

## **BY-LAWS OF SAINT PAUL'S COLLEGE**

**within the**

### **UNIVERSITY OF SYDNEY**

The Council of Saint Paul's College, in pursuance of its powers under the *St Paul's College Act 2018 (the "Act")*, hereby makes the By-laws set out hereunder, which are to be read in conjunction with the *Act*.

#### **MEMBERSHIP**

1. Members of Saint Paul's College are:
  - a) The Warden, other members of the College Council (known as Fellows), Vice-Warden, Dean of Undergraduates, Dean of Graduate House, Senior Tutor, Chaplain, and resident Tutors while they hold office, and such other persons resident in the College as the Council may appoint, while so resident.
  - b) University students resident in the College.
  - c) Former Students of the College who are university graduates, continuing on the books of the College.
  - d) Former Students of the College who are not university graduates, continuing on the books of the College.
2. The Council may remove from the books of the College at any time the name of any person who in its opinion has been guilty of serious misconduct.
3.
  - a) Every Student in the College, in these By-laws called "Student", shall on commencing residence sign a declaration in the presence of the Warden or his or her delegate, in a book kept for that purpose, that he or she will conform to the By-laws and Rules of the College for the time being in force. Thereupon he or she becomes a Member of the College. He or she shall be deemed to have notice of the By-laws and Rules, including Regulations, and any alterations thereto.

- b) By signing the undertaking to comply with the By-laws and Rules of St Paul's College, each Member of the College thereby authorises the Registrar or other officer of a university to release to the Warden or his nominee the Member's academic record and graduate status, including the marks obtained in Examinations for the courses in each year of candidature for an enrolment in a university degree or diploma.
4. The Council may invite such persons as it thinks fit to become Honorary Members of the College. Honorary Members have the rights and privileges of the Members but are not, as such, entitled to have their names continued on the books of the College for the purpose of voting at an election of Fellows.

#### **ADMISSION OF STUDENTS**

5. Every person desiring to be admitted as a Student of the College shall make application in writing or other prescribed form to the Warden or his or her delegate, and shall furnish satisfactory evidence of good moral character, and comply with such other conditions of admission as may from time to time be in force, and the Warden may at his or her discretion grant or refuse any such application.
6. Persons who are not resident in the College may be admitted as a Student of the College under such conditions as may from time to time be sanctioned by the Council.

#### **SEMESTERS AND VACATIONS**

7. During Semester, Students shall continuously reside in the College and shall not absent themselves for more than three consecutive days without the leave of the Warden or his or her delegate.
8. In Vacation, no Student shall reside in the College unless by permission of the Warden or his or her delegate previously obtained, on such terms as may from time to time be in force.

#### **INSTRUCTION**

9. Instruction shall be made available to Students of the College in such academic subjects and other topics, including religious instruction according to the teaching of the Anglican Church of Australia, as the Warden or his or her delegate determines.

10. Instruction may be given by the Warden, Dean of Undergraduates, Dean of Graduate House, Senior Tutor, Chaplain, or any other person approved by the Warden in such subjects and upon such conditions as he or she may determine.

#### **CHAPEL**

11. The Services in the College Chapel shall be in accordance with the provisions of the Anglican Church of Australia as set down in the *Book of Common Prayer* (1662), *An Australian Prayer Book* (1978), and *A Prayer Book for Australia* (1995).

12. During the traditional teaching Semester, Services shall be held in the College Chapel at least once each week.

#### **DISCIPLINE**

13. Subject to the *Act* and these By-laws, the Warden shall have the general superintendence and control of the Students and of the institution.

14. The Warden may appoint a Dean or other persons charged with the maintenance of discipline.

15. Students shall attend punctually at Chapel, Hall and Tutorials, and shall wear academic dress in Chapel and for Formal Dinner in Hall.

16. Visitors to any Student may enter and remain in the College only during such hours and under such conditions as may be determined by the Warden or his or her delegate.

17. Every Student shall be responsible for the orderly conduct of his or her visitors.

18. A Student shall pay for all damage caused by him or her or by his or her visitors (including related costs incurred as a result of such damage), unless the Warden agrees otherwise.

19. A Student who commits a breach of the By-laws or Regulations, or a breach of discipline, or who commits misconduct in or out of the College, shall, after due inquiry, be liable to one or more of the following penalties namely:

- a) he or she may be fined by the Warden, Dean of Undergraduates, Dean of Graduate House, or other person charged with the maintenance of discipline in amounts not exceeding one week's fees;

- b) he or she may be banned by the Warden, Dean of Undergraduates, Dean of Graduate House, or other person charged with the maintenance of discipline from a specified locality within the College, or from undertaking a specified activity within or outside the College, or from being in a state of intoxication or under the influence of alcohol or other substance within or outside the College;
- c) he or she may be suspended or expelled from residence in or attendance at the College by the Warden;
- d) such other reasonable penalty as the Warden may determine.

