



# MINUTES

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## CONSTITUTIONAL REVIEW WORKING GROUP

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**Date** 17.12.20

**Location** Zoom

**Time** 19.00

**Chair** Eoin Hand, President

**Secretary** Cian Walsh, Secretary to  
Council

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## 1. Attendance

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- Eoin Hand (Chair)
- Cian Walsh (Secretary)
- Dan O'Reilly
- Eoin Forde
- Isabelle O'Connor
- Leon Carroll
- Liam Kavanagh
- Megan O' Connor
- Also Present
  - Philly Holmes
- Not present (no apology)
  - Yannick Gloster

## 2. Procedure of Meetings

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**EH** Formal procedure for meetings as always - minutes, matters arising, agenda items, then deal with submissions from members first. CRWG is open to submissions from all members of Union, so will deal with them as they arise. Then we will look at the pre-agreed sections to deal with that week to have a clear discussion basis to approaching the work.

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### **3. Structure of Output**

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**EH** Proposed a full review of existing constitution, followed by recommendations as to a new constitution or amendments based on this. Review will be done as we go along, with all members contributing to the document. As chair, will mediate all conversations and hear all approaches and opinions on changes to the constitution.

### **4. Timeline of Results**

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**EH** Will meet for an hour once a week, with two sections discussed each week with some exceptions e.g. Governance which merits more consideration. Should take up to week 5, with 3 weeks to draft a new constitution/amendments before March 22nd/29th as a deadline. Very tight turnaround, but rewarding experience. Want to get review finished and amendments by this deadline if we want to run a referendum this year on changes. Otherwise, will have to hold off on completing new constitution and leave it for the next group of officers to actually implement changes.

### **5. General Discussion**

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**CW** Would like to provide more clarity on above points. Would like to see a full written report as output at minimum. Needs everybody to work on this as everyone will be tight on time and will need everyone to draft this. Re timeline, wrote it as if we wanted to get it done this year, may not be realistic, week 8 is deadline if we want to complete full process this year. Given the amount of effort required, this may not be appropriate.

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**DOR** Comment on timeline. Possibly argument to be made for not getting process done this year. Could write output this year and then have referendum next year. Was discussing with CW re issues with writing new constitution with existing elects. Without elects no logistical issues with modifying or removing sabbatical officer positions, gives more freedom. Welfare, President and Education have to exist. Nothing says we have to get the constitution done this year. If it comes to week 5, and we feel we make more progress if we remove the week 8 deadline we should do that.

**EH** First thing we have to do is amend TOR as it says we will have deliverables on or before Jan 31st. Now not happening so needs to be pushed.

**LK** Nothing stopping us from holding referendum to bring constitution in at specific date e.g. before sabbatical elections 2022. Have as much time as we need before then.

**IOC** On LK's point, if we had a vote this year to bring a constitution in next year, would it not be impossible as it would still be an amendment process. Good idea though.

**MOC** Certain parts of constitution are not fit for purpose. Would be possible to pass it in two ways to affect different sections. Would be important to split it in two to address pertinent issues and do extra stuff later. Immediate issues exist that should take priority.

**EF** Re IOC's point, if we were to propose radically altered or new constitution, you couldn't vote for sabbatical officers under the old constitution ahead of the new one. Would have to enact new constitution first and then elect. Timeline for getting constitution enacted is a year after process is finished.

**CW** Have to acknowledge that we will have sabbat-elects under old constitution next year. If the following members pass referendum, would be passed before sabbat elections that year and sabbats in 22/23 would be the first ones working with the new constitution. If we split the constitutional amendments we need to have a working document at two point in time which may limit what we end up

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with at the end. Apologised about Kerry tin-can-wire connection.

**MOC** Clarification on missed point

**CW** If we implemented it in two sections we'd need to have a working document after both which may hinder the final section.

**EH** Would group prefer to do everything at once, or to do in sections?

**PH** Whether timeline is for this year or next year we still have to delay until the 22/23 sabbatical officers. Also, if we are taking in sections we have to make the first section somewhat compatible with the current constitution which will hamstring us later. Should be viewed as a totally new document which does not need to be compatible with the current constitution.

**MOC** Something that may not be answerable right now, should decide later in the process. Some is older than others and is not congruent with itself.

