



COUNCIL

**Minutes of the Council Meeting held on Monday, 31 August 2020
from 9.00 am to 5.40 pm in the Council Chamber, Level 2, Hunter Building
Kelburn Campus**

PRESENT:

- Mr John Allen
- Professor Brigitte Bönisch-Brednich
- Professor Grant Guilford (Vice-Chancellor)
- Professor Kate Hunter
- Mr Alan Judge
- Mr Hugo Lawrence
- Dr Dianne McCarthy
- Ms Rhianna Morar *from 9.15 am*
- Mr Neil Paviour-Smith (Chancellor)
- Ms Cath Nesus
- Dr Farib Sos
- Dame Therese Walsh (Pro-Chancellor)
- Ms Caroline Ward (Secretary to Council)

APOLOGY Ms Rhianna Morar for lateness

IN ATTENDANCE:

- Professor Stuart Brock, Vice-Provost (Academic)
- Professor Jane Bryson, Interim PVC & Dean, Wellington School of Business & Govt
- Ms Annemarie de Castro, Director, Human Resources
- Mr Brendan Eckert, Associate Director Business Partnering
- Ms Katherine Edmond, Associate Director Communications
- Mr Simon Johnson, General Counsel
- Professor Wendy Lerner, Provost
- Mr Blair McRae, Deputy Vice-Chancellor, Engagement
- Mr Mark Loveard, Chief Operating Officer
- Mr Les Montgomery, Chief Financial Officer
- Mr Phil O'Connell, Director, Safety, Risk Assurance
- Ms Madeleine Setchell, Director, Communications, Marketing and Engagement
- Ms Taylah Shuker, VUWSA President
- Professor Ian Williamson, PVC & Dean, Wellington School of Business & Govt
- Professor Jennifer Windsor, PVC & Dean, FHSS

From the Tertiary Education Union (TEU)

- Mr Michael Gilchrist, TEU President
- Ms Nicki Wilford, TEU Organiser
- Ms Katy Miller, TEU VUW Branch, Co-President
- Mr Hongzhi Gao, TEU Branch Member
- Mr Dougal McNeill, TEU VUW Branch, Co-President
- Ms Leigh Paterson, TEU Communications and Campaign Officer

20.148 KARAKIA

Noted: that the Chancellor led the Karakia.

20.149 WELCOME / ACKNOWLEDGEMENTS / APOLOGIES

Noted:

- 1 that the Chancellor welcomed everyone to the Council Chamber including members of the public and staff in the gallery as well as those watching the livestream of the meeting.
- 2 that an apology for lateness from Ms Morar was received due to her requirement to attend a compulsory post-graduate seminar.
- 3 that the Chancellor reminded Council members that the TEU National President, Michael Gilchrist and delegation would join the Council meeting for a presentation at 3.15 pm.
- 4 that an oral report on Item 25 – Whiria Project – had been brought forward to the public session of the meeting. Confidential matters relating to the project will be discussed in the confidential session.

Resolved: that the apology for lateness from Ms Morar be sustained.

Paviour-Smith/Nesus

Carried

200129

20.150 DECLARATIONS AND DISCLOSURES OF INTERESTS

Noted:

- 1 that the following declarations and disclosures of interest by members of Council, by way of a general notice under the Education Act 1989 Section 175 and the Local Authorities (Members Interests) Act 1968 were made:
 - Mr Paviour-Smith advised that in relation to the tuition fees item it was possible that three of his children could attend the University in 2021.
 - Professor Hunter advised that in relation to the tuition fees item it was possible that one of her children could attend the University in 2021.
 - Mr Allen advised that he had been appointed as a Director of the University's new non-degree teaching entity, Wellington Uni-Professional.
- 2 that it was deemed that Mr Paviour-Smith and Professor Hunter's disclosures were not conflicts. The Secretary to Council will add Mr Allen's disclosure to the Interests Register.
- 3 that Dame Therese advised that due to her ASB Directorship she would absent herself from the meeting for Item 27 on the debt facility renewal.

20.151 COUNCIL MINUTES, MEETING HELD ON 27 JULY 2020

Received: the public Minutes of the meeting of Council held on 27 July 2020.

Resolved: that the public Minutes of the meeting of Council held on 27 July 2020 be approved.

Walsh/Hunter

Carried

200130

20.152

REPORT FROM THE CHANCELLOR

Received: an oral report from the Chancellor.

