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EUROPEAN  
FEDERALISTS

## JEF Europe Federal Committee Online 5 November 2023

### Minutes

#### 1. Start of the FC and formalities

##### 1.1 Code of Conduct and Gender watch

Judit Lantai presented the JEF Europe Code of Conduct. Judit Lantai and Antonio Argenziano were introduced as the Code of Conduct contact persons for the meeting. Christelle Savall records the Gender Watch.

##### 1.2 Declaration of votes present (roll call)

34 votes were present. Quorum was reached.

##### 1.3 Confirmation of chairs of the FC Online

Laura Gaissmaier was confirmed as the chair of the meeting.

##### 1.4 Election of tellers

Melanie Thut and Judit Lantai were elected as tellers without objections.

##### 1.5 Adoption of the agenda and timetable

The draft agenda was adopted without objections.

#### 2. Assessment of request for dismissal of an elected official

**Laura Gaissmaier** (Presidium):

- JEF Europe should be a safe space for everyone to participate in. As the Presidium, I reserve the right to cut you off. No statements should be made that could hurt

anyone. Please use the online “Raise hand“ button to ask for the floor and I will give you the floor in the order the requests arrive.

- First, the hearing committee will provide an overview for 5-10 minutes. Then, we move on to questions and answers part of the meeting, followed by voting.

**Juuso Järviemi (EB):**

- This is a brief overview: it does not contain everything that the written report does. We recommend you to look at the written report for the detailed overview.
- The Federal Committee meeting has the serious responsibility and duty to decide on whether to issue a formal warning. The hearing committee did not create a recommendation on how the FC should vote.
- The aim was to have an overview of what happened, and to share the information that the hearing committee had received. The hearing committee did not produce an assessment of the factual claims made by the parties.
- We did not act as a court. We had no tools or a mandate to determine who is telling the truth.
- The hearing committee did not make a request for specific documentation to be provided to it. The hearing committee depended on the information that each side chose to submit, and did its best to recount this information in the hearing committee’s report.

**Robin Mudry (EB):**

- Emphasises that the hearing committee is not a tribunal, and therefore did not serve as one. The issue must be treated delicately.
- We had to come up with solutions that respected the requests for anonymity from both sides.
- The request for dismissal was an issue brought to JEF Europe that could not be put aside. JEF Europe in the future will have to clarify more precise procedures for such cases.
- The EB of JEF Europe tried to get the clarifications necessary for the procedure to be in line with the JEF Europe Statutes by way of sending a list of questions to the Arbitration Board. Both these questions and the Arbitration Board’s answers were reproduced in full in the hearing committee’s report.
- The person reporting the case requested previously that only Ophélie and Kati would be involved out of the Code of Conduct Permanent Contact Persons of JEF Europe. Kati excused herself due to standing for elections. Therefore we went with another solution, putting together a body consisting of the EB, the FC Presidium, the Arbitration Board and the Permanent Contact Persons.

**Juuso Järviemi (EB):**

- One of the national sections (mentioned during the meeting) brought a report, which was validated by the person reporting the case. The JEF Europe officer prepared a written report responding to the section’s report.
- A preliminary hearing was held with the presence of both the reporting party represented by the safe person of the section on the one hand, and the reported party on the other hand.

- The document was shared with both parties for feedback. The feedback was incorporated into the final report. The final version was shared with everyone who is present tonight.
- A reminder that the full details are included in the hearing committee's report.

**Laura Gaissmaier (Presidium):**

- Clarifies how the Q&A will work. The hearing committee will answer questions as both parties requested anonymity. Clarifies she has the right to cut microphones if the rules or the meeting are not respected.

**Annemarie Hertner (FC):**

- (Question of clarification related to the content of the reports submitted by the hearing committee. Not minuted in more detail)

**Juuso Järvinemi (EB):**

- (Response to Annemarie's question)

**Daniel Schäfer (JEF Belgium):**

- We are doing a vote for the official warning, not a dismissal. Could you detail what this involves?

**Juuso Järvinemi (EB):**

- Makes reference to Article 22(b)(viii) of the Statutes. The formal warning at the previous FC is what is currently discussed.
- The further implications were part of the discussion with the Arbitration Board, and there is more elaboration in the hearing committee's report.
- If the formal warning is given, only then is it possible to vote for dismissal. If no warning is given, there is no further implication.

**Laura Serrano (JEF Spain):**

- Question about evidence: How can we ascertain that the events actually took place?  
Second comment: The report was a bit hard to understand, with all the footnotes.

