



SENATE MEETING MINUTES

MEETING DATE:	Thursday, 24th January 2019
MEETING TIME:	10:30am – 13:36 hours
MEETING LOCATION:	JO 1.447 (Council Chambers); SW 3.106

1.0 - ATTENDANCE

1.1 - In Attendance

A.Mehta – President JO
S. Cavanough – General Secretary JO
S. Behrami – VP Academic JO
F. Akram – VP E& D JO
A. Koech – VP SA JO
V. Ketiya – International Officer – via conference call
E. Chew – E & S Officer JO
D. Om – Postgrad Officer JO
E. Mayhew – SW Officer – Via Conference Call SW
W. Gichira – GS SW – Via Conference Call SW
R. Kumar – GS JO
G. Maher – GS JO
S. Shah – GS JO

1.2 – Observers nil

1.3 Accredited Observers

2.0 – APOLOGIES

3.0 – PRELIMINARY MATTERS

3.1 - Acknowledgement of Country

“The Guild acknowledges that we are meeting on Wadjuk Noongar land and also Wardandi Nyoongar land, and acknowledges their elders, both past and present. We recognise the land was stolen and never ceded, and always was and always will be Aboriginal land.”

3.2 - Approval of Previous Senate Meeting Minutes

Sarah advised of issue with accessing recording from December 2018 Senate meeting and that this could be ‘user error’ and the recording may have failed. In the interim, minutes are based on draft notes/minutes taken during the December meeting. Requires further clarification. Senate agreed to postpone minute confirmation until February Senate meeting.

3.3 - Declaration of Conflict of Interest

See motions for details of COIs declared.

3.4 – Announcements

3.5 - Office Bearers Reports – Written reports provided for minutes (yes/no)

Abhishek asked that OFB written reports be provided by COB on Friday 25th January for records. (no verbal reports to save time as agenda significant in size).

3.5.1 - President
3.5.2 - General Secretary
3.5.3 - Vice President (Academic)
3.5.4 - Vice President (Equity & Diversity)
3.5.5 - Vice President (Social Activity)
3.5.6 - Environmental Sustainability Officer
3.5.7 - International Officer
3.5.8 - Postgraduate Officer
3.5.9 - South West Officer
3.5.10 - General Senator
3.5.11 - General Senator
3.5.12 - General Senator
3.5.13 - General Senator (SW)
3.6 - Accredited Observer Reports
3.7 - Observer Reports

4.0 – PRIORITY ITEMS

4.1 - Vice-Chancellor address (TBC)

4.2 – Establish Discipline Committee

Preamble:

In accordance with Schedule 1 – Discipline, Clause 3 (1) of the Constitution, the Senate will as required, establish a Discipline Committee (DC) for the purpose defined in Schedule 1 Clause 3 (2).

Due to the serious actual and perceived conflicted nature of current, and impending referrals, to go before the DC, and Senator participation in such, it is proposed that the Senate will, in exercising the clear intent defined in Clause 7 (5) of University Statute No. 11 – Student Guild; Clauses 15, 34 (1), (2) (a) 7 (i), 51, 52 and Schedule 1, Clauses 1, 2, 3 (4) (b) of the Constitution; and Clauses 3 & 8 of the Guild’s Code of Conduct, establish the DC as follows:

The Chair of the DC will be an HR professional who specialises in arbitration and conciliation, and who is independent of the Guild and University, will be appointed by the Secretariat from respondents to a request for services issued by the Guild.

The Chair will only hold a casting vote as per Schedule 1 Clause 3 (3) (a) (i).

NOTE:

The same qualifications and process shall apply for the appointment of a Chair for the Appeals Committee other than, the Chair appointed to a DC cannot be appointed as Chair to an Appeals Committee in respect to the same referral.

Four other persons shall be appointed to the DC; these persons will be Members of the Guild who are not current serving Senators or Senators who served under the 2018 Guild Senate term; additionally, pending the make-up of responses received from an invitation to members to participate, two should be female and two should be male.

NOTE:

Members appointed to a DC cannot be appointed to an Appeals Committee in respect to the same referral.

Selection and appointment of these four members will be conducted by the Guild's Administrative Services and HR Coordinator from respondents to the invitation to members. The evaluation process will be done in accordance with a matrix prepared by the Secretariat.

Additionally, in the interests of transparency and access to all relevant records, it is proposed the DC will not convene until the current internal investigation into alleged misconduct by the Guild's CEO has been concluded and the Guild has received the full transcripts of meetings held by the 2018 Senate, which are currently being completed by an external independent contractor.

In respect to the above there is clear and lawful precedent for the Senate to adopt this approach to the DC and Appeals Committees to ensure independent adherence to the principals of natural justice and fairness espoused in the statute and Constitution. This precedent is comprehensively and clearly documented in advice received from the Guild's official solicitors, Tottle Partners.

