

Constitution of the Council of Catholic College Sale

This Constitution is approved and ratified by the Governors of
Catholic College Sale

Signed: _____ Date: _____

Most Rev Jeremiah J Coffey DD
Bishop of Sale

Signed: _____ Date: _____

Brother Paul Gilchrist
Provincial Marist Brothers Southern Province
(trustees of the Marist Brothers Southern Province)

1.0 Preamble

1.1 Catholic College Sale Council is appointed by the Governors to advise the Principal of the College.

1.2 The aim of the Council is to promote the educational goals of the College as a Catholic School and to collaborate with the Church in its mission of spreading the Good News of the Gospel. As a Catholic School, Catholic College Sale establishes its *modus operandi* on:

- (a) Christ as the foundation of the educational enterprise,
- (b) The Gospel as the basis of Christian learning, not only for individuals but for the whole school community,
- (c) Our Catholic heritage, culture and tradition,
- (d) The College's relationship and interaction with the Diocese of Sale and the communities of the Wellington Shire,
- (e) The charisms of Saint Marcellin Champagnat and Theodore Ratisbonne,
- (f) Policies developed within the Marist educational tradition,

1.3 The purpose of this *Constitution* is to constitute and provide guidelines for the operation of the Council as the body of persons to carry out activities that are specified below.

2.0 Constitutional Authority

2.1 This *Constitution* is promulgated by and with the authority of the Governors on the date specified at the end of this document.

2.2 In the event that the Council ceases to function in accordance with the Constitution, the Governors, by mutual agreement, may withdraw the authority conferred on the Council.

3.0 Definitions

In this Constitution (unless the context requires otherwise)

- (a) 'Governors' means the Provincial of the Marist Brothers, Province of Melbourne, and the Bishop of the Diocese of Sale,

- (b) ‘Governor’s agent’ is the representative of each Governor appointed to deal with matters of school governance,
- (c) ‘Council’ means the Council created by this Constitution in respect of the College,
- (d) ‘Governor’s nominee’ is the person appointed to membership of the Council as the Governor’s representative,
- (e) ‘CECV’ means the Catholic Education Commission of Victoria,
- (f) ‘CEO’ means the Catholic Education Office of the Diocese of Sale,
- (g) ‘Diocese’ means the Diocese of Sale,
- (h) ‘Parish’ means a parish of the Catholic Diocese of Sale,
- (i) ‘College’ means Catholic College Sale,
- (j) ‘College Community’ means the staff, students and parents served by the College, and other persons interested in or sharing responsibility for the welfare of the College,
- (k) ‘Director’ means the Director of Catholic Education, Diocese of Sale.

4.0 Name

The name of the Council shall be the ‘Council of Catholic College Sale (hereinafter referred to as ‘the Council’).

5.0 Purpose

The general purpose of the Council is, on behalf of the College community, to help the Principal fulfil his/her responsibilities relating to the College as a Catholic School. The Council acts in accordance with this Constitution, in accordance with the policies and practices prescribed or recommended by the CECV and the Marist Brothers, and in accordance with Diocesan policies and also its guidelines and prescriptions for the Religious Education Program. Where there is a difference

between Diocesan and Marist Policies, this difference will be resolved by dialogue between representatives of the Governors.

6.0 Catholic Ethos of the Council

- 6.1 The Council, in representing the College community, is to actively promote and support the Catholic ethos of the College, reflecting the traditions of the school and the Marist Brothers' Order and the Sisters of Our Lady of Sion Order.
- 6.2 Council members are to abide by the Code of Ethics as described in *Appendix 1*.
- 6.3 Council members are expected to participate in in-service and information courses as provided by appropriate authorities.

7.0 Powers

The Council shall be deemed to have the powers necessary to carry out any function authorized in this Constitution.

8.0 Functions

The responsibilities of the Council are:

- 8.1 To ensure that the operation of the College is congruent with the pastoral responsibilities held by the Governors by receiving regular reports from the Principal.
- 8.2 To assist the Principal in formulation of College policy.
- 8.3 To assist the Principal in carrying out the following responsibilities:
 - (a) Promoting the Catholic ethos of the College,
 - (b) Administering the educational programs of the College,
 - (c) Developing an appropriate curriculum and maintaining academic standards,
 - (d) Maintaining school discipline within the pastoral criteria established by the Council,
 - (e) Ensuring the care and maintenance of the College property.

