Constitution

For Emmanuel College
In the Archdiocese of Melbourne

St. Paul’s Campus: 423 Blackshaws Road, Altona North  Vic  3025
Notre Dame Campus: 2-40 Foxwood Drive, Point Cook  Vic  3030
CONSTITUTION FOR EMMANUEL COLLEGE ALTONA NORTH/POINT COOK
IN THE ARCHDIOCESE OF MELBOURNE

1. PREAMBLE

With the approval and under the direction of the Archbishop of Melbourne, Emmanuel College has been established on campuses at Altona North and Point Cook to provide Catholic education, according to the precepts, teachings and practices of the Catholic Church. This College is administered by the body of Canonical Administrators under the supervision of the Archbishop and is acknowledged as Catholic by his authority. This Constitution replaces that for St Paul’s College, Altona North which is now part of Emmanuel College which operates on two campuses, on the previous St Paul’s College site and buildings and a new site and buildings at Point Cook.

According to the provisions of Canon law and their particular applications in the Archdiocese of Melbourne, this College shall follow the directives/guidelines for Religious Education as approved by the Archbishop. The College is subject to other directives and guidelines which may be given from time to time by the said ecclesiastical authority in accord with the Code of Canon Law. (See particularly Canons 803-806 in ‘The Code of Canon Law’ 1983.)

This College is administered by the Emmanuel College Board under delegation from the Canonical Administrators, in accordance with the Constitution, which is approved by the Archbishop. According to the provision of Canon Law the College Board acts as a Board of Management, and is responsible to the Canonical Administrators who in turn are subject to the vigilance of the Archbishop (Canon 1279).

2. DEFINITIONS

The Archbishop is the Catholic Archbishop for the time being of the Archdiocese of Melbourne or the person administering the Archdiocese from time to time or his duly appointed Deputy.

The College is Emmanuel College, currently situated on two campuses at 423 Blackshaws Road Altona North and at Dunnings Road, Point Cook.
The Member Parishes are those Catholic parishes, within the Archdiocese of Melbourne, which have formed a regional college and have agreed to underwrite the financial responsibility of the College.

The Parish Priests are the Parish Priests for the time being of the Member Parishes or the person(s) duly appointed to administer a member Parish.

The Canonical Administrators are the Parish Priests of the Member Parishes acting as a juridical person (Canons 113-123)².

The Board is the body which is responsible for the administration of the College according to the Constitution of the College.

The Constitution is the Constitution of the College, as approved by the Archbishop.

The Region is the geographic area incorporating the Member Parishes.

The Agreed Formula is a document, drawn up by the Canonical Administrators detailing such matters as:

a) the ownership of the College, in both Canon and civil law;
b) the equity of the Member Parishes in the College.
c) the financial commitment each member parish may be required to make to the College and the purpose of such e.g. for recurrent and/or capital expenditure;
d) the distribution of residual assets should the property and/or facilities be no longer required as a regional college;
e) the conditions and financial arrangements when a parish leaves or joins the region.

It will also give recognition to the responsibility of the Parish Priests for providing for the spiritual formation and pastoral care of the Principal, staff and students of the College.

The Agreed Formula is attached to the Constitution, after approval by the Archbishop, and may be amended only with his consent.
The CECV is the Catholic Education Commission of Victoria.

3. **MEMBERSHIP OF THE REGION**

3.1 The member parishes of this region shall be:

- Mary Help of Christians, Altona
- St Leo the Great, Altona North
- Corpus Christi, Kingsville
- St Martin de Porres, Laverton
- Sacred Heart, Newport
- St Margaret Mary’s, Spotswood
- St Mary’s, Williamstown
- St Augustine’s, Yarraville

3.2 If a new parish is established within the regional area it shall be deemed to be a member parish.

3.3 If a new parish is established overlapping the region area, it may apply for membership of the Region to the Canonical Administrators who, if they approve of the application, will recommend to the Archbishop that the request be granted.