**Robin Mudry (EB):**

- We are not a tribunal, we are not establishing if it is true or not.

**Juuso Järvinemi (EB):**

- The footnotes arise from the comments that we invited from the parties on the draft report. After producing the draft report, we gave one day for the parties to make any corrections or additions.
- We received comments from both parties, and reflected these by way of footnotes. The footnotes indicate which parts were added to the report based on request from the parties, and contain the requests for additions.

**Maija Maunu (AB):**

- From page 16 onwards in Part 2 of the hearing committee report, we reflect on the question of lack of information, what's the right place to assess the factual claims,

and what's the burden of proof required. These things are key considerations in today's voting.

**Marie Pouliquen (FC):**

- For the purpose of clarity, why were the original documents received by the hearing committee not shared further?

**Juuso Järviemi (EB):**

- This was requested from us. However the decision of the hearing committee as well as discussed in an EB meeting was that the report would incorporate the information received from the written submissions.
- In both reports there are parts that don't respect the anonymity and dignity of the parties involved. There were for example the names and pictures of people involved, names of universities where these people studied. (Other elements were mentioned in the meeting, but not minuted.)
- We have quoted quite extensively, so you'll see many parts from the original documents. It's also for the sake of brevity: by including the original documentation, the hearing committee report would have been even longer.
- If original documents had been used, these would in any case have required severe redacting.

**Mirko Ondráš (JEF Switzerland):**

- Wouldn't it be useful to share the procedural remarks made in the hearing committee's report with the wider JEF Europe network in order to have a discussion about the future handling of such cases and its possible statutory and procedural clarifications?

**Robin Mudry (EB):**

- Indeed. Such a step is envisageable and the hearing committee could rewrite or extrapolate the necessary passages for a wider audience.

**Juuso Järviemi (EB):**

- The exchanges with the Arbitration Board were recounted in the hearing committee's report, with full quotation of the AB's responses. Moreover, the full exchange was made available to the FC separately.

**Moritz Schleicher (FC):**

- Why was the Federal Committee not included from the beginning in the process of the hearing? This point is important to ensure the legitimacy of the hearing committee, and of the process, also in case there were a legal case.

**Juuso Järviemi (EB):**

- Recaps the procedure as described in the report. Given that the Statutes are not clear on the point, the EB asked for an interpretation to the AB and, based on the answers and the situation of the Code of Conduct Contact persons, it came up with a very detailed and reported process.
- As the hearing committee report describes, the EB did not wish to bring the debate to a wider forum. There is an interest in having the hearing as a smaller, closed

meeting. This is to the advantage of the dignity of the persons involved, and indeed during the hearing meeting, the section's representative expressed that it's preferable that few people know and handle the case.

**Maija Maunu (AB):**

- The statutes don't specify who sits in the hearing committee. The exchange is detailed in the hearing committee's report. (Further description of the composition of the hearing committee, drawing from justifications presented in the hearing committee's report.)

**Robin Mudry (EB):**

- The judicial process was not used, and mediation also was not found possible. As the report points out, not all of the events described in the report were not in the framework of JEF, which further raises the question of which institutions are responsible. In the end, the issue was brought to JEF Europe, and finally, the decision taken was that the urgency was such that we needed to deliberate on the issue.

**Juuso Järvinemi (EB):**

- (Provides more justification for the composition of the hearing committee, using explanations also provided in the hearing committee's report.)

**Moritz Schleicher (FC):**

- Why was the set-up of the hearing not decided by the whole FC, to ensure legitimacy for the case?

**Juuso Järvinemi (EB):**

- Repeats earlier points. On the consultation of the FC, as a part of the calling notice to the FC, it was communicated that a hearing committee consisting of multiple JEF bodies is to be convened. The committee was formed only thereafter. There was an invitation for an FC Presidium member to join, and indeed a member joined.
- On the possibility for FC to intervene, this may not have been explicitly mentioned in the email, but indeed the hearing committee was not formed at the time of the initial notice.
- On the legitimacy of the hearing, the Statutes define that the hearing must be fair. The hearing has been described in the report. Throughout the process - both before, during and after the meeting - procedural accommodations were made in accordance with the requests made by the parties. If JEF Europe has to defend itself, it has ample material to show that a fair hearing was conducted.

**Daniel Schäfer (JEF Belgium):**

- Moritz mentioned that there is a possibility for a legal case to be opened. Can we issue a warning and then not remove the person from the FC? Have other options about how to deal with the process been explored? He doesn't feel comfortable with the current procedure, and making a decision either for or against yet.