(discussion)

Sarah: communicated her concerns that due to the publishing of contentious comments on the Confessions at ECU Facebook page that this could potentially interfere with the neutrality of any students or Senators appointed to the committee in the future. Additionally, the Confessions Page is accessible to staff and the general public. The highly defamatory nature of the posts against herself and other people of the University has forced her to begin legal proceedings and formal complaints processes to hold the administrators and participating individuals accountable.

Abisheik: It will be difficult to appoint students and ensure they have no contact. They may have seen the posts but not engaged. However, there wasn't a way to be sure.

Sarah: Clarified that she was not the only target of the Confessions page as the Vice-Chancellor had been accused of sexual misconduct by the page, and other staff and students at the University had also been defamed/identified in a similar manner. One student in an academic club has also been sexually derided on the page and this had caused severe impact on her mental health. Sarah re-iterated her disgust at the page and its administrator, an ex-2018 Secretariat member (pending confirmation from Facebook themselves), and said it should be shut down. Sarah said she had been approached by unknown students asking about her and the Confessions page as the page had published her photo (against its own regulation for submission).

Alfred: expressed his concern for Sarah's welfare and the reputational damage she had suffered as a result of the Confessions Page targeting her and an understanding of how this had impacted her and her family. Requested that the Senate be considerate of how they handle matters with regard to these impacts and unfair treatment. Alfred recalls the outrage and derision when Inspire was elected and the way candidates were targeted and this caused self-doubt, but also resolve to do the right thing.

Faizan: Any student participants for a DC would need to be screened for bias and would need to undergo an application process for suitability.

Georgia: 'pre-screening' criteria for DC panel applicants could help to screen from bias/ conflicts. A Justice of the Peace (JP) could also be recruited to assist with the DC.

Sarah: A JP would be appropriate in an XO role for DC but because, for Senators, a DC affects employment, it does raise the question of procedural fairness in relation to that Senator's employment if a qualified HR person is

not involved, therefore leading to Fair Work challenges (in the case of Secretariat members who do satisfy the definition of 'worker' by FW Standards due their contracts of engagement etc.

Georgia: offered to provide a list of JP's in area.

It was agreed that Georgia's suggestion would be helpful in this matter.

Sarah: moved a procedural motion that the question now be put. Seconded by Abhishek.

Procedural Motion carried.

Motion_1901_01

Motion that the Senate approves the establishment of a Discipline Committee and, if required, an Appeals Committee in accordance with process steps defined in the Preamble to this motion.

Moved: A. Mehta

Seconded: G. Maher

Abstentions: S. Cavanough (participated in discussion only)

Result: Motion carried unanimously

4.3 – Senator Honoraria Temporary Increase to allow for High Activity Period

Preamble:

Late January, February and Early March is a period of high activity for the Guild with increased requirement for Senator input due to events and planning tasks. These include:

- Orientation Events and associated manual labour tasks (namely goody bag packing). x3 O days and associated prep hours required to be filled by Senate members.
- Orientation Inductions: 1-2 hours each in some cases
- International welcome and orientation events (full-day events) (e.g. Tokyo City welcome event)
- Guild Fair x 3 full day commitments
- Assisting with front counter; GSA and bookshop queries in the absence of an ops attendant for this role. It is too arduous to expect ops to continue to carry this role in February when they are heavily engaged in other activities and promotional tasks.
- Toga Party – Senators required for bump in, event and bump out.

This is all in addition to the usual day to day role requirements of the office bearing members of the Guild. University meetings also resume in January and February and cut into office bearer availability for event tasking.

This temporary arrangement is in respect to the Senators that hold the following positions:

South West Officer
South West General Senator
Environment Officer
International Officer
3 x General Senators

Costings Estimate provided by the Guild's Financial Controller as detailed below and relates to the:

7 x Senators * 10 hours per week * 8 weeks * \$25.34 = \$ 14,190.00 [(7x10) x 25.34](8)]

Plus SUPER ~\$1,155-\$1400 (max figure).

- Note: The above figures have been factored into the budget finance is drafting for Senate approval at the end of January/ early February.

- This arrangement will conclude 1 March 2019 unless otherwise stipulated by subsequent motion of the Senate.

(discussion)

Sarah: point of clarification. 10 hours a week not mandatory if your schedule prevents. Just allows for flexibility with the increase in requisite man-power. This will save the Guild money in terms of casual employee wages from operations side (higher hourly rate).

Georgia: Declares COI. Participates in discussion but not voting.

Elsa: Declares COI. Declares COI. Participates in discussion but not voting.

Vimal: Declares COI. Declares COI. Participates in discussion but not voting.