Noted:

- 1 that since the last meeting of Council held on 27 July 2020 the Chancellor:
 - attended the Staff Excellence Awards
 - attended the Te Aka Matua Committee meeting on 3 August 2020
 - chaired two Human Resources Committee meetings on 4 August 2020 and 13 August 2020
 - attended the Audit & Risk Committee meeting on 17 August 2020
 - attended the Finance Committee meeting on 17 August 2020
 - attended the Foundation Board of Trustees meeting on 18 August 2020
 - chaired the joint Chancellors' meeting and attended the joint Chancellors' and Vice-Chancellors' meeting on 20 August 2020
 - met with the Vice-Chancellor on several occasions
 - attended the Foundation Board of Trustees meeting
 - met with Professor Colin Wilson.
- 2 that at the meeting of Chancellors from New Zealand's eight universities, all universities acknowledged that they are facing financial challenges as a result of COVID-19 especially in the absence of additional Government financial support for the university sector.
- 3 that although it may appear that Universities are in a sound financial position with large balance sheets, a significant proportion of their asset bases are in academic and related property that cannot be sold and there are also constraints on the amounts that can be borrowed.
- 4 that the Chancellor acknowledged the expertise of university researchers who have been to the fore through the COVID-19 crisis demonstrating the critical role of universities in solving society's complex problems.
- 5 that the University Chancellors are planning a collective statement emphasising what New Zealand's public universities are good 'for' not just what the universities are good 'at' emphasising the value of universities to society in helping find solutions to complex problems.

Resolved: that the Chancellor's report be noted.

Allen/McCarthy
Carried
200131

at 9.15 am Ms Morar joined the meeting

20.153

REPORT FROM THE VICE-CHANCELLOR

Received: a report from the Vice-Chancellor dated 19 August 2020 (document VUWC 20/106).

Noted:

- 1 that the report was taken as read.
- 2 that the success of Te Kawa a Māui's Dr Awanui Te Huia who won a National Teaching Excellence Award was highlighted.
- 3 that a new WellingtonX Massive Open Online Course (MOOC) Landscape as Culture: Wai launched on the edX platform, featuring Te Kawa a Māui's Associate Professor Maria Bargh and Emeritus Professor Lydia Wevers.
- 4 that since the Vice-Chancellor's report was released the announcement of the Vaccine Alliance Aotearoa New Zealand–Ohu Kaupare Huaketo (VAANZ) was made on 26 August 2020 by the Prime Minister at the Malaghan Institute. It is a joint effort between the University, the Malaghan

Institute of Medical Research, and the University of Otago who will work on a national COVID-19 vaccine evaluation and development plan. The government has allocated \$10 million in funding to the group, as part of the \$37 million COVID-19 vaccine strategy for New Zealand.

Resolved: that the report from the Vice-Chancellor be noted.

Hunter/Judge
Carried
200132

20.154 FINANCIAL REPORT TO 31 JULY 2020

Received: the Financial report to 31 July 2020 (document VUWC 20/107).

Noted:

- 1 that the report was taken as read.
- 2 that it was explained that a variation of plus or minus \$0.5m in the \$7m fortnightly payroll, as occurred in the July period, was not material as it can be related to the number of working days in a particular month.
- 3 that a number of initiatives are in place to help support the performance of ancillary businesses, many of which have been impacted by the March/April lockdown.
- 4 that although the balance sheet showed \$110m cash this was due to revenue in advance as the University was bulk funded at the start of the year and the cash being consumed throughout the year. Costs are also higher in the second half of the year than the first half.

Resolved: that the Financial Report to 31 July 2020 be noted.

Judge/Sos
Carried
200133

20.155 COMMITTEE REPORTS

Received: Minutes of the following meetings:

- Report of the Academic Board, meeting held on 21 July 2020 (document VUWC 20/108).
- Te Aka Matua Committee, 3 August 2020
- Audit & Risk Committee, 17 August 2020
- Finance Committee, 17 August 2020

Noted:

- 1 *Academic Board*
that a response was still awaited on the pitch to maintain Ngā Pae o Te Māramatanga as one of the country's Centres of Research Excellence.
- 2 *Te Aka Matua Committee*
that the Chair of Te Aka Matua Committee highlighted the challenges faced by Māori students suffering from high levels of anxiety. Ngāi Tauria, the Māori Students' Association, was working hard on support as well as running events and activities to help students return to the Marae.
- 3 *Audit & Risk Committee*
that the Audit & Risk Committee had had a detailed discussion on Whiria.

Resolved: that the reports from Committee Chairs be noted.

Paviour-Smith/ Bönisch-Brednich
Carried
200134

20.156

MEDIA AND SOCIAL MEDIA REPORT

Received: a Council paper from the Vice-Chancellor dated 19 August 2020 providing a Media and Social Media report (document VUWC 20/109).