**Mădălin-Cătălin Blidaru (JEF Romania):**

- Also feels not completely comfortable with the procedure followed; too many uncertain points. JEF should strengthen these mechanisms for the future and clarify procedures to be followed. There is no actual question.

**Annemarie Hertner (FC):**

- Do we have a definition of what constitutes severe misconduct? Do we need to have a certain amount of evidence to assess that? The “accuser” provided one page, the “accused” over 20. How can we be sure that we have enough elements to assess the warning and ensure JEF integrity?

**Juuso Järviemi (EB):**

- A formal warning does not lead automatically to a dismissal. The discussion will happen again in the outgoing FC in Madrid. No further specification has been requested of the AB.
- The article referred to by the section is Art. 22 and it refers to severe misconduct. There has been no room for a mediation process. Art. 42 is about the removal from office of an elected or appointed officer by qualified majority vote, but a process under this article was not considered.
- There is not a definition of serious misconduct in the statutes. The Code of Conduct does not refer to that either, even if the Code of Conduct lists certain behaviours that are against the Code of Conduct.

**Robin Mudry (EB):**

- These are difficult questions and tonight we are setting a precedent. We have an urgent need to define a procedure in the future. There was no time or possibility to explore different procedures. In one of the last meetings, a mediation process has been discussed, but still it was not possible to follow that path.
- The committee tried to be as fair as possible and it is not suggesting any conclusion, appealing to the knowledge and conscience of the FC members to express a position.

**Laura Serrano (JEF Spain):**

- Still struggling to understand what happened. There is a one page document from the “accuser” with no proof, and 20+ from the accused. Why can’t we have access to further proofs, as they are key information?

**Moritz Schleicher (FC):**

- There are legal descriptions of serious misconduct and the case, if true, falls into the definition. It is up to us, with the document presented, to decide if the serious misconduct has happened with high probability. If the warning is assessed, the identity of the accused would be revealed.

**Laura Gaissmaier (Presidium):**

- Asks to address a clear question.

**Moritz Schleicher (FC):**

- Says he is making a clarification point. If the identity of the accused is revealed, there will be legal consequences as their reputation will be affected.

**Maija Maunu (AB):**

- In the first report there are not a lot of details and there has been a discussion about it in the hearing committee as well. When it comes to further details to be shared, as Juuso said, they were not considered as appropriate to be shared because they would have clearly given out the identity of the people involved. Moreover, in each document, language was used that the hearing committee did not find appropriate to share as is under our name.

**Juuso Järvinemi (EB):**

- On the length of the documents, there were not specific requests on length or details to be provided. The section and the officer provided documentation on their own terms. The documents from the officer were not shared with the section either before or after the hearing. Besides this question, other aspects raised have been exhaustively discussed.

**Marie Pouliquen (FC):**

- Who decided that it was not proper to share all the 24 pages documents from the “defence”? We don’t have an agreement on the fact we are supposed to have a decision on: is that statement correct?

**Judit Lantai (EB):**

- I want to make a comment as I have been involved in the procedure. ‘Evidence’ in such cases is often hard to find: this is not a money-laundering case where all the documents are available. Most of the comments are about the procedure, and I want to change the focus on the persons involved. In particular there is a person who has been affected.
- Judit describes her interaction with the case, and says she has no doubts that there was a reason why such a reaction came to be.
- This also does not automatically mean however that the person inflicting an impact were or are in full understanding of the impact of their actions. This is what makes it complex. We don’t have to take a side based on proof, as we are not in a court; that’s not what we are discussing here today.

**Maija Maunu (AB):**

- The final decision not to share the initial documents in full came from the EB, according to the feedback of the hearing committee. We are not in a place to say which perspective is the right one. Our role is very difficult and discussing it is part of the process itself. The case has been paraphrased addressing all the relevant info, keeping though anonymity.

**Juuso Järvinemi (EB):**

- On October 24, in the evening, there was a hearing committee meeting followed by an EB meeting. There, the whole EB was given an update on the situation, and it was agreed that the hearing committee would create the written report, and it would incorporate the written submissions. The hearing committee received the submission from the officer, and the submission was not shared with the EB. It would be fair to

characterise that the hearing committee and the EB were in agreement that this was the right way to go.

- The alternatives were the solution presented, or the conveying of documents that would have been redacted in several parts. I believe the current option is equally informative for the FC, if not more.

