

Board of Directors | Conseil d'Administration

Tel: (514) 398-6800 | Fax: (514) 398-7490 | board@ssmu.ca

3600McTavish St., Suite 1200, Montréal, QC, H3A 0G3

Located on Hmu.ca

Board of Directors | Conseil d'Administration

Tel: (514) 398-6800 | Fax: (514) 398-7490 | board@ssmu.ca

3600McTavish St., Suite 1200, Montréal, QC, H3A 0G3

Located on Haudenosaunee and Anishinaabe, traditional territories

9



The Chair clarifies that interpretations of the MDA should be conducted by the SSMJ's legal counsel.

Director Wan states that there have been no motions that have garnered this much student engagement this year, and they have had constituents reaching out to them with concerns. As such, he believes that the Board has a duty to protect the SSMJ even if some of the situations are hypothetical. He further states that they are unsure why it would be an issue to have this motion and the MDA reviewed by the SSMJ's legal counsel and ask Directors to speak more on this matter.

Director Smith explains that he appreciates student involvement, but that the Board should not pass anything that runs the risk of an MDA violation.

Question:

Director Smith asks the General Manager and Director Earle how long it would take to review this motion with legal counsel.

Answer:

Director Earle responds that this could be completed prior to the next Board meeting.

Director Earle states that the SSMJ has not been found in default because the MDA has a clause that first encourages informal resolution of disputes, so they warn against using a broad statement that the SSMJ could never have been in default. They agree with Director Wan and Director Smith that the Board should be proactive, and not wait for a perceived violation of the MDA to act on this.

Director Earle moves motion 7a. Director Smith moves that the Board postpone motion 6a should these items pass.

The motion is postponed.

7. Motions for Approval

- a. Motion to refer the Motion Regarding the Adoption of the Divest for Human Rights Policy 2021-02-16 to the Judicial Board for SSMJ constitutional compliance, postponing Board approval until the Judicial Board has provided a response --

APPROVED

Director Marpole suggests postponing sending this motion to legal counsel until the Judicial Board has provided a reference, to avoid committing unnecessary funds. Director Frizzle states that sending this motion to the Judicial Board will take a significant amount of time, up to a month. Director Earle agrees that this sounds appropriate.

Question:

Member of the gallery, Andreas Koch asks what possible constitutional violation there could be, as the motion targets a group of companies specifically.

Answer:

Director Earle responds that they would like to see if the motion as a whole violates any part of the constitution as this has not yet been reviewed by the Judicial Board. While the Steering Committee has reviewed the motion, this is not equivalent to a reference from the Judicial Board.

Director Smith states that they would rather send this motion to legal counsel first, to avoid a month long process being overturned by a potential violation of the MDA.

VP External states that it is important to point out that the MDA preventing the SSMU from violating its own Constitution does not give the University reason to adhere to any of its determinations, and these decisions would not prevent the University from alleging a violation of the MDA. Given that this discussion has been centred on the actions of the University, they do not see that an argument based on limiting this eventuality holds. Director Frizzle explains that there has been no answer to the question of how this motion could violate the Constitution. They state that they understand why the Board wants certainty, but sending this policy to the