

University of Melbourne Student Union

**Report of
Justin Baré
General Manager, UMSU**

**To Students' Council
March 17, 2016**

Legal Service Working Group - Report

The Legal Service Working Group (LSWG) met initially on October 23, 2015.

Membership of the LSWG was:

- Stephen Smith (nominee of the UMSU President)
- Greta Haywood, Legal Service Solicitor¹
- Phoebe Churches, Manager, Advocacy & Legal
- Justin Baré, General Manager

At its first meeting the group endorsed the following Terms of Reference:

1. Provide recommendations to Students' Council in relation to the future of the UMSU Legal Service including:
 - a. Whether UMSU should continue to operate a Legal Service;
 - b. If so, what model of Service Delivery should be adopted;
 - c. If relevant, identification of any adjustments UMSU needs to make to balance the three stands of activity undertaken by a CLC.
 - d. Identification of any changes to staffing structure and functions required in order to support any proposed changes to the operation of the Student Union Legal Service.
 - e. Identifying any other changes that may be required to the operation of Legal Service.
2. The Working Group will undertake consultation with internal and external stakeholders as required.
3. Should it be required the Working Group will vote to make determinations. As the Chair of the Working Group the General Manager will have both a deliberative and casting vote.

The LSWG met on a number of occasions and in 2015 and 2016.

The Working Group was able to agree on significant matters in response to the questions identified in the Discussion Paper.

In particular the Working Group recommends to Students' Council that:

1. UMSU continue to operate a Legal Service;
2. UMSU operates the Legal Service as a Community Legal Centre;

¹ Ms Haywood advised that she was no longer able to participate in the Working Group on March 7, as a result of the difficulty presented by the requirement to consider the ongoing viability of her current role.

3. Additional staffing resources are required to enable UMSU to meet the obligations of a Community Legal Centre, with particular emphasis on the provision of Community Legal Education and a Volunteer Program;
4. UMSU adopts a revised staffing structure to support the operation of the Legal Service

In making these recommendations the Working Group recognised that:

1. Registration as a Community Legal Centre was the only viable option for UMSU;
2. Changes to staffing structure are required to enable ongoing registration as a CLC; and,
3. In order to allow UMSU to continue to operate a Legal Service that is not contingent upon current funding arrangements a staffing model that is scalable is required.

Two proposed models for future staffing arrangements were put to the Working Group for its consideration.

The proposals shared the following common elements:

1. A 0.2 FTE allocation to the Student Services Officer function;
2. A requirement to allocate funds to meet the cost of the management of the service in response to the issue identified in the Discussion Paper; and
3. An increased allocation to fund legal practitioner roles.

The proposal varied in significant ways in their approach to this final question with respect to:

1. Allocation of time-fractions; and
2. Proposed classification/remuneration for associated roles.

It is recommended that:

- ***Council accept this report;***
- ***Council directs the General Manager to develop a staffing model to support the future operation of the Legal Service that addresses the issues raised in the Discussion Paper and gives due weight to the report of the Working Group; and***
- ***Council consider any staffing model prior to authorising the commencement of a formal consultation process should that be required by the MU Student Union Ltd. Collective Agreement.***

This report was drafted prior to Ms Haywood's resignation from the Working Group, but formalized by the remaining members of the LSWG.

Facilities and Services Agreement – Exploration of Termination & MUSUL SCiP and Strategic Review

Subject to the direction given to the General Manager on March 1 the following actions have been taken:

1. On March 1 I met with the CEO, MUSUL Services and communicated to him the content of the motion endorsed by Students' Council. At that meeting I also:
 - a. Advised the CEO that discussions in relation to the future of corporate service provision to UMSU, including the termination of the FSA, would be initiated with the University; and,
 - b. Requested that the CEO "show cause" in writing, outlining why UMSU should not terminate the FSA. The CEO agreed to provide this information by 5 pm on Tuesday March 8.

2. The contents of this meeting were formalised and communicated in writing to the CEO, also on March 1.
3. On March 2 I wrote to the Deputy Provost and Deputy Vice-Chancellor International and the Acting Director, Students and Equity advising them of the content of the motion endorsed by Students' Council and requesting a meeting to discuss relevant issues.

In response to these actions:

1. The CEO MUSUL Services provided a response on Tuesday March 8 (attached to this report);
2. I responded to that email on Thursday March 10 (attached to this report);
3. On Wednesday March 2 MUSUL provided copies of draft documents outlining proposed responses to the initial Service User Assessment Survey (undertaken in March 2015). These documents were distributed internally to MUSUL in September 2015 and were, at that time, subject to "revision and consolidation,"; and,
4. The Deputy Provost and Deputy Vice-Chancellor International has agreed to organise a discussion with UMSU and the GSA in relation to the imperative to improve corporate service provision to student organisations.
5. On Tuesday March 8 the University/MUSUL provided the President and I a copy of an abridged excerpt of the Strategic Review and the SCiiP. This document was provided in confidence.

