

**Date:** 14 March 2016

**Time:** 10.20PM - 11.20PM

**Venue:** Classroom 14

**Note-Taker:** Adam

**Chair:** Patrick

**Attendance:** Patrick, Adam, Sharlene, Gin, Shreyasa, Glen (late), Erika (late)

**Absent:** Elson, Jocelyn (both with apologies)

**Agenda:**

- Setup lunch sessions to talk to public about Judiciary
- Discussion on Guidelines and Procedures drafted by Chief Justice
- Have printouts for Judiciary
- Put someone in charge of the monthly reports about Council
- Put someone in charge of recommended changes to Constitution
- Comments on Council meeting held on 11 March.
- AOB

**Summary:**

In this meeting, the Judiciary considered whether the Guidelines and Procedures document prepared by the Chief Justice is a “legal memorandum” defined under Article V, Section 3, Paragraph 5 of the Constitution. This was approved by the Judiciary, and the document will be released by the Chief Justice to the student body shortly. The Judiciary also considered whether the Constitution mandated that Standing Committees, as defined in Article IV of the Constitution, are required to take and publish detailed meeting minutes. The Judiciary agreed that there is no Constitutional requirement for Standing Committees to do so, but the Chief Justice will advise the Council to take and publish detailed meeting minutes in the interest of transparency and accountability. This is not a legally binding decision.

| Agenda   | Discussion Points  | Action |
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| Setup lunch sessions to talk to public about Judiciary           | <ul style="list-style-type: none"> <li>● Patrick: One weekday per week.</li> <li>● Adam: Do all of us have to be present? <ul style="list-style-type: none"> <li>○ Patrick: No.</li> </ul> </li> <li>● <i>Glen arrives at the meeting.</i></li> <li>● <b>Adam: Motion to table this to the next meeting.</b> <ul style="list-style-type: none"> <li>○ 6 in favor, 0 against, 0 abstentions, motion passes.</li> </ul> </li> </ul>  |        |
| Discussion on Guidelines and Procedures drafted by Chief Justice | <ul style="list-style-type: none"> <li>● Patrick: Will change date format so it is unambiguous.</li> <li>● Shrey: Information not included about what happens if the suit involves someone from the Judiciary. <ul style="list-style-type: none"> <li>○ Patrick: Will add something about that. Members of Judiciary must declare conflicts of interest.</li> </ul> </li> <li>● Patrick: Under Section 6, if Constitution is unclear, we default to Article IX. <ul style="list-style-type: none"> <li>○ 2/3 majority of the Judiciary, according to Article IX, refers to 2/3 of the participants of a meeting.</li> <li>○ We can approve the decision with just the members present at the meeting.</li> </ul> </li> <li>● Patrick: Is this a decision by a Judiciary or a “verdicts, memorandums and opinions on legal matters pertaining to the Constitution and Bylaws”? (Article V, Section 3).</li> <li>● <b>Patrick: Motion to consider the Guidelines and Procedures document a “legal memorandum” of the Judiciary.</b> <ul style="list-style-type: none"> <li>○ 6 in favor, 0 against, 0 abstentions, motion passes.</li> </ul> </li> <li>● Adam: This means that the Chief Justice can release the document without the need for the rest of the Judiciary to vote on it.</li> <li>● Patrick: We need to consider the Google form as well. <ul style="list-style-type: none"> <li>○ Glen: Do people need to state their name or can the submit a complaint anonymously?</li> <li>○ Patrick: Do we agree that complaints cannot be anonymous? <ul style="list-style-type: none"> <li>■ At some stage we need to know who submitted the complaint to carry out the process.</li> </ul> </li> </ul> </li> </ul> |        |