20. Where he or she considers it necessary, the Warden may make requirements of a Student (such as relocation within or removal from the College) while due inquiry is being undertaken for the purposes of By-law 19.

21.

- a) The Warden shall report to the next meeting of the Council in writing in respect of any Student:
  - i) any suspension or expulsion, or
  - ii) any serious misconduct in or out of the College, or
  - iii) any serious breach of discipline.
- b) Together with such report the Warden shall recommend to the Council such further action as he or she may think fit.

22. A Student may appeal to the Council against any penalty not imposed by the Council.

#### **LIBRARY**

23. The College Library shall be open under such Regulations as may from time to time be made, or as determined by the Warden or his or her delegate.

#### **MEALS**

24. Meals shall be at such hours as the Warden shall from time to time appoint. So far as practicable all Students shall dine in Hall or in the Refectory of Graduate House (as the case may be).

25. Visitors may be admitted to meals upon such terms as are provided in the Regulations or otherwise determined by the Warden or his or her delegate.

## **ROOMS**

26. Rooms shall be assigned to Students by the Warden or his or her delegate, and shall be vacated upon the request of the Warden or his or her delegate. No Student shall have more than one room, except by permission of the Warden, and on paying such fee as the Council shall determine.

27.

1) Upon his or her first occupying any room in the College, a Student shall notify the relevant College officer in writing of the fact and nature of any apparent damage to the room, its doors, windows, furniture, fixtures and fittings.

2) Upon the occurrence or discovery of any such damage during such occupancy, the Student shall notify the fact and nature thereof to the relevant College officer forthwith, in writing, with such explanation as he or she may care to give.

3) In default of such notification, any such damage found on inspection shall be deemed to have been caused by the occupying Student.

28. Any College room may be visited at any time by the Warden, Vice-Warden, Dean of Undergraduates, Dean of Graduate House, or any College employee or contractor authorised by the Warden.

## **FEES AND CHARGES**

29.

1) The amount of any fees or charges payable by Students, including caution money, shall be fixed from time to time by the Council. All fees shall be paid at the place, and at the time, and in the manner prescribed by Regulations or as otherwise determined by the Warden or his or her delegate.

2) Subject to (3) below, upon failure to pay any fee or charge in accordance with Regulations or as otherwise determined by the Warden or his or her delegate, an additional charge or charges as fixed by Council from time to time shall be payable.

- 3) The Warden may, in his or her discretion, waive or postpone the payment of such additional charges.
- 4) Upon failure to pay any fees and charges in accordance with Regulations or as otherwise determined by the Warden or his or her delegate, the Warden may deny a Student entry to the College or advise him or her that his or her right of residence has lapsed.
- 5) A Student shall give such notice of his or her intention to cease residing in the College as is required by the Regulations or otherwise by the Warden or his or her delegate, in default of which notice a charge fixed by Regulations or by these By-laws will be payable, which charge may be waived by the Warden at his discretion.
- 6) In the absence of Regulations providing otherwise,
  - i) If a Student withdraws from the College during the year, a minimum of six weeks' written notice must be given to the Warden.
  - ii) A charge ("Early Departure Charge") equivalent to six weeks of Residency Fees is applicable from the date when the Warden receives written notice of the Student's intention to depart.
  - iii) The Early Departure Charge applies whether or not the mid-year vacation falls within the six week notice period.
  - iv) A Student withdrawing within the last six weeks of Semester 2 is liable for the balance of the Residency Fee payable for that semester.
  - v) The Warden has power to waive the above requirements at his discretion in exceptional circumstances.
- 7) The Council has the right from time to time to alter fees and charges payable by Students.
- 8) A Student who has been suspended or expelled from the College shall not on that account be entitled to any refund or rebate of fees and charges.

## **RESIDENCE**

30. Persons who are eligible to reside on the premises of St Paul's College, on such conditions as the Warden or his or her delegate may determine, are
- a) Students of the College
  - b) Other Members of the College
  - c) Staff of the College
  - d) Academic visitors to the College

- e) Guests of the College, including paying guests
- f) Such other persons as are permitted to reside on the premises of the College pursuant to the conditions attaching to the land as set out in Ministerial Direction dated 8 October 2014 Registered 27 October 2014 as Book 4676 No 811.

31. The Warden may, at his or her discretion and after due enquiry, advise a Student that his or her right of residency in the College has lapsed with the conclusion of the current or last semester or academic year.