A document will be tabled at Students' Council for consideration and discussion in relation to the SCiiP and Strategic Review processes – this document will remain confidential to

Level 1 Bar Space

The UMSU Bar Steering Committee met with Roy Tavenor of The Red Group on Tuesday March 8 to discuss the Business Plan.

Any report prepared by the Steering Committee in response to the Business Plan will be provided separately to Council and this report, the Business Plan and any discussions at Council related to this topic should be treated with, or conducted in, the strictest confidence.

Accounts 2015

A list of queries and requests for further information has been submitted to MUSUL Services in relation to the content of UMSU's 2015 financial reports which will need to be resolved prior to finalisation of the submission of the auditor's report for 2015.

UMSU's auditors have advised that reports are expected to be finalised in early April.

Occupational Health & Safety

A number of incidents have been reported:

1. A near miss for an office-bearer when a shelf collapsed in their office;
2. A student was intoxicated at the SOUP event and required assistance to return home.

A review of SOUP has commenced to ensure that appropriate standards of Responsible Service of Alcohol were maintained and that the event was conducted within the terms of the UMSU Drug and Alcohol Policy.

Cash Handling and Accounting Irregularities

On Tuesday March 1 I met with the CEO, MUSUL Services, and advised him:

- That Council had discussed and accepted the General Manager's Supplementary Report in relation to Cash Handling and Financial Irregularities;
- That Council was concerned that irregularities of this nature could take place;
- That Council was concerned that publicity around this matter had the potential to have a significant negative impact on UMSU; and
- That this discussion took place *in camera*.

The CEO was also advised that UMSU staff would be provided information that was consistent with the information provided to Council, and provided the CEO with a copy of this email. The email was sent to UMSU staff on March 1.

On Wednesday March 2 I was contacted by the publishers of *Parkville Station* and advised that the CEO, MUSUL Services, had advised them, via email, of the subject of the *in camera* discussion at Council on March 1. A copy of the approved media statement was provided to *Parkville Station*.

Also on March 2, I wrote to the CEO, MUSUL Services, expressing concern that:

1. The content of an *in camera* discussion of Students' Council had been disclosed ;
2. This disclosure had the potential to have adverse impacts on UMSU as discussed at the meeting on March 1; and
3. Once this disclosure had been made UMSU was not immediately notified.

No response has been received.

Collective Bargaining

On Friday March 4 the National Tertiary Education Union distributed an email to its members working for UMSU and MUSUL Services that notified those members of a meeting scheduled for Thursday March 10. The purpose of the meeting was to consider protected industrial action.

The NTEU cites delays in negotiations in relation to any increase to salaries in 2016.

UMSU met with MUSUL Services to discuss the parameters of salary increases on November 10, 2015. While UMSU had an additional discussion with MUSUL Services in December 2015 this did not include any consideration of issues relevant to salary increases.

The NTEU advises that MUSUL tabled an initial salary offer on December 1, 2015, of a 2.5% salary increase effective July 1, 2016.

On February 2 the NTEU advised MUSUL that it did not accept this offer and proposed increases to salary and superannuation.

At a meeting between the NTEU and MUSUL on February 19 MUSUL indicated that its initial offer was subject to revision and that further information would be provided to the NTEU on February 22. This information was not subsequently provided.

This information may have been provided by the time that Council meets.

MUSUL has not raised this issue with UMSU at any point since the initial discussions on November 10.

On March 4, I wrote to the CEO expressing concern that:

1. Negotiations had been conducted in such a manner that industrial action is now possible;
2. UMSU had not received any advice in relation to the progress of negotiations that indicated that there were issues of such significance that industrial action was being actively considered by the NTEU;
3. Any industrial action by UMSU staff will have the potential to cause significant disruption for students and student representatives;
4. Any industrial action has the potential to have a negative impact on UMSU's reputation with students.

A request was made that the CEO provide UMSU with an urgent update to address these issues and the concern that UMSU may suffer from a disruption of service provision to students as a result of any industrial action.

No response has been received from the CEO. The MUSUL HR Manager has advised that MUSUL's view is that the NTEU had not rejected MUSUL's initial salary offer.

Guiding Principles for Staff and Position Descriptions

Current Position Descriptions for UMSU staff comply with a template prepared by the Human Resources, MUSUL Services. This template includes a description of both UMSU and MUSUL and makes statements in relation to UMSU staff and MUSUL policy that has the potential to cause confusion.

