

## **SPECIAL MEETING MINUTES 53<sup>rd</sup> STUDENT ASSOCIATION COUNCIL**

**1<sup>st</sup> Special Council Meeting** of the 53<sup>rd</sup> Student Association 11.00am Tuesday 24<sup>th</sup> January 2023

### **PRESENT:**

President Garrett Swearingen (GS), Vice President Amie Hewlett-Parker (AHP), Cairns Campus Officer Yuri Romanov (YR), Environmental Officer Tyá Dynevor (TD), Women's Officer Manisha Kulasinghe (ManK), General Manager Alison Edwards (GM), Staff Representative Madelaine Keogh (MK), Alison Edwards (General Manager), DVC Nominee Maree Dinan-Thompson (MDT), Council Secretary Theresa Priddle (TP)

MDT offered to be Chair for Special meeting as an objective chair due to nature of the special meeting

GS Would like to change the order of the agenda by a procedural motion if passed by the majority of the council.  
Move 3.2 Motion to Council Loss of Confidence (AHP) to the end of the meeting after 3.5 to allow all the allegations to be heard in full before voting.

Moved GS - all in favor.

That the speaking order for each allegation shall be:

- The defendant (limited to 15 minutes).
- The alleging party (limited to 10 minutes).
- Question time (limited to five minutes)
- The defendant's right of reply (limited to 5 minutes).'

Moved GS – all in favour.

### **Acknowledgment of Country by GS**

Meeting opened @11.10

#### **1. Apologies and Proxies**

Roderick Mabo (First Nations Officer) proxy given Tyá Dynevor

#### **2. Declaration of Conflicts Of Interest**

***The Chair called for declarations of conflict of interest explaining that it was important that an honest and open discussion occur regarding whether any discussions had been had regarding the allegations and possible consequences.***

2.1 The General Manager raised an email received from GS on 23/1/2023 at 1.51pm and was titled "Offer for negotiated penalties re breach of discipline allegations". AHP was also a recipient of this email. The email indicated that discussions had occurred between councilors around the alleged breaches and potential outcomes.

***The Chair asked for declarations from the councillors at the meeting who has participated in conversations with GS around possible consequences around the breeches.***

The following councilors confirmed they had participated in conversations with GS: Manisha Kulasinghe (Women's Officer), Tyá Dynevor (Environmental Officer) and Yuri Romanov (Cairns Campus Officer).

***The Chair then asked if the same had occurred with AHP regarding the allegation and potential outcomes.***

AHP confirmed that she had written to the council to notify them of the allegation but had not engaged in any discussion with the councilors regarding the allegation or consequences.

Note that Madelaine Keogh (Staff Representative) did not have any contact by either party and that their vote will remain objective.

***The Chair would like to note that the email that the Chair has just received would demonstrate a conflict of interest from the President to particular council members that have since identified in the meeting that they have received contact and discussed consequences of the breaches. It may also be a potential breach of governance as the purpose of the meeting is to hear the allegation, evidence and make a determination. It is not the correct sequence from a Governance perspective of the hearings of these motions today.***

GS noted he wished to respond as it is almost an allegation and acknowledged that it could be seen as a conflict of interest and was not sure if it was a Governance breach arguing that it was not the case in 2018. GS drew analogies to criminal process. GS noted that he spoke to the councilors as a leader and was made in the spirit of accountability for my actions, and an apology.

***Chair would like recorded that each council member was elected in their own right for their role within the Student Council and it is very important to know that there should be no impact on your decision making today. The vote will be confidential to the Chair only through the use of the chat function in zoom to collate the votes. This will provide confidence that you are objective and have not been swayed by previous conversations.***

2.2 GS stated that there may be a conflict of interest with the Media & Marketing officer as they are under direction of the General Manager who has made allegations to remove him.

AE replied noting that they have not written or stated anywhere to have the President removed.