Abhi: do we have budget to achieve this?

Sarah: CFO is building costs into 2019 budget. Cannot use surplus 2018 budget for 2019 costs. Might be more pertinent to clarify particulars with CFO. However, will be more expensive to employ casuals to complete tasks not able to be achieved with Senator's standard hours. Man-power required either way.

Abhi: Asked if motion can be adjourned until budget figures clarified with CFO. Expressed need to be mindful of continuing legal costs.

Sarah: can adjourn if Senate agrees and conduct via circular motion prior to next Senate meeting as it would become a priority item.

Gerogia: Could we use reserves if for student's benefit?

Seema: we need to be wise with where money is coming from, we don't want to be pulling money from VP Departments and services to meet short-term need.

Sarah: clarified that for O day costs this is attributable to overall Guild costs rather than pulled from departments. However, for Department's specific events, casual wages were attributed to that event/ department budget.

Sarah said she did not agree with Senators 'working for free' when they go significantly above their hours' quota as per their PDs

Faizan agreed with Sarah's statement and said in 2018, there was an expectation to work without sufficient remuneration. Could check with Mel?

Seema said that perhaps recruiting volunteers could be considered.

Abhishek said volunteers had been used in 2018 for social events.

Elsa said she agreed with Sarah's sentiments and asked if this would become a circular motion an when we could expect that?

Abhi confirmed that as soon as figures were checked/ updated, a CM would be sent to the Senate prior to the commencement of Orientation events.

Sarah re-iterated that she believed in a 'fair day's work for fair pay' etc. Will clarify figures with CFO and get a circular out asap with quick turnaround (tight deadline). Facebook chat would just be used for notification. No discussion of Senate business on chat including motions as this was not in accordance of State Records Act which the Guild must comply with.

Motion_1901_02 - ADJOURNED

~~Motion that the Senate authorises payment of temporary supplemental honoraria budget line to be afforded to the Senator positions listed, and in accordance with the terms and conditions defined in the Preamble to this motion.~~

~~Moved:~~

~~Seconded:~~

~~Abstentions:~~

~~Result:~~

4.4 Standing Orders Amendment – Clause 18 Leave of Absence

Preamble:

Clause 18.2 does not permit leave from Senators duties in respect to study commitments other than practicum or work placements. Senators' class timetables will often clash with prospective times for Senate and Secretariat meetings, with the exception of weekends and after-hours meetings, which themselves can be exclusionist of Senate members with personal carer or other commitments (e.g. volunteer roles on weekends).

As all Senators are required to be students of ECU, and members, keeping up their enrolment obligations and class attendance can present recurring conflicts for Senators who have previously been expected to forfeit lectures, labs and tutorials, whether compulsory or not, in order to attend Senate and Secretariat meetings. This expectation potentially compromises a Senator's academic progress at ECU and is not an attitude that should be enforced as we are students first, Senators second. This is an even greater burden for Secretariat Senators.

However, it is also important to note that our roles are not voluntary and we all committed to undertake out duties when nominating for election and is responsibility we need to take seriously to ensure the business of the Guild in representing our members is conducted accordingly and with quorum.

Consequently, and with respect, wherever possible Senators are encouraged to schedule classes or select units outside of the times of Guild meetings and commitments, with the realistic understanding this may not always be possible as many ECU programs are set, have progression rules surrounding core units/ pre-requisites or Senators may only have a few units left to complete in their degree with only few timetable options.

Consideration of punitive measures that perpetuate a culture of non-attendance at class is especially prudent for international student Senators who may be required to maintain full-time study loads and are vulnerable to the flow-on effects of assessment or unit failures in terms of visa eligibility. Additionally, Senators should set an example as student leaders and be encouraged to attend all of their scheduled classes without fear of compromising their role as a Senator.

Senators are also reminded of their obligation, when enrolling in units, to provide the General Secretary with a copy of their class schedule no later than 4 weeks before beginning of each semester, and a subsequent urgent email advices of ANY class changes that occur throughout the Semester for records.

However, in order to protect the academic progression of Senators, the following amendment is proposed to Clause 18.2 of the Standing Orders:

“18.2 Excluding practicums or work placement, *scheduled compulsory lectures; labs; tutorials or assessments*, work and/or study commitments will not be accepted as legitimate reasons for seeking a leave of absence”

(discussion)

Sarah: My view is that this forms part of the Gen Sec's and President's duty of care obligations to the Senate team. This motion is about protecting the academic outcomes (and flow on effects) for Senators going forward. Many courses have set compulsory labs and tutorial times where participation is mandatory and/or part of the marked assessment criteria for the unit. As senators nominate in the year prior, they may not be aware of the class times for the following year as the enrolment window for this opens after elections completed. While the Guild does form a part time job it is imperative to factor in study commitments as every senator is a student first (with academic priorities), and ultimately aims to graduate from ECU in the most efficient manner possible – ideally with good grade performance. In previous years, there has been clashes between senator's mandatory class attendance and Guild duties. This motion is designed to balance these priorities out in accordance with the stipulations in the preamble. However, it is absolutely imperative that senators send me (the gen sec) their time tables as early possible.

