



NOTICE OF MEETING
47th STUDENT ASSOCIATION COUNCIL

Notice is hereby given of an Ordinary Meeting of the 47th Student Association Council (3/47, 3/17) to commence at **1PM Monday 3rd April 2017**. Jess's Office via video Conference Cairns, JCUSA conference room- building 133 Townsville

1. APOLOGIES AND PROXIES

2. DECLARATION OF CONFLICTS OF INTEREST

3. APPROVAL OF UNSTARRED ITEMS

The Chair will invite members to indicate which unstarred items they wish to star.

Thereupon, all unstarred items will be deemed to have been approved or noted as approved or noted as presented.

4. CONFIRMATION OF MINUTES & FLYING MINUTES

- 4.1 Ordinary Council meeting, 21st November 2016 (6/46; 6/16)
- 4.2 Ordinary Council Meeting 20th February 2017 (1/46; 1/17)
- 4.3 Ordinary Council meeting 13th March 2017 (2/46; 2/17)
- 4.4 Flying minutes approved 24/2/2017- Council approve interface Jersey
- 4.5 Flying minutes approved 8/3/2017- Council approve Sonia Muller to conduct mediation
- 4.6 Flying minutes approved 21/03/2017- Approve Council members use of JCUSA office space

5. LEGAL MATTERS

JCUSA vs Doyle matter

6. REPORTS

- 6.1. President's report- **No report**
- 6.2. Vice President report
- 6.3 Cairns Campus Officer report & acting Diversity Officer Report
- 6.4 Townsville Campus Officer report
- 6.5 International Student Officer report
- 6.6 Acting Postgraduate student officer report
- 6.7. Finance officer report

7. GENERAL BUSINESS

- 7.1 Finalize breach of discipline & loss of confidence matter
- 7.2 Discuss interim measures in view of Council's decision in regards to item 7.1
 - 7.2.1 Discuss generic Council e-mail address
- 7.3 Appointment of the Bullsheet Editor
- 7.4 Appointment of Bank signatories
- 7.5 Appointment of the Clubs & Societies Contact person- Townsville
- 7.6 Changes to JCUSA policy regarding Clubs and Societies Funding
- 7.7 Madcow Sponsor Cards

9. QUESTION TIME

Members of the Student Association may direct questions in writing to officers of the Student Association through the Secretary. Questions may be put on notice.



Ordinary Meeting minutes
47th STUDENT ASSOCIATION COUNCIL

Meeting started at 1:50pm; chaired by S.K (VC Nominee & Convener)

PRESENT

Kimberley Rogers-Ford (Vice-President), Jesse Argent (Cairns Campus Officer, Via Video Link), Michael Kane (Townsville Campus Officer), Sydney Jones (International Student Officer), Claire Holland (acting Postgraduate Officer), Sally Kift(VC Nominee), Edward Harridge (President- **currently relieved from duties**), Tichava Batiya (Secretary),

IN ATTENDANCE

The following staff members were guests to address the Council:

Mariam El-Fatimi
Teisha Condie

1. APOLOGIES AND PROXIES

MK e-mailed the secretary prior to the meeting advising he would leave early and had given his voting proxy to SJ.

2. DECLARATION OF CONFLICTS OF INTEREST

SK: declared a conflict of interest she is a JCU staff member and also a member of the JCUSA Council

CH: she is a JCU staff member and is also the acting –postgraduate officer

KRF: conflict arising from her personal relationship with EH and has a conflict regarding the breach of discipline and loss of confidence matter due to her personal relationship with EH.

EH: conflict arising from his personal relationship with the vice-president KRF and is also the respondent to the breach of discipline and loss of confidence matter

CH: EH, would you like to also declare a conflict of interest regarding your involvement with the University Council?

EH: yes, I wish to declare that I am also a JCU staff member arising from my involvement with the University Council

SK: thank you everyone for this now we will consider matters to be starred for discussion.

3. APPROVAL OF UNSTARRED ITEMS

SK:I would like to amend the agenda item to include the e-mail we received from the JCUSA Secretary Council regarding the new allegation of breach of discipline against the president EH.



RESOLVED

That the amendment to the agenda item be approved.

Council in favor of agenda item amendment

The following items were starred for discussion:

7.8 Discus new allegation of breach of discipline against the president EH

7.1 Finalize breach of discipline & loss of confidence matter

All other agenda items were adjourned for discussion during next ordinary council meeting

7.8 Discus new allegation of breach of discipline against the president EH

SK: I must say, this is the first I am hearing about the new breach of discipline allegation. I just read the e-mail briefly but the allegation is concerning.

SK: We will have to convene another meeting to deal with the e-mail, which the Council received, from the JCUSA secretary today at 12:50pm regarding a complaint brought forward by a staff member Mariam El Fatimi against the president Edward Harridge in relation to the JCUSA Facebook page. This is a breach of discipline matter. SK asked if Council is happy to discuss this matter in the presence of ED?

