council of Nelson Marlborough Institute of Technology shall comprise:

- a) Four members appointed by the Minister, and
- b) Four members appointed by Council in accordance with the Statute

The Chair and Deputy Chair of Nelson Marlborough Institute of Technology Council shall be appointed by the Minister.

This Statute sets out the process by which the Nelson Marlborough Institute of Technology will appoint the four members of its Council that it is required to appoint under Section 222 of the Act. The purpose of this Statute is to ensure that the Nelson Marlborough Institute of Technology:

- a) Complies with all statutory requirements of the Education Act 1989;
- b) Appoints members under section 222 who are able to add value from a governance perspective; and
- c) Includes members who are representative of the Nelson Marlborough Institute of Technology community, and is balanced with respect to ethnicity, gender, experience, lifestyle, and place of residence.

### TITLE

1. This Statute may be cited as the Nelson Marlborough Institute of Technology Council Appointment Statute.

### INTERPRETATION

2. In this Statute, unless the context otherwise requires:
  - a) 'The Act' means the Education Act 1989;
  - b) NMIT means Nelson Marlborough Institute of Technology;
  - c) 'Council' means the Council of Nelson Marlborough Institute of Technology

## PART A: APPOINTMENTS

3. Appointments to Council under Section 222 of the Act must be appointed in accordance with this Part.
4. Council will appoint four persons to Council.
5. Appointments made by the Council under this Part must ensure that Council includes:
  - a) A person who is able to represent the best interests of Top of the South Iwi and Mata Waka, students, businesses, and communities, and who is endorsed by Council Kaumatua;
  - b) A person enabling both Marlborough and Nelson regions to have at least one resident as a member of Council.
  - c) A person jointly nominated by the Executive of the Student Association Nelson-Marlborough Institute of Technology Inc (SANITI), and Executive of Unions representing the interests of NMIT staff, to represent the NMIT community;
  - d) A person appointed by Council or the Minister to ensure that Council has access to relevant financial management and reporting knowledge, skills and experience, or that provides skills and knowledge as outlined in the appendix.
6. Once Council has made appointments, or Members have been appointed by the Minister, that satisfy the requirements of this Part, Council may co-opt a further member(s), provided such appointments comply with Parts B and C of this Statute.
7. In the event of a casual vacancy arising, Council may co-opt a member for the balance of the term of the member who created the casual vacancy. Council will ensure that such co-option complies with the requirements of Parts A, B and C of this Statute.

## PART B: PERSONS TO BE APPOINTED BY COUNCIL

8. Relevant Knowledge, Skills, and Experience

The Council shall appoint as Members, only persons who, in the Council's opinion, formed after reasonable and prudent inquiries:

- a) Have relevant knowledge, skills, and experience as set out in the appendix; and
- b) Are likely to be able to fulfil their individual duties as members of the Council, and the functions, duties, and responsibilities of the Council, including the duties of members of polytechnic councils as specified in Section 222AH of the Education (Polytechnics) Amendment Act 2009:

## PART C: OTHER MATTERS TO BE CONSIDERED BY COUNCIL

9. Council shall, when making any appointment, consider the nominee's ability:
  - a) To act with honesty and integrity at all times;
  - b) To act in good faith in the interests of NMIT as a whole, not to pursue his or her own interests at the expense of the Council's interests, and to act in a manner that promotes the performance of functions characteristic of a strong polytechnic institution;
  - c) To exercise the care, diligence and skill that a reasonable person would exercise in the circumstances, taking into account the nature of the Council functions, the nature of action, the position of the member as a member of the NMIT Council, and the nature of the responsibilities undertaken by him or her;
  - d) To retain confidential information likely to be prejudicial, if published, to the interests of the Council;
  - e) To attend meetings of Council, and other NMIT functions and events such as graduation ceremonies;
  - f) To undergo induction to Council, to attend professional development governance courses, and to attend Tertiary Education Commission forums and conferences where appropriate.

## PART D: TERMS OF OFFICE AND RE-APPOINTMENT

10. Subject to Section 12, the term of office of any member will be four years.
11. Members shall retire from office on the fourth anniversary of their appointment.
12. Any member of the Council can be reappointed for a further term up to three terms.

