

**VANCOUVER SCHOOL OF THEOLOGY ACT****CHAPTER 28***Assented to June 5, 1992.*

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

**Interpretation**

1. In this Act, unless the context otherwise requires,

"associated denomination" means a Christian denomination that is accepted by the board of governors as an associated denomination of the school of theology;

"board of governors" means the Board of Governors of the school of theology;

"chancellor" means the Chancellor of the school of theology appointed by the board of governors;

"faculty council" means the faculty council of the school of theology;

"participating denomination" means the Anglican Church of Canada and the United Church of Canada, and their successors, and such other Christian denominations that may be accepted as a participating denomination by the board of governors;

"principal" means the Principal of the school of theology appointed by the board of governors;

"school of theology" means the Vancouver School of Theology as continued under this Act.

**Continuation of school of theology**

2. The school of theology is continued as a corporation with the rights, powers and duties set out in this Act.

**Christian education centre**

3. The school of theology shall be an ecumenical Christian centre of theological education for the purpose of providing
- (a) instruction and training that will prepare men and women to exercise the professional ministries of the Christian churches,
  - (b) facilities for the advanced study of theology and for theological research,
  - (c) instruction and training in theology for lay persons that will further the general ministry and mission of the Christian churches,

- (d) for the recognition of the polity, and the support of the worship and spiritual disciplines, of the participating denominations,
- (e) an ecumenical forum for theological dialogue among persons of different disciplines and different theological viewpoints, and
- (f) for such other Christian educational services and facilities as the board of governors may from time to time authorize.

### **Powers of school of theology**

#### **4. (1) The school of theology**

- (a) may acquire and dispose of property, including land,
  - (b) may borrow money and grant mortgages and other charges on its property as security for such borrowings,
  - (c) may apply to secure letters probate or of administration with will annexed where named a beneficiary in a will,
  - (d) may grant in its own name and right academic degrees and honours in the study of theology and related disciplines, and
  - (e) may associate, affiliate or participate with any Christian denomination and with any university, college or other educational institution.
- (2) All deeds, transfers, mortgages and other instruments to which the school of theology is a party shall be deemed to have been properly authorized and executed by the school of theology if the corporate name and seal of the school of theology are affixed thereto by authority of the board of governors.

### **Rules against perpetuities and accumulations not to apply**

5. The rules of law and statutory enactments relating to perpetuities and accumulations do not apply and shall be deemed never to have applied to the trusts of any property donated to the school of theology.

### **Property to be exempt from taxation**

6. The property of the school of theology and any property leased to and occupied by the school of theology are exempt from taxation under the *Municipal Act*, the *School Act*, the *Taxation (Rural Area) Act*, the *Vancouver Charter* and other similar taxation Acts so long as they are used and occupied for the purposes of the school of theology, and any real property so vested which is disposed of by a lease to a college affiliated with the school of theology, so long as it is used and occupied for the purposes of that college, continues to be exempt from taxation.

### **Chancellor**

7. There shall be a chancellor of the school of theology who shall be elected in accordance with the bylaws of the school of theology.

**Duties of chancellor**

- 8.** Subject to the direction of the board of governors, the chancellor shall
- (a) preside at convocation and graduation ceremonies of the school of theology,
  - (b) represent the school of theology at ecclesiastical, academic and other gatherings, and
  - (c) perform such other duties and responsibilities as may be assigned by the board of governors.

**Board of governors**

- 9.** The management and administration of the property and affairs of the school of theology shall, subject to this Act, be vested in the board of governors.

**Members of board of governors**

- 10.** The board of governors shall consist of the chancellor, the principal and not less than 12 appointed governors.

**Term of office of governors**

- 11.** Except for the principal, governors shall be
- (a) appointed for a term not exceeding 3 years, and
  - (b) eligible for reappointment at the expiry of their term, but may not serve for more than 9 consecutive years as a member of the board of governors.

**Appointments to board of governors**

- 12.** (1) Appointments to the board of governors shall be made on the following basis:
- (a) the Anglican Church of Canada and the United Church of Canada and their successors shall, so long as they remain a participating denomination, each appoint an equal number of persons to the board of governors;
  - (b) the participating denominations may in aggregate appoint at least 1/2 of the board of governors;
  - (c) each associated denomination may appoint at least one governor;
  - (d) the remaining governors, if any, shall be appointed in accordance with the bylaws of the school of theology.
- (2) For the purposes of subsection (1) (b), the board of governors may by bylaw specify the number of appointments to the board of governors which are to be made by each participating denomination.

- (3) A casual vacancy in the board of governors shall be filled by a person appointed in the same manner of appointment as the member whose absence created the casual vacancy.
- (4) The terms of office of the members of the board of governors may be staggered.

#### **Qualifications for board of governors**

13. (1) No person is qualified to become or to continue to act as a governor who is not qualified to become a director of a company pursuant to section 138 of the *Company Act* of British Columbia.
- (2) A majority of the members of the board of governors shall be normally resident in the Province of British Columbia.