- 8.4 To assist the Principal in the area of finances within the parameters set out in the *Policy on School Finances* (Appendix 3) by:
- (a) Monitoring financial management,
 - (b) Approving the Annual Budget in accordance with Diocesan and Marist Policies,
 - (c) Receiving the Report of College Auditors,
 - (d) Reviewing the overdraft,
 - (e) Reviewing investment policies,
 - (f) Approving all capital expenditure and leasing agreements within the limits specified by the Governors,
 - (g) Setting the annual tuition fee schedule,
 - (h) Advising the Principal in raising loans.
- 8.5 To seek approval from the Governors for the disposal or acquisition of property.
- 8.6 To receive a report on College insurance policies every year.
- 8.7 To assist with planning for the present and future operation of the College.
- 8.8 To provide representation, as defined by the Governors, on a committee which recommends to the Governors the appointment of a Lay Principal.
- 8.9 To make itself aware of the needs and aspirations of parents, students and other interested groups for the purpose of carrying out its responsibilities.

9.0 Membership of Council

As far as is possible Council is to maintain a gender balance in its membership and to ensure that the interests/needs of both Campuses are adequately addressed.

- 9.1 All appointments to the Council are made by the Governors. The Principal carries out this work, seeking the support of the Council in doing so. Once nominations are received, the Principal seeks the Governors' approval before appointments to Council are made,
- 9.2 The Council shall comprise:
- (a) A nominee of the Marist Brothers' Provincial,
 - (b) A nominee of Bishop of Sale,
 - (c) A nominee of the CEO,
 - (d) The Principal of the College,

- (e) A priest of the region nominated by the Bishop,
 - (f) A minimum of four and a maximum of six parents/carers of the students enrolled at the College at the time of appointment,
 - (g) A member of staff,
 - (h) Other members appointed for particular expertise,
- The Council shall have a maximum of fifteen members.

9.3 The Principal is the Executive Officer of the Council.

9.4 Membership shall be for a term of three years with the possibility of re-election for one further consecutive term, save that the Principal and the Governors' nominees will not be subject to maximum term restrictions.

9.5 New members of the Council shall be appropriately inducted.

9.6 Vacancies on the Council:

(a) If a vacancy occurs from the parent body, staff or other members appointed for particular expertise, the Principal after consultation with the Council shall name a replacement who shall hold office only for the term of the person who is being replaced. This replacement is subject to the ratification by the Governors,

(b) If the vacancy is a nominee of a Governor, then the Principal shall approach the appropriate Governor for a replacement.

9.7 If any Council member is absent from three consecutive meetings of the Council without apology, he/she shall be deemed to have vacated his/her office.

9.8 The Executive Sub-committee of the Council consists of the Council chairperson, the Principal and a Council member elected by the Council. The Executive Sub-committee meets only in the event of a need for immediate action. The Executive Sub-committee reports to the Council and the Council ratifies the decisions of the Executive Sub-committee.

10.0 Annual General Meeting

10.1 The Principal in conjunction with the Council shall in each calendar year convene an Annual General Meeting of parents/guardians and friends of the College.

- 10.2 The Annual General Meeting shall be held towards the end of the second school term.
- 10.3 The Annual General Meeting shall be specified as such in the notice convening it.
- 10.4 The business of the Annual General Meeting shall be:
- (a) to confirm the Minutes of the preceding Annual General Meeting,
 - (b) to receive from the Council reports about the educational program of the College during the previous year. Copies of all such reports will be forwarded to the Governors,
 - (c) to table the Annual Financial Statement with comment from the Principal and the Business Manager,
 - (d) to elect a Chairperson of Council, a Deputy Chairperson of Council and the Sub-committees of the Council.
- 10.5 No business other than that set out in Section 10.4 above shall be transacted at the meeting.
- 10.6 The Principal shall, at least fourteen (14) days before the date fixed for holding an Annual General Meeting, inform the school community of the place, date and time of the meeting.