32. The Warden may, at his or her discretion and after due enquiry, advise a Student that his or her university results in any semester or annual examinations are inadequate to maintain his or her right of residency in College, which has been withdrawn.

### **COUNCIL MEETINGS**

33. The Council shall meet at the College or at such place and at such times as it may decide.

34. A meeting of the Council may be convened by the Chairperson on his or her own motion and shall be convened by the Chairperson or, in his or her absence, the Deputy Chairperson, upon the written request of the Warden or two Fellows.

35. A meeting of the Fellows may be convened by the Chairperson, by the Deputy Chairperson, or by two Fellows.

36. Four days' written notice of any meeting of the Council or Fellows, including the day of such meeting, shall be given to the Warden (in the case of a meeting of the Council), and to each Fellow.

37. A notice may be sent by email to the regular email address of the Warden or Fellow.

38. Additionally or alternatively, a notice may be sent by post, and in that event shall be deemed to be served four days following the date of the posting.

39. The accidental omission to give notice of any meeting to any member of Council shall not invalidate the proceedings of such meeting.

40. Subject to his or her continuing as a Fellow, the terms of office of the Chairperson and of the Deputy Chairperson shall be three years, and the Chairperson and Deputy Chairperson may be re-elected for a maximum of three terms in total.
41. The Council may appoint Committees, including persons not being Fellows, for such purposes and with such powers as the Council may think fit and may determine the functions and authority of such committees or the members thereof.
42. Such Committees will include (a) a Finance Committee, (b) an Investment Committee, and (c) such other standing or ad hoc committees as the Council shall determine.
43. Every Resolution and Proceeding of the Council or the Fellows shall be recorded in the College minute book by such person as the Council may approve.
44. The College minute book shall be in the custody of the Warden and open to inspection by any Fellow on application.
45.
  - (1) A meeting of the Council may be held using any technology consented to by all members of Council. The consent may be a standing one. A member of Council may only withdraw the member's consent a reasonable period before the meeting.
  - (2) If a number of members of Council equal to the quorum is able to hear or to see and to hear each other member contemporaneously using any technology consented to by all members of Council, there is a meeting and that meeting is quorate. The rules relating to meetings of Council apply to each such meeting as determined by the chair of the meeting.
  - (3) A member of Council participating at a meeting using technology consented to by all members of Council is treated as being present in person at the meeting.
  - (4) A meeting using technology consented to by all members of Council is to be taken to be held at the place determined by the chair of the meeting.
  - (5) A member of Council may not leave a meeting using technology consented to by all members of Council unless the chair consents to that member leaving.
  - (6) A member of Council is presumed conclusively to have been present and to have formed part of a quorum at all times during a meeting using technology consented to by all members of Council, unless the chair consents to that member



leaving in which case that member will be treated as having been present until that member leaves.

46. The Council may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Council for the time being, and a resolution in writing approved in writing by all of those members is taken to be a decision of the Council made at a meeting of the Council. Papers may be circulated among the members for these purposes by electronic means.

#### **ABSENCES OF SENIOR OFFICERS**

47. The Warden or other College officer while in charge of the College shall not absent himself or herself from the College during a Semester for any period exceeding three days, without leave of the Chairperson or, in his or her absence, Deputy Chairperson of the Council.
48. The Vice-Warden, Dean of Undergraduates, or Dean of Graduate House shall not during Semester absent themselves from the College for any period exceeding three days without leave of the Warden.
49. When there is a vacancy in the office of the Warden or the Warden is absent, the powers and functions of the Warden shall, as far as possible, be administered by such person who is charged by the Council with such administration or in the absence of such charge is delegated by the Warden; and the By-laws shall take effect accordingly.

#### **BURSAR**

50. The Council shall elect a Fellow as Bursar, who shall serve as Chairperson of the Finance Committee, and as a member of the Investment Committee, and of such other committees as he or she is appointed to by the Council.
51. Subject to his or her continuing as a Fellow, the term of office of the Bursar shall be three years, and the Bursar may be re-elected for a maximum of three terms in total.

#### **ACCOUNTS**

52. The Warden shall ensure that proper accounts shall be kept of the receipts and expenditure of the College and of the investments and other assets of the College. Accounts shall be presented to the Council at least quarterly, and annual accounts made up to the 31st December in each year shall be presented to the Council as practicable after that date.

## REGULATIONS

53. Regulations for carrying into effect any of the By-laws, or for dealing with matters not provided by them, may from time to time be made by the Warden, and announced by notice signed by him or her and posted at the College and on the College's website. Any Regulations so made shall be reported to the Council at its next meeting and may be disallowed by the Council.

## LICENSEE

54. Only a person or body appointed and currently approved for these purposes by the Warden may apply for, or for the transfer of, or hold, a Licence under the *Liquor Act 2007* (NSW) or subsequent legislation, relating to any College premises and on such terms (including as relate to the transfer to another person or body) as the Warden may determine.

