

CONSTITUTIONAL REVIEW WORKING GROUP

Date 19.02.21	Location Zoom	Time Council 12.00	Additional minutes by Simon Evans, Administrative Officer
Chair Eoin Hand, President			
Secretary Cian Walsh, Secretary to			

1. Attendance

- Eoin Hand (Chair)
- Cian Walsh (Secretary)
- Dan O'Reilly
- Eoin Forde
- Isabelle O'Connor
- Leon Carroll
- Liam Kavanagh (LK)
- Megan O' Connor
- Yannick Gloster
- Mia Brzakovic
- Also Present
 - Philly Holmes
 - Leah Keogh (LKE)
 - Hugh McInerney
 - Simon Evans

2. Approval of Minutes

The minutes of CRWG 2 were approved with amendments found on the Drive document, and with a correction of CW not having joined the meeting. The minutes of CRWG 3 were delayed until next meeting to give people time to read over them.

3. Matters Arising

4. In-Depth Look at Chapter 5

DOR Noted that the EC can interpret and execute Constitutional, Elections and the running of Council. The OC role is to interpret these only. Under Section 5.25 D the EC and the OC need to be separate.

IOC Agrees with DOR, there should only be one interpretive body. Similar to judiciary here, causes conflicts if interpretations differ otherwise.

DOR Current situation also gives Council ability to change official interpretation of Constitution through over overturning EC decisions - gives Council parliamentary supremacy. Kinda scary for effectively the legislation to have.

CW Commissions being split interpretation wise makes absolutely no sense. Sure YG would agree that it would be a lot more beneficial for one body to have all interpretive responsibilities. OC or Chair of OC has been involved in all constitutional interpretations the EC made this year anyway - OC always tends to have more experience in the area. Joining interpretation also tidies up conflicts in Council admissions process where the OC are not consulted and the EC is. Whichever way we do it, interpretation needs to be centralised.

YG Interpretation should fall back on OC. EC shouldn't have those two roles. EC should maintain some interpretation and act as they believe the constitution reads and the OC should correct if necessary.

MOC Commissions biggest downfall of the whole union. Unsustainable. If we have good commissions a lot of problems in the Union could be avoided. Confident and knowledgeable commissions would prevent bad motions going on the books. OC should have final say, maybe with an external person. EC is very busy. Invited EC and OC to take it back to commissions and bring back recommenda-

tions. Commissions were stretched this year due to online situation but also the state in which they were left, more continuity needed. Positions aren't attractive and should be promoted more. Fact that EC can't run in other things need to be discussed.

YG Times in which members of the EC can run for other positions needs to be tied up. If commission balance of power is changing, then maybe EC or OC members could have other roles outside of the commission.

DOR EC doesn't need to retain interpretive power to execute its duties - every other body does this without interpretive power. EC still needs to interpret election rules. Ability for EC to run at last meeting of Council already exists, although they can't run for faculty level positions.

IOC There should be one supreme court type body (probably OC) that interpretive questions can be brought to. An interpretation guide could be produced to aid them in this. More efficient and democratic.

LKE Chairs of commissions have a lot of work. Huge level of expertise and knowledge required for jobs. Guide would be useful for continuity.

CW On precedent and finding your feet in the role, stuff the commissions do are confidential so you aren't able to gain experience until you are in the job. Has been working on a case log to rectify this. All OCs record their decisions, justifications and actions taken in the log. Will make it easier for future OCs to find their feet and over time will become a document that can be referred back to in a "case law" style. Should standardise interpretation over time. Should be a constitutional duty to maintain such a log. On external members, we already have one. Daniel Ferrick - man who was

involved in writing current constitution. Role could be expanded, possibly into a part-time position, but should not have a vote on OC. On commission members running for other things, not such a good idea. OC definitely cannot. EC probably shouldn't either, but maybe there is a little more flexibility. Cuts people off but necessary separation.

YG If the EC isn't interpreting the Constitution they are just running Council and

the elections. A member of the EC could run for another position by stepping away temporarily like sabbats at elections.

PH Shouldn't assume that OC members aren't biased because they are not on other committees. Should be a system that helps commissions not be biased rather than expecting them not to.

DOR Point of information - rule around commissions not holding other positions arose due to a past trend of EC members writing rules to suit them and then run and abuse loopholes they wrote.

MOC Education Officer is part of multiple bodies so ordinary EC members should be too. Being a EC OCM isn't fun and they need to be included. Running for sab bats is different. Conflicts of interest of being on the EC could be declared.

CW Felt we re underestimating the importance of elections. Whatever about the OC, the EC has to be guaranteed to be separate from everything else. Just because EC loses interpretive powers doesn't reduce importance of their independence. Sabbatical officerships should always be off the charts, there is no way members of either commissions could run and have that be fair. Probably is middle ground to be found that instead of restricting commission members for full terms even if they resign, maybe non-sabbatical roles could be held by commission members if they resign from the commission. Roles cannot be held in duality.

LK Currently no provisions for replacing chair temporarily if they are running for something else. If Chair of Council resigns then there is a loophole. Should be a strong wall of independence between anyone who runs for a position of influence and the people running those elections. Seem to be agreeing that neither OC or EC should be allowed resign and run for other things. Perhaps better idea to start from scratch and redefine commissions into one independent oversight commission and one not necessarily independent one to run day-to-day operations of Council. Would mean removing electoral responsibility from EC and making it a Council Executive. Could be a single body that provides constitutional interpretation and electoral oversight.