In order to address this issue and to make UMSU Position Descriptions clearer a set of Guiding Principles for Staff has been prepared to be inserted into the PD template. The revised text is intended to make a clearer link between the objectives of UMSU – as established in the Constitution – and the principles that staff should observe to fulfil their roles.

The proposed amendment was distributed to UMSU staff and Office-Bearers for consideration in mid-February and has been subject to minor adjustment as a result of the feedback received in that period.

The proposed text is included as an attachment to this report both in a stand-alone document and incorporated into an extract of a revised and proposed template for UMSU staff Position Descriptions.

It is recommended that Council endorse the proposed text and its incorporation into all UMSU Position Descriptions.

Disability Action Plan

The Manager, Arts and Entertainment, Susan Hewitt, has prepared a briefing paper for Council in relation to the potential for UMSU to develop and implement an organisation wide Disability Action Plan.

The impetus for this has arisen from work undertaken as part of Mudfest in 2015 and the development of a draft Disability Action Plan for Union House Theatre.

Susan has met with the Disabilities Officers prior to the paper being distributed to Council.

Appendix A – Guiding Principles for Staff (Draft)

The UMSU Constitution establishes that UMSU will:

1. advance the welfare and interests of Students;
2. represent students of the University within the University and to the community;
3. provide amenities and services, principally for Students and other members of the University community, and incidentally to the public.
4. provide an independent framework for student social and political activity;
5. develop, maintain and support student clubs, societies and associational life generally;
6. promote and defend the rights of students to education on the basis of equality, without regard to race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, political religious or ideological conviction, or national or social origin;
7. oppose violence and/or hatred through militarism, nationalism, or discrimination on the basis of race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, religion, or national or social origin;
8. provide a democratic and transparent forum in which students' affairs and interests can be governed in an effective and accountable manner; and
9. To promote free and accessible government-funded education.

In order to support these objectives UMSU staff observe the following principles:

Alignment

- All services and programs are aligned with UMSU's Constitutional objectives

Responsiveness

- Provide frank, impartial and timely advice to students and student representatives
- Provide high quality services to students
- Identify and promote best practice
- Ensure that services and programs are subject to continuous improvement and respond to stakeholder feedback
- Ensure that services and programs are delivered consistently and reliably, and are available when and where they are needed

Integrity

- Are honest, open and transparent in our dealings
- Use powers responsibly
- Report improper conduct
- Avoid real or apparent conflicts of interest
- Strive to earn and sustain trust at the highest level

Impartiality

- Make decisions and provide advice on merit without bias, favouritism or self-interest
- Act fairly by objectively considering all relevant facts and applying fair criteria
- Ensure decision-making is evidence based
- Implement UMSU policies and programs equitably

Accountability

- Work to clear objectives in a transparent manner
- Accept responsibility for their decisions and actions
- Seek to achieve best use of resources
- Submit themselves to appropriate scrutiny
- Commit to working with each other, students and student representatives

Respect

- Services and programs are delivered in an environment of respect for colleagues, students and student representatives
- Contribute to a workplace that is free from discrimination, harassment and bullying

Leadership

- Actively implement, promote and support these values
- Use their views to improve outcomes on an ongoing basis

Appendix B – Revised Position Description (Draft)



POSITION DESCRIPTION

Position Number:

Position Title:

Division:

Employment Status:

Classification Level:

Reports to:

Reported to by:

Incumbent:

Date Effective:

Background:

The University of Melbourne Student Union Inc (UMSU) is an incorporated association and is recognised by the University of Melbourne as the representative body for all students. UMSU is governed by an elected Students' Council and twelve committees elected by and from students. UMSU is responsible for a broad range of student representative, student engagement and student support activities.

UMSU operates under the principles of Student Unionism which are broadly defined as student control of student affairs.

UMSU staff are organised within four Divisions:

- Advocacy & Legal;
- Arts & Entertainment;
- Communications and Marketing;
- Clubs and Volunteering.

Each Division is supported by a Student Advisory Group that is comprised of elected student representatives and designed to support ongoing collaboration between UMSU staff and elected student representatives. Student Advisory Groups provide feedback and advice from a student perspective to enhance participation in UMSU operated programmes and services.

The MU Student Union Ltd (MUSUL Services) is a wholly owned subsidiary of the University of Melbourne. The organisation's objectives are to provide facilities and corporate services to support student representative organisations.

MUSUL Services employs, but does not direct, the staff working for UMSU.

