




## Massey University Council Delegation Statute 2020

Delegation Statute pursuant to section 194 of the Education Act 1989

Pursuant to section 194(1) of the Education Act 1989 the Council hereby resolves to adopt the attached Delegation Statute.

Signatures

  
..... Date 18 September 2020 .....

(Chancellor, Massey University Council)

  
..... Date 18 September 2020 .....

(Pro Chancellor, Massey University Council)

  
..... Date 17 September 2020 .....

(Vice-Chancellor, Massey University)

## MASSEY UNIVERSITY DELEGATION STATUTE 2020

1.1 By resolution of Council and pursuant to Section 194(1)(a) of the Education Act 1989 ("Act"), the Council adopts this Statute as the Delegation Statute 2020.

1.2 Immediately upon this Delegation Statute coming into force, the Delegation Statute 2014 is repealed.

### 2. Title and Commencement

2.1 This Statute shall be known as the Massey University Delegation Statute 2020.

2.2 This Statute comes into force on the date that Council resolves to adopt it and two Council members have signed it.

### 3. Objectives

3.1 The objectives of this Statute are to:

(a) State which of Council's functions, and powers may be delegated pursuant to Section 222 of the Act;

(b) Identify the procedure for delegations; and

(c) Generally record delegations.

### 4. Savings

4.1 Except as stated in section 1.2, nothing in this Statute repeals any delegations already given by Council, or by its Committees, or by the Vice-Chancellor (including Vice-Chancellor delegates). Delegations existing at the date of adoption of this Statute, unless revoked, shall continue in force according to their tenor.

4.2 Where any functions or powers set by legislation are amended then this Statute is deemed to be amended to the extent required so that this Statute is consistent with the enacted amendment.

### 5. Procedure for Delegations by Council

5.1 Except as stated in Section 5.3, at any time after there has been a resolution passed, Council may, in writing signed by two members of Council, delegate to the Vice-Chancellor or to a Committee appointed by Council any of Council's functions or powers.

5.2 Council shall not delegate its power to appoint a Vice-Chancellor or Acting Vice-Chancellor.

- 5.3 Each delegation must record whether or not the Vice-Chancellor or the Committee may further delegate the function or power so delegated by Council.
- 5.4 If further delegation is permitted that further delegation by the Vice-Chancellor or by the Committee must be in writing signed by the Vice-Chancellor or two members of the Committee and may only be to the staff of Massey University.
- 5.5 If any special directions or conditions are imposed by Council then those special directions or conditions must be recorded in writing on the delegation.
- 5.6 Any delegation made to a Committee shall be deemed to be a delegation to the persons from time to time constituting the Committee. For the avoidance of doubt, any Committee constituted by the Academic Board is deemed to be a Committee constituted by Council pursuant to Section 193(3) of the Act. For the avoidance of doubt, the Council consents to delegation by the Academic Board and by its Committees to staff of Massey University.
- 5.7 Any delegation to staff may be made to specified person(s) or holder of specified office(s).
- 5.8 Even after a function or power is delegated the Council is responsible for acts of the person(s) acting under delegation.
- 5.9 Even after Council has delegated any Council function or power Council may still perform the function or exercise the powers. Where Council performs a function or exercises a power that is subject to a delegation, Council's actions will take precedence over any actions of the delegate.
- 5.10 Any delegation by Council may be revoked in writing signed by two members of Council after a resolution by Council at any time. Any further delegations by a Committee may be revoked in writing signed by two Committee members after resolution by the Committee. Any further delegations by the Vice-Chancellor may be revoked in writing signed by the Vice-Chancellor.

## 6. Council Delegations

- 6.1 The Council may delegate those Council functions and powers under the Act set out as Schedule A.
- 6.2 Without derogating from Section 6.3 the Council delegates and/or hereby continues to delegate those functions and powers as set out in Schedule A.
- 6.3 For the avoidance of doubt, in respect of the Act all of Council's functions and the exercise of its powers have previously and continue to be delegated to the Vice-Chancellor with the exception of the appointment of the Vice-Chancellor, performance

reviews of the Vice-Chancellor and the terms and conditions of employment of the Vice-Chancellor.

