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## ST JOHN'S COLLEGE BY-LAW 2018

### PART 1 - PRELIMINARY

#### 1. How made

This By-law is made by the Council under section 18 of the *Saint John's College Act 2018*.

#### 2. Commencement

This By-law commences on 5 July 2018.

#### 3. Interpretation

(1) Words and expressions that occur in this By-law have the same meanings as they have in the Act.

(2) In this By-law –

**Act** means the *Saint John's College Act 2018* (NSW).

**Chair** means the Chairperson of the Council

**Charter** means the Council Charter of St John's College as approved by the Council from time to time.

**Council** means the Council of St John's College established by section 6 of the Act and includes the former Council acting under Schedule 2 clause 2(2) of the Act.

**expel** means deprive a person of their status as a student of the College.

**fellow** means a fellow under the former Act.

**Member** or **Council Member** means a member of the Council and includes the Rector.

**resident** includes:

- (a) a student, and
- (b) any other person resident in the College.

**rusticate** means withdraw the right of access to the College's land, buildings and facilities for a specified period or until the fulfilment of specified conditions.

**student** means a person who has been admitted as a student of the College, for the duration of such admission.

**suspend** means withdraw the right of access to the College's land, buildings and facilities as an interim measure pending investigation.

## **PART 2 – THE COUNCIL**

### **Division 1 – Council Charter**

#### **4. Compliance with Charter**

In exercising his or her functions, a Council Member must comply with the provisions of the Charter.

### **Division 2 – Vacation of office**

#### **5. Vacation of office**

The office of a Council Member other than the Rector becomes vacant if three-quarters of the members of the Council resolve that the Member:

- (a) has brought the College into disrepute, or
- (b) has failed to discharge his or her duties to the College,

subject to an appeal to the Visitor.

### **Division 2A – Election and appointment of Council Members**

#### **5A. Terms of office**

- (1) A Council Member elected under s 6(2)(c) of the Act shall hold office from 1 December in the year of the Member's election until 30 November in the fourth succeeding year.
- (2) A Council Member appointed by the Archbishop under s 6(2)(b) of the Act, and a Council Member appointed by the Vice-Chancellor under s 6(2)(d) of the Act, shall hold office from 1 December in the year of the Member's appointment until 30 November in the fourth succeeding year.
- (3) A Council Member appointed by the Council under s 6(2)(e) of the Act shall hold office from 1 April in the year of the Member's appointment until 31 March in the fourth succeeding year.

#### **5B. Election**

- (1) An election for two Council Members under section 8 of the Act shall be held in 2020 and every second year thereafter.
- (2) The closing date of the ballot shall be so determined that the result of the election is declared not later than 25 November in the year of the election.

#### **5C. Appointment**

At least 30 days prior to the expiry of the term of office of a Council Member appointed by the Archbishop or Vice-Chancellor, the Rector shall inform the Archbishop or Vice-Chancellor (as the case may be) of the impending vacancy and request the Archbishop or Vice-Chancellor to make an appointment to fill the vacancy.

### **Division 3 – Proceedings of the Council**

#### **6. Meetings**

- (1) Subject to sub-clause (2), the Council shall meet at such times and places and in such manner as may be determined by the Council. At least four meetings shall be held in each year.
- (2) The Chair or the Rector may convene a meeting of the Council at any time.
- (3) The Chair or the Rector shall convene a meeting of the Council upon the written requisition of any three Members.
- (4) A meeting shall be convened by giving seven days' written notice to each person entitled to attend, or on shorter notice if so agreed either by an absolute majority of Council Members or both the Chair and the Rector.
- (5) Notice may be given to a person by email to the last email address supplied by the person to the Council Secretary.
- (6) Minutes shall be kept of all meetings of the Council.

