

1993 BILL Pr11

First Session, 23rd Legislature, 42 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL Pr11

NEWMAN THEOLOGICAL COLLEGE
CONTINUANCE ACT

MR. WOLOSHYN

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill Pr11
Mr. Woloshyn

BILL Pr11

1993

NEWMAN THEOLOGICAL COLLEGE CONTINUANCE ACT

(Assented to , 1993)

WHEREAS Newman Theological College has presented a petition requesting the continuance of Newman Theological College under this Act; and

WHEREAS it is desirable to grant the said petition;

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

Continuance

1 Newman Theological College, incorporated by An Act to Incorporate Newman Theological College, chapter 120 of the Statutes of Alberta, 1969, is continued by this Act.

Definitions

2 In this Act,

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

(b) "Chancellor" means the Chancellor of Newman Theological College;

(c) "College" means the corporation of Newman Theological College;

(d) "Corporation" means the corporation of Newman Theological College continued by this Act;

(e) "Faculty Council" means the council of each faculty established pursuant to section 17;

(f) "Member" means a member of the Board of Governors;

(g) "President" means the President of Newman Theological College;

(h) "property" includes real and personal property;

(i) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(j) "Senate" means the Senate of Newman Theological College;

(k) "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.

Corporate body

3 The Members, on the date this Act shall come into force, and all such other persons as shall thereafter in place of or in addition to such persons be appointed as Members are hereby continued as a corporate body under the name of Newman Theological College.

Objects

4 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 theology 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; and

(c) to further and promote an ecumenical and interfaith approach to the study of religion and to the practical

contributions such study can provide for the solution of personal and social problems.

Faculties, Schools,
etc.

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

Degrees,
Diplomas,
Certificates

6 The College may grant degrees, diplomas and certificates in the field of theology and other related studies,

Board of
Governors

7 There shall be a Board of Governors of the College of not more than twenty-four Members, consisting of:

- (a) the President;
- (b) the Archbishop of The Catholic Archdiocese of Edmonton;
- (c) one person appointed by the Senate from among its members;
- (d) one representative of the teaching staff who shall be elected annually by the members of the teaching staff;
- (e) one representative of the student body who shall be elected annually by the student body at large; and
- (f) such other persons appointed by the Board as the Board may determine.

Appointment and
term

8(1) No Member of the Board, except the President and the Archbishop of The Catholic Archdiocese of Edmonton, shall be appointed for a term exceeding three years, and all Members referred to in section 7(f) shall be appointed in rotation in such manner as the Board may determine.

(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 subsections 7(c), (d), (e) and (f).

(3) All Members are eligible for re-election or re-appointment.

(4) A Member may retire or resign by giving written notice of

retirement or resignation to the President.

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

(6) 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.

(7) A majority of the total membership of the Board constitutes a quorum.

(8) The Board shall elect from among its Members a chairperson and a vice-chairperson.

Powers of Board

9 Except in such matters as are assigned by this Act to the Senate, the governance, 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 limited the generality of the foregoing, power:

(a) to appoint and remove the President, one or more vice-presidents, 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 amend, alter or repeal the by-laws, regulations and orders, or any of them, as the Board deems fit and proper.

Idem

10 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 any 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; and

(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 and
Vice-Chancellor**

11(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 a term of four years.

(2) The Chancellor is eligible for re-appointment.

(3) 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.

(4) The President shall be the 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.

Officers

12(1) There shall be a President 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 President shall be the chief executive officer of the College and chairperson 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 the President by the Board.

(3) The Board shall appoint one or more vice-presidents and may appoint such other officers, all as the Board shall determine, and such vice-presidents and officers so appointed shall have such powers and duties as may be conferred on them by the Board on the recommendation of the President.

(4) If there is more than one vice-president, the Board shall name the senior vice-president and the senior vice-president, or if there is only one vice-president then the vice-president, shall act as President when the President is absent or is unable to act or if there is a vacancy in the office of President and, when so acting, has all the rights, privileges, powers and duties of the President.

Registrar

13 The Board shall appoint a Registrar who shall:

(a) maintain and keep the register or roll of graduates of the College and of those persons who receive honorary degrees;

- (b) sign all College diplomas after the President; and
- (c) perform such other duties as may be assigned to the Registrar by the President or by the Board.

Senate

- 14(1) There shall be a Senate of the College composed of:**
- (a) the Chancellor;
 - (b) the President;
 - (c) the vice-president, or senior vice-president, as the case may be;
 - (d) the Registrar;
 - (e) the dean and the secretary of each faculty or, in the absence of the dean, the vice-dean;
 - (f) one professor or associate professor on the teaching staff of each faculty, elected by the Faculty Council of each faculty for a term of three years;
 - (g) the director of each special school operated by the College but not conducted by any of its organized faculties;
 - (h) one representative of the student body who shall be elected annually by the student body at large; and
 - (i) such other persons as the Senate may determine by by-law.
- (2) The Senate shall by by-law prescribe the terms of office and the method of election, appointment, replacement and retirement of the persons referred to in subsections (1)(f), (g), (h) and (i).
- (3) All members of the Senate are eligible for re-election or re-appointment.
- (4) A member of the Senate may retire or resign by giving written notice of retirement or resignation to the President.
- (5) After thirty days' notice to any member, the Senate, by resolution passed at a meeting at which a quorum of the members

of the Senate are present, may declare vacant the seat of such member.

(6) Where a vacancy on the Senate 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.

Senate Meetings

15(1) The President shall preside as chairperson 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 presiding chairperson and, in the case of an equal division of such votes, the chairperson at such meeting has an additional or casting vote.

(3) A majority of the total membership of the Senate constitutes a quorum.

(4) The President shall convene a meeting of the Senate at least once a College 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 date of receipt of such request.

**Powers and duties
of Senate**

16 The Senate shall determine 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 admission 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 theology and other related studies;

(e) to recommend candidates for honorary degrees, with the concurrence of the Board; and

(f) to create committees of the Senate and delegate to any such committee any of its powers and duties.

Faculty Council

17(1) Every faculty established by the College shall be governed by a Faculty Council, which shall consist of the dean, the associate dean, if any, the vice-dean and the secretary of the faculty and such other members of the teaching staff as may be determined by the Senate.

(2) A Faculty Council 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 or by the Board with regard to all other matters.

Affiliations

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

Non-profit status

19 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.

Power to invest

20 The funds of the College not immediately required for its purposes and the proceeds of all property received by the College,

subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems advisable.

**Audit and
accounts**

21(1) The accounts of the College shall be audited at least once a year by a firm of chartered accountants appointed by the Board.

(2) 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.

Winding-up

22 In the event of the winding-up of the affairs of the College, the assets and income of the College shall vest in The Catholic Archdiocese of Edmonton.

**Subject to public
law**

23 The powers herein granted shall be subject to the general laws of the Province now in force or hereinafter enacted.

Repeal

24 An Act to Incorporate Newman Theological College is repealed.