

# TCD Student's Union 13th Constitution Review Working Group Meeting

16th 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 12, held on 9 April 2021 was approved subject to typos being corrected.

2. **Matters Arising:** None

3. **Non-Member Submissions:** None

4. **Member Submissions**

It was agreed that Liam Kavanagh's submission on Chp 10 which covers UT charters would be postponed until next week due to absence of UT representatives. CW noted that this topic must be finalized next week. It was also noted that the comment on funding referred to how the union funds are given to UT rather than how the UT spends it. It was also noted that the Constitution will not protect UT from being changed. CW added that the submission is reflective of the CRWG views on Chp 10. It was agreed to go through the submission at this meeting anyway.

Liam then presented his submission to the CRWG. Liam felt that UT needs to be democratic and be in control of the paper philosophy etc. These powers are not at the discretion of the UT editor. DOR felt the SU should not impose a structure or even suggest one. LK noted any member of the SU can run as editor - 10.3.2. SU Constitution. EF also agreed that the day-to-day running of UT is not our concern. The SU does fund UT and because of this funding there is a duty of care on the SU. The existing structure does work and any BOA must be independent of the SU. Any Editorial Board arrangement could be enshrined in a UT Charter again he noted it should not be in the SU constitution. MOC felt the UT was none of our business however if UT harms students we need some kind of structure for that to be dealt with. EH felt this was a good point. LK felt the relationship between UT and SU is very hazy. SU elects editor, the SU pays and funds everything. The budget is SU money. EH agreed that the SU minds the SU and the UT editor minds UT.

## 5. Discussion Items – Chapter 7 continued.

### 7.4.4. Council elections and 7.4.5 Bye Elections

Philly felt that the formatting was an issue here. Lk agreed with Philly and the English needed to be tidied up. He also did not like the first (if only) valid nomination being elected. DOR noted the programme convenor position needs to be added. He agreed that the wording was backward and can be addressed by formatting. LK proposed that the section be rewritten completely covering all elections and Megan agreed with this.

### 7.5 Referenda

#### 7.5.1 Calling Referenda

DOR noted that the long term policy extends to cover aims and principals and can effectively amend the constitution. We did need to fix the loophole in relation to the number of signatures required to amend the constitution. LK noted the referenda type does limit the way a ref can be called, There is an issue with the concept of the preferendum and he felt that this could be achieved with an Australian style plebiscite. MOC was against all poll preferendums due to confusing messages and also the issue of the 2/3<sup>rd</sup> majority could be affected by the new online voting as opposed to in person voting. DOR liked the idea of ordinary referenda which can be called by council or by 250 signatures. LK felt Megan's point on the 2/3 is fair this needs to be determined and not less than 2/3 of the members should be explicitly stated. He liked the idea of binding/non-binding and for council to be able to set referenda in motion. Yannick Gloster noted a preferendum was not a referendum and these definitions need to be separated. He felt all preferenda should be left to the EC to call and run. DOR noted referendum and preferendum are different and this needs to be inserted in section 7.5. The meanings of referendum and preferendum need to be decided and also the issue of binding/non-binding need to be decided. EH agreed that we need to be explicit. YG made the point that we should look at the Provostial preferendum. This did not have a RON and there is a place where we can run an opinion separately as a preferendum. A poll or prefer should not be codified in the SU constitution. MOC felt that students need to understand the process and the process must be clear. Student need to know what can and not effect the SU. YG felt that members of the SU including council and sab officers should be allowed to campaign in preferenda. MOC referred to 7.5.2 where a previous SU centre was voted down by student politics. EH invited submissions on the issue.

#### 7.5.2 Conduct of Referenda

CW raised the issue of a quorum. There is no minimum no of votes required. He felt that there should be a minimum of votes equal to the number of signatures required to call a ref. MOC supported this and she also pointed out that interest and accessibility about info on ref is extremely important. CW agreed accessibility may be an issue however a min quota would force the SU to promote the vote. EH noted the topic of accessibility could also be addressed by way of submission. LK noted that DCU had a 10% quorum on referenda and if 10% is too high he suggested 5%. He also noted that the referendum in 2014 was passed by 296 votes to 40 votes. We need to set a quorum size and it needs to make sense. DOR wanted to know what does the Irish gov do and how does it handle this. The Irish gov had a ref commission. EF confirmed this was the situation and that the ref commission supplies info on both sides on any referendum argument.

#### 7.5.3 Constitutional Referenda

It was agreed that this was superfluous.

#### 7.5.4 LTP referenda

Philly H felt that we should merge 7.5.3., 7.5.4 and 7.5.5. DOR agreed we should merge and put into 7.5.2. CW noted 2/3<sup>rd</sup> majority was required for LTP but only 50% for a referendum. LK agreed the voting majority should be 50% 2/3 is too high and was put in to protect minority groups being overwhelmed. LTP should be changed so that when it is voted on there is a time line which is explicitly stated. CW noted that any ref passed cannot be changed until the following year. Liam's point on rerunning referenda was noted. DOR felt LTP referenda deserved a higher bar eg 2/3 and he noted this applied to abortion info ARAMARK and the United Ireland referenda. The 2/3 maj should apply to this spicy or divisive or politically based topics. LK agreed that there was an argument to be made for this. He also noted that LTPs could be referred to council for renewal. The same body should elect or remove or vary the time constraint and he was not in favour of the council having the power to remove LTP. DOR and Meghan agreed on this point. EH requested that a submission be made on this.

#### 7.5.5. Officer Impeachment Referenda

MOC felt that this was superfluous. LK noted an impeachment is a call for a trial and the correct term is a recall election not an impeachment election. He further noted that Donald Trump was impeached twice but because the senate did not approve the impeachment he was not removed from office and the terminology of a recall election would address this. CW suggested the term "removal from office" as a middle ground between correctness and accessibility. CW felt a sub on voting systems would be useful and we can review this. MOC felt we should work with the EC and then submit to the CRWG group. EH requested that everyone submit their exam time tables so that dates can be proposed for additional meetings and boot camps in order to get this const review finalized in 2020/21.

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.