3.4 A Parish outside the region may apply for membership of the Region to the Canonical Administrators who, if they approve of the application, will recommend to the Archbishop that the request be granted.

3.5 A member parish, wishing to leave the region, will apply to the Canonical Administrators who, if they approve of the application, will recommend to the Archbishop that the request be granted.

4. **LAND AND BUILDINGS**

4.1 The ownership of land and buildings thereon shall be vested in the 'Roman Catholic Trusts Corporation for the Diocese of Melbourne', which shall hold such in trust for the member parish(es) on the basis agreed and set out in the Agreed Formula as amended from time to time.

4.2 The costs of all land and buildings, comprising buildings equipped to satisfy the requirements of a secondary college, shall be underwritten by the Member Parishes in accordance with the Agreed Formula.
5. **THE COLLEGE BOARD**

5.1 Composition

The Board will comprises of the following representations:

a) Two Canonical administrators of the Member Parishes (three year term) selected by the Canonical Administrators of the Member Parishes.

b) The Principal, who shall be the Executive Officer of the Board.

c) Four parent representatives, appointed by the Canonical Administrators after consultation with the Principal for a three year term, renewable.

d) A member of the staff of the College, elected by the staff, for a two year term, renewable.

e) The Deputy Principal of the College.

f) A maximum of two persons, co-opted by the Board, with the approval of the Canonical administrators, for a two year term, renewable.

g) Student representative.

h) An Honorary Accountant other than the Bursar/Business Manager of the College with suitable qualifications.

5.2 The Board will meet at least four times per year.

5.3 A quorum for validly constituted meeting of the Board will be one more than half the total current membership of the Board.

5.4 An Extraordinary Board Meeting shall be called by the Chairperson, or by the Executive Officer if he/she be so required by a notice in writing delivered to him/her and signed by not less than five members of the Board. The Meeting shall be called within twenty-one days from date of delivery of the notice to the Chairperson or Executive Officer as the case may be.

5.5 The Board has executive power to act under the authority of the Canonical Administrators, and within the terms of diocesan regulations regarding the establishment and conduct of the College.
5.6 Because of the relationship of the Board to the Canonical Administrators, it is appropriate for the Canonical Administrators to appoint Board members under categories 5.1(c), (f), (g) and (h).

5.7 The Archbishop may terminate the appointment of any member of the Board other than a Canonical Administrator by notice in writing, effective immediately on receipt by the member concerned.

6. **OFFICE BEARERS**

6.1 The Board will elect from its own members a Chairperson who will hold office for two calendar years and will be eligible for re-election. Salaried Officers of the College and/or those in Categories (b), (d), (h), of Sub-clause 5.1 shall not be eligible for the office of Chairperson.

6.2 The Board will elect, as in 6.1 (above), a Deputy Chairperson who will carry out the duties of Chairperson in his/her absence.

6.3 The Board will elect, as in 6.1 (above), a Secretary who will be responsible for the secretarial duties associated with the operation of the Board. The Board may also appoint a Minute Secretary who attends meetings and prepares necessary documentation under the direction of the Secretary.

6.4 The Board will appoint an Honorary Accountant [5(h)] for each year.

6.5 The Principal of the College will act as the Executive Officer of the Board and will be responsible for the implementation of Board policy and decisions within the College.

7. **THE EXECUTIVE OF THE BOARD**

7.1 The Board, at its Annual Meeting, held within one month of the Board elections, shall elect an Executive which will include:

a) The Chairperson

b) The Principal (Executive Officer)

c) One lay person, elected from Board members in categories (e)
and (f) of Sub-Clause 5.1.

    d) A Canonical Administrator appointed by the Canonical Administrators.

7.2 The Executive shall carry out the directions of the Board. It shall have delegated authority to make decisions on behalf of the Board between regular meetings according to conditions laid down from time to time by the Board and ratified by the Canonical Administrators. Such decisions shall be ratified by the subsequent Board meeting.