11.0 Meetings and Procedures of the Council

- 11.1 In the absence of the Chairperson, the Deputy Chairperson will preside at the meeting. If neither the Chairperson or the Deputy Chairperson are present at the meeting, the members shall elect an acting Chairperson.
- 11.2 A quorum is deemed to be more than half of the current membership. No meeting shall be held without a quorum.
- 11.3 All members (including the Chairperson) shall have equal voting rights. In the case of a voting deadlock the motion is lost.
- 11.4 Regular meetings of the Council shall normally be held approximately eight times a year.

- 11.5 Special meetings of the Council may be held as often as are deemed necessary. Such meetings shall be held when called by the Principal or, when requested by the Governors.
- 11.6 At each Council meeting the Principal shall give a report on the affairs of the College.
- 11.7 The College Business Manager will be in attendance for all or part of the Council meeting, as determined by the Chairperson and the Principal, and will present a financial report.
- 11.8 Proper Minutes of all meetings of the Council shall be taken by the Minutes Secretary as designated by the Principal. One copy of the Minutes together with Minutes of Sub-committees of Council with associated documents shall be given to the Principal for insertion in the College file. A copy of the Minutes is sent to each of the Governors.
- 11.9 Minutes of Council meetings are to be distributed along with the agenda and papers of the next Council meeting no later than one week prior to the next Council meeting.
- 11.10 Decisions of the Council shall be determined by a simple majority of members present.

12.0 Communications and Public Relations

- 12.1 All written communications from the Council shall be made with the knowledge and approval of the Council and shall be effected through the Principal.
- 12.2 The usual avenue of approach to the Council by members of staff shall be through the Principal. The usual avenue of approach to staff members by the Council shall be through the Principal.
- 12.3 The staff member on the Council is appointed to enhance the transparency of Council operations and to offer a staff perspective in its deliberations.
- 12.4 The Council is required to be an effective liaison agent between the College and the community served by the College.

12.5 The Council is required to be committed to projects and activities that will enhance the public profile of the College.

13.0 Sub-committees of the Council

13.1 The Council is empowered to appoint Sub-committees as it deems necessary.

13.2 Membership of Sub-committees is not confined to members of the Council; however, at least one Council member is required to serve on each Sub-committee.

13.3 The duties and level of authority of any Sub-committee shall be defined by the Council.

13.4 The Council elects the Chairperson of each Council Sub-committee.

13.5 Each Sub-committee of the Council shall keep Minutes of its meetings. These Minutes are presented at the subsequent Council meeting.

13.6 The council member on each Sub-committee of the Council will give a report to the Council at the Council meeting following the Sub-committee meeting. Reports may be written or verbal, as appropriate, and where necessary include recommendations for the council to consider from the Sub-committee meeting.

13.7 As soon as a Sub-committee's specific task is completed, or even earlier if the Council so determines, the Sub-committee is dissolved.

14.0 Policy Formation

14.1 The Council accepts the role of the Principal as educational leader and shall assist the Principal draw up a broad set of educational goals and objectives consistent with the Catholic ethos of the College.

14.2 It is a legitimate function of the Council to provide an advisory service to the Principal and staff with respect to the formulation of school policy.

14.3 In exercising this advisory function Council members are required to be mindful for the responsibility which

belongs to the Principal and staff to make decisions in accordance with policies and guidelines of the Catholic Education Commission of Victoria, the Marist Brothers, and the Diocese of Sale.

15.0 General

- 15.1 This Constitution shall only be amended with the approval of the Governors.
- 15.2 The Council may recommend amendments to this Constitution to the Governors.
- 15.3 A regular review of the Council and its operations will normally be carried out every five years as organized by the Governors or their representatives.
- 15.4 In the event of any dispute or uncertainty as to the meaning or intent of any clause in this Constitution, the matter shall be referred to the Governors for interpretation and decision conclusive of the matter.
- 15.5 If, for any reason the Council does not function satisfactorily, the advice and assistance of the Governors shall be sought without delay through either the Principal or the Governors' nominees on the Council.
- 15.6 If, after receiving assistance the Council is still unable to operate successfully, it may be dissolved by the Governors.