**Robin Mudry (EB):**

- Tonight we are not establishing if all that has been reported is true or not. On that, it has been clearly assessed, there is no formal recommendation from the hearing committee. If we accept the legitimate premise of there not being enough evidence or information to make a decision, then this is part of the decision.

### **3. Vote on a formal warning to an elected official**

**Laura Gaissmaier (Presidium):**

- The vote will happen online and Judit will explain how. The choices are among “in favour” of the formal warning, “against” it, or abstention. As the kind of majority required is not stated in the statutes, simple majority is foreseen. The vote passes if the majority of the votes casted are in favour. If the vote is in favour, the name of the officer will be included in the minutes. If not, the procedure is closed.

**Judit Lantai (EB):**

- The platform “Election runner” will be used for the vote. Votes can be casted via email. The email will be launched at the same time. The vote is secret and only the tellers will see the percentage of votes. It won't be possible to track how people voted. Melanie and I will move to a different room, they will check and validate the results and then will be back to give the result.

**Laura Gaissmaier (Presidium):**

- Reading Art. 22(b)(viii): Dismissal happens through qualified majority voting (QMV) in the FC. For the formal warning there is no majority specified. Art. 2a RoP states that if not specified otherwise, vote is by simple majority.

**Kalojan Hoffmeister (FC):**

- Surprised there is a differentiation about the warning and the dismissal as they both refer to serious misconduct. He thinks in both cases QMV applies.

**Maija Maunu (AB):**

- Cannot give an official interpretation from the AB, but in art. 39 about voting majority says that any vote in bodies of the organisation should happen by simple majority if not specified otherwise. The AB would have to be consulted in order to receive an official interpretation.

**Moritz Schleicher (FC):**

- In the questions reported in the hearing committee report, the EB asked about the matter to the AB by proposing a QMV. AB in his opinion said that QMV is required. Suggests, then, to follow QMV.

**Maija Maunu (AB):**

- Asks for some time to go through the assessment again.

Short pause to check.

**Maija Maunu (AB):**

- In her opinion that was not the assessment of the AB that she drafted personally. It only specifies there is the need for a fair hearing and for a formal warning.

**Juuso Järvinen (EB):**

- On the reading of the Statutes the formal warning happens at a previous FC meeting than the dismissal is at QMV. Regarding the EB's contact to the Arbitration Board, I don't think the basis for the voting rule comes from prior correspondence that the EB has sent to the AB: drawing our basis for the voting rule from there would be incorrect. By clarifying the voting rule before the casting of the vote, we can avoid any confusion.

**Laura Gaissmaier (Presidium):**

- The EB asked the AB but there is not any specification about QMV in the answer. The Presidium decides in this case. Her interpretation is that QMV applies to the dismissal and not to other situations, according to the Statutes. The vote is, then, by simple majority.

**Annemarie Hertner (FC):**

- The French version of the Statutes does not match with the English on that point, but refers to extended qualified majority.

**Laura Gaissmaier (Presidium):**

- Checking. The French Article 22(b)(viii) lays out the same rules as the English version.

**Kalojan Hoffmeister (FC):**

- Here we are to decide if we are assessing a serious misconduct and, in that case, it applies to a QMV case.

**Laura Gaissmaier (Presidium):**

- The vote is on a formal warning. The article doesn't specify a voting process for this, so when a voting process is not specified, it has to be by simple majority. The vote is then open.

**Judit Lantai (EB):**

- Vote is concluded by 20:50 CET. If any issue occurs, ask to be contacted via email.

**Judit Lantai (EB):**

- Vote is concluded. Going to a breakout room with Melanie to check the results. The meeting will start again at 20:55 CET.

The meeting starts again at 20:55 CET.

**Judit Lantai** (EB):

- The result is that the FC is issuing a formal warning to the officer.

**Laura Gaissmaier** (Presidium):

- The procedure will then continue in Madrid during the outgoing FC meeting and the minutes will be shared as soon as possible.

*Note for minutes: The initials of the JEF Europe officer on whose formal warning the Federal Committee voted are K.H. The name of the officer was not disclosed during the meeting.*

**Decision:** A formal warning has been issued to an officer (K.H.) of JEF Europe during this online FC meeting.

#### **4. Closing of the FC**

Laura Gaissmaier thanks everyone for the participation and closes the meeting at 20:57 CET.

Gender watch for the meeting was 57% women, 32% men, 11% other/prefer not to say.