#### **7. Council officers**

- (1) An election for the Chair and Deputy Chair of Council shall be held at the first ordinary meeting of Council following an election for Members of the Council.
- (2) The Chair and Deputy Chair shall hold office until the first ordinary meeting of Council following the next election for Members of the Council.
- (3) A person shall not hold office as Chair of Council for more than ten consecutive years.
- (4) The Council shall appoint a Council Secretary, who shall not be a Council Member, to hold office for such period of time not exceeding three years and with such functions as the Council may from time to time determine.

#### **8. Committees**

- (1) The Council may appoint committees to assist it in connection with the exercise of any of its functions.
- (2) The members of a committee may be persons who are not Members of the Council.
- (3) The Rector and the Chair of Council are *ex officio* members of all committees except as specifically provided for by the Council.
- (4) The procedure for conducting the business of a committee shall be as determined by the Council or, subject to any determination of the Council, by the committee.

#### **9. Seal**

The common seal of the Rector and Fellows shall be in the custody of the Rector and shall not be affixed except by resolution of the Council and the affixation shall be witnessed by two Members.

## PART 3 – THE RECTOR

### 10. Regulations

- (1) The Rector may make regulations, not inconsistent with the Act or any by-law, for or with respect to any matter that is necessary or convenient to be prescribed for the exercise of the Rector's functions.
- (2) A regulation shall be laid before the Council at its next meeting and may be disallowed in whole or in part but unless and until disallowed is effective from the time it is made.

### 11. Directions

- (1) The Rector or the Vice-Rector may give a direction to a student, a resident, or any other person within the precincts of the College.
- (2) The Rector may delegate power to give directions (other than this power of delegation), either generally or in particular circumstances, to members of the College staff, Resident Assistants or Resident Tutors.

### 12. Discipline

- (1) The Rector may rusticate or expel a student for serious misconduct.
- (2)
  - (a) A student who has been rusticated or expelled may appeal against the decision by lodging with the Chair a notice stating their intention to appeal within 14 days of the decision being notified in writing to the student.
  - (b) An appeal shall be heard and determined by an Appeal Panel appointed *ad hoc* by the Chair, consisting of three Council Members who may include the Chair.
  - (c) The decision of an Appeal Panel shall be final.
- (3) The Rector may impose any one or more of the following penalties or orders in respect of misconduct by a resident:
  - (a) a fine not exceeding \$500 or such higher amount as the Council may from time to time determine;
  - (b) a reprimand or a severe reprimand;
  - (c) a community service order requiring specified service within the College;
  - (d) an order that the resident not accept nomination for election to the House Committee (including House Executive);
  - (e) an order for compensation for damage to property;
  - (f) an order for restitution of property.
- (4) The Rector may delegate the power to make any or all of the penalties or orders in sub-clause (3) to the Vice-Rector.
- (5) The Rector may suspend a resident while an investigation into possible misconduct is being conducted.

### 13. Admission and re-admission of students

- (1) The Rector may admit applicants as students of the College in accordance with any admissions policies determined by the Council.
- (2) Admission shall be for such period, normally two semesters or one semester, as may be determined by the Rector in the particular case.

- (3) A student may apply to the Rector for re-admission and the Rector may grant re-admission for a specified period or refuse the application.
- (4) The Rector may grant an application for admission or re-admission on particular conditions.
- (5) The decision of the Rector on an application for admission or re-admission is final.

#### **14. Other powers**

Without limiting any other power of the Rector, the Rector may:

- (a) award scholarships, bursaries and prizes in accordance with the *St John's College (Scholarships, Bursaries and Prizes) By-law 2019*;
- (b) determine the terms and conditions under which any person may reside in the College;
- (c) prohibit any person or persons from entering the College's buildings or grounds, either generally or at particular times or upon conditions.

#### **15. Registers**

The Rector shall maintain:

- (a) a register of persons admitted as students; and
- (b) the electoral roll provided for in section 8(3) of the Act .

#### ***History***

*St John's College By-law 2018* made by the Council of St John's College on 4 July 2018.  
Amended by Council on 20 August 2020 and 24 August 2020.