

TCD Student's Union 5rd Constitution Review Working Group Meeting

26th February 2021

12.00pm

Online Zoom Meeting

Chair: Eoin Hand, President was on leave and Daniel O Reilly was elected Chair for this meeting.

Secretary: Cian Walsh

Minutes: Cian Walsh, Secretary to Council
Simon Evans, Administrative Officer

1. **Approval of Minutes:** The minutes of Meetings 3 and 4 were approved.

2. **Matters Arising:**

Yanick noted that all Matters arising were on the Agenda of this meeting.

3. **Matters arising from the Minutes:**

Liam Kavanagh enquired as to the case of two Eoins in the interview pairing list. Cian Walsh clarified the pairings.

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

5. **Member Submissions:**

(a) Liam Kavanagh's submission including proposal to replace Chapter 5 – draft wording proposals for EC (electoral commission) and OC (Oversight Commission).

Cian Walsh asked about how internally we can communicate with students.

Liam Kavanagh noted in 1.2 and 1.3a it was everyone's responsibility.

Cian Walsh noted removal of policy after the fact is very difficult and that it is a big step to trust one body with executive power over all policy.. He further commented that Council could make a final call about anything.

Yanick agreed with Liam's document. The move from the EC to CEC is good. The EC must retain the ability to make decisions on Schedule 3. The new CEC must be able to advise and give feedback. Megan agreed and Liam Kavanagh was ok with proposed amendments.

Eoin Forde wanted to know if someone puts a proposal to Council who queries its constitutionality.

Liam Kavanagh noted anyone can submit to the OC - who will review proposals anyway. The OC reports to Council on constitutionality on any proposal.

Under Liam's proposal Council cannot enact a policy without a constitutional interpretation by the EC or the OAC.

The buck stops with the OAC as they are independent. Megan liked the direction this was going but needed a bit of refining. There should be feedback between OAC and CEC on admission of policy.

Liam Kavanagh liked the mechanism for the EC to investigate any issue on policy.

It was noted that we needed to be careful with the use of language with the EC, CEC, OC and OAC.

(b) Cian Walsh's submission. Three strands to move interpretation away from EC to OC.

Leaving the OC with a purely advisory position ensuring their neutrality. A part time external member would be a very good thing and the OC need to create a case record of positions taken to ensure proper records of decisions.

6. Discussion Items

(a) Chapter 5 continued.

Daniel O'Reilly noted that we are nearly finished on Chapter 5. We got as far as 5.1.3 Elections.

Megan agreed with the election of the Chair of Council. We need to agree on how the nomination on Chair of Council was done.

Cian Walsh noted possibility of Council overruling EC preference for Chair.

Yanick stated a member can be nominated but experience was important especially constitutional knowledge.

Megan felt that applications could be made by or via the EC.

Daniel O'Reilly recommended that Megan make a proposal on this point and that 5.1.4 referring to the EC meeting before Council should be removed.

Cian Walsh stated we should not rush this, and submissions can be made on this issue. Members should make their written submissions on 5.1.4.

5.1.5. Duties of EC

Much of this is covered already.

5.1.6 Prohibitions of EC

Megan felt we should provide for EC members on other committees as non-voting members.

Eoin Forde wants to allow people in the EC to be involved in other areas of the union. Being involved in the EC should not prevent EC members from being involved in other committees. Megan noted that this was possible but in attendance only and Cian Walsh agreed with this. He also noted that members of the EC who have resigned should be able to run for another position.

Liam Kavanagh felt a member of the EC should not be allowed to resign and then run for a position. The independence of the EC should not be jeopardized. Megan felt that EC members should be able to run for positions at the last council of the year only.

5.2 The OC

5.2.1, 5.2.2 and 5.3.3 were all ok.

5.2.4 Minutes of the OC. Cian felt that all OC meetings should be in camera as there was lots of disputed issues including personal matters. If necessary written reports could be

given to Council. Megan agreed with this. Cian pointed out that reports do go to Council. The OC should also publish a list of decisions made and a case log (private) may also be kept.

5.2.5 Duties of OC

Cian noted the OC often needs to consult with an officer in the course of investigations and their only executive power should be to compel officers to assist.

5.2.6 Prohibitions of the OC

Megan noted there was similar issues surrounding this as with the EC section, but for different reasons.

Chapter 6

Resignations from Office: Look at moving resignations to Chapter 3. Megan agreed with the move and a minimum period of notice of resignation.

Cian Walsh stated that members who resign should also be able to run for other offices and the two-week minimum notice period is unenforceable and as such there is no point in a notice period.

Liam felt there should be a two-week notice period.

Removals from Office: Daniel O Reilly felt that removal was not the same as impeachment. Cian Walsh agreed. Liam Kavanagh agreed with structure of change. Rules surrounding impeachment are scattered throughout the constitution and should be put in the same place.

6.2.2. Faculty Conveners

Daniel O Reilly noted the General Officer is not specified in the constitution and is a holdover.

6.2.3 Impeachment of a Member of a Union Body

6.2.4 Impeachment of a School Convener.

Cian Walsh questioned whether School Conveners should be impeached by their full representative cohort rather than just reps. Daniel pointed out that this would differ from the common procedure of all officers being impeached by their constituency. Megan agreed that class reps are more answerable than Conveners. Daniel felt that there was no way for the OC to recommend action on Conveners which may need to be reconsidered.

6.2.5 Class Rep Impeachment

6.3 Censure

Liam Kavanagh felt that this did not make sense and should be removed.

Cian Walsh responded that it does fulfil a purpose as an alternative to impeachment and the action of censure should be punishment enough.

Chapter 7 Voting, Elections and Referenda

7.1 General Electoral Regulations

Yanick noted a decision could be reached on election rulings and that there was a conflict between the constitution and the schedules here and that there is no direction given in relation to a direct tie in an election situation. He also noted that faculty assembly choose using EC to run faculty elections rather than the EC being mandated to do so and that the SU needs to be consistent.

Daniel O Reilly on a point on info that schedules cannot supersede the Constitution.

Cian Walsh corrected that it does not state anywhere that this is the case. Daniel withdrew the point of information.

Luke Kavanagh 100% agrees with Yanick - our regulations were all over the place.

Schedule 3 Campaigns and Elections

Eoin Forde: Single Transferable Voting System issue – we technically use IR. Cian Walsh responded that IR and STV are mathematically identical in one-seat elections.

Megan noted the union uses the PR (Proportional Representation) voting system, PR is not a voting system in referenda.

7.1.1. Elections and Constituencies

Liam Kavanagh wanted a formal statement on the operation of PR in class elections. Schedule 1 has not been updated. Yanick noted that we need data on Courses and numbers of students and we need to minute and record this data. Cian Walsh said like Sch 1 lots of discussion on this and it was very difficult to set precedent because of all the courses and sub courses represented in different specialties, particularly in HS. The process needs to be very robust and there are many variants.

Daniel O Reilly also felt the loopy goosyness in Schedule 1 has proved very useful.

Megan agreed with Dan - we need to consult with the Schools and we need to amend this every year. This area is very complex with close working required with Academic Registry and the Academic Secretaries office. This is an active process with lots of input and we need to be able to change it every year.

Daniel O Reilly wanted an action point to ask faculty conveners to consult their cohorts.

Megan did not agree – we need to consult with College.

Chapter 7 needs to be finished.

Cian Walsh also called for submission on alternative voting systems.

Daniel O Reilly then brought the meeting to an end.

Signed:
Eoin Hand
SU President



Date: 6.4.21