7.3 The Executive shall meet two weeks prior to each Board meeting.

8. RESPONSIBILITIES OF THE BOARD

The responsibilities of the Board are:

8.1 To support actively Catholic education as described in ‘the Code of Canon Law’ and in the directions and guidelines determined by the Archbishop, by:

(1) maintaining the Catholic nature of the school;

(2) ensuring that the ‘To Know, Worship and Love’ Religious Education texts (Archdiocese of Melbourne 2001) are used as the essential resource for Religious Education in the Archdiocese of Melbourne and other additional or revised directives/guidelines are followed;

(3) promoting the development of a Christian community within the school;

(4) sponsoring a comprehensive curriculum which underpins the specific Catholic ethos of the school;

(5) becoming involved as appropriate in other Catholic adult education initiatives within the region.

8.2 To establish, ratify and review regularly the objectives of the school.

8.3 To select and determine policies in consultation with appropriate parties which will assist the Canonical Administrators, Principal and staff in working towards these objectives as stated in 8.1.
8.4 To ensure on behalf of the college community that the curriculum and educational standards are adequate to meet the needs of the students.

8.5 To evaluate the effects of the Board’s decision in achieving these objectives.

8.6 To plan, implement and evaluate the financial and building programs necessary for the recurrent and long term effectiveness of the school in accord with its responsibility to consult appropriately with various diocesan and civil authorities.

8.7 To manage the school’s finances as indicated in Section 14.

9. PASTORAL CARE

9.1 The Board will develop and regularly review a Pastoral Care policy for the school according to the directions and requirements of the Archbishop in association with the Canonical Administrators and the policies and guidelines of the Catholic Education Office.

9.2 The Chaplain(s) of the College will be appointed by the Archbishop.

9.3 Due regard being paid to school organisation and by arrangement with the Principal, the Board shall respect the right of each Parish Priest or his representative to meet the pupils of his parish regularly during the school year at the school and to interview individual pupils.

10. ENROLMENTS

10.1 All Catholic students who reside within the member Parishes and satisfactorily complete their primary schooling shall be eligible for enrolment. Exceptions in individual cases may be approved by the Board, subject to Clauses below.

10.2 Application for enrolment shall be made to the Principal who will enrol pupils according to the conditions of enrolment, prescribed by the Board. Each application for enrolment must be ratified by the student’s Parish Priest before the application is confirmed.
10.3 If the number of applications from member parishes exceeds the number of places available, the Board, on advice from the Canonical Administrators, shall determine the criteria by which the available places will be allocated.

10.4 Applications for enrolment from Catholic students from outside the region endorsed by the student’s Parish Priest or from non-Catholic students may be considered only after all Catholic student applicants from the region are admitted according to Clauses 10.2 and 10.3.

10.5 The Board shall develop an enrolment policy in accordance with Archdiocesan guidelines. This should be publicly known in the region.

11. THE PRINCIPAL

11.1 The appointment of a lay Principal shall be appointed according to the Archdiocesan regulations and as contained in the policy statement of the Catholic Education Commission of Victoria, “Principals Under Contract in Catholic Secondary schools”. The name of the selected candidate shall be submitted to the Archbishop for ratification.

11.2 The Principal, as Executive Officer of the Board, will be responsible for the implementation of the Board’s policies within the school. As educational leader of a Catholic College, the Principal is responsible for the administration of the College, selection of staff, curriculum, educational standards and pastoral care, according to Archdiocesan policy, practice and guidelines.

11.3 The Principal is responsible to the Board for ensuring that the Archdiocesan directives/guidelines for Religious Education are followed and that the Catholic ethos of the College is promoted, fostered and maintained.

12. THE STAFF

12.1 Selection of staff shall be made by the Principal. The Board should set guidelines for the selection of staff and ensure the appropriate autonomy of the Principal in this matter is respected, and shall ratify those selections. The rights
of the Archbishop derived from Canon Law shall be observed by the Principal and the Board in such decisions.