**EH** In that sense, review is most important.

**DOR** Why are we splitting? All small stuff was fixed in typo referendum. What remains is just structural issues which are all not easy to fix. Can't see how we could split structural issues. If we do a stepping-stone we limit where we get to at the second step. Document of failed review attached and looked at unions with entirely different structures and that's what we should be looking to rather focussing on congruence, as that would only need a few amendments.

**EF** Don't know what is meant by two-part process. Makes zero sense. Ship of Theseus - if you start radically amending something and then going back and changing parts of it again you end up with a Frankenstein's monster of a constitution. Would be better of proposing the whole thing at once. If the main issue is that there is so many amendments and changes over time we would make that worse.

**EH** General consensus is that we plow on with review for now.

**LK** Are we planning on taking into account the schedules.

**CW** Yes - specific chapter for schedules. Lot of schedules are additions to sec-

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tions of the constitution and it would make sense to do them as they come up.

**LK** Can we look at content or just structure.

**CW** Should focus on redefining the schedules rather than factoring in content.

**DOR** Content of schedules interesting - in 1.5 it treats schedules as extensions of itself. Managed to find copies of constitutions going back to 1994. Was very similar with few amendments from 1994-2007. Then new one proposed in 2009 and 2007. Changed again in 2014 which is what we have now. Current structure references things that no longer exist - confirms Ship of Theseus. Very clear parts of constitution were lifted in large sections from previous constitutions with small changes in between which don't gel. Can talk to Dan Ferrick as he was involved in 2014. 1994 doc was lovely - didn't have any inconsistencies within itself. will dig up again to see where different parts came from. 2014 was similar to 2009/2007 but the changes are where mistakes were added. Was rushed to get it done and led to mistakes. If we consider this review as a totally new document with no copy-paste we will solve a lot of issues.

**CW** DOR makes sense. From looking at previous constitutions and amendments a process like CRWG never happened or if it did it went wrong. Should treat as starting as scratch. Nothing is a holdover until we decide it is, and nothing at all should be directly copied - improvements can be made everywhere.

**MB** DOR said it didn't feel like it was rushed, we shouldn't do that. Shouldn't make the same mistake again. Should take our time.

**EH** Can't be passion project - needs to be done properly.

**PH** Not that we're getting to that point, we need to factor in continuity to hand on to next gang.

**DOR** Legitimately think there is value in deciding now we are not enacting new constitution this year to ensure review can live on longer than the people who wrote it. As EH said, it shouldn't be a passion project. Limitations are TOR which can be changed, broader limitation is Strategic plan which runs until 2023 which says we have to review constitution. That's long term deadline. Value to be made

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in saying that the vote will go to next year to get a fresh set of eyes and ensure continuity.

**PH** Establish a policy of document control early on. this is not something short term. Templates on how documents should be ensured. Digital documents important. Otherwise, considerations should be made in publicising documents whenever appropriate. Comms officer can censor if necessary. Useful to sell new document.

**MOC** Important to leave thought trail to where we lead up for future people.

**CW** The accountability is built into the TOR.

**EH** Moving onto the work for next meeting. Noted EF's passion for constitutions.

**CW** In terms of work for each meeting, needs to be established ahead of time to keep moving forward. Was having look at sections of old constitution and is better to split down those lines for the purpose of review. Good ones to start with is chapter 1 and chapter 8 to start together with.

**EH** Other ideas for good sections together welcome.

## 6. AOB

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**EF** In terms of goals in general, is there anything already on table?

**MOC** Individuals in working group with opinions of who is going forward. Commissions are most important. Should look to how we can improve rather than how just radically changing things.

**DOR** To anyone not involved in SU that was directed at me. Doesn't have any specific outcomes in mind for the group. Has ideas but doesn't believe it should specifically achieve anything. "Should they deem necessary". Group should achieve what should be achieved.

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**EH** Balance of group is helpful for this.

**LK** Which sections are looked at together will be important and they should be connected. Shouldn't forget about other sections as we go.

**EH** Reviewing sections together will help.

**IOC** Will we review sections ahead of meetings?

**CW** If you can familiarise yourself with incoming sections we can discuss opinions and come to a consensus.

**DOR** Would non-SU people like to achieve anything?

**EF** Union should be empowered to take action. Capitation and membership is a constitutional issue. Right to opt-out probably important. Few could be bothered to leave it but might be legal issue. SU interests should also be protected.

**DOR** Opt-Out started to pursue legal case and then didn't Vague understanding is that it is legal as we get license to have membership as College statutes say we are all members and students who enter college agree to statutes.

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