Moved: SK

Carried: Yes (JA, CH, MK, SJ)

KRF Voted to approve (although not recorded)

CH: EH, is there anything you would like to say about this?

EH: I don't believe I have done anything wrong. The Regulation says the president has access to the Facebook account in my capacity as the president. I have had access to the Facebook page for a while now and this had never been an issue. I don't believe that this is a misconduct.

ME: No EH, that's not right. I gave you access to the page when I when I went on leave in December 2016 and the idea was that you can only access while I am away. This is how you had access to my account. The JCUSA Facebook page has never been the responsibility of the Council and it has always been managed by the Media officer and Administration officer.

ED: As the president, I have had access to JCUSA Facebook page and I think it is reasonable for me to have access to this.

SK: EH, did you come into the office to access ME's personal account [*Clarifying Comment: referring to ME's computer and e-mail account*]?

EH: No, I didn't come in the office to access her account. I accessed her t e-mail account externally. I already had access to the JCUSA facebook page and was able to make changes.



ME: that is not right EH. I changed the JCUSA Facebook password on Friday 7th April 2017. I was also going to change the log in password for my computer but it go through because there was an error. You made the changes to the JCUSA Facebook page after this [Clarifying Comment: new password set]. You would have had to access my e-mail account to get hold of the e-mail Facebook had sent to my e-mail account regarding the changes since I had removed you as an editor. The Facebook notification e-mail was sent only to me regarding the changes in password. The notification also provided steps on how to retrieve JCUSA Facebook access in case this was an error. You were then able to retrieve access by following the steps set out in the Facebook notification sent to only me. To be able to do that you would have to log into my JCU e-mail account. You proceeded to blocking my access to the JCUSA page after you managed to retrieve access.

CH: so how did you have ME's password if you didn't access this on campus?

SK: EH, the issue is how you managed to access her e-mail account if you did not come into the office.

ME: to be able to log in; you must have accessed my account.

SK: The concerning thing is that you pretty much accessed someone's e-mail account without their authority/ consent.

EH: well that was a work e-mail and I have access as president.

SK: As far as I am concerned, no president or JCU employee or student has ever been authorized to access someone else's work password. This is a serious matter and I would need advice on how to proceed when dealing with the breach of discipline matter since this also involves JCU ICT policy and procedures. I assume that if a special meeting is called to formally discuss the allegation, there will also be an official investigation by JCU ICT department into this matter.

TB: I think the JCU Student Conduct Policy apply since it also covers ICT matters. This would mean the matter may be out of our hands if guidelines are applied.

EH: Well I don't know why this is getting that far

SK: we are talking about breach of privacy.

EH: I thought I had the right to access ME's computer because it is the property of the Association. I have had access to ME's jcu-email account for a while

ME: You blocked me access to the JCUSA Facebook page and then changed the password on Saturday outside normal business hours.

SK: why would you access someone's e-mail and password outside normal working hours especially during the weekend?

EH: Well working during weekends is still classified as work.

TB: Sorry to interrupt but I also noticed that two weeks ago someone had tried to access my computer. On 14th March 2017 I arrived at the office and noticed that someone had tried to access my log in without my consent. I took a photo of this and even sent an e-mail to IT about this. This was a day after the 2nd Ordinary Council meeting.

EH:I didn't access your computer TB. As far as I am aware as president, I can access any staff member's log in details in my capacity as president.



JA: You would be aware of the JCU ICT policies as there is a clear message on every JCU computer which outlines the terms and conditions of computer usage on campus. It makes it very clear that it is an offence to access someone else password or personal information. So why would you go against that?

ME: I was going to send out an e-mail to staff on Friday about the changes to password for the main computer but I didn't get around to changing the password because I kept getting an error message when I tried to change this. I find it very disrespectful that you can just access someone's personal information. You don't even acknowledge what I am saying.

EH: I do not believe that this is an issue.

ME: it is an issue, as only myself should have access to my e-mail account, the login password. My e-mail account is where all correspondences/ enquiries from students get sent. I have come to know (this morning through enquiries with JCU IT who confirmed e-mails sent to the generic JCUSA e-mail address [*Clarifying Comment: these come through to my personal work e-mail*]) were also going to EH's personal e-mail account. This means all the e-mails I got [*Clarifying Comment: via generic JCUSA studentassociation@jcu.edu.au email*] are also diverted to you. The idea was for you to only access my e-mail account and password during December 2016-January 2017 holiday break as I was on leave. However, you then went on to make a request with JCU IT to also divert all e-mails sent using the generic JCUSA e-mail address to be diverted to your personal JCU account-, which should never have happened.

TB: All general student enquiries for the Student Advocates team come through ME's e-mail address. We have an obligation to maintain confidentiality of student matters. Which is why ME handles and distribute cases to advocate. I do not believe the president should ever have access to personal and confidential information about students.