Code of Ethics for Council Members

Being a member of a College Council involves many kinds of responsibilities and relationships. The information that is shared demands a professional ethic that should be understood and observed by all. Policy and procedure with regard to the Code of Ethics should be adequately discussed with new Council members and periodically studied by all concerned.

1. A Council member must give the necessary time, thought and study to the work of the College Council so that effective service may be rendered.
2. A Council member must base his/her personal decision upon all available facts in each situation, and if there is voting he/she must vote with honest conviction unswayed by partisan bias.
3. A Council member must be able to abide by and uphold the final decision of the Council regardless of the stand taken on any issue.
4. A Council member must work with fellow Council members in a spirit of harmony and co-operation regardless of any differences of opinion that may arise during discussions.
5. An individual member of the Council is not in a position to make personal comments on behalf of the Council.
6. All substantive matters raised with an individual member should be referred to the Principal.
7. A Council member must maintain appropriate confidentiality in regard to Council business.
8. A Council member must realize that the welfare of the College students comes first in decisions.
9. A Council member is never to use his/her position on the Council to benefit either himself/herself or any other individual or agency apart from the total interest of the College.
10. A Council member approached with a complaint that is of an internal school administrative nature or of a personal nature is to refer the person to the Principal. Such matters might include difficulties, disputes or grievances involving a student or parent with a teacher, or grievances involving members of staff. The Council member may, however, wish to follow up the concern

personally with the Principal at a later time. If the complaint is about the Principal, the complainant is advised to speak to a Governor or the Governor's nominee on the Council.

11. The duties and responsibilities as set out in the Council Constitution must be undertaken by each Council member.

Appendix 2

Appointment and Election of Parents/Carers to Council

When an election is needed, the following process will be followed:

- (a) the Principal will submit the nominations put forward to the Governors for approval,
- (b) on receipt of the Governors' approval, the Principal shall list the names of those nominated and distribute ballot papers to each family,
- (c) each family will be entitled to two votes,
- (d) the method of voting is determined by the Council,
- (e) the Principal will act as Returning Officer and parents/carers receiving the highest number of votes, corresponding with the number of positions open to election, will be declared elected,
- (f) the appointment will be made formally by the Governors.

Policy on School Finances

Introduction

This policy is an adaptation of the Marist Brothers *Policy on School Finances*. It is a legal requirement that the financial accountability of Catholic College Sale to the Province, the Diocese of Sale and Government bodies be clear and transparent.

The Brother Provincial "has the primary responsibility ... for the administration of province resources" (Marist Constitutions No. 143). This responsibility, with respect to schools whose stewardship is entrusted to the Province, in whole or in part, is delegated to the Principal working in partnership with the School Council. The Principal is accountable to the Provincial's agent in exercising this responsibility.

The Provincial's agent shall confer with the Director of Catholic Education on all matters requiring the approval of the Governors.

Financial administration and accountability to both the Province and the Diocese is exercised through adherence to a definite set of practices. Such a policy is important, among other reasons, because of the contingent liabilities against the Province and the Diocese of Sale.

Practice

1. The School Budget

The school budget is to ensure that the school is adequately equipped and maintained to enable it to carry out its mission today, and into the future.

The Principal, in consultation with the School Council, will ensure that the School Budget is a balanced budget. A balanced budget will include:

- 1.1 Staffing levels consistent with the level of funding provided.
- 1.2 Staffing levels appropriate to the financial viability of the school.

- 1.3 An appropriate allocation of finance to meet the overall curriculum development needs of the school.
- 1.4 Appropriate allocations of finance to meet ongoing maintenance needs and the replacement of assets as per the school's assets register.
- 1.5 An adequate provision for debt servicing.
- 1.6 An adequate ongoing capital expenditure including that for technology and furnishings.
- 1.7 Adequate annual cash provisions set aside to cover such things as future maintenance, sick leave, maternity/paternity leave, and long service leave where applicable.
 - 1.7.1 Such a Reserve Fund is not to be used for any other purposes.
 - 1.7.2 Such a Reserve Fund is to be 'topped up' to cover increased liabilities resulting from wage increases.
- 1.8 Schools are not to include Commonwealth Supplementation as part of their original budget, nor request a deficit budget on the basis of supplementation coming at the end of the year.