## 7. Interpretation

7.1 In this Statute the following definitions apply:-

“Academic Board” means the Academic Board of Massey University established pursuant to Section 182(2) of the Act and includes its delegates.

“Act” means the Education Act 1989 and includes any amendment Acts or Acts passed in substitution for the Education Act 1989.

“Campuses”, “Centres”, “Colleges”, “Departments” or “Schools” are operational units as directed in writing from time to time by the Vice-Chancellor.

“Chair” means a position with that title as established by the Vice-Chancellor.

“Council” means the Council of Massey University.

“Massey University” means a body corporate constituted under the Education Act 1989 as Massey University.

“Statute” means this Delegation Statute.

“Student” means a student enrolled in any course(s) at Massey University.

“Vice-Chancellor” means the Vice-Chancellor of Massey University and includes the Acting Vice-Chancellor.

7.2 Sections from the Act are not set out in full in this Statute. Consequently, a delegate should refer to a current version of the Act when exercising a power or performing a function by delegation.

### Schedule A

Ref	Power	Can be delegated	Standing Delegation	Further Delegable	Special directions and conditions to delegation
1	Massey University submissions to Tertiary Education Commission on the proposed Tertiary Education Commission decisions pertaining to The University's plan. (Section 159YA)	Yes	Vice-Chancellor	Yes	
2	Supply information to the Tertiary Education Commission and the Ministry as required. (Section 159YC)	Yes	Vice-Chancellor	Yes	
3	Make submissions to the Tertiary Education Commission when the Tertiary Education Commission proposes to suspend or revoke funding. (Section 159YG)	Yes	Vice-Chancellor	Yes	
4	Require review of the Tertiary Education Commission powers to suspend or revoke funding. (Section 159YJ, 159ZH)	Yes	Vice-Chancellor	No	
5	Ask the Tertiary Education Commission to approve significant amendment of plan. (Section 159YK)	Yes	Vice-Chancellor	Yes	
6	Collaborate with the Tertiary Education Commission and make submissions on significant amendments to plan proposed by the Tertiary Education Commission. (Section 159YM)	Yes	Vice-Chancellor	Yes	
7	Provide summary of plan. (Section 159YO)	Yes	Vice-Chancellor	Yes	
8	Supply information to the Tertiary Education Commission and the Ministry under Section 159ZD. (Section 159ZD)	Yes	Vice-Chancellor	Yes	
9	Make submissions on the Tertiary Education Commission decision to suspend or revoke funding given under Section 159ZC. (Section 159ZF)	Yes	Vice-Chancellor	Yes	
10	Countersign documents to which the Common Seal is Affixed. (Section 167(2c))	Yes	Any two: Chancellor Vice-Chancellor DVC Students and Global Engagement	No	Affixing of the University Seal must be in accordance with the Common Seal Statute.

Ref	Power	Can be delegated	Standing Delegation	Further Delegable	Special directions and conditions to delegation
11	Enter into a contract or other enforceable obligation on behalf of the Institution. (Section 167A)	Yes	Vice-Chancellor	Yes	
12	Recommend to the Minister that Massey University Constitution be amended. (Section 170(1))	No			
13	Fix, in accordance with the fees framework, fees to be paid to Council members, other than the Vice-Chancellor. (Section 179(1))	No			
14	Appoint a chief executive in accordance with the State Sector Act 1988, and to monitor and evaluate his or her performance (Section 180 (1)(a))	No			
15	Submit a proposed plan in accordance with requirements of Section 159P each three years or more frequently if directed by the Tertiary Education Commission. (Section 180(1)(b), Section 159T, Section 159V and Section 159X)	Yes	Vice-Chancellor	Yes	
16	Ensure that Massey University is managed in accordance with the plan and determine policies to implement the plan. (Section 180(1)(c))	Yes	Vice-Chancellor	Yes	
17	Determine policies in relation to the management of Massey University's affairs subject to the State Sector Act 1988. (Section 180(1)(d))	Yes	Vice-Chancellor	Yes	Council retain approval of Statutes, governance policies and academic policies (as determined by Council).
18	Approve the University's long-term strategic direction, significant strategies and plans, annual operating budget and Annual Report. . (Section 180(1)(e))	No			
19	Establish an Academic Board consisting of the Vice-Chancellor and members of the staff and students of the University. (Section 182(2))	No			Terms of Reference to be approved by Council.
20	Approve the establishment, acquisition or participation of the University in controlled entities. Approve the disestablishment, disposal or divestment of controlled entities. (Section 192(2)(b)(i) and (ii))	No			See Controlled Entities Governance Framework Policy
21	Provide courses of study (section 193(2)(a))	Yes	Vice- Chancellor	Yes	