Noted:

- 1 that the report was taken as read.
- 2 that with the appointment of alumna Anna Fifield as editor of *The Dominion Post* and *Stuff* it was suggested that further to discussion at the last Council meeting on the relationship with media she be invited to the University in the near future.
- 3 that the endeavours of researchers had been heavily featured throughout the month.
- 4 that the government's contribution to funding for student hardship grants was acknowledged.

Resolved: **that the Media and Social Media report be noted.**

Lawrence/McCarthy
Carried
200135

20.157

FORTHCOMING EVENTS AND NEXT COUNCIL MEETING

Received: a Council paper from the Secretary to Council dated 25 August 2020 listing Forthcoming Events (document VUWC 20/110).

Noted:

- 1 that on 12 August 2020 due to four cases of Covid-19 appearing in the community the government moved the Auckland region to alert level 3 lockdown while the rest of the country was moved to alert level 2 which does not allow mass gatherings. Auckland returned to alert level '2.5' as at today and the levels for the country will be reviewed again on 6 September. As a result, due to the proximity of the alert level review to the planned celebrations, the decision was made to cancel the September celebrations for graduates who graduated in absentia at the 4 May Council meeting.
- 2 that the Chancellor emphasised that he was genuinely keen to re-schedule the celebrations and include affected graduates into the December graduation week. Efforts were underway as far as possible to make this happen.
Action:
- 3 that due to the celebrations being postponed thought be given to providing opportunities for graduates to have photographs in gowns with their certificates, and/or a hand-signed letter by Council members and/or a small gift, e.g. the University pins, being provided.
- 4 that the next meeting of Council will take place on Monday, 5 October 2020 at 9.00 am in the Council Chamber, Level 2, Hunter Building, Kelburn Campus, Wellington.

Resolved: **that the Council paper on Forthcoming Events and the date and details for the next Council meeting on Monday, 5 October 2020 be noted.**

Allen/Lawrence
Carried
200136

20.158 GRADUATES IN ABSENTIA

Received: the list of degrees, diplomas and certificates granted on 31 August 2020 (document VUWC 20/111).

Resolved:

- 1 that Council grants the degrees, diplomas and certificates in this University on those persons listed in document VUWC 20/111 and that their names be entered on the Roll of Graduates on 31 August 2020.
- 2 that a motion of congratulations to the Graduates in Absentia was recorded.

**Morar/Lawrence
Carried
200137**

20.159 NEW GENERAL ACADEMIC STATUTE

Received: a Council Paper from the Vice-Provost (Academic) regarding the new Academic Statute dated 28 July 2020 (document VUWC 20/112).

Noted:

- 1 that the Council paper was taken as read.
- 2 that the Chancellor thanked the Vice-Provost (Academic) and Jenny Christie in particular who had carried out the significant work required to rationalise a complex array of policy documents.
- 3 that Council was satisfied that the key changes made sense with the exception in point 4 below.
- 4 that Council wants to consider the appropriate approver of the proposed Fees Policy and subject to that Council agreed it would approve the proposed Fees Policy.
Action:
- 5 that information be provided to Council regarding the approval requirements for University Policy and relevant delegations.

Resolved:

- 1 that Council approve the proposed General Academic Statute.
- 2 that Council repeal the following existing statutes:
 - a) Academic Dress Statute
 - b) Academic Progress Statute
 - c) Academic Quality Statute
 - d) Admission and Enrolment Statute
 - e) Fees Statute
 - f) Graduation Statute
 - g) Qualifications Statute.
- 3 that Council will continue to set tuition fees and compulsory student levies each year.
- 4 that Council note that, subject to Council approval of recommendations 1 and 2 above, Academic Board has approved the following new or relabelled policy documents:
 - a) Admission and Enrolment Regulations
 - b) Credit Transfer and Recognition of Prior Learning Regulations
 - c) Academic Progress Regulations
 - d) Academic Dress Regulations
 - e) Graduation Procedures.

**Paviour-Smith/ Bönisch-Brednich
Carried
200138**

20.160

APPOINTMENT OF VICTORIA HONOURS' COMMITTEE MEMBER

Received: a Council Paper from the Chancellor dated 24 August 2020 regarding the appointment of a Member to the Victoria Honours' Committee (document VUWC 20/113).

Noted:

- 1 that the Post Graduate Students' Association member of the Committee, Ms Jordan Anderson, has reached the conclusion of her term as at 30 June 2020.
- 2 that the PGSA put forward a nomination that Ms Bonnie-Estelle Trotter-Simons be appointed as Ms Anderson's replacement.
- 3 that Council was unanimously supportive of the nomination.

