

TCD Students' Union 12th Constitution Review Working Group Meeting

9th April 2021

12.00pm

Online Zoom Meeting

Chair: Eoin Hand, President
Secretary: Cian Walsh
Minutes: Cian Walsh, Secretary to Council
Simon Evans, Administrative Officer

- 1. Approval of Minutes:** The minutes of Meeting 10, held on 2 April 2021 was approved subject to typos being corrected.
- 2. Matters Arising:** Eoin Hand raised the issue of a proposal to amend the Terms of Reference of this committee which will be subject to approval by Council. It is envisaged that there will be more meetings and flexibility to deliver a recommendation as late as possible this academic year to 2020/21.
- 3. Matters arising from the Minutes:**
None
- 4. Member Submissions**

Liam Kavanagh presented his submission on Chp 10 which covers financial oversight audit and dispute resolutions between UT and SU.

He felt that the editorial independence of the paper is correct and the existing oversight is ok. The SU is an investor or the financial ownership in the UT and the SU must have oversight on this. The editor should present a budget and the SU can refuse to fund UT. The election and the editorial independence is fine however there is a lack of financial control and this needs to be addressed. The role of the editor is not the same as that of a sabbatical officer and this needs to be defined and set in the Constitution. He also felt that the Oversight Board concept was fine and that editorial and financial independence are not the same thing.

Cian Walsh noted the rejected budget issue needs to be addressed.

Daniel O Reilly also made a submission on the issue of UT. He, of course, also agreed with the fact that UT had to have editorial independence from the SU and needed to be completely certain. He had a preamble and a philosophical discussion about UT. He recommended the following - Council needs to have power over the UT budget. There should be a Charter or

protocol which deals with UTs organizational structure. The SU needs to be and is the funding body.

LK noted that council needs a mechanism to reject a budget and needs oversight in some way or form. In general, a council motion needs to have reasons why it is being put forward. DOR did think of a restriction on the issue of motions. Council does have the power to stop the SU in spending its money in any way it decides. This power must exist over all areas of the SU including UT.

Philly had a query about comms role in marketing all areas of the SU – does this include UT.

DOR stated that the comms officer has nothing to do with UT and there is nothing complying comms working or not working within the SU on marketing.

Cormac Watson current editor of UT and Emer Moreau in-coming editor of UT joined the meeting. Cormac noted that UT were happy with the existing structure withing the SU. They had editorial independence protected and the degree and level of accountability does not infringe the running of UT. UT wanted to see 2 amendments which both he and Emer had campaigned on. The 1st was a Board of Advisors (BOA) and that 6 issues would be produced each year. The BOA was an important addition to UT and they would be able to give advice to the UTs editors on the running of the paper including finances, organization structure, printing, relationship with SU, editorial freedom and structure of UT. There is a need for a BOA to help and hold the editor to account. It was also proposed that there may be a standard editor position created and an external role for the SUs Board of Trustees.

DOR commented on the philosophy of the relationship between the UT and the SU. He did not agree that the BOA document needs to be included in the SU Constitution. What was needed was a BOA and structures for UT and an underpinning of the relationship between the SU and UT. The current constitutional position underpins this relationship which was that UT is a separate entity, UT has its own editorial board and is separate from the SU. He felt that the new BOA is not best placed in the SU constitutional as this would give the SU an unintended role in UT. UT had its own Charter and the proposal to self-regulate the BOA is good but needs to be independent of the SU.

CW felt that the BOA was important and should be in the SUs Constitution. He did not feel that this gave the SU increased supervisory powers. There were many checks and balances set out in the constitution.

DOR noted that it sounds like UT are pushing for the SU to have additional oversight over UT which is not how the SU sees this.

CW disagreed with this position. The BOA would be appointed by the editor and approved by the Board of Trustees and he reiterated that he does not see this as the SU overseeing UT. Eoin Forde felt it was an issue having the BOA of UT in the SU constitution. This would definitely give the SU an unintended role in UT. He noted that he was the editor of the Law Review and its editorial independence was certain because it's not in any ones Constitution and is not dictated to by external organisations such as the Law Dept or Law Society. He felt that the BOA would be much better dealt with by way of an MOU or Charter or Protocol.

CW disagreed with this and felt the BOA should be in the SU constitution.

EF pointed out again that if something is in the SU constitution it means that it is open to interpretation. All constitutions are subject to this interpretation. The SU does not want UT in its Constitution.

CW disagreed and wants an example as to how the SU could exercise its influence.

Liam Kavanagh views were the same as Dan's and Eoin's. He liked the idea of a BOA but having a BOA in the SU constitution is not a good idea. Any constitutional issue is interpretable by the SU council, EC or OC and is subject to referendum and you can have a situation which makes UT beholden to the SU. UT should have its own Charter and MOU with the SU.

CW disagreed again with this and felt that the relationship between the SU and UT was more akin between the Government and RTE as opposed to UT and the Irish constitution.

EH commented that this was the same argument going back and forth.

CW commented that there was a referendum to defund UT and this was defeated by the students. UT are open to votes and democracy same as any other SU body.

Philly Holmes agreed that the inclusion of the BOA in the SU Constitution opened UT up to control by the SU.

EH commented again that we should move on from this as we have other items to discuss.

Yanick Gloster apologized for arriving late to the meeting and noted that what is not clearly defined is the relationship between the SU and UT. He noted that the referendum was not about the relationship but about what the SU does with its money. He reiterated the relationship between SU and UT needs definition by way of a Charter or MOU.

Leah Keogh thanked Emer and Cormac for their input and their presentation. What we now need is an action point from this conversation which guarantees the autonomy of UT and defined the relation between UT and the SU.

Philly agreed that an MOU is the way to go as an MOU would respect both autonomies.

LK agreed and also noted that the SU spending money was not an editorial matter.

Emer Moreau wanted a reference on the number of printed editions.

CW felt the conversation was drifting towards the influence of the SU Constitutional. UT sees the SU constitution as a protection and this is not about the SU it is about how UT is protected within the SU Constitution.

Lk felt this was in Chapter 10. The Constitution should protect UT. Putting the BOA into the constitution opens the BOA up to interpretation.

CW felt the constitution protects and does not attack UT and the print issue is important.

Philly - the SU could try to influence the number of print issues if the BOA was in the constitution.

Megan O Connor agreed that the Constitution can change and therefore change how UT operates.

CW acknowledged this but this has not happened before.

EH said this point has been discussed.

DOR added that the number of editions should not be used as a defining mechanism.

EM replied that the intention was to have 3 printed editions in Term one and 3 in Term 2.

MOC felt that this was a good conversation and examined the relation between UT and SU.

UT does have SU support and UT has editorial independence. She also noted that the referendum result to which Cormac referred to which was won handily by UT could have gone differently had the wording been proposed differently.

CW noted the referendum was soundly defeated. He felt that students would not see the BOA as a threat and UT has provided an invaluable service during covid.

EM supported the wonderful work that UT has carried out during lockdown and this was acknowledged at the meeting.

It was then agreed to dispend the meeting as time was running out.

CW Secretary had to leave.

Eoin thanked Cormac and Emer for their presentation and they left the meeting.

Philly was elected Secretary.

Ormac and Emer rejoined the meeting and agreed to meet again next week

5. Discussion Items – Chapter 7 continued and Chapter 10 for next weeks meeting

6. **AOB** – The CRWG may need to meet more frequently and extend the meeting times to cope with time it takes to fully review the constitution.



Signed:

Eoin Hand SU President

Date: 20.4.21

420 Yurt