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4. provide an independent framework for student social and political activity;
5. develop, maintain and support student clubs, societies and associational life generally;
6. promote and defend the rights of students to education on the basis of equality, without regard to race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, political religious or ideological conviction, or national or social origin;
7. oppose violence and/or hatred through militarism, nationalism, or discrimination on the basis of race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, religion, or national or social origin;
8. provide a democratic and transparent forum in which students' affairs and interests can be governed in an effective and accountable manner; and
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In order to support these objectives UMSU staff observe the following principles:

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- Responsiveness
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- Make decisions and provide advice on merit without bias, favouritism or self-interest
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Discussion Paper

UMSU – Disability Action Plan

Prepared by

Susan Hewitt, Manager, Arts & Entertainment

March 2016

Purpose

This paper is to generate discussion regarding the development of a *Disability Action Plan* for UMSU, and to identify the next steps for UMSU to take towards to the development of such a Plan.

Background

Union House Theatre has recently developed a Disability Action Plan (draft) for their department. This Plan has resulted from a Creative Arts Department funded workshop presented by Arts Access Victoria in 2014. The 'Arts Access' training workshop was open to all students involved in student theatre, office bearers and UMSU staff. Participants' feedback noted that the interactive training was valuable in raising awareness of the social model of disability. In the context of limited resources to make immediate adaptations to the environment, the facilitators provided practical ways of strengthening the capacity of students and staff to be inclusive in program design and implementation.

Certain areas of UMSU have adopted some of the practical tools offered. For example, Union House Theatre, Arts Programs and the Creative Arts Department have identified areas within each department that are accessible and have begun using Access symbols on printed programs.

2015 Mudfest Directors and Creative Arts Officers, Bonnie Leigh-Dodds and Bella Vadiveloo with support from Josh Lynzaat – the Mudfest Access Officer ensured:

- All venues for the arts festival were entirely accessible to wheelchair users,
- Auslan interpreters and audio description was available,
- A tactile art tour for a vision-impaired audience in the George Paton Gallery was available,
- Artists and artist groups participating in Mudfest were encouraged and supported to develop access plans.

Additionally, Union House Theatre's production of *Echo* included an Auslan interpreted session.

Arts Access Victoria, in conjunction with Arts Victoria (now Creative Victoria) and the State Office for Disability have published a report: *Picture This*, this report highlights the important role the arts play in providing opportunities and participation for people with disabilities. The State Office for Disability has also published guidelines for the development of Disability Action Plans.

What is a Disability Action Plan (DAP)?

A DAP is a formal document that outlines an organisation's preparedness and commitment to improving access for people with a disability in all areas of operations. Within the UMSU context, this would relate to the positive engagement of all students and to improving the culture within UMSU as one committed to access, diversity and inclusion.

A DAP is an outward sign of an organisation's intention to reduce and remove barriers experienced by people with a disability. DAPs are also useful in addressing attitudinal barriers in organisations and communities. A DAP can help reduce discrimination and increase the access for people with a disability to everyday services, employment and social, cultural and civic engagement.

Common barriers include physical access to buildings, access to information, access to services and programs, access to employment. By using the steps (practical and aspirational targets) of a DAP, the organisation can work to locate these barriers and plan to take the necessary actions to reduce or remove them.

Organisations that have action plans are likely to have consulted with people with disabilities and/or their representative organisations, reviewed their policies and practices, identified barriers for people with disabilities in accessing services, and planned strategies to eliminate these barriers.

The aims and benefits of a DAP

For people with disabilities, the implementation of a DAP means that eliminating disability discrimination is not dependent on complaints being made against organisations. Stakeholder engagement is critical to the success of the plan, along with an integrated process of development that incorporates all relevant areas of the organisation – each department, all staff, all levels of service, from governance to event management, from communications to physical design.

With all UMSU departments geared to thinking, planning and working together, a DAP will reaffirm the Student Union's commitment to ensuring a rich experience for all students and for equitable participation in all extra-curriculum environments and events.

Many organisations in Australia have developed their own DAPs. These plans have been given to the Australian Human Rights Commission pursuant to section 67 of the *Disability Discrimination Act 1992*. The list of submitted DAPs is available here:

<https://www.humanrights.gov.au/our-work/disability-rights/action-plans/register-disability-discrimination-act-action-plans>

Next Steps

In order to commence the process, the following is proposed:

- **A Steering Group to be established with advice from the Disability Officers;**
- **Terms of Reference for the Steering Group to be developed (concurrently);**
- **The DAP development process to be driven by the Disability Officers, who will take on a Constitutional role;**
- **The Steering Group to seek advice from the General Secretary on other department access needs;**
- **The Steering Group to identify what is required to complete the process.**

To note

- The State Government provides a range of useful information on the development of DAPs:
<http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/disability-action-plans>
- DAP training providers are available to assist with this process. Arts Access Victoria runs a highly regarded training program in DAP development: Arts and Disability Action Plan Training (ADAPT). This organisation may be contracted (at some level) to assist UMSU in this process:
<http://artsaccess.com.au/access-program/audience-industry-development/disability-action-plan/>