#### **Powers of board of governors**

14. Subject to this Act, the board of governors shall have full power and authority to determine
  - (a) the manner of governance and operation of the school of theology and of its property and affairs,
  - (b) subject to sections 10 to 13 of this Act, the number, the term of office and the manner of appointment of members of the board of governors,
  - (c) the number and term of office of members of the faculty council,
  - (d) the manner and terms of appointment of persons to the office of the chancellor, the principal, the vice principal, the faculty council and to all other offices of the school of theology,
  - (e) the terms and conditions of employment of the teaching staff and other employees, agents and servants of the school of theology,
  - (f) the academic policy and, subject to section 15 of this Act, the curriculum and educational programs of the school of theology,
  - (g) the conditions and requirements for the granting of degrees, diplomas and certificates in theology, including those of an honorary nature,
  - (h) the terms and conditions on which the school of theology may affiliate with any university or college,
  - (i) the terms and conditions on which the school of theology may associate with, or accept as a participating denomination, any Christian denomination, provided however that no denomination shall be accepted as a participating denomination without the prior consent of the then existing participating denominations,

- (j) the conditions and requirements for the granting and awarding of fellowships, scholarships, bursaries, prizes and student loans,
- (k) the annual budgets for operating and capital revenues and expenditures for the school of theology,
- (l) the fees and tuition for instruction in credit and non-credit courses, library fees, charges for meals and for accommodation in the residences owned or operated by the school of theology and such other fees as may be deemed necessary by the board of governors,
- (m) the number of students that may be accommodated in the programs of the school of theology,
- (n) the adoption of a common seal and arms of the school of theology and the terms and conditions of their use,
- (o) the bylaws, rules and regulations for the good governance and management of the school of theology, and
- (p) all other matters and things which may be necessary for the well ordering and advancement of the school of theology.

#### **Recommendations of principal and faculty council**

- 15.** The board of governors shall, except in case of emergency, obtain for its review and consideration the advice and recommendations of the principal and of the faculty council on any matter concerning the academic curriculum or teaching staff of the school of theology.

#### **Meetings of board of governors**

- 16.** (1) The board of governors shall meet as often as is necessary to manage the affairs and property of the school of theology and, in any event, not less than twice each year.
- (2) A quorum for the conduct of business at any meeting of the board of governors shall be 1/2 of the members of the board of governors.

#### **Chairperson shall convene meeting**

- 17.** (1) On the written request of 5 or more governors, the person who chairs the meetings of the board of governors shall, or if such person shall be unable or unwilling for any reason to so act, then the chancellor or the principal shall immediately give notice of and shall convene a meeting of the board of governors on a date within 60 days of such written request.
- (2) The request shall state the purpose of the meeting and the business to be conducted at the meeting and shall be delivered to all governors.
- (3) Delivery of such notice may be made by registered mail addressed to the last address of each member of the board of governors as recorded in the records of the school of theology.

- (4) The accidental failure to give any member of the board of governors notice in accordance with this section shall not invalidate any meeting of the board of governors.

### **Proceedings of the board of governors**

**18.** The board of governors shall

- (a) elect from amongst their number, but excluding the principal and any students or members of the faculty or staff of the school of theology, a person who shall chair all meetings of the board of governors,
- (b) cause minutes of all of its proceedings to be kept,
- (c) maintain a register of the members of the board of governors and of the current bylaws, rules and regulations of the school of theology, and
- (d) provide copies of the minutes of its proceedings and of its bylaws, rules and regulations to any member of the board of governors on request.

### **Annual report**

- 19.** The board of governors shall prepare and adopt an annual report on the affairs of the school of theology, including a financial report and a report from the principal, and shall distribute a copy to each member of the board of governors and to such other persons as the board of governors may authorize.

### **Audit of financial reports**

- 20.** The financial reports of the school of theology shall be audited at least annually by a public accountant appointed by the board of governors.

### **Faculty council**

- 21.** There shall be a faculty council of the school of theology which shall consist of
- (a) the chancellor, the principal, the vice principal, the directors of academic programs, the registrar, the librarian or other equivalent officers,
  - (b) all full time faculty members, and
  - (c) such other persons as the board of governors may appoint.

### **Powers of faculty council**

- 22.** The faculty council may

- (a) regulate the conduct of its meetings and proceedings, including the appointment of committees and other bodies necessary for its work,
- (b) make recommendations to the board of governors concerning the membership of the faculty council,
- (c) make recommendations to the board of governors concerning the curriculum of the school of theology,
- (d) make recommendations to the board of governors and to the principal on any academic matter affecting the interests of the school of theology,
- (e) make recommendations to the principal on any matter of discipline of students or of members of the teaching staff and faculty of the school of theology,
- (f) make recommendation to the principal and to the board of governors on the design and implementation of the academic programs of the school of theology, and
- (g) generally deal with all matters of academic concern as may be assigned to it by the board of governors or by the principal.

