

ST. MARK'S COLLEGE AMENDMENT ACT, 2023**CHAPTER 26***Assented to May 11, 2023*

WHEREAS St. Mark's College was incorporated by the *St. Mark's College Act*, S.B.C. 1956, c. 68;

AND WHEREAS St. Mark's College intends to merge with its affiliate, Corpus Christi College, and desires the power to grant or confer associate degrees under the *Degree Authorization Act*;

AND WHEREAS St. Mark's College has by its petition requested that it be enacted as follows, and it is expedient to grant the request in the petition;

THEREFORE HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 *Section 1 of the St. Mark's College Act, S.B.C. 1956, c. 68, is amended*

(a) *by renumbering the section as section 1 (1), and*

(b) *by adding the following subsection:*

- (2) Despite subsection (1), the College incorporated under that subsection consists of the members of the board of governors.

2 *The following section is added:*

Objects of College

1.1 The objects of the College, all of which are deemed to be charitable, are to

- (a) advance education by providing to any person an education in the liberal arts and sciences informed by the Catholic intellectual tradition,
- (b) provide education that, according to Christian principles, develops the whole person, including the person's intellectual, physical, emotional and spiritual potential to fill a leadership or other productive role in society, and
- (c) establish and operate a post-secondary educational institution in which Catholicism is vitally present and operative.

Section 3

3 *Sections 2 and 3 are repealed and the following substituted:***Affiliation**

- 2** The College may affiliate with the University of British Columbia under the *University Act*.

College

- 3** (1) The College has the powers and capacity of a natural person of full capacity.
- (2) Without limiting subsection (1), the College may do the following:
- (a) acquire, hold and dispose of property;
- (b) borrow money and, subject to section 6, invest money.

4 *Sections 4 and 5 are repealed.***5 *Sections 6 to 9 are repealed and the following substituted:*****Investments**

- 6** (1) The College may invest money that belongs to it only as permitted under the provisions of the *Trustee Act* respecting the investment of trust property by a trustee.
- (2) Nothing in subsection (1) precludes the College from holding a security donated to the College or carrying out the terms of a deed of trust respecting a security.

Composition of board of governors

- 7** (1) The board of governors consists of at least 5 and not more than 15 members elected or appointed under section 8.
- (2) Despite subsection (1), the persons who are members of the Board of Management on the date this section comes into force are members of the board of governors until the persons resign or otherwise cease to be members.

Election or appointment of board of governors

- 8** The members of the board of governors must be elected or appointed in accordance with the by-laws or rules of the board of governors.

Powers of board of governors

- 9** Subject to this Act, the board of governors must exercise the powers and perform the duties of the College, including by managing the affairs of the College.

- 6** *Section 9.1, as enacted by section 43 of the Advanced Education Statutes Amendment Act, 2011, S.B.C. 2012, c. 7, is amended in subsections (3), (4), (5) and (6) by striking out "Board of Management" wherever it appears and substituting "board of governors".*

7 *Section 10 is repealed and the following substituted:*

Appointment of principal or other head

- 10** The board of governors may appoint or remove the principal or other head of the College.

8 *The following section is added:*

Chancellor

- 10.1** (1) Subject to this section, the Archbishop of the Roman Catholic Archdiocese of Vancouver holds the office of chancellor of the College.
- (2) If, at any time, the Archbishop is unwilling or unable to hold the office of chancellor, the board of governors must, as soon as practicable, appoint a person to hold the office.
- (3) A person may be appointed under subsection (2) to hold the office of chancellor for an initial term of 3 years and one additional term of 3 years but may not hold the office for more than 6 consecutive years.
- (4) The board of governors may remove from the office of chancellor a person appointed under this section.
- (5) A person appointed under subsection (2) to hold the office of chancellor ceases to hold the office when
- (a) the Archbishop assumes the office,
 - (b) the board of governors removes the person from the office,
 - (c) the person resigns the office or dies, or
 - (d) the person's term of appointment expires.
- (6) If a person appointed under subsection (2) to hold the office of chancellor is removed from the office or resigns or dies before the person's term of appointment expires,
- (a) the board of governors must, as soon as practicable, appoint a person to fill the vacancy in the office,
 - (b) the period of time during which the person appointed under paragraph (a) holds the office does not, in relation to that person, count in calculating a 6-year period referred to in subsection (3), and
 - (c) the person appointed under paragraph (a) ceases to hold the office when
 - (i) the Archbishop assumes the office,
 - (ii) the board of governors removes the person from the office,
 - (iii) the person resigns the office or dies, or
 - (iv) the term of appointment for the person's predecessor expires.

Section 9

- (7) The chancellor of the College is responsible for the following:
 - (a) presiding at convocations, graduations and other formal College occasions;
 - (b) conferring all degrees, certificates and diplomas of the College;
 - (c) upholding the Catholic intellectual tradition of the College.
- (8) The chancellor must not be employed by the College.

9 *Section 11 is repealed and the following substituted:***Constitution of senate**

- 11** (1) A senate of the College is established for the reception, academic superintendence and discipline of the students of the College.
- (2) The senate of the College consists of the following:
 - (a) the professors of the College;
 - (b) the members of the board of governors nominated by the board for the purposes of this section.
- (3) A nomination under subsection (2) (b) must be made at least once every 2 years at a time to be decided by the board of governors.

10 *Section 12 is amended by striking out “Board of Management” and substituting “board of governors”.***11 *Section 13 is amended by striking out “said rules or by-laws shall” and substituting “rules or by-laws of the board of governors must”, by striking out “Board of Management” in both places and substituting “board of governors” and by striking out “shall be deposited” and substituting “must be deposited”.*****12 *Section 14 is amended by striking out “Board of Management” and substituting “board of governors” and by striking out “shall” and substituting “may”.*****13 *Section 15 is repealed and the following substituted:*****Power to grant degrees**

- 15** The senate of the College may
 - (a) grant degrees in theology, including honorary degrees,
 - (b) grant diplomas and certificates of proficiency, and
 - (c) grant or confer associate degrees, including honorary degrees, in accordance with the *Degree Authorization Act*.

14 *Section 16 is amended by striking out “The Senate shall have power to” and substituting “The senate may” and by striking out “when the Senate shall see fit” and substituting “when the senate sees fit”.*

Commencement

15 This Act comes into force on the date of Royal Assent.