## PART E: CHIEF EXECUTIVE'S ATTENDANCE AT COUNCIL MEETING

13. The Chief Executive shall be entitled, on a non-voting basis, to attend all meetings of Council, except those concerning his or her performance or terms and conditions of employment, or sections of Council meetings determined by Council to be for Council Members only.

## APPENDIX

### SKILLS, COMPETENCE, EXPERIENCE, AND ATTRIBUTES REPRESENTATION

NMIT Council has identified the following skills, competence, experience and attributes required of an effective NMIT Council:

- **Strong, “hard” governance skills, and experience as a director/trustee/member of Council.** We require that at least some of our Council satisfy our need for people with successful governance experience. The Chair needs support in the key role of guiding, nurturing and assessing our Chief Executive, while respecting that we have empowered him/her to successfully deliver our agreed business plan outcomes within the constraints of our agreed budget.
- **“Soft” governance skills.** We require that each of the members of Council have the ability and desire to work together as a team, to be persistent in the pursuit of good outcomes and appropriate information for decision-making, and to collectively own the decisions reached by the Council after due consideration.
- **Successful business experience in governance/executive management.** NMIT is a complex, large and dynamic business. We require members who can provide governance oversight, connections, networks, support in areas such as law, human resources, technology, communications, asset management, and project management and knowledge of international vocational training and education markets, understanding of e and blended learning.
- **Financial management and reporting experience in the sector, and/or at a senior commercial level.** We recognise that we are the trustees of public funds, and that we are a major business in terms of cash flow, resources, assets, and people. We therefore take seriously our governance, audit and risk management responsibilities.
- **Strategic planning abilities.** We have recently completed our Investment Plan 2015-2016. NMIT operates in a very competitive and rapidly changing environment. We seek members who are able to guide us through the process of developing a vision, strategic plan, annual business plans and supporting budgets, and the KPIs and assessment tools; people who can focus us on the longer term strategic opportunities and challenges, rather than the short term business detail of the moment.
- **Ethnic and Socio-Economic Diversity.** Council requires membership that reflects the ethnic and socio-economic diversity of the community it serves.
- **Commitment to regional and national economic development.** We require members who can help us understand the current and likely training needs of our region and our communities, who can help us to connect with local business, Iwi business, industry and employee associations, regional development groups, and management of local government agencies. These members will be committed to regional and national economic growth, and will appreciate the crucial importance of training to this outcome.

- **Appreciation of industrial relations.** NMIT is one of the region's largest employers, with staff able to be members of several unions, and working under a variety of employment contracts.
- **Gender balance.**
- **Age and experience balance.**
- **Education Alignment.** NMIT is committed to our alignment with secondary education, and with other training providers in the university, industry training organisation, and private training sectors. Collaboration with these organisations enables NMIT to achieve its objectives, while contributing to the growth of our communities.
- **Local government expertise/connection.**
- **Understanding of the tertiary education sector.** The Council needs at least one member who has a good understanding of the processes of TEC, tertiary funding, and of the processes of government.
- **Strong personal values.** Recent NMIT Councils have been blessed by having Members who demonstrate great NMIT and personal values in their behaviour around the table, and in the way they take NMIT back to their communities; respect, integrity, transparency, commitment, sharing, recognising successes and celebrating NMIT people.

### **Representational Requirements**

We recognise that our representational requirements might be met by Ministerial appointments, community appointments, and/or advisory boards. While there might be some reputational hang-ups around the process of representation, the key outcome is that our community needs to feel that it has an opportunity to have its say, is fairly consulted, does provide reliable timely input as to their community needs, and is recognised as being an important stakeholder.

We see our representational requirements revolving around:

- **Top of the South Iwi.** NMIT is committed to ensuring that our Māori education responsibilities recognise the unique needs of our Iwi. The way we engage with them reflects that commitment.
- **Marlborough and Nelson.** We work for our communities in Marlborough and Nelson, delivering educational services on regional campuses, and by distance training. We are committed to our engagement with the Marlborough and Nelson communities.
- **The Users of our Services.** We referred to small, medium and large businesses and their associations, regional development agencies, Iwi business. These include local employers across a wide range of sectors, and national employers who need our training expertise in areas where we are acknowledged leaders in curriculum development and delivery.
- **NMIT Community.** Students, staff, former students, and other people who make up the NMIT community.