### **Proceedings of faculty council**

- 23.** (1) Proceedings of the faculty council shall be conducted in the same manner as proceedings of the board of governors.
- (2) The board of governors shall appoint a member of the faculty council to chair the meetings of the faculty council, who shall hold such office until a successor is appointed by the board of governors.
- (3) The faculty council shall
- (a) cause minutes of all of its proceedings to be kept and shall deliver copies to the board of governors,
  - (b) maintain a register of the members of the faculty council and of the current rules and regulations of the proceedings of the faculty council, and
  - (c) provide copies of the minutes of its proceedings and of its rules and regulations to any member of the board of governors on request.

### **Chairperson shall convene meetings of faculty council**

- 24.** (1) The person who chairs the meetings of the faculty council shall, or if such person shall be unable or unwilling for any reason to so act, then the chancellor or the principal shall, on the written request of not less than 1/3 of the members of the faculty council, immediately give notice of and shall convene a meeting of the faculty council on a date within 60 days of such written request.

- (2) The request shall state the purpose of the meeting and the business to be conducted at the meeting and shall be delivered to all governors.
- (3) Delivery of such notice may be made by registered mail addressed to the last address of each member of the faculty council as recorded in the records of the school of theology.
- (4) The accidental failure to give any member of the faculty council notice in accordance with this Act shall not invalidate a meeting of the faculty council.

### **Principal**

- 25.** There shall be a principal of the school of theology who shall be appointed by the board of governors.

### **Duties of principal**

- 26.** The principal shall

- (a) recommend to the board of governors appointments, promotions and removals of members of the teaching and administrative staffs and may hire, promote, remove and set the terms of employment of all other employees of the school of theology,
- (b) arrange and direct the studies, assignments and examinations of students,
- (c) promote the spiritual welfare of the students and generally oversee the worship and devotional life of the school of theology,
- (d) generally supervise and direct the academic work, and the teaching and administrative staffs, of the school of theology,
- (e) represent the school of theology in its dealings with its constituencies and with the community at large, and
- (f) exercise such further powers and perform such other duties as may be assigned by the board of governors.

### **Principal may suspend or expel officers, employees**

- 27.** (1) The principal may, subject to the terms of any collective agreement or other contract concerning the terms of employment of any officers, employees or staff of the school of theology, suspend or terminate the employment or appointment of any member of the teaching and administrative staffs and any officer or employee of the school of theology, excepting only the chancellor and the members of the board of governors.
- (2) On any suspension or expulsion, the principal shall forthwith report such action to the board of governors with a statement of the reasons for such action.



- (3) A person, other than a student, suspended, expelled or otherwise disciplined by the principal may, by notice in writing delivered to the board of governors within 15 days, appeal their expulsion, suspension or other discipline to the board of governors.

### **Principal may suspend or expel students**

- 28.** (1) The principal may suspend or expel any student and may deal summarily with any matter of student discipline.
- (2) On any suspension, expulsion or other disciplinary action being taken against any student by the principal, the principal shall forthwith report such actions to the faculty council and to the board of governors with a statement of the reasons for that action.
- (3) A student suspended, expelled or otherwise disciplined by the principal may, by notice in writing delivered to the board of governors within 15 days, or such further period of time as the board of governors may permit, appeal their expulsion, suspension or other discipline to the board of governors.

### **Vice principal**

- 29.** The board of governors may appoint a vice principal who shall exercise all of the duties and powers of the principal when the principal is unable to do so for any reason, or if the position of the principal shall be vacant for any reason.

### **Other officers**

- 30.** The board of governors may appoint such other officers and assign to them such powers and duties as the board of governors may consider appropriate.

### **Presbyterian church to continue as associated denomination**

- 31.** The Presbyterian Church in Canada shall continue after the date this Act comes into force as an associated denomination of the school of theology in the same manner as previously. The Presbyterian Church in Canada shall then be eligible for acceptance as a participating denomination, or may then otherwise change or determine its association with the Vancouver School of Theology, in accordance with the provisions of this Act and of the bylaws of the Vancouver School of Theology.

### **Winding up of school of theology**

- 32.** (1) In the event that the school of theology ceases to exist, or if the board of governors shall resolve to wind up the affairs of the school of theology, the board of governors shall distribute all real and personal property, vested either at law or in equity in the school of theology, among the appropriate authorities of each participating denomination, associated denomination, affiliated college or

university and of other bodies in a fair and equitable manner having regard to the proportion and value of property which was contributed by each to the school of theology.

- (2) The board of governors may perform the duty of distribution under this section either
  - (a) by distributing all or part of the property in specie,
  - (b) by selling all or part of the property and distributing the proceeds of the sale, or
  - (c) by designating, in the case of a beneficial interest, a new beneficiary from among the participating denominations, associated denominations, affiliated colleges or universities.
- (3) In the event of a dispute concerning the distribution of the property of the school of theology under this section, the matter shall be decided by 3 arbitrators appointed by the Chief Justice of the Supreme Court of British Columbia on the application of any participating denomination, associated denomination, affiliated college or university or other interested person.

### Repeal

- 33.** *An Act to Incorporate the Vancouver School of Theology*, S.B.C. 1971, c. 72, is repealed.

### Commencement

- 34.** This Act comes into force on June 15, 1992.