### 3. Special Business

#### 3.1 Allegation for Breach of Discipline by AHP against GS

The allegation was in relation to a social media post published on the JCUSA Facebook page by GS on 17 December 2022 at 1:05 pm which was alleged to breach the:

- JCUSA Constitution 7.1 and 7.3;
  - 7.1.1. relating to proper exercise of power.
  - 7.1.2.a. bearers should act honestly and in the best interests of the association.
  - 7.1.2.b. Office bearers should exercise reasonable skill, care, and diligence.
- POL048 Social Media Policy; and
  - Point 1- relating to identifying oneself on social media.
  - Point 7 – relating to privacy.
  - Point 14 – relating to defamatory content.
  - Point 15 – authority to post on social media.
- ACNC Government Standards.
  - Standard 5 as outlined in Australian Charities and Not- for- profits Commission Regulation (2013) (Cth).

Allegation was summarized.

Questions asked by councilors.

GS right of reply to allegation 11:50 am – 12 noon.

ManK left the meeting @11.42 returned @11.44

YR left the meeting @ 11.45 due to illness Proxy to MK

***Chair reminded council that the previous information is to be attended to in 3.2 Motion for loss of confidence which was moved to after 3.5. GS has spoken to the breaches that have been raised: one which is attributed to the Constitution, one that is attributed to the Social Media Policy. Chair encourage councilors to write down notes regarding the material that has been presented for reference later when voting.***

ManK left meeting @12.03 returned @12.04

### 3.2.1 Statement from Media & Marketing Officer

Media & Marketing Officer AC joined the meeting at 12.03 pm to answer any questions councillors may have regarding the statement submitted as an expert regarding media and marketing of the organisation.

Discussion regarding statement and GS written questions regarding statement. Discussion regarding risk.

**Chair summarized AC attendance to provide further documentary evidence. Chair noted that there was not a perceived conflict of interest regarding AC and AE given that they were both present for separate purposes regarding the meeting.**

### 3.3 Allegation for Breach of Discipline (Alleged Corporate Visa Card Misuse) by AE against GS) 12.18pm – 12.22 pm

AE read the allegation detailed that the corporate credit card in her name was used for the purpose of purchasing an additional nights accommodation by GS which was not reported until AE raised with GS. There was no motion associated with this notification/ agenda item to council.

Questions from Council

GS right of reply 12.28 – 12.38

GS admitted to the breach but that it was performed at a time of distress.

JCUSA acknowledges the importance of safety/ duty of care.

**Chair stated that the outlining of this breach has been presented and responded to. What is being considered is yes, there was trauma but there was still action, there was a lack of identification, lack of processes until it was asked for justification of this cost. Monies were repaid by the President following the request from the GM.**

### 3.4 Allegation for Breach of Discipline by GS against AHP 12.39 pm – 12.44 pm

GS presented the allegation against AE and AHP regarding a conflict of interest between AHP and a staff member.

**Chair objected to the additional allegation being raised against AE as the documentation did not include any reference to an allegation against AE. Process needs to be followed.**

Questions from Council

AHP right of reply 12.45pm – 12.48 pm

**Chair noted that the declaration was there in relation to the relationship but in terms of where the influence on the person in their role, there doesn't appear to be any line of authority or decision making relevant to the person.**

### 3.5 Motion to Council Breach of Discipline (GS)

That the VP (AHP) be removed as VP.

Votes were sent confidentially to Chair and tallied

Resolution

I vote to Remove Vice President from the position

6 votes to retain Vice President in position

AHP will remain as Vice President

**Action: AHP to remove herself in future regarding any matters impacted by this declaration of conflict of interest.**

### 3.2 Motion to Council Loss of Confidence by AHP against GS

That a loss of confidence in council President Garrett Swearingen has occurred and action to immediately suspend/remove them from the council should be taken.

Votes were sent confidentially to Chair and tallied

Resolution

1 vote Suspend President from the position

6 votes to Remove President from the position

Motion carried - President to be removed from the role

**Chair closes off the motions.**

**Action: Chair (MDT) and Secretary to go through the Constitution to check what the procedure is regarding finalisation of dates in a procedural manner following the special meeting today. MDT will speak with the JCU governance, and University Secretary and the Chancellor this afternoon regarding the approval. End date pending the approval to remove from the JCU Council.**

**Chair thanked GS for your service and all the work you have done for the Student Association. Chair thanked the council for their commitment today in these discussions.**

Meeting closed @ 1.10pm

Theresa Priddle

Secretary to JCUSA Council



Maree Dinan-Thompson

Chair