EH: I logged into JCUSA Facebook page using Megan's [*Clarifying Comment: Megan Leese is the former JCUSA media officer*] access details to gain entry to the JCUSA Facebook page, accessed data, removed ME's access to the JCUSA Facebook. [*Clarifying Comment: NB: This all happened when Edward was still relieved from his duties as president pending finalization of the breaches of discipline and loss of confidence matter*].

SK: This is a serious matter which I think needs to be dealt with after I have consulted with relevant parties on the issue and sought advice on whether the universities wishes to investigate the breach as per JCU ICT policies and procedures

MK: Edward do you have access to the Student Advocate drives.

EH: No, I don't have. I do not believe this is a misconduct [*Clarifying Comment: referring to JCUSA Facebook page and having access to ME's e-mail*].

SK: do you understand the serious nature of what we are discussing here?.

EH: well I thought it was within my duty to have access to the generic student e-mail address and the Facebook page since I'm the president

SK: I think we need clarification on what should happen in terms of JCU policies and procedures

EH: I have access to ME's e-mails through a request to JCU IT .

SK: So you actually accessed this as a JCU Staff member

CH: that will have serious ramifications as a result of your conduct. No staff member ever has access to another's personal detail and can even make a request with IT to access this.



EH: I don't believe this has anything to do with JCU due to jurisdiction matters [Clarifying Comment: meaning these are matters for the association and not JCU]

SK: this is serious. JCU ICT manages all ICT related matters on campus. This has nothing to do with jurisdiction matter as the issue involves ICT matters on campus. I am trying to understand this matter given the serious nature of this. What would be the way forward

CH: I think we need to convene a special meeting to discuss this matter.

SK: I also think there needs to be an investigation from the IT department and the deal with the misconduct matter

TC: we still need to know who will be responsible for dealing with this [Clarifying Comment: is it going to be the university or the association council]. This is a serious matter.

CH: Let's get advice from the university on how to proceed with this.

SK: The Council will need to seek legal advice on the matter as well. We are running out of time and will need to move on to other discussion. I will adjourn the ordinary meeting and will soon be moving motion to move in camera.

TC & ME left the room at 1:48pm

7.1 Finalize breach of discipline & loss of confidence matter

SK: We will now move to finalize the breach of discipline and loss of confidence matter, which was adjourned from the Thursday 30th March 2017. As you are all aware, there is a conflict of interest issue raised on Thursday 30th March 2017 when determining the breach of discipline and loss of confidence matter still stands.

KRF: With due respect I have sought legal advice on the issue of conflict of interest and have been advised I should stay in the meeting in my capacity as the vice president. I have the right to be here and to vote on this [Clarifying Comment: meaning breach of discipline and loss of confidence matter]

SK: Kim we have discussed the reason why you cannot be in the room when we discuss the breach of discipline and loss of confidence matter. I am asking you to leave the conference room as per regulation 4.9.6. The Council has made a resolution on this.

KRF: I have sought legal advice and the Council's resolution passed but I am the vice-president and I deserve to be here.

EH: I would like to address the Council about the Council's resolution

SK: No Edward, you cannot address the Council on the issue of conflict of interest because this involves you and we are here to finalise a breach of discipline and loss of confidence matter brought against you.

MK: Regulation 4.9.6.3 says you must leave the meeting of the Association Council for the duration of the deliberations regarding the matter if a majority of the Association Council so resolves, having regard to the nature of the conflict of interests or pecuniary interest. This is very clear Kim.

EH: I have an issue with how the motions were passed in the last meeting because the president and the vice-president should be allowed to vote in their own right.

CH: the nature of the issue being discussed did not permit you [Clarifying Comment: Edward] to vote since the allegations are about you. We followed the regulation and Constitution when passing these motions. Kim has a conflict of interest so she



cannot be in the room. Edward you have participated in similar hearings before and you know when you have a conflict of interest, you leave the room when the matter is discussed.

MK: I wish to move a motion:

RESOLVED

That the breach of discipline and loss of confidence matter be discussed in camera mode

Moved: MK

Seconded: JA

Carried: yes, all in favor, SK, SJ,CH

Against: KRF (although vote not counted – she had been asked to leave)

NB: EH cannot vote on this matter

SK: Ok, KRF I am asking you to leave the room otherwise I will have to adjourn the matter and move this meeting to my office since you do not want to cooperate

KFR: I am not leaving

SK: Asked KFR to leave the room a few times.

TB: I will have to call the security if KRF continues to contravene the convener's direction. You say you have sought legal advice but you have nothing written to tender to Council. Kim can you please cooperate otherwise I am calling security.

At 1:52pm, JCU security called to intervene

KRF: Ok, I will voluntarily leave the room. Tich I would like you to record this in the minutes.