Ref	Power	Can be delegated	Standing Delegation	Further Delegable	Special directions and conditions to delegation
22	Admit Students (section 193(2)(a))	Yes	Vice-Chancellor	Yes	
23	Grant Awards (Section 192(8)(a)), Section 193(2)(a))	Yes	Vice-Chancellor Academic Board	No No	The Council confers degrees and awards diplomas and certificates at graduation ceremonies or 'in Council' at Academic Board under Delegation of Council. See Council Graduation Statute. Vice-Chancellor may grant nationally recognised awards other than degrees, diplomas or certificates.
24	Grant fellowships, bursaries, scholarships or prizes. (Section 193(2)(b))	Yes	Vice-Chancellor	Yes	
25	Authorise the making of grants or loans to: <ul style="list-style-type: none"> <li>• Vice-Chancellor</li> <li>• Staff and staff associations</li> <li>• Students (grants)</li> <li>• Student associations (loans)</li> </ul> (Section 193(2)(c))	No Yes Yes Yes	 Vice-Chancellor Vice-Chancellor Vice-Chancellor	 Yes Yes Yes	
26	Accept gifts, devises, and bequests made to Massey University, whether on trust or otherwise. (Section 193(2)(d), 201(B))	Yes	Vice-Chancellor	Yes	
27	Agree to disestablishment of Massey University and its incorporation into another institution. (Section 193(2)(e))	No			
28	Agree to the incorporation into Massey University of another institution or institutions. (Section 193(2)(ea))	No			
29	Arrange for manufacture of, and distribute (whether by way of sale or otherwise), any article or thing bearing a mark, symbol or writing that is associated with Massey University. (Section 193(2)(f))	Yes	Vice-Chancellor	Yes	
30	Arrange for the provision of goods and services to Massey University staff or students or other persons using, or otherwise attending Massey University. (Section 193(2)(g))	Yes	Vice-Chancellor	Yes	
31	Prescribe administrative fees payable by students at Massey University (Section 193(2)(h))	Yes	Vice-Chancellor	No	

Ref	Power	Can be delegated	Standing Delegation	Further Delegable	Special directions and conditions to delegation
32	Appoint committees consisting of such persons as the Council determines to exercise such powers as are delegated to them and such powers as are conferred on them by statutes made by the Council, and to alter, discharge and reconstitute committees so appointed. (Section 193(3))	No			
33	Approve and review statutes. (Section 194(1))	No			
34	Review the imposition and quantum of any penalties imposed by statute upon students or staff. (Section 194(2))	Yes	Vice-Chancellor	Yes	
35	Supply information or reports to the Tertiary Education Commission. (Section 195B)	Yes	Vice-Chancellor	Yes	
36	Consult and comment to the Minister on any proposed appointment of a Crown observer. (Section 195C)	No			
37	Consult with the Minister over possible need to dissolve Council and appoint a Commissioner and respond to preliminary decision of Minister to dissolve Council. (Section 195D(4)(a) and (c)).	No			
38	Establish, maintain and operate bank accounts as permitted under Section 158 of the Crown Entities Act 2004 in Massey University's name at any registered bank. (Section 200(1) and 200(2))	Yes	Vice-Chancellor	Yes	
39	Authorise withdrawals and payments of money from any of Massey University's bank accounts. (Section 200(3))	Yes	Vice-Chancellor	Yes	
40	Keep proper accounts as per Section 168(1) and (2) of the Crown Entities Act 2004. (Section 201)	Yes	Vice-Chancellor	Yes	
41	Invest money as per Section 65l(1) and (2) of the Public Finance Act 1989. (Section 203(4))	Yes	Vice-Chancellor	Yes	
42	Approve annual report prior to submission to the Minister in compliance with requirements of Sections 154 to 156B and 157A of the Crown Entities Act 2004. (Section 220)	Yes	Vice-Chancellor	Yes	