## ELECTION OF FELLOWS

55.

- a) When a vacancy in the membership of Council occurs or is impending which requires filling through election, the Council shall appoint a Returning Officer to conduct the election. Only those persons who are eligible to vote pursuant to Section 8 of the *Act* and remain on the books of the College at the time of the election shall be entitled to cast a vote in an election of Fellows.
- b) The Returning Officer shall make known the requirement for an election in the following manner: He or she shall post or email to every qualified voter whose residential or postal or email address is known to him or her a notice stating the number of vacancies, the names of Fellows retiring and, if the fact be so, that such Fellows are candidates for re-election, that nominations of qualified candidates will be received for such vacancies on or before a day not less than fourteen and not more than twenty-eight days thereafter, unless otherwise ordered by the Council, and such other information as, in the opinion of the Returning Officer, may be necessary to ensure that the election will be in accordance with the By-laws.
- c) Nominations of qualified persons shall be made by two qualified voters, and shall contain the written consent of the candidate to his or her nomination.

- d) If there are no more candidates for clerical or lay vacancies respectively than there are vacancies, the Returning Officer shall forthwith declare such candidates duly elected and shall report such election to the Council, not later than at its next meeting.
- e) In the event of an equality of candidates and vacancies, where the candidates declared elected will hold office for different terms, as between a Fellow or Fellows who has or have been re-elected, and a candidate or candidates elected for the first time, the former shall hold office for the longer term; in other cases, the question shall be decided by lot.
- f) If there are more candidates for clerical or lay vacancies respectively than there are vacancies, the Returning Officer shall hold an election to fill such vacancies on a day not less than fourteen nor more than twenty-eight days from the latest day for receiving nominations.
- g) Lay and clerical candidates shall respectively be listed together in separate sections of the voting form.
- h) The accidental omission to make known a vacancy or to send a voting form to any qualified voter shall not invalidate any election.
- i) The Council may determine the format of the voting form and the method of voting. Unless otherwise determined by the Council, a voting form shall be in the format and contain the directions set forth in the appendix hereto.
- j) Within twenty-eight days after the latest day for nomination or such further time as the Council may determine, the Returning Officer shall post or email to every qualified voter whose residential or postal or email address is known to him or her a voting form for the election or other instructions on the means by which a valid vote may be cast.
- k) Voting forms shall prescribe the method by which they must be returned.
- l) The Returning Officer shall appoint the place, date and hour at which voting forms must be in his or her hands, and at which such voting forms shall be by him or her counted.
- m) Each candidate shall be entitled to nominate a Scrutineer to observe the Returning Officer at the counting of votes.
- n) The clerical candidate who obtains the highest number of votes shall be elected to fill one clerical vacancy. If there are two or more clerical vacancies,

the clerical candidate who obtains the next highest number of votes shall be elected to fill the next clerical vacancy, and so on until all clerical vacancies have been filled. Where candidates elected at the same election will hold office for different terms, the candidate or candidates obtaining the higher number of votes shall hold office for the longer term.

- o) In the case of lay vacancies, the procedure to be adopted shall be similar to that herein provided in respect of clerical vacancies.
- p) In the event of there being an equality of votes, the results shall be determined by lot.

### **APPOINTMENT OF FELLOWS**

56. In making appointments to the Council under section 6 of the *Act*, while ensuring that each person appointed to Council has expertise and experience relevant to the College's functions and an appreciation of the objects, values, functions and activities of St Paul's College, and having regard to the gender diversity of the Council, Council shall ensure that at least one member of the Council (elected or appointed) is a member of the academic staff of the University of Sydney.

### **APPENDIX**

#### **ST PAUL'S COLLEGE ELECTION OF MEMBERS OF COUNCIL**

#### **VOTING FORM**

..... Clerical

Lay

Fellows to be elected

- \*A
- B
- C

\* Denotes a retiring Fellow who is a candidate for re-election

The voter shall put a cross against the names of the candidates for whom he or she wishes to vote. A voting form is informal upon which votes are not recorded for the exact number of candidates to be elected.

The voter shall provide in legible form his or her name and mailing address, and personally sign his or her name on the envelope in which the voting form is transmitted to the Returning Officer, or indicate the same in an email to which a completed voting form is attached.

Voting forms must be in the hands of the Returning Officer not later than the ..... day of ..... 2..... at .....

N.B. Under the *St Paul's College Act 2018*, a person is eligible to vote in an election only if the person is a graduate of the University of Sydney and has resided on the premises of Saint Paul's College for at least four University terms or three University semesters and is at the time of the election on the books of the College.