



SENATE MEETING MINUTES

MEETING DATE:	18-12-2018
MEETING TIME:	10:30am
MEETING LOCATION:	JO1.447 (Senate Chambers) ; SW1.110 (Video Conferencing)

1.0 - ATTENDANCE

President	Abhishek Mehta
General Secretary	Sarah Cavanough
Vice President (Academic)	Seema Behrami
Vice President (Equity & Diversity)	Faizan Akram
Vice President (Social Activity)	Alfred Koech
Environmental Sustainability Officer	Elsa Chew
Postgraduate Officer	Dago Om
General Senator	Rajesh Kumar
General Senator	Shed Shah (Abbas)
General Senator	Georgia Maher
Accredited Observers	Melissa Johnston (Financial controller)

2.0 – APOLOGIES

General Senator (SW)- Wakiini Gichira (Practicum placement. Proxied to S Cavanough)
South West Officer- Ellen Mayhew (Practicum placement. LOAD granted)
International Officer- Vimal Khetiya (illness. LOA granted)

3.0 – PRELIMINARY MATTERS

3.1 - Acknowledgement of Country

"The Guild acknowledges that we are meeting on Wadjuk Nyoongar land, and I would also like to acknowledge their elders, both past and present. We recognise that the land was stolen and never ceded, and it always was and always will be Aboriginal land."

3.2 - Approval of Previous Senate Meeting Minutes

- Motion to suspend the Standing Orders (specifically Clause 5.4 – confirmation of previous minutes) in reference to Motion 4.4.
- Moved: S Cavanough
- Seconded: A Mehta
- Result: Motion carried unanimously

3.3 - Declaration of Conflict of Interest

Sarah explained that the Guild's guidelines for managing conflicts of interest were stipulated in Section 8 of the Code of Conduct and that having a potential conflict didn't mean that it was "wrong" per se, just that the Senate had to manage them accordingly.

Melissa Johnston declares a conflict in relation to Motions 1812_01 and 1812_02. Advises of decision to abstain.

Sarah Cavanough declares a conflict for Motion 1812_05. Advises of decision to abstain.

3.4 - Announcements

NIL

3.5 - Office Bearers Reports

3.5.1 - President – Abhishek

Abhishek asked the Senate to provide written reports for future Senate meetings to save considerable time. This was done by the 2018 Senate.

Abhi reported that during the start of his term he had attended the training days including the Guild event at UWA and several university meetings.

3.5.2 – General Secretary– Sarah

Sarah reported that she had returned from medical leave on 10th December and had spent the week since then preparing for this Senate meeting and familiarizing herself with role in the absence of a formal handover. Sarah said that she had spent a fair amount of time responding to correspondence, and assisting department heads settle into their new roles. Sarah has been in contact with the Guild's current solicitor to ascertain the status of current legal proceedings; expenditure and records. Sarah said she has had to request all legal records from the Guild's solicitors and there is no record of this documentation on the Guild's server other than a few letters submitted in meetings and the Guild is required to keep comprehensive records as per its obligations under the State Records Act 2000. Sarah has formalized all requests in writing via formal letters co-signed by the President. Sarah said she and Abhi will elaborate on current legal proceedings for consideration by the Senate during the in-camera section of this meeting due to the confidential nature of matters to be discussed.

3.5.3 – Vice President (Academic) – Seema

3.5.4 - Vice President (Equity & Diversity) – Faizan

3.5.5 - Vice President (Social Activity) – Alfred

3.5.6 – Environmental Officer- Elsa

3.6.7- International Officer – Vimal

3.5.8 - Postgraduate Officer – Dago

3.5.9 - South West Officer – Ellen

3.5.11 - General Senator – Abbas

3.5.12 - General Senator - Georgia

3.5.13 - General Senator (SW) - Wakiini

3.7 - Accredited Observer Reports

3.6– Melissa Johnston (Financial controller)

4.0 – PRIORITY ITEMS

4.1 - Motion- Cash bonuses and bonus days off for staffs of the Guild

Preamble

In prior years, all operations full-time and part-time staff have received cash bonuses and/or bonus days off across the Christmas holiday period, as a thank you for their work during the year. It is proposed that the 3% paid in 2017 be applied to the 2018 year. Finance has estimated this the values of this bonus would be approximately \$14,000 and be funded from the surplus of the approved 2018 budget.