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|  | <ul style="list-style-type: none"> <li>○ Shrey: When you say “legal basis”, do you mean the Constitutional basis for your suit. <ul style="list-style-type: none"> <li>■ Patrick: Will type a “hint text” in the Google form to elaborate.</li> </ul> </li> <li>● <b>Patrick: Motion to approve the Google form for complaints.</b> <ul style="list-style-type: none"> <li>○ 6 in favor, motion passes.</li> </ul> </li> </ul>   |  |
| Have printouts for Judiciary                                 | <ul style="list-style-type: none"> <li>● Patrick: We need to have some information printout about the Judiciary? <ul style="list-style-type: none"> <li>○ Shrey: Is is what we have in the Constitution?</li> <li>○ Patrick: Yes, but in a more accessible language.</li> </ul> </li> <li>● Patrick: We put the last two pages of the Procedures &amp; Guidelines document in the handout.</li> </ul>  |  |
| Put someone in charge of the monthly reports about Council   | <ul style="list-style-type: none"> <li>● <b>Adam: Motion to table this to the next meeting.</b> <ul style="list-style-type: none"> <li>○ 6 in favor, 0 against, 0 abstentions, motion passes.</li> </ul> </li> </ul>   |  |
| Put someone in charge of recommended changes to Constitution | <ul style="list-style-type: none"> <li>● <b>Adam: Motion to table this to the next meeting.</b> <ul style="list-style-type: none"> <li>○ 6 in favor, 0 against, 0 abstentions, motion passes.</li> </ul> </li> </ul>   |  |
| Comments on Council meeting held on 11 March.                | <ul style="list-style-type: none"> <li>● <b>Glen takes over taking minutes</b></li> <li>● Adam: There are things that will need legal clarification <ul style="list-style-type: none"> <li>○ Inclusion of DoS liaison <ul style="list-style-type: none"> <li>■ Does the constitution disallow that position? <ul style="list-style-type: none"> <li>● Article III Section 2 <ul style="list-style-type: none"> <li>○ Patrick: Council has no right to make the DoS do anything, but there’s nothing stopping the DoS from doing something if they want to.</li> </ul> </li> </ul> </li> <li>■ What does the liaison do?</li> </ul> </li> </ul> </li> </ul> |  |

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|  | <ul style="list-style-type: none"> <li>● DoS sends a representative to the Council</li> <li>● DoS and Council can't agree on the role of the liaison</li> <li>■ President &amp; Vice-President of the Council will determine the structure of the position</li> <li>■ Is it <i>problematic</i> if Council is only communicating with one person?</li> <li>■ Nature of role will be up to future councils. No precedent set with this.</li> </ul> <p>○ Whether standing committees are required to take detailed, itemised minutes</p> <ul style="list-style-type: none"> <li>■ Council agreed that standing committees only need to come up with action items</li> <li>■ Council claims Constitution does not require standing committees to take detailed minutes <ul style="list-style-type: none"> <li>● Patrick: It is worrying that they don't have to take minutes, but nothing in Article IV requires them to do so</li> <li>● Shrey: What if there is a suit against the standing committee? Without the minutes there is no reference point for what actually happened leading up to actionables (likened to an eyewitness in a case)</li> <li>● Erika: No good reason to NOT have minutes</li> <li>● Patrick: Is there a constitutional way to enforce them taking minutes?</li> <li>● Council believes that it's easier to not take minutes, and the constitution doesn't explicitly require it <ul style="list-style-type: none"> <li>○ Council suggests summarised minutes to be taken, without requirements to publishing said minutes externally but to be shared internally, subject to exceptional cases <ul style="list-style-type: none"> <li>■ Opposing spirit of transparency?</li> </ul> </li> </ul> </li> </ul> </li> </ul> |  |
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|     | <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>■ Patrick: Article III Section 2, Council should be upholding principles of transparency and accountability in its processes and actions.</li> <li>■ Glen: The standing committees are under the auspices of the Council, so the Council should be responsible for upholding said principles of transparency and accountability</li> <li>■ Patrick: We will issue a statement of advisory/comment. We cannot bind the Council to do anything without a suit.</li> </ul> </li> </ul> </li> <li>● <i>Erika arrives at the meeting.</i> <ul style="list-style-type: none"> <li>○ <b>Adam: Motion for Chief Justice to issue advisory statement on behalf of the Judiciary to the Council</b> <ul style="list-style-type: none"> <li>■ 7 in favor, 0 against, 0 abstentions, motion passes.</li> <li>■ Patrick will send statement, Judiciary deadline to comment by Wednesday.</li> </ul> </li> <li>○ Does the Council need to set a baseline number of votes in favour to pass mascot ratification vote? <ul style="list-style-type: none"> <li>■ Nothing in the constitution mandates this</li> <li>■ Mascot ratification is essentially a survey, so they don't actually need a specific number.</li> <li>■ They can set whatever they want.</li> </ul> </li> </ul> </li> </ul> | <p><b>Patrick</b> will write an advisory statement regarding this and send to the Council.</p> |
| AOB | <ul style="list-style-type: none"> <li>● Shrey: Are we meeting every Monday now? <ul style="list-style-type: none"> <li>○ Patrick: We'll see depending on people's schedule. Schedule in, if nothing then we cancel.</li> <li>○ Adam: Is the default position on or cancel?</li> <li>○ Patrick: On.</li> </ul> </li> </ul>   |  |

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|  | <ul style="list-style-type: none"><li>○ Shrey: Doodle says Mon, Tue, Wed 10PM are the best time.</li><li>● Patrick: We need to make one time this month that everyone can meet.</li></ul> |  |
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**Agenda for our next meeting:**

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**Reminders/ Updates:**

- Sign up on Shrey's schedule for attending Council meetings.