At 1:55pm, KFR left the meeting room

At 1:56pm EH left the meeting room

At 2:35pm, MK left. MK had sent his proxy in writing to the secretary prior to the meeting. He gave his proxy to SJ

At 2:42pm motion to move off camera passed

RESOLVED

That the breach of discipline and loss of confidence matter be discussed out of camera mode

Moved: JA

Seconded: SJ

Carried: yes, all in favor

At 2:44pm EH & KRF walked in

SK: ED, the Council has made resolutions in relation to the breach of discipline and loss of confidence matter which I am going to read out for you:



A Special Association Meeting of the JCUSA Council, duly convened under Regs 11.11 and 11.12, considered the Alleged Breach of Discipline and Loss of Confidence charges dated 13 March 2017 made against the JCUSA President, Edward Harridge. The Special Association Meeting was convened over two days: Thursday 30 March 2017 and 3 April 2017.

In accordance with Regs 11.11.4 and 11.12.3, the Officer Bearer charged, the JCUSA President, was given the opportunity to present any written or verbal evidence in his defence. Both written and verbal evidence were presented and were carefully considered by Council members in the making of the Council's final determinations and findings and in the consequent development of the resolutions. In coming to its decision, the Special Association meeting of Council accorded the President procedural fairness and considered all matters which were relevant to the making of the decision and did not take into account matters which were not relevant to the making of the decision.

Particulars of the charges, as set out in the document *Alleged Breach of Discipline by and Loss of Confidence in JCUSA President Edward Harridge* dated 13 March, are as follows:

1. Failure by the President to give administrative effect to the resolution duly passed by the JCUSA Council on 20 February 2017 –
 - Under Reg 11.1.1 (b) *The President will... give administrative effect to the resolutions of the Association Council.*
 - The President did not give administrative effect to the Council resolution of 20 February 2017, which constitutes a Breach of Discipline under Reg 11.11.1 (a), in that he:
 - *Wilfully*, i.e. by way of an intentional decision to act contrary to Council's resolution
 - *Contravened or failed to comply with... [a] direction of the Association Council*; namely that an independent facilitator convene a facilitated conversation between the parties to resolve the issue of conflict within the management of the JCUSA.
 - The President was the Convenor of the meeting in which this Council resolution was passed, the meaning and effect of which was clear to Councillors at the relevant time (Reg 3.7.5). He did not comply with this resolution and moved to negate the effect of it by seeking to obtain legal advice to terminate the employment of the General & Finance Manager (G&FM) without the facilitated conversation having taken place.

[The allegation under this particular in relation to the flying minute, to give effect to the Council Resolution, was not proceeded with, as it was considered not necessary to do so in order to make out the particular].

The JCUSA Council is satisfied on the balance of probabilities that the President's actions as regards this particular were not necessary in the interests of the Association, and that

- this Breach of Discipline has been made out, and
 - the Breach of Discipline is of a serious nature.
2. That the President acted without authority on 27 February in getting legal advice, contrary to the resolution of the JCUSA Council of 20 February.
 - Under Reg 11.1.1 (b) *The President will... give administrative effect to the resolutions of the Association Council.*
 - The President did not give administrative effect to the Council resolution of 20 February 2017, which constitutes a Breach of Discipline under Reg 11.11.1 (a), in that he:
 - *Wilfully*, i.e. by way of an intentional decision to act contrary to Council's resolution
 - *Contravened or failed to comply with... [a] direction of the Association Council*; namely that an independent facilitator convene a facilitated conversation between the parties to resolve the issue of conflict within the management of the JCUSA.
 - The President was the Convenor of the meeting in which this Council resolution was passed, the meaning and effect of which was clear to Councillors at the relevant time (Reg 3.7.5). He did not comply with this resolution and moved to negate the effect of it by seeking to obtain legal advice to terminate the employment of the General & Finance Manager (G&FM) without the facilitated conversation having taken place.



- The President claimed to have been acting under a resolution passed on 11 January 2015 of the 45th Council, which it was argued gave him “exclusive authority” to seek legal advice. It is the JCUSA Council’s view that this resolution appoints the President as the contact point for obtaining or receiving legal advice; but the words of that resolution go on to provide with “all councillors being entitled to advise the president when to seek such advice”. No such advice was provided to the President on this occasion. Councillors’ advice to the President was as per the resolution of 20 February 2017.
- It is noted that, in his verbal evidence to the Special Association Meeting of Council, the President said he first sought legal advice on 27 February (and not 20 February as per his written evidence).

The JCUSA Council is satisfied on the balance of probabilities that the President’s actions as regards this particular were not necessary in the interests of the Association, and that

- this Breach of Discipline has been made out, and
- the Breach of Discipline is of a serious nature.