Motion_SM1812_01

Motion that the Senate approve the payment of a cash bonuses to all employees in the amount of 3% of each employee's gross base salary, and to be paid prior to the Guilds Christmas Break and that this be funded from the surplus approved 2018 Budget.

Moved: S. Cavanough

Seconded: A. Mehta

Result: Motion carried unanimously

Preamble

It is proposed the 3 bonus days of leave provided to staff over the Christmas break, in previous years, be applied again for 2018. This is applied to bring Guild employees more in line with the University's Essential Service Period break over the Christmas holiday period.

Note: The Guild is not open from 24/12/2018-4/1/2019

Discussion: Alfred asked for clarification on the particulars of the leave to be granted. If it was 3 extra days or just to cover the period the Guild was closed so staff A/L was not docked for a period that the Guild is closed anyway. Abhi and Sarah clarified that it was the latter and there was a precedent set for this in previous years.

Motion_SM1812_02

Motion that the Senate approve the provision of 3 bonus days of leave to all employees to be taken in addition to, and in conjunction with, the standard statutory Christmas leave entitlement days afforded under the Guild's EA.

Moved: S. Cavanough

Seconded: G. Maher

Result: Motion carried unanimously

4.2 – Motion- Quotes for services to appoint an investigator

Preamble:

The Guild has had a turbulent year with many grievances and complaints remaining unresolved due to a perception of, or actual, lack of fair and due process with regard to contractual obligations and the principles of fair and natural justice that the Guild is required to observe in accordance with the Fair Work Act and other legislative requirements. It is proposed that the Guild's Financial Controller, Melissa Johnston obtain three quotes for these services and that the Secretariat will select and appoint an investigator from those quotes and liaise with that person in respect to the HR matters to be investigated.

Motion_1812_03

Motion that the Senate approve the appointment of a Human Resources specialist with experience in industrial conciliation, in accordance with the preamble, to investigate and report on all outstanding grievances and unresolved HR matters arising from the 2018 Senate term, and any grievances that arise in 2019 in the event that internal HR procedures are insufficient in resolving the matter.

Moved: A Mehta

Seconded: A Koech

Result: Motion carried unanimously

4.3 – Motion- Independent transcription service to be contracted

Preamble

The Guild is required to keep accurate records of all Senate and Secretariat meetings in accordance with the *State Records Act 2000*. Due to the outcomes of the 2018 Senate term, there are questions arising as to the accuracy and integrity of the minutes of all Senate and Secretariat meetings for the period April to November 2018.

The minutes produced appear inconsistent with the recordings of those meetings. To address this, and ensure the integrity and accuracy of those records of minutes, it is proposed that an independent transcription service be contracted to transcribe these to ensure the minutes they relate to are accurate and comply with our obligations under the State Records Act.

Initial costings for this service are estimated at between \$2,000 and \$3,000.

Motion_1812_04

Motion that the Senate authorises the General Secretary to obtain three quotes from independent service providers and to appoint one to provide, by transcribing to written records, all Senate and Secretariat meetings for April to November 2018 inclusive, from the recordings of all said meetings and that the General Secretary can expend up to the value of \$3,000 for this purpose without further referral to the Senate, and that this be funded from the surplus of the approved 2018 Budget. While this is taking place the Senate instructs the current published minutes to be removed from the website until the minutes are independently verified.

Moved: S Cavanough

Seconded: E Chew

Result: Motion carried unanimously

4.4- -Motion- The attendance of immediate past president (IPP)

Preamble

While Clause 33 (3) of the Constitution says the immediate past president (IPP) MAY be invited to attend Senate meetings of the new Senate, it refers to the Guild's Standing Orders (policy) for clarity.

Clause 16.3 of the Standing Orders policy states that the CEO and IPP will be invited as accredited observers to all Senate meetings, should they choose to do so.

However, the IPP, Stewart Lee is on record as openly intimidating and harassing the current General Secretary on multiple occasions throughout the previous Senate term and also has an open referral against the General Secretary before the Guild's Discipline Committee, which presents an unworkable conflict with the General Secretary.

