CONSTITUTION
EMMANUEL COLLEGE

As amended by the Emmanuel College Council, 19 September, 2001
and consented to the Senate of The University of Queensland, 4 October, 2001
Ref. 10/01

NAME

1. The name of the College is "Emmanuel College", and by that name the Principal and
Councillors, for the time being, shall constitute a body politic and corporate.

OBJECTS

2. (a) The objects of the College are -

   (i) To provide appropriate accommodation and tuition for students attending The University
       of Queensland.
   (ii) To foster a liberal education within the College.
   (iii) To encourage students to relate their academic discipline to Christianity, and to
       encourage their growth in Christian faith by the provision of facilities for worship,
       discussion and counselling.
   (iv) To assist in the training of candidates for the Christian ministry, and in particular to
       provide a centre for such theological training.

GOVERNMENT

3. The government in every respect of the College and all matters relating thereto shall at all times
be vested in a Council consisting of -

   (i) A Principal.
   (ii) Three persons appointed by the Assembly (see Para.7(a)(i)).
   (iii) Three persons appointed by the Synod (see Para.7(a)(ii)).
   (iv) Three persons elected by members of the Students’ Club.
   (v) A nominee of the Senate of the University.
   (vi) Three persons elected by former resident members of College who are graduates (see
       Para.7(b)).
   (vii) Up to three persons co-opted by the Council

4. The Council shall elect a Chairman who, when present, shall preside at all meetings of the
Council.

THE PRINCIPAL

5. A Principal shall from time to time be appointed by the Council for such term as may in each
instance be resolved by the Council prior to the appointment. A Principal may be re-appointed
from time to time.
6. The Principal shall be a member of either the Presbyterian Church of Australia or The Uniting Church in Australia, or a person who subscribes to the doctrine of the said Churches.

THE COUNCILLORS

7. (a) The General Assembly shall every five years appoint three persons as Councillors and thereupon such members of Council who were the previous appointees of the General Assembly (unless re-appointed) shall retire from office.

(ii) The Synod shall every five years appoint three persons as Councillors and thereupon such members of Council who were the previous appointees of the Synod (unless re-appointed) shall retire from office.

(b) The former resident members of the College who are graduates shall every fifth year, elect three persons, who shall be members of the Church, as Councillors. Thereupon such of the Councillors apart from the persons elected by the Students' Club and the Senate, the Principal and those appointed by the Churches, who are not so elected, shall retire from office.

(c) The Council shall co-opt up to three persons to serve as Councillors until the next quinquennial election of Councillors (see 7. (b)).

(d) Each Councillor appointed under Clause (a) or elected under Clause (b) hereof shall be entitled to remain in office for five years from the date of appointment or election as the case may be.

(e) (i) Whenever a vacancy occurs in the office of Councillor appointed by the Assembly, the General Assembly shall fill such vacancy by appointing a Councillor who shall hold office only until the next quinquennial appointment of Councillors by the General Assembly.

(ii) Whenever a vacancy occurs in the office of Councillor appointed by the Synod, the Synod shall fill such vacancy by appointing a Councillor who shall hold office only until the next quinquennial appointment of Councillors by the Synod.

(f) Whenever a vacancy occurs in the office of Councillor elected by the former resident members of College who are graduates, or co-opted by Council, the Council may elect or co-opt a Councillor who shall hold office only until the next quinquennial election.

8. No person who:

(a) Is not a member of the Church, or who is not in sympathy with the churches' principles regarding their university residential colleges

(b) Is not the full age of twenty-one years

(c) has been an ordinary resident member of the College within the previous five years

(d) has his/her affairs in bankruptcy, or

(e) is an undischarged bankrupt; or
(f) has been convicted of an indictable offence unless he/she has received a free pardon or has undergone the sentence passed upon him/her; or

(g) is a mentally ill person within the meaning of the laws in force for the time being relating to mental illness

shall be capable of being or continuing to be a member of the Council.

(h) Provision (a) shall not necessarily apply to the nominee of the Senate of the University nor provisions (b) and (c) above apply necessarily to the persons elected by members of the Emmanuel College Students’ Club.

9. The office of member of the Council shall be vacated

(a) if he is or she has become disqualified under this Constitution;

(b) if, without leave obtained from the Council in that behalf, he or she has been absent from three consecutive meetings of the Council; or

(c) upon death or resignation.

10. Except in case of death, disqualification or removal by the General Assembly and the Synod, a Councillor shall be deemed to remain in office until a successor is appointed, elected or co-opted.

11. Any one or all of the Councillors, except the Principal or the nominee of the Senate of the University, may be removed from their respective offices from time to time by a resolution of both the General Assembly and the Synod.

