

# Graham Hayes

## Chair of Student Council

—  
graham@hayes.ie

---

18 DECEMBER 2023

President of TU Dublin Students' Union

Dear Mr Jordan,

At our last Student Council meeting (12th December) the council voted and passed an amendment to the schedules "Amendment to Schedule E of the New TU Dublin SU Constitution" that was brought forward to allow the union to pay Part Time Officers (PTOs).

In our subsequent communications you asked about this being a retroactive implementation, and I in my role as chair, expressed that I did not have the understanding that this amendment allowed for retroactive changes to the position. You requested a formal interpretation, which I am now enclosing here.

Schedule 6.1 at the time of the current officers election read:

***6.1 This is an elected representative role for which students act on a voluntary basis***

The amendment changed this to:

***6.1 This is an elected part-time Officership position, where at the annual discretion of the Board of Directors of TU Dublin SU CLG, a stipend may be paid to the officers, ....***

This clearly shows the intent of the constitution at the time it was initially passed, and what was in effect at the time of the officers nomination, election campaign, and subsequent election was that this was an unpaid position.

Additionally, this amendment does not include and Ex Post Facto (retro active) language to allow for the initial intent to be overridden.

Ireland does allow Ex Post Facto laws in limited cases, but these have to be explicitly stated in the law.

Any mitigating factors are excluded, as the constitution was freely available for all PTOs before they proposed themselves as candidates, and all members of the union have the right of interpretation from the Chair of Student Council if this was unclear. Any change to the constitution was not guaranteed, and as such no payment should have been expected.

Based on the above, the chair of the student council's interpretation is that, constitutionally, officers cannot be paid for work performed in their role as a PTO before the 13th December 2023.

Sincerely,

**Graham Hayes**