CW As a point of clarification, commissions and committees are different things. EC and OC are commissions, committees are everyone else.

YG Day-to-day activity of EC is running elections, either at Council or outside of it. If general interpretation including Schedule 3 is removed from EC then EC members should be able to run for other roles.

MOC Education Officer is the only one guaranteed to have experience in elections so they should be consulted for Schedule 3 at a minimum.

EF Doesn't understand what benefit would be of relaxing restrictions on commissions membership - only weakness. Idea that you are on an electoral commissions at all and don't have an advantage over another candidate doesn't make sense. Lot of practical issues exist. Trying to close "soft" issues around conflicts of interest not beneficial. Wonders what exactly benefit is to opening up membership restrictions.

DOR EC running elections should definitely write election rules. If OC wrote it, that would be executive function which the OC should not have if they are interpreting. EC decisions can be overturned, OC can't. But the OC can also be ignored by Council, no obligation to act on their decisions. Important that Council can do that to keep OC purely interpretive. Could clear up

language around EC to allow them to be appointed rather than elected.

MOC Current way commissions is inappropriate. Friends and housemates are being elected. Large turnoff to running for EC is not being able to participate at Council.

Discussion moved to line-by-line reading of Chapter 5.

DOR Re 5.1.1 a) Chair of Council should be ex-officio title; chair of EC should be primary. Chair of commission is important role and should be semantically recognised.

YG Previous discussion was not concluded and we cannot work on the document until we have concluded it. If people don't want to run for EC then systematic problem exists.

EH Best thing to do is vote on whether we want to move on.

The vote was not carried.

MOC Could jump to 5.15 d).

DOR Could defer discussion on this issue to next week to give people time to think and come back to prohibition issue later in context of rest of Chapter 5.

SE Going around in circles. Those with an interest should submit a paper ahead of next meeting and we can discuss ideas rather than having a conversation about ideas.

EH We will move on with the line-by-line and defer conversation to next week. *Discussion moved to line-by-line reading of Chapter 5.*

DOR Re: 2.1.1 c) No one wants to be biennial members.

MOC Could rename ordinary members to something more attractive.

CW Terms of EC members are defined in 3.6 c). Looks to be a clause that two year members can refuse to take up their second year, but unsure if this has ever been done and if so, whether that enables them to run for things. Might make the role more attractive if this is formalised.

YG Biennial member this year resigned. No one has ever given up the second year, just resigned. People don't want to be on the EC for two years unless they are Chair. Chair from previous year could sit on a non-voting manner to provide crossover experience.

DOR It is fair to say biennial members are superfluous due to unpopularity of even annual positions. On the topic of branding, why don't we have less members and named positions. Why doesn't the EC have an external member like the OC?

LK Don't think we need biennial members, but likes the idea of ex-officio role. Maybe not the Chair staying on, but another President position. Also, two-week resignations should be standard.

YG 4 people is not enough for the EC to carry out all their responsibilities.

People

don't show up so it is always restricted to begin with. External member good idea.

MOC I am the external non-voting member. (*Corrected by chat, not external member.*). Ex-officio role runs risk of bullying situation similar to other ones that have occurred.

CW Called for vote to go in camera.
The vote passed.

BEGIN IN CAMERA SECTION

The vote passed.

END IN CAMERA SECTION

DOR Re: 5.1.2 OCMS on the EC and in general, Council could vote to push out elections to online ones and ratify them after.

MOC Has been discussing this in recent weeks. Think we would lose a lot from moving them online.

YG Nothing saying there has to be 6 Councils, we could do 7. Extraordinary meetings of Council are for other purposes than elections. Also disagrees with moving elections online. Lose a lot by not having people get up in front of Council. Lot of people don't read agenda and do not know what is coming up.

CW EC meeting before Council makes no sense in the context of Secretary doing that.

5. Plan for Acquiring UF Testimony

DOR Felt that in respect to the terms of reference we should consult with the Union Forum. We should assign members of the CRWG to groups of Union Forum UF members to maximize time usage, and bring back particular officers for work on more general issues e.g. Irish.

YG Wouldn't a form be more efficient.

MOC Proper conversations should take place at UF rather than interviews.

LK Could have an open forum separate to these meetings where we get testimony.

DOR Valuable for non-Union background CRWG members to do interviews

as they will get insight that Union members might be blinded too.

EH 17 interviews overall.

SE Requested exemption from interviews due to role as AO.

CW Also requested exemption due to OC checklisting and Council work. **YG** Same.

EH Two people doing each interview. **Chair to make up pairs and assign inter views ahead of next meeting.**

6. AOB

LK Discussion in Slack about pinning down timelines. Need to finalise them.

EH Was talking to Secretary about this. Next week will definitely be Chapter 5 again.

CW Chapter 4 is massive and will need to be split. Council will probably be by itself.

DOR Can Chair and Sec go back and discuss it and bring it to Slack before next meeting?

YG Need time to write as well.

CW Encouraged members to get writing on the review draft. If that is not done this year then we have wasted our time. Has to be done in parallel as we will not have time afterwards.