The IPP is also on record as campaigning against the INSPIRE ticket during the recent elections and, in particular, making inflammatory and derogatory comments about INSPIRE'S General Secretary candidate.

These matters are factors in the General Secretary's open worker's compensation claim currently before the Guild. Additionally, the IPP and others have engaged in repeated acts of intimidation against the General Secretary in retaliation for her role as a witness in a Federal Circuit Court matter to which the IPP is an individual respondent.

Accordingly, the presence of the IPP at any Senate meeting during the 2019 Senate term is not conducive to the preservation of and protection of the safe working environment and the overall well-being and health of the General Secretary, which this Senate is bound by duty to uphold.

Given the potential for unwarranted and unnecessary challenges by the IPP, that could impede the Senate's ability to manage the Guild's business and affairs, it is proposed to exclude the IPP from Senate meetings.

Discussion: Sarah declared a COI in relation to this motion as indicated above but was permitted by the Senate to engage in discussion.

Sarah said that the events of the previous year had considerable impact on her sense of health and well-being. Sarah lamented being forced into a position where she was forced to either lodge a claim for Worker's Compensation or resign from the Guild in 2018 due to the continued derogatory treatment she was subjected to. This includes the continued harassment by the alleged administrator of the Confessions at ECU Facebook page who is a 2018 Senator for which she is commencing civil defamation proceedings. However, the IPP has also participated in online mockery of the Gen Sec by indirectly referencing her and by vilifying her in Senate meetings and the Special General Meeting in August 2018. The recordings of these meetings substantiate the unworkable relationship between the two and Sarah expressed that she had been targeted by the individual respondents in the Federal Circuit Court for acting as a witness in the matter before the Court. Sarah said she had notified all relevant parties that she was being subjected to witness intimidation. Sarah also referenced the Worksafe WA Improvement Notices issued to the Guild ordering them to improve the threat of psychosocial harm to employees and Senators.

Georgia and Elsa said they may have a conflict with this motion due to previous associations with the IPP. Georgia suggested it might be more appropriate for her to abstain from the motion. The Senate had a discussion about the nature of these associations and if they were significant enough, and how the perceived conflict should be managed. The Senate concluded that the nature of these associations did not necessarily constitute a personal relationship that could influence the result of this motion. The Senate concluded that EC and GM be permitted to

vote should they choose to do so. Sarah reiterated her abstention due to the acrimonious history between herself and the IPP.

Motion_1812_05

Motion that the Senate approves an amendment of the Guild's Standing Orders policy in respect to clause 16.3, as per the attached amended Standing Orders – **see Appendix 4.**

Moved: A Mehta

Seconded: E Chew

Abstentions: S Cavanough (and proxy)

Result: Motion carried unanimously

5.0 – DISCUSSION ITEMS

5.1 – IN CAMERA

- Legal

5.1.1 – Settlement Negotiation

5.1.2 Instruction to Hotchkin Hanly

5.1.3 Authority for Legal Costs – Internal Settlement Conference

Senate provided with copies of Appendix 3 for referral.

IN CAMERA discussions of the above.

Appendix 3 documents provided back to General Secretary at the end of the meeting.

5.2 – Proposed hours' flexibility for Senators during peak/off-peak Senate activity periods. Adjourned due to time constraints.

5.3 – Sustainability initiatives: water access on campus – Elsa Chew (Environment Sustainability Officer) – Adjourned due to time constraints.

5.4 – Discussion of roles, plans for 2019 including INSPIRE Policies document (physical copies distributed at meeting). – Adjourned due to time constraints

6.0 – OTHER ITEMS

6.1 Invite general questions from new Senators - NIL

6.2 Items of general business - NIL

7.0 – Appendices

7.1 - Appendix 1 – Standing Orders (for reference in Senate meetings)

7.3 - Appendix 3 – IN CAMERA

7.4 – Appendix 4 – PAC – amended Standing orders re motion 1812_05

7.5 – Appendix 5 - Operational Staff bonuses costings document

Next Meeting Date:	TBC
Next Meeting Time:	TBC
Next Meeting Location:	TBC