Resolved:

- 1 **that a vote of thanks be recorded to Ms Jordan Anderson in recognition and appreciation of her two-year term on the Victoria Honours' Committee.**
- 2 **that Ms Bonnie-Estelle Trotter-Simons be appointed by Council under clause 4.1(g) of the Committee's Terms of Reference as the Post Graduate Students' Association member of the Victoria Honours' Committee for a term of two years from 1 July 2020 to 30 June 2022.**

Paviour-Smith/McCarthy
Carried
200139

20.161

RE-APPOINTMENT OF FOUNDATION TRUSTEE

Received: a Council Paper from the Chancellor dated 24 August 2020 regarding the re-appointment of a Foundation Trustee (document VUWC 20/114).

Resolved: **that Ms Bernadette Courtney be re-appointed as a Trustee of the Victoria University of Wellington Foundation under rules 2.4 and 7.2 of the First Schedule to the Trust Deed for a term of office commencing on 1 September 2020 and concluding on 30 June 2023.**

Hunter/Lawrence
Carried
200140

20.162

2021 DOMESTIC TUITION FEES

Received: a Council Paper from the Chief Financial Officer dated 21 August 2020 regarding 2021 Domestic Tuition Fees (document VUWC 20/115).

Noted:

- 1 that the Council Paper was taken as read.
- 2 that the Finance Committee had considered the recommendations in detail at its meeting held on 17 August 2020 and was assured that thorough consultation had occurred with student groups in setting the Student Services Levy.
- 3 that fees for selected new programmes may change once TEC have confirmed the suitable fee range.

Resolved: **that on the recommendation of the Finance Committee Council approve:**

- 1 a 1.1% increase in domestic tuition fees, the proposed Annual Maximum Fee Movement (AMFM) for 2021;
- 2 a 2.55% increase in the Student Services Levy;
- 3 a 1.44% increase in the Student Assistance Levy.

Paviour-Smith/ Bönisch-Brednich

Carried

200141

20.163

WHIRIA PROJECT

Noted:

- 1 that the Chancellor had agreed to bring this item forward from the confidential agenda (Item 25) for an oral report due to the strong level of interest in the Whiria Project and most of the matters for Council were in the public domain.
- 2 that this was the first time the Council had formally considered the Whiria Project and it was recognised there was significant attention to this matter from those in attendance and watching the live-stream.
- 3 that advice and recommendations from the Academic Board had been circulated over the weekend to Council members following the confidential session of the 24 August Academic Board meeting at which the Whiria Project was discussed. The confidential nature of this material was not able to be circulated with the public documentation for the meeting and will be discussed in the confidential session however the advice contained would be acknowledged generally with the public present.
- 4 that strong concern had been expressed by the Tertiary Education Union and this morning the Whiria Project had featured on Radio New Zealand's Morning Report with both the Vice-Chancellor and the TEU Branch Co-President Dougal McNeill interviewed.
- 5 that the Vice-Chancellor advised that at the time the Council confirmed the 2020 Strategic Plan roadmap this included a project involving 'structure to follow strategy'. Due to the impacts of Covid-19 this was delayed but work started early July with a first phase of high level confidential discussions with some senior staff members. These discussions were based around a confidential discussion document on the Whiria Project which contained high level draft recommendations for consideration and challenge. A final version of the discussion document was shared with all staff on 12 August and at this point a series of face to face and Zoom drop-in meetings commenced.
- 6 that a significant amount of feedback was received. While some of it was positive, there was criticism of the timing of the project and considerable concern about the suggested dissolution of the University's schools. It was noted the discussion document had leaked and ended up in the media prior to it being provided to all staff.
- 7 that the Chair of the Audit and Risk Committee advised that the full Council was in attendance at the 17 August Audit and Risk Committee meeting due to the level of concern expressed via the Council's staff and student representatives as well as concerns over what was appearing in the media.
- 8 that a range of views were expressed including that while there was merit in a thoughtful and well-considered review of the academic processes in the University to support the academic mission, the process had been questionable and had resulted in what we see today contributing to staff distrust, the creation of anxiety for staff, concern that now was not the time in the COVID-19 pandemic environment, loss of the goodwill generated by staff's adaptation to working in varying alert levels, inability for affected