Ref	Power	Can be delegated	Standing Delegation	Further Delegable	Special directions and conditions to delegation
43	Chairperson of Council and Chief Executive to sign a statement of responsibility prepared in accordance with Section 155 of the Crown Entities Act 2004. (Section 220(2AA)(a))	Yes	Chancellor and Vice-Chancellor	No	
44	Determine programmes of study and training at Massey University (Section 223)	Yes	Vice-Chancellor	Yes	Includes but is not limited to: approval of all qualifications (programmes), subjects, courses, specialisations (including majors and minors) and special topics, in addition to location, mode, deletions, deferrals, retirements and any structural changes to qualifications.
45	Determine minimum entry criteria for students under 20 years old. (Section 224(2)(b))	Yes	Vice-Chancellor	Yes	
46	Determine the minimum age for enrolment at Massey University. (Section 224(2)(c)(i))	Yes	Vice-Chancellor	No	
47	Determine the minimum age for enrolment in the programme or training scheme. (Section 224(2)(c)(ii))	Yes	Vice-Chancellor	Yes	
48	Consent to enrolment of a person who has not attained the minimum age for entry to Massey University or the person does not have the minimum entry requirements for applicants under 20. (Section 224(3)(b))	Yes	Vice-Chancellor	Yes	
49	Where satisfied that it is necessary to do so because of insufficiency of staff, accommodation, or equipment, determine the maximum number of persons that may be enrolled in a particular Massey University programme or training scheme in a particular year. (Section 224(5))	Yes	Vice-Chancellor	Yes	
50	Give preference to eligible persons who are under-represented among the students undertaking the programme or training scheme, where the number of persons who apply for enrolment in that course, exceeds the maximum number of students who may undertake that course. (Section 224(6))	Yes	Vice-Chancellor	Yes	

Ref	Power	Can be delegated	Standing Delegation	Further Delegable	Special directions and conditions to delegation
51	Refuse to permit or cancel the enrolment of a person as a student at Massey University or in a particular programme or training scheme on specified grounds. (Section 224(12))	Yes	Vice-Chancellor	Yes	
52	Fix a tuition fee for any programme of study or training but not fix, in relation to domestic students, in accordance with the annual maximum fee movement. (Section 227(1) and (1A))	Yes	Chancellor and Vice-Chancellor jointly (Committee)	No	Domestic student fees must be approved by Council, unless such circumstances exist that require an out of Council meeting approval, in which case that approval may be provided jointly by the Chancellor and Vice-Chancellor.
53	Fix or specify a means for calculating or ascertaining a fee for the provision of student services provided by Massey University or by another body on its behalf, not exceeding the maximum set by the Minister and only for categories determined by the Minister. (Section 227(1B), (1C) and (1D))	Yes	Chancellor and Vice-Chancellor jointly (Committee)	No	Student services fees must be approved by Council, unless such circumstances exist that require an out of Council meeting approval, in which case that approval may be provided jointly by the Chancellor and Vice-Chancellor.
54	Refund a student all or any part of any fees.(Section 227(5))	Yes	Vice-Chancellor	Yes	
55	Fix fees for international students in accordance with specified requirements. (Section 228(2)(a), (b) and (c))	Yes	Chancellor and Vice-Chancellor jointly (Committee)	No	International student fees must be approved by Council, unless such circumstances exist that require an out of Council meeting approval, in which case that approval must be provided jointly by the Chancellor and Vice-Chancellor.
56	Agree subsidies for international students. (Section 228(2A)(a-d))	Yes	Vice-Chancellor	Yes	
57	Establish refund policy for international students and inform them in writing. (Section 228)	Yes	Vice-Chancellor	Yes	
58	Refuse to hear, hear and determine complaints in respect of undue influence allegations in breach of Section 229B by prospective students and students. (Section 229C)	Yes	Vice-Chancellor	Yes	