

1969 Bill Pr. 4

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Second Session, 16th Legislature, 18 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL Pr. 4**

**An Act to Incorporate Newman Theological College**

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DR. HEARD

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL Pr. 4

1969

An Act to Incorporate Newman Theological College

(Assented to \_\_\_\_\_, 1969)

Preamble

WHEREAS the Catholic Archdiocese of Edmonton was incorporated by chapter 108 of the Statutes of Alberta, 1957; and

WHEREAS the Catholic Archdiocese of Edmonton has been operating a seminary under the name of St. Joseph's Seminary; and

WHEREAS the Catholic Archdiocese of Edmonton has presented a petition requesting the incorporation of an institution under the name of Newman Theological College; and

WHEREAS it is desirable to grant the said petition;

NOW THEREFORE HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Title

1. This Act may be cited as *The Newman Theological College Act*.

Incorporation

2. The Most Reverend Anthony Jordan, D.D., the Right Reverend Edmond Francis Donahoe, D.P., the Right Reverend Canice Joseph Foran, D.P., Vincent Dantzer and Halliday Lawrence Spelliscy and all and such other person or persons as shall in place of or in addition to the above named persons be appointed as members of the said Corporation by the Catholic Archdiocese of Edmonton shall be and they are hereby declared and established a corporate body in fact and in name under the name of Newman Theological College (hereinafter called "the College") and under this name shall have the right of succession in perpetuity and shall have a Corporate Seal and may from time to time modify, renew or otherwise change at pleasure such Corporate Seal.

Interpretation

3. In this Act,

(a) "Board" means the Board of Administrators of the Newman Theological College;

- (b) "Chancellor" means the Chancellor of the Newman Theological College;
- (c) "College" means the Corporation of the Newman Theological College;
- (d) "Principal" means the Principal of the Newman Theological College;
- (e) "property" includes real and personal property;
- (f) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (g) "Senate" means the Senate of the Newman Theological College;
- (h) "teaching staff" includes the professors, the assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research.

Manage-  
ment of  
the College

**4.** The persons named in section 2, and such other persons as may be named in place of, or in addition to, the said persons heretofore named shall constitute the Board of the College and all the powers granted herein to the College shall be exercised by the Board on behalf of the College.

Objects of  
the College

**5.** The objects and purposes of the College are:

- (a) to promote the advancement of learning and the dissemination of knowledge, whether theoretical or practical, in the field of the religious sciences and other related studies;
- (b) to further the intellectual, spiritual, moral, physical and social development of, as well as a community spirit among its undergraduates, graduates and teaching staff, and to promote the betterment of society;
- (c) to further and promote an ecumenical and inter-faith approach to the study of religion and to the practical contributions such study can provide for the solution of personal and social problems.

Faculties  
and schools

**6.** The College may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Granting  
degrees

**7.** The College may grant degrees, diplomas and certificates in the field of the religious sciences.

Composition  
of Board

**8.** There shall be a board of administrators of the College of not more than fifteen members, consisting of:

- (a) the Principal;
- (b) the five incorporators named in section 2 herein or their successors;
- (c) two persons appointed by the Senate from among those of its members elected under clause (d) of subsection (1) of section 15;
- (d) two representatives of the student body, one of whom shall be chosen from the senior year and one from the junior year, both elected annually by the student body at large;
- (e) such other persons appointed by the Board for such terms as the Board may determine by by-law.

Board, term  
of office,  
method of  
appointment

**9.** (1) No member of the Board, except the Principal, shall be appointed for terms exceeding three years, and all members mentioned in clauses (b) and (d) of section 8 shall be appointed in rotation in such manner as the Board may determine by by-law.

(2) The Board shall by by-law prescribe the terms of office and the method of appointment, replacement and retirement of the persons referred to in clauses (b) and (e) of section 8.

(3) All members of the Board are eligible for re-appointment.

(4) After thirty days' notice to any member, the Board, by a resolution passed at a meeting at which at least two-thirds of the members of the Board are present, may declare vacant the seat of such member.

(5) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

(6) Eight members of the Board shall constitute a quorum.

(7) The Board shall elect from among its members a chairman and a vice-chairman.

Powers of  
Board

**10.** Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the College and of its property, revenues, business

and affairs are vested in the Board and the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the College, including, without limiting the generality of the foregoing, power

- (a) to appoint and remove the Principal and vice-principal, the academic and administrative staff, and other employees;
- (b) to fix the number, duties, salaries and other emoluments of officers, members of the teaching staff, agents and servants of the College;
- (c) to appoint an executive committee and such other committees of the Board as it deems advisable, and to delegate to any such committee any of its powers;
- (d) to provide for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the College, including a joint committee of the Senate and the Board to discuss matters of mutual concern, as the Board deems advisable, and to fix their respective powers and duties; and
- (e) to enact such by-laws, regulations and orders as are deemed necessary for the management of the affairs of the College and from time to time to amend, alter or repeal the by-laws, regulations and orders, or any of them, as the Board deems fit and proper.