12. The votes at all meetings of the Council shall be taken inclusively of the chairman or person presiding, but when there is an equality of votes the person presiding shall have a casting vote as well as a deliberative vote.

13. Subject to such conditions as to the due convening of meetings of the Council as shall have been determined, four Councillors shall constitute a quorum and the votes and proceedings of the majority at a meeting at which a quorum is present shall be taken and accepted as the votes and proceedings of the Council.

14. The Council may act in every respect notwithstanding any vacancies in the office of the Principal or any vacancy or vacancies in the office of the number of the Councillors and no such vacancy shall in any way affect the Constitution of the College in its privileges or status.

THE VISITORS

15. The Moderator of the Synod and the Moderator of the General Assembly shall by virtue of such offices, and so long as they shall hold such respective offices, be Visitors of the College. They shall have the right to visit the College at any time and to attend all meetings of the Council or its Committees, to examine the manner in which the College is conducted, and to see that its laws and regulations are duly observed and executed.
PROFESSORS, LECTURERS AND TUTORS

16. All professors, lecturers and tutors of the College shall be chosen and appointed by the Council provided always that -

(i) The General Assembly shall have exclusive power to appoint, control or remove professors, lecturers and tutors of subjects of the curriculum prescribed for students of divinity of the Presbyterian Church; and

(ii) The Synod shall have exclusive power to appoint, control or remove professors, lecturers and tutors of subjects of the curriculum prescribed for students of divinity of the Uniting Church.

17. Subject to the last preceding clause the Principal, professors, lecturers and tutors of the College shall respectively be liable to removal or suspension by the Council from their offices with the rights and privileges thereto appertaining for sufficient cause with the right of appeal to the Visitors and two assessors appointed by each of them.

18. The Council shall have power to choose and appoint as Fellows, Honorary Fellows and Honorary Foundation Fellows such persons as it deems fit, and the said Fellows, Honorary Fellows and Honorary Foundation Fellows shall have such duties and privileges as the Council shall determine from time to time.

BY-LAWS AND RULES

19. The Council shall have power from time to time to make and establish all such By-Laws and Rules as to the Council shall seem expedient for carrying into effect the several provisions of this Constitution and the objects of the College and particularly for the election of Councillors, meetings of the Council and the ordering of all things in and connected with the College and the discipline thereof to the promotion of religion and learning.

RESIDENCE

20. All students of the College shall be enrolled in a course offered by the University and shall be required duly and regularly to attend the lectures of the University on those subjects, an examination and proficiency in which are required for honours and degrees, provided that students and graduates of the University may continue in the College at the discretion of the Council for the purposes of further study.

THE COMMON SEAL

21. The custody of the Common Seal of the College may be entrusted to such person as the Council shall from time to time determine.

22. The Common Seal shall not be affixed to any document except by order of the Council and in the presence of three Councillors at least, and three Councillors shall attest the sealing.
NON PROFIT OPERATION

23. The assets and income of the College shall be applied solely in furtherance of the objects of the College and no portion shall be distributed directly or indirectly to members of the College except as bona fide compensation for services rendered or expenses incurred on behalf of the organization.

DISSOLUTION

24. In the event of the College being wound up, any surplus assets remaining after payment of the College’s liabilities and the transfer to the University of the College land and improvements in accordance with the Deed of Trust shall be transferred equally between other university residential colleges with similar purposes and which are not carried on for the purposes of profit or gain to its individual members. The Queensland Synod of The Uniting Church in Australia and the General Assembly of the Presbyterian Church of Queensland shall each specify one such college each to be recipients of the transfer of surplus assets.

ALTERATION TO THE CONSTITUTION

25. Subject to the proviso hereto, this Constitution may be amended from time to time by resolution of the Council passed by not less than two-thirds of all members of the Council provided that any such amendment shall not take effect until the same has been duly approved by majority vote of the Synod and the Assembly.

(a) The resolution of the Council may be passed before, at the same time or after the resolutions of the Assembly and the Synod.

(b) No such alteration shall have any force or effect until consented to by the Senate of the University.

INTERPRETATION

26. In this instrument:

"The University" means The University of Queensland.

"The Church" means any major denomination of the Christian Church.

"The Churches" means the Presbyterian Church of Australia and The Uniting Church in Australia.

"The General Assembly" means the General Assembly of The Presbyterian Church of Queensland.

"The Synod" means the Queensland Synod of The Uniting Church in Australia.

"A former resident member of the College who is a graduate" is a person who having been a resident student for the period prescribed by the By-Laws or Rules of the College has attained a degree in the University and whose name remains on the College books.
"A member of the Church" means a person in full communion with the Presbyterian Church of Australia or The Uniting Church in Australia, or a communicant member of any major denomination of the Christian Church.