12.2 Members of the Staff shall be employed under the Conditions of Service applicable to Catholic secondary schools in Victoria (currently the Victorian Catholic Schools and Catholic Education Offices Award and, where applicable, the policies of the Archdiocese and of the CECV).

12.3 The stipend for members of a Religious Congregation on the staff shall be that agreed to by the Archbishop and the Major Superiors of Religious Congregations.

13. FINANCIAL MANAGEMENT

13.1 The Board shall appoint a Finance Committee to assist the Principal who is responsible to the Board for the financial management of the College. This Committee should include the Chairperson, the Principal, and at least one Canonical Administrator or a nominee of the Canonical Administrators. The Business Manager may be co-opted to this Committee. Others including members of the Board may be co-opted.

13.2 At an appropriate time each year, the Business Manager/Bursar shall present to the Finance Committee and the Board an audited account of Income and Expenditure for the previous year, including the financial data from auxiliary organisations in the financial statements of the Board, together with a proposed Budget for the forthcoming year. Prior to its presentation the Board shall direct the Honorary Accountant on priorities to be considered when compiling the Budget.

13.3 No deficit shall be allowed for in the Budget unless the Canonical Administrators have agreed to such. Member parishes are responsible for any deficits in line with the estimates agreed to by them at the beginning of the year, and authorised variations, according to the current policies of the Catholic Education Office. In the event of disagreement on the matter of the limit of expenses or
excess expenditure to be met by the parishes the matter shall be referred to the Archbishop through the Director of Catholic Education.

13.4 The financial statements and budget are to be forwarded to the Canonical Administrators for approval. The Canonical Administrators are responsible for forwarding the approved budget to the Archbishop through the Director of Catholic Education. Matters involving income and expenditure, not allowed for in the Budget, are to be referred to the Canonical Administrators for approval.

13.5 When presenting the Annual Budget, the Finance Committee will recommend the fee structure of the College for the following calendar year. The scale of fees will be determined by the Board as will any adjustments to school fees made during the course of the school year.

13.6 The Board, at its first meeting for the year, shall appoint an Auditor who will report annually to the Board on the financial management of the College.

14. DEPARTURE OF A STUDENT
14.1 Should a pupil leave the College during the school year, his Parish Priest shall be informed.

14.2 No pupil shall be expelled from the College except in accordance with the regulations of the Archdiocese, as administered by the Catholic Education Office, and in accordance with the Board’s Pastoral Care Policy. The Parish Priest of such a student should be consulted prior to the final decision on expulsion being taken.

15. AUXILIARY ORGANISATIONS
15.1 Auxiliary organisations may be established in the College with the approval of the Board.

15.2 No auxiliary organisations, with the exception of canteen, shall engage in fund raising activities without the approval of the Board. Such organisations will act within the Archdiocesan policies and those of the Board.
15.3 All accounts of auxiliary organisations will be included in the audited financial statements of the College.

16. **CHANGE OF CONSTITUTION**

16.1 This Constitution may be changed only if

(a) the Canonical Administrators themselves after consultation with the Board decide upon alterations or accept any alterations proposed by two-thirds of the members of the Board; and

(b) the Archbishop ratifies such alterations.

Notwithstanding the above, the Archbishop may direct change(s) in the Constitution.

16.2 Notice of any proposed change in the Constitution must be given to Board members in writing 14 clear days in advance of a special Board meeting called specifically for the purpose of discussing the matter.

17. **THE DISSOLUTION OF THE SCHOOL**

If upon the winding up or dissolution of the College (other than for purposes of reconstruction, amalgamation or re-organisation of the College), there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall be paid or distributed to the member parishes, according to the attached Agreed Formula or other appropriate document. If possible, this should be used for purposes similar to those of the original foundation, namely, Catholic education. Any disputes arising from such dispersal shall be referred to the Archbishop for arbitration.

Approved by the Archbishop of Melbourne

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Signed                          Date