- staff to take proper leave during the trimester break due to the stress caused by Whiria and that the concerns of staff have not been heard by the Senior Leadership Team.
- 9 that the issue of things being taken out of context (e.g. structure follows strategy) to justify what appear to be fully fledged and formed proposals was raised and a concern that information from the Whiria Project would be used to inform future work. Council was reminded that under the Privacy Act you cannot take feedback for one purpose and use it for another unless the individual agrees.
- 10 that the Vice-Chancellor rejected the assertion that the Senior Leadership Team was not interested in the views of staff as evidenced by the two stage process proposed for the Whiria Project. He emphasised that the original document was a discussion document containing high-level draft recommendations which were stated to be 'preliminary recommendations offered simply to clarify, challenge and progress our thinking' and should not be misrepresented as a proposal.
- 11 that given the feedback the Project would not move to Phase 2 wherein a broad change proposal would have been put to Council.
- 12 that Council members expressed the importance of empathetic leadership and clear and transparent communication in the current climate of a global pandemic.
- 13 that with particular regard to media statements, that while there was a line in the Strategic Plan roadmap titled 'structure follows strategy' the Whiria Project has not come to Council before and any perceptions on this are incorrect.
- 14 that the Chancellor acknowledged and thanked the Academic Board for the advice provided during the weekend but as the Project is not proceeding and there will be no recommendations coming to Council regarding the Whiria Project their recommendation to cease the project will not need to be considered.
- Action:*
- 15 that all feedback in its unedited form provided in response to the Whiria Project is to be provided in full to Council members.

Resolved: that the oral report and discussion be noted.

Paviour-Smith/Walsh
Carried
200142

20.164

RESOLUTION CONCERNING THE EXCLUSION OF THE PUBLIC

To receive: a recommendation that certain items be taken with the public excluded (document VUWC 20/116).

To resolve: 1 that the public be excluded from the following parts of the proceedings of this meeting, namely agenda items 16-32.
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	Reason for passing this resolution in relation to each matter The public conduct of each item below would be likely to result in the disclosure of information for which good reason for withholding would exist under the sections of the OIA identified below.	Ground(s) under section 48(1) for the passing of this resolution
16. Minutes of previous meeting held on 27 July 2020	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA s48(1)(a)(ii)
17. Safety, Health & Wellbeing report	s 9(2)(a) and s 9(2)(b)(ii)	LGOIMA s48(1)(a)(ii)
18. SLT Speaker, PVC & Dean Wgtn School of Business and government	s 9(2)(a) and s 9(2)(b)(ii)	LGOIMA s48(1)(a)(ii)
19. Chancellor's report	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA s48(1)(a)(ii)
20. Vice-Chancellor's report	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA, s48(1)(a)(ii)
21. Progress report against Strategic Plan roadmap and Te Herenga Waka Resilience programme	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA, s48(1)(a)(ii)
22. Financial report to 31 July 2020 and 2020 Q2 Forecast	s 9(2)(b)(ii), s 9(2)(i) and s 9(2)(k)	LGOIMA, s48(1)(a)(ii)
23. Campus Master Plan	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA s48(1)(a)(ii)
24. Navigating choppy waters, Te Herenga waka to 2025	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA, s48(1)(a)(ii)
25. Whiria project	s 9(2)(b)(ii), s 9(2)(i), s 9(2)(h) and s9(2)(j)	LGOIMA s48(1)(a)(ii)
26. 2020 External audit fee	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA, s48(1)(a)(ii)
27. Debt Facility renewal	s 9(2)(b)(ii), s 9(2)(i), s 9(2)(h)	LGOIMA, s48(1)(a)(ii)
28. Report from VUWSA president	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA, s48(1)(a)(ii)
29. Quarterly reports <ul style="list-style-type: none"> • National Music Centre • Foundation 	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA, s48(1)(a)(ii)
30. Reports from Committee Chairs	s 9(2)(b)(ii) and s 9(2)(i)	LGOIMA, S48(1)(a)(ii)
31. Discussion with TEU	s 9(2)(j)	LGOIMA, s48(1)(a)(ii)

32. Council only time	s 9(2)(a)	LGOIMA, s48(1)(a)(ii)
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This resolution is made in reliance on section 48(1)(a) of the Local Government Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by holding of the whole or the relevant part of the proceedings of the meeting in public are set out above.

- 2 that such members of the senior leadership as the Chancellor and the Vice-Chancellor request be permitted to remain at this meeting, after the public has been excluded, with the exception of agenda item 32, because of their knowledge of the relevant matters identified above which will be of assistance in relation to those matters.

Allen/Lawrence
Carried
200143

The meeting adjourned at 10.45 am
The meeting reconvened at 11.00 am