**Powers of  
Board**

**11.** In addition to all other powers the Board shall have power

- (a) to acquire by gift, purchase, devise, bequest, transfer or otherwise real or personal property of every nature and to have, hold, possess, enjoy, take and receive the same for the general uses and purposes, ecclesiastical, religious, charitable, educational and recreational of the College or any part thereof;
- (b) to give, sell, exchange, convey, transfer, assign, mortgage, encumber, demise, or otherwise dispose of all or any of the property, real or personal, of the College or any interest therein;
- (c) to borrow or raise or secure the payment of money in such manner as it thinks fit, and in particular by negotiable instruments and by the issue of debentures or debenture stock, bonds, mortgages or obligations, charged upon the property of the College, and to extend the period for payment of the same, and to purchase, redeem or pay off any such securities in whole or in part;

- (d) to advance money at interest rates and to receive mortgages, bonds, debentures, negotiable instruments or other securities as security therefor, and to assign, sell, transfer, hypothecate, pledge or otherwise dispose of such mortgage or securities so received and to discharge and release mortgages or other securities so given, either in whole or in part and to extend the period for payment thereof;
- (e) to mortgage or charge all or any part of the property of the College, either for the payment or security for a debt or otherwise.

Chancellor

**12.** (1) There shall be a Chancellor of the College who shall be appointed by the Board with the concurrence of the Senate and who shall hold office for four years and is eligible for re-appointment.

(2) The Chancellor shall be the titular head of the College and be accorded the place of honour at commencement exercises and other functions, and shall confer degrees.

(3) The Principal shall be vice-chancellor of the College and, in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor.

Principal  
and other  
officers

**13.** (1) There shall be a Principal of the College who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

(2) The Board shall appoint a vice-principal and may appoint any other officers who shall have such powers and duties as may be conferred on them by the Board on the recommendation of the Principal, and the vice-principal shall act as Principal when the Principal is absent or if there is a vacancy in the office of Principal and, while so acting, he has all the rights, privileges, powers and duties of the Principal.

(3) The Principal shall be the chief executive officer of the College and chairman of the Senate and shall have supervision over and direction of the academic work and general administration of the College, the teaching staff, officers, servants and students thereof, and shall have such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Registrar

**14.** The Board shall appoint a Registrar who shall

- (a) act as the Secretary of the Board and of the Senate,
- (b) maintain and keep the register or roll of graduates of the College and of those persons who receive honorary degrees,

- (c) sign all College diplomas after the Principal, and
- (d) perform such other duties as may be assigned to him by the Principal or by the Board.

Senate

**15.** (1) There shall be a Senate of the College composed of

- (a) the Chancellor;
- (b) the Principal, the vice-principal and the Registrar;
- (c) the dean and the secretary of each faculty or, in the absence of the dean, the vice-dean;
- (d) one professor or associate professor on the teaching staff of each faculty, elected by the council of each faculty for a term of three years;
- (e) the director of each special school operated by the College but not conducted by any of its organized faculties;
- (f) one student appointed annually by the student body;
- (g) such other members as the Senate may determine by by-law.

(2) All elected or appointed members of the Senate are eligible for re-election or re-appointment.

Principal or  
vice-  
principal to  
preside at  
meetings

**16.** (1) The Principal or, in his absence, the vice-principal shall preside at all meetings of the Senate.

(2) All questions before the Senate shall be decided by a majority of the votes of the members present, including the vote of the Principal or other presiding member of the Senate, and, in the case of an equal division of such votes, the Principal or, in his absence, the presiding member at such meeting has an additional or casting vote.

(3) A majority of all the members of the Senate constitutes a quorum.

(4) The Principal shall convene a meeting of the Senate at least once a semester and upon the written request of a majority of the members of the Senate shall convene a meeting of the Senate within two weeks of the receipt of such request.

Powers of  
the Senate

**17.** The Senate is responsible for the educational policy of the College and, subject to the approval of the Board insofar as the expenditure of funds is concerned, may create, maintain and discontinue such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs and, without limiting the generality of the foregoing, has power

- (a) to control, regulate and determine the educational policy of the College according to the objects and purposes of the College,
- (b) to determine the courses of study and standards of admissions to the College and continued membership therein, and qualifications for degrees and diplomas,
- (c) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards,
- (d) to recommend candidates for the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas that may appropriately be conferred by the College in the field of religious studies,
- (e) to recommend candidates for honorary degrees in divinity, with the concurrence of the Board, and
- (f) to create committees to exercise its powers.

Government  
of faculty

**18.** (1) Every faculty established by the College shall be governed by a council, which shall consist of the Dean, the Associate Dean, if any, the vice-dean, the Secretary and such other members as may be determined by the Senate.

(2) The councils of the faculties may appoint examiners and make by-laws for the good and efficient management of the affairs of the faculty, provided that no such by-law is valid until approved by the Senate with regard to matters of a purely academic nature and by the Board with regard to all other matters.

Powers of  
affiliation

**19.** The Board may by by-law, confirmed by the Senate, provide that the College may become federated or affiliated with any college, seminary or university, on such terms and for such periods of time as the Senate and the Board may determine.

Application  
of property

**20.** The property and the income, revenues, issues and profits of all property of the College shall be applied solely to achieving the objects and purposes of the College and no member of the College shall receive any share in the profits of the College.

Investment  
of funds

**21.** The funds of the College not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems advisable.



- Audit            **22.** The accounts of the Board shall be audited at least once a year by a firm of chartered accountants to be appointed by the Board.
- Accounting       **23.** The College shall at all times when called upon to do so by the Lieutenant Governor in Council render an account in writing of its properties and affairs.
- General laws     **24.** The powers herein granted shall be subject to the general laws of the Province now in force or hereinafter enacted.
- Coming into  
force            **25.** This Act comes into force on the day upon which it is assented to.