2. Documentation and Accountability

2.1 Draft Budget

Two (2) copies of the draft budget for the coming year are to be sent to the Province Business Manager by the end of term 4.

2.2 Final Budgets

Two (2) copies of the final budget are to be forwarded to the Province Business Manager by 30th April.

Where a school has been unable to establish a balanced budget by March, the Provincial's agent is to be informed in writing by 31st March - including the unresolved issues that lead to such inability to balance the Budget. Matters unable to be resolved at the local level (for whatever reasons) would then have to be resolved by the Provincial's agent in consultation with the Director.

2.3 Annual Financial Statement of the Previous Year

Two (2) copies of the Annual Financial Statement (AFS) are to be forwarded to the Province Business Manager and the Director by 30th April each year.

2.4 Annual Audited Statements

Two (2) copies of the annual audited statement (including Balance Sheet) and Auditor's comments are to be sent to the Province Business Manager and the Director by 1st of June each year.

2.5 Statements Detailing Investments

A copy of statements detailing investment of school monies is to be forwarded half-yearly (31st March and 30th September) to the Province Business Manager and the Director.

2.6 Assets Register

The school's asset register is to be updated regularly.

2.7 Insurance

The school's insurance arrangements should be updated annually.

3. Investments

Investment of all school funds is done through the Catholic Development Fund of the Diocese of Sale or through a Major Bank, with no less than AAA rating.

4. Capital Projects and Leasing Agreement

4.1 The Governors shall determine from time to time the financial limit for capital projects and leases included in the budget. Capital projects and leases which exceed this figure require the approval of the Governors.

4.2 For major capital projects the Principal shall seek the approval of the Governors.

4.3 Approval is sought from both Governors. Request forms are available from the Marist Provincial and the Diocesan Property and Planning Sub-committee.

5. Loans

In seeking to take out a loan the following procedure applies:

- 5.1 The Principal seeks approval from the Catholic Development Fund or from a Major Bank for the loan to complete the project.
- 5.2 The Principal seeks a letter of comfort from the appropriate Governor.

6. Credit Card

- 6.1 It is agreed that both the Principal and the Business Manager may each operate a credit card in the name of the school. Such a facility is to be used only for school-related transactions.
- 6.2 The limit of credit on each card is not to exceed \$3000.
- 6.3 Approval for any other credit card sought for school use should be obtained from the Principal.
- 6.4 The Principal is responsible for authorising payment of Credit Card accounts. Such payments are to be made within the interest free period.

7. School Fees

7.1 Setting of School Fees

School fees will increase annually by no less than the current inflation rate, except in extraordinary circumstances.

7.2 Collection of School Fees

The Principal is responsible for the collection of school fees. This responsibility should be carried out within certain guidelines and procedures.

- 7.2.1 A spirit of compassion, justice and even-handedness for the total school community will be applied.
- 7.2.2 In the exercise of this responsibility the Principal shall seek the assistance of the College Council in developing and implementing a policy on fee

collection consistent with the Diocese of Sale's *Guidelines on Fee Collection*.

- 7.2.3 The school should have a fee collection policy that ensures a quick and just collection of fees. A copy of this policy is to be forwarded to Provincial's agent and the Director of Catholic Education.
- 7.2.4 The general procedures for legal action shall be as approved by the Governors.

8. The Assets Register

- 8.1 The College shall have an up-to-date assets register for purposes such as that of insurance, planning for depreciation and capital replacement needs.
- 8.2 A copy of the regularly updated assets register is to be stored off-campus.

9. Industrial

- 9.1 The College will comply with the relevant Industrial Awards, Enterprise Agreements and other conditions and services applicable to its employees.
- 9.2 Remuneration for non-award positions is determined by the Principal, after consultation with the Provincial's agent in consultation with the Director.
- 9.3 The College will comply with the relevant Occupational Health and Safety Regulations (or their equivalent) applicable to their employees.