Abhishek: can each senator please send their calendars with Sarah. Please include second job and study commitments. This will make it easier for us to check your availability otherwise it's ambiguous.

Faizan: This motion incorporates Senate meetings also?

Sarah confirmed that it did. Said it would be ideal to “set” senate meetings e.g. second Tuesday of the month. Need to amend standing orders to the LOA rules are clear.

Syed and Raj asked what happens if timetable changes. Sarah and Abi said to just let her know ASAP.

Faizan: What if we have to study or do assignments can we get LOA for that.

Sarah: If you are overloaded with assessments and need time and are stressed, duty of care kicks in from a managerial perspective because I don't want a stressed out team. Happy to be flexible with notice of this requirement. However, please schedule private study time around your senate hours as much as possible.

SM1901/03

Motion that the Senate authorizes the above policy amendment to Clause 18.2 of the Guild's Standing Orders in accordance with the justifications defined in the Preamble to this motion.

Moved: Sarah Cavanough

Seconded: Abhishek Mehta

Abstentions: NIL

Result: Motion carried unanimously

4.5 IN CAMERA

Guild HR Matters
FCC Matters

In CAMERA discussion took place and motions SM1901/04, 05, 06 and 07 were carried.

5.0 - DISCUSSION

5.1 – SW – Fuel Vouchers for Bunbury Students – E. Mayhew.

Ellen said that as there was no longer a co-op bookshop on the SW campus that they wanted to swap the co-op vouchers to fuel transport grants for SW students.

Georgia agreed this was a good idea. Elsa asked about budget considerations.

Abhishek said that travelling to pracs was expensive for SW students.

Georgia confirmed that these would be the same value as the current CO-op vouchers?

Faizan said that the figure could be checked with the CEO.

Potential future circular may be required to action this after budget checked, process checked with CFO.

~~5.2 – Policy Position Statement – Cyber Bullying and Defamation – Senate input – must go before the PAC committee when it next meets.~~

5.3 Update – Transcription Quotes & Services (Ref Motion SM1812/04) - expected timeline.

Sarah said no formal recordings of secretariat meetings.

Still awaiting senate meeting transcripts from 2018.

~~5.4 – Grammarly update – Seema and Sarah (info provided by Mel) adjourned.~~

5.5 – University Committee – Cyber Bullying - Abhishek

Abhishek – Senators required for committee – student participants must be approved by Guild.

Abhishek: Equity Department reps on previous committee.

Sarah said this was grossly inappropriate as per one of the aforementioned online conduct. (sarah left room temporarily).

Abhi said that it was up to the senate to nominate these students.

Sarah returned. Sarah asked when this co-called “anti-bullying” committee was convened and if it happened last year? Sarah said that, ironically, she had been sent an abusive, unsolicited text from one of the apparent student appointees to that committee, and a current equity club president, labelling her as a narcissist and this was grossly inappropriate behaviour.

Abhishek said that this was never brought to the Senate last year. Sarah said she never saw anything as secretariat either.

Abhishek asked if it was agreed that all students would be changed over to current senate. Senate agreed.

Abhishek confirmed that new student appointees would be Georgia, Elsa and Raj and himself and he would communicate this back to the University via email with these details.

Faizan said that the main concern was the overt bullying on the Confessions at ECU page. Abhishek confirmed that this would be raised with the committee.

6.0 – OTHER ITEMS

6.1 Elsa – early room bookings and food and coffee through operations. Agreed by Secretariat although Sarah can organize rooms or go through ops as per PD.

6.2 – Georgia said she is still seeking stall holders for market days. Local businesses preference. Advised to pass vendor contact details to her ahead of S1 market days.

7.0 - APPENDICES

7.1 - Appendix 1 – December Meeting Minutes

7.2 Appendix 2 – HR Grievance – IN CAMERA – STRICTLY CONFIDENTIAL

7.3 Appendix 3 – FCC related emails – IN CAMERA – STRICTLY CONFIDENTIAL

7.4 Appendix 4 – HOA document In CAMERA – STRICTLY CONFIDENTIAL

7.5 Appendix 5 – IHR – HR Services Quote details– STRICTLY CONFIDENTIAL

Next Meeting Date:	Tuesday, 25th February 2019
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Next Meeting Time:	2:30pm
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Next Meeting Location:	JO1.447
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Meeting closed at 13:36 hours.