3. Failure to comply with JCUSA Regulations, Policy and Procedures in that the President continued to engage the JCUSA Lawyers at a cost exceeding \$2500, which was the limit of his financial delegation, without seeking Council approval so to do.

- Under Reg 11.11.1 (d) *Any Office Bearer who wilfully ... pledges the credit of the Association without the authority of a body or person authorised to deal with Association funds, is guilty of a breach of discipline.*
- The President *wilfully*, ie by way of intentional decision to act contrary to Council’s resolution to proceed in another way and in disregard of his obligation to only pledge funds up to the amount of his financial delegation
- The President claims that he did not have time to consult on the pledging of this credit.
- Under Reg 11.1.3, regarding the exercise of Presidential Powers, *“In matters which require urgent action, the President will have power to act immediately on behalf of the Association provided that:*
 - a) *The President must first use his or her best endeavours to consult with all members of the Management Committee; and...”*
- The President made no endeavours to consult with all members of the Management Committee in relation to this pledge of credit.
- Under Reg 11.1.4 regarding Breach of Discipline and/or Loss of Confidence: *“If the President fails to act in accordance with clause 11.1.3, the President will be liable to be subjected to proceedings for breach of discipline and/or loss of confidence as provided under the Regulations.”*

The JCUSA Council is satisfied on the balance of probabilities that the President’s actions as regards this particular were not necessary in the interests of the Association, and that

- this Breach of Discipline has been made out, and
- the Breach of Discipline is of a serious nature.

The JCUSA Council is further satisfied on the balance of probabilities that the President’s actions as regards this particular and his failure to comply with Reg 11.1.3 leads to a loss of confidence in the President and that this loss of confidence is of a serious nature.

4. That the actions taken by the President to terminate the employment of the General and Finance Manager on 10 March 2017, which were said by him to be urgent and in the interests of the JCUSA, were

- not taken urgently in accordance with his obligations under 11.1.3;
- not taken in accordance with the legal advice he obtained from MacDonnells Law (as set out in the *Alleged Breach of Discipline by and Loss of Confidence in JCUSA President Edward Harridge* dated 13 March); and
- not necessary in the interests of the Association.
- Under Reg 11.1.3, regarding the exercise of Presidential Powers,



"In matters which require urgent action, the President will have power to act immediately on behalf of the Association provided that:

a) The President must first use his or her best endeavours to consult with all members of the Management Committee; and..."

- Management Committee duties include, under Reg 5.2.2 (b) the duty *"to determine matters which cannot be reasonably determined until the following meeting of the Association Council"*. The Association Council had already discussed this matter regarding "management conflict" in the context of all of the information made known to the Association Council by the President and the Vice-President at its meeting of 20 February. As set out above in relation to Particulars (1) and (2), the President failed to give administrative effect to the resolution of the Association Council in this regard, as he is required to do under Reg 11.1.1 (b), the consequence of which was that he has been found to have committed Breaches of Discipline under Reg 11.11.1 (a), which the Council has found to be of a serious nature.
- The President did not *"first use his... best endeavours to consult with all members of the Management Committee"* before purporting to terminate the employment of the G&FM on 10 March, in that:
 - He advised Management Committee members after 6pm on 9 March 2017 of his intention to terminate the G&FM (*"I intend... to terminate the employment..."*). This after hours and late advice of his *intention* to act did not constitute or enable genuine *consultation*.
 - Three (3) members of Management Committee, constituting a majority of members, did not support the decision to terminate. In accordance with the legal advice obtained, the President in that case *"should not proceed with the termination"*. The President proceeded nevertheless. It is noted that the three members of Management Committee who did not support the decision to terminate were the Townsville Campus Officer, the Cairns Campus Officer and the Acting Postgraduate Student Officer.
 - Alternatively, if it was the case that the President was *"unable to achieve a clear majority either way"*, then the legal advice recommended that the President *"contact [the lawyers] for further advice"*. The President proceeded with the termination nevertheless and without contacting the lawyers for further advice.
 - In failing to act in accordance with clause 11.1.3 and in failing *either* not to proceed with the termination *or* not to seek further legal advice in accordance with the legal advice from MacDonnells Law, the President did not act in the best interests of the JCUSA nor as necessary in the interests of the Association.
 - In acting as he did, the President potentially opened to the JCUSA and its Council to a claim of adverse action.
- In his written and verbal defence, the President sought to argue the merits of his decision to terminate the employment of the G&FM. The Council does not consider this to be relevant to the Breach of Discipline and/or Loss of Confidence alleged in this particular.
- Under Reg 11.1.4 regarding Breach of Discipline and/or Loss of Confidence:
 - a) *"If the President fails to act in accordance with clause 11.1.3, the President will be liable to be subjected to proceedings for breach of discipline and/or loss of confidence as provided under the Regulations."*
- The President failed to act in accordance with clause 11.1.3 and is therefore liable under Reg 11.1.4 to proceedings for a Breach of Discipline and/or Loss of Confidence.
- The President *wilfully*, i.e. by way of intentional decision to proceed despite the advice from Management Committee he received and despite the advice also he had received from MacDonnells Law, *contravened or failed to comply with the provisions of the Constitution and Regulations or the direction of the Association Council* via its Management Committee in this regard.

The JCUSA Council is satisfied on the balance of probabilities that the President's actions as regards this particular were not necessary in the interests of the Association, and that

- this Breach of Discipline has been made out, and
- the Breach of Discipline is of a serious nature.



The JCUSA Council is further satisfied on the balance of probabilities that the President's actions as regards this particular and his failure to comply with Reg 11.1.3 leads to a loss of confidence in the President and that this loss of confidence is of a serious nature.

5. That the President failed to disclose a conflict of interest at any relevant time as required under Reg 4.9.
 - This matter was not addressed in the President's written evidence.
 - When asked about it in his verbal evidence, the President conceded that he should have disclosed the conflict at an earlier date, that conflict being his relationship with the Vice-President.

The failure to declare the conflict of interest is a serious governance failing and gives rise to a loss of confidence in the President to discharge his duties in the best interests of the Association.

The JCUSA Council is satisfied on the balance of probabilities that the President's actions as regards this particular and his failure to comply with Reg 4.9 leads to a loss of confidence in the President and that this loss of confidence is of a serious nature.

6. Serious nature of the Breaches of Discipline and Loss of Confidence.
 - The multiple Breaches of Discipline established on the balance of probabilities (as set out above), together with the determinations as to Loss of Confidence also set out above in relation to Particulars (3), (4) and (5), individually and taken together are found on the balance of probabilities to lead to a Loss of Confidence in the President under Reg 11.12.4.
 - When the President was asked specifically about the effect his actions had had on the health and wellbeing of the JCUSA Staff, he did take the opportunity to acknowledge or apologise for the stress and the impact on staff health and wellbeing he had caused.

Finding and Penalty.

Breach of Discipline

Under Reg 11.11.5, the Association Council proposes to resolve unanimously that the President is guilty of the Breach of Discipline charges made against him, having found each of the relevant particulars made out in that regard on the balance of probabilities.

The Association Council is unanimously satisfied on the balance of probabilities that the breaches made out are of a "serious nature" under Reg 11.11.5 (b) and therefore requests the President to resign, by 5pm Wednesday 5 April.

The Association Council further proposes to resolve unanimously under Reg 11.11.5 (c) to suspend the President's allowance with immediate effect.

Loss of Confidence

Under Reg 11.12.4, the Association Council proposes to resolve unanimously that the President has lost the confidence of the Association, having found each of the relevant particulars made out in that regard on the balance of probabilities.

The Association Council is unanimously satisfied on the balance of probabilities that the loss of confidence made out is of a "serious nature" under Reg 11.12.4 (a) and therefore requests the President to resign, by 5pm Wednesday 5 April.

The Association Council further proposes to resolve unanimously under Reg 11.12.4 (b) to suspend the President's allowance with immediate effect.

SK: The Council will now move a block of motions

ED: you are saying the motions have been passed



SK: No, the motion we passed on Thursday 30th march 2017 were the Council's resolution(as we were yet to finalise the breach of discipline and loss of confidence matter). Now we will move the motions to finalise the matter in your presence.

RESOLVED

That the Special Association meeting of Council convened to consider the *Alleged Breach of Discipline by and Loss of Confidence in JCUSA President Edward Harridge* dated 13 March, resolves as follows:

1. that in the matter of the alleged Breaches of Discipline by the JCUSA President, Edward Harridge, the Association Council unanimously finds, after careful consideration of Mr Harridge's written and verbal evidence, that he has acted wilfully when:
 - a. failing to comply with a direction of the Association Council under Regulation 11.11.1(a)
 - b. he pledged the credit of the Association without the authority of a body or person, authorised to deal with Association funds under Regulation 11.11.1(d)

and, given the JCUSA Council is unanimously of the view that such actions were:

- a. not necessary in the interests of the Association (Reg 11.1.2); and
- b. not matters which required urgent action, noting that even if any urgent action was required, the President had not used best endeavours to consult with all members of the Management Committee (Reg 11.1.3),

therefore finds Mr Harridge guilty of Breaches of Discipline.

2. that the proven Breaches of Discipline by the President of the JCUSA are considered to be of a serious nature.
3. that in the matter of a Loss of Confidence against JCUSA President Edward Harridge arising from the alleged Breaches of Discipline and the associated determinations as to Loss of Confidence in relation to Particulars (3), (4) and (5), that as a consequence of the proven Breaches of Discipline and associated Loss of Confidence determinations, the JCUSA Council unanimously finds, after due consideration of Mr Harridge's written and verbal evidence, that Mr Edward Harridge has lost the confidence of the Association Council.
4. that the Loss of Confidence by the Association Council is considered to be of a serious nature.
5. that, as both the Breaches of Discipline and the Loss of Confidence matters have been determined to be of a serious nature, the Association Council requests that the JCUSA President, Edward Harridge, submit his resignation to the Council Secretary no later than 5pm Wednesday 5th April. (JCUSA Regs 11.11.5 (b) and 11.12.4 (a).
6. that the JCUSA Council resolves to wholly suspend the allowance being received by Edward Harridge. (JCUSA Regulations 11.11.5(c) and 11.12.4(b).
7. that Mr Edward Harridge give administrative effect to the resolutions of the Association Council (JCUSA Regulations 11.1.1 (b) – Duties and Terms of Employment For Office Bearers).
8. that pending his resignation, the delegated powers, authorities, duties and functions of the JCUSA President, Mr Harridge, be revoked and exercised or performed by the Association Council in accordance with Clause 6.7 of the Constitution.

Moved: JA

Seconded: SJ

Carried: yes, all in favour(SK, MK, CH)

TB: For the record, does KRF have a right to vote on this matter?.

SK: No KRF has no right to vote on this matter since she has a conflict of interest.

SK: So EH you have heard the Council's finding in relation to the matter and the motions that have been passed today. The Council has asked you to resign. You can submit your resignation to the Council secretary by 5pm Wednesday 5th April 2017. Do you have anything you would like to say about this.



EH: I believed I was acting in the interest of the Association. I enjoy working for JCUSA and I have achieved a lot in my time with the association. I am not going to get into too much detail right now. I will consider the reasons for the decision and the motions passed today and will send my response to the secretary.

SK: I am sorry Edward it has come to this decision. This has been a democratic process whereby Councillors have made a careful and considered decision based on the evidence presented, while also seeking to act in the best interests of the JCU Student Association, its Staff and its Members. While Mr Harridge may not agree with this outcome, as in any democratic societies, it is the responsibility of all officer bearers and members to follow motions duly passed by the governing body and to respect the Association Council's decision. Therefore, while this will be understandably disappointing for Mr Harridge, he is urged to accept the Association Council's decision and give these motions administrative effect.

It is the serious nature of the Breaches and the serious repercussions that have been felt by all staff members of the JCUSA and the JCUSA Council that have led to the Breaches of Discipline and Loss of Confidence motions that have been passed today. We ask you to consider the request by Council [*Clarifying Comment: tender resignation*] in the interest of the Students. Do you have anything you would like to say?

EH: I do not have anything to say at this point. I need to consider what has happened today before I can respond.

SK: we were wondering you would like an opportunity to have a mentor help you understand what has happened and how you can learn from this experience-moving forward- if you are open to it. The Council is prepared to cover the costs associated with getting you a mentor.

EH: Yes, I would be happy with that.

CH: We understand that things happen and sometimes you need to reflect on what has happened to get closure and also learn about what you can do differently in future and how to move on from all this.

EH: I will consider the offer

SK: I will let the vice-chancellor know of this. JA is there anything you would like to say

JA: As Councillors we need to focus on student's, success and that should be our priority.

SK: there is a sense that as a Council we need to be an effective student representative body. We are presenting the students.

TB: For clarity, what happens if the statement is not received by 5pm on Wednesday 5th April 2017

SK: then the Council's resolutions will have been passed. I would like to imagine that Edward will abide by request. Just to be clear, you are currently suspended as per regulation.

KFR did you contact the lawyers regarding the Doyle vs JCUSA matter?. This is something we were meant to discuss today as well but we have ran out of time.

KFR: Yes, I did. We had 7 days from last Friday 31st march 2017 to make a decision about Doyle's proposal

CH: I think we need to adjourn this meeting since have ran out of time and then we can meet before Friday to discuss the Doyle matter since we need to advice the lawyers by Friday 7th April 2017.

SF: I agree you with Claire since we will need a bit of time to go through everything.

JA: I move a motion to adjourn the 3rd ordinary council meeting to Thursday

RESOLVED



That to adjourn the 3rd ordinary Council meeting to Thursday 6th April 2017 at 1pm to specifically discuss the legal matter Doyle vs JCUSA

Moved: JA
Seconded: SJ
Carried: yes, all in favour

Meeting Adjourned at 3:26pm

Tichava Batiya
Secretary to JCUSA Council



NOTICE OF MEETING
47th STUDENT ASSOCIATION COUNCIL

Notice is hereby given of the adjournment of the 3rd Ordinary Meeting of the 47th Student Association Council (3/47, 3/17) to commence at **1PM Thursday 6th April 2017** to discuss JCUSA vs Doyle matter. Jess's Office via video Conference Cairns, JCUSA conference room- building 133 Townsville

1. LEGAL MATTERS

JCUSA vs Doyle matter

Tichava Batiya

Secretary to JCUSA Council



Adjournment of 3rd Ordinary Council Meeting minutes
47th STUDENT ASSOCIATION COUNCIL

Meeting started at 1:08pm; chaired by S.K (VC's Nominee & Convener)

PRESENT

Jesse Argent (Cairns Campus Officer, Via Video Link), Michael Kane (Townsville Campus Officer), Sydney Jones (International Student Officer), Claire Holland (acting Postgraduate Officer), Sally Kift (VC Nominee), Tichava Batiya (Secretary), Benita Bosch (General manager; Via mobile)

JCUSA vs Doyle matter

SK: The Council re-convened a meeting on Monday 3rd April 2017 to discuss the Doyle matters shortly after the breach of discipline and Loss of confidence matter meeting. However, due to time constraints we were unable to discuss the Doyle matter. Also we note the president and the vice-president have resigned.

I would like to move a motion to discuss a few things regarding the e-mail we have received from Edward.

All in favour

SK: Before we start, I would like briefly like to discuss the e-mail sent by Edward at 9:23aqm Thursday 6th April 2017 to Council (did not copy the secretary) regarding his correspondence with the Association's auditors. Edward misinformed the auditors about his reasons for resigning. He told the auditors the Council were not happy with his decision to terminate the general manager's contract. This is contrary from the truth. I am not sure why he chose to do this.

The Council also received an e-mail from the Council secretary around mid-day today advising the Media and Marketing officer had received a phone call from the Townsville bulletin requesting for comment in relation to the suspension of the president Edward Harridge and the resignation of the vice president. I am a bit concerned about how the Bulletin got to know about this. Since the bulletin is aware of what's going on; I think the Council needs to discuss the formal statement issuance.

JA: what exactly are we going to include in the statement?.

CH: We have a statement in draft

JA: there is also an e-mail from secretary which came through just after mid-day.

Sk: I haven't had a chance to read the e-mail. What does it say.

JA: I will read the e-mail:

Dear Council,

Mariam has advised she got a call from the Townsville Bulletin.

Please see her e-mail below for your information.

Kind regards,

Tichava

Secretary to JCUSA Council



Mariam's e-mail reads:
Dear Tich,

Can you please inform the student council of the following:

I received a phone call from the Townsville Bulletin this morning with a media request. He was aware that the President had been suspended and wanted to know what the following steps/procedures are of the SA.

I told him the council is having a meeting today and someone will contact him before the end of the week.

His contact details:
Tony Ragertt
4722 4439

Thank you

Kind regards,
Mariam El Fatimi

SK: Ok, I think we will also need to decide who will speak on behalf of JCUSA.

Let get back to the main agenda is to discuss Doyle. We received a letter from the lawyers dated 16th march 2017 indicating Doyle's lawyers had received instructions to formally put an "all up" offer to settle the claim plus interest costs in the sum of \$60,000.00. The offer was open for 14 days from 16 march 2017 however JCUSA asked for a further extension and we now have until tomorrow to advise the lawyers on what we want done.

CH: I don't know if BB has confirmed if there are any funds for this.

TB: I haven't heard from BB about this however from the last discussion we had regarding the Doyle matter(in 2016) the then finance manager Rebecca indicated they were funds available to cover this.

MK: I think we need to discuss this matter in camera mode

Resolved

That the council move in camera to discuss Doyle Matter

Moved: MK
Seconded: JA
Carried: yes, all in favour

at 2:30am motion moved to move out of camera

Resolved

That the council move out of camera to pass motions arising from matters discussed in camera

Moved: JA
Seconded: MK
Carried: yes, all in favour

SK: we will move the following motions as a block. Who wants to move the motions:



Resolved

1. That on the basis of strong legal advice and in the best interests of JCUSA members the JCU Council resolves to accept the offer of \$60,000 to settle the Doyle v JCU Student Association Magistrates Court proceeding No. M184/14 matter.
2. That Jesse Argent is authorised to sign a settlement agreement on behalf of the Association as its authorised agent, to give effect to the agreed settlement with Adrian Doyle, on such terms as recommended by the Association's legal advisers.
3. The Jesse Argent is authorised to pledge the funds of the JCUSA Student Association to settle the Doyle v JCU Student Association Magistrates Court proceeding No. M184/14 matter.
4. That all international staff members of the Association provide updated evidence of work rights in Australia, by 5pm Monday 10th April to the JCUSA Council Secretary.
5. That Jesse Argent is appointed to the role of Acting-President effective immediately.
6. That Sydney Jones is appointed to the role of Acting – Vice President effective immediately.
7. That Catherine Fraser is appointed to the role of Council Secretary effective Monday 10th April at 9am.

Moved: JA
Seconded: MK
Carried: yes, all in favour

Meeting closed at 3:10pm

**Tichava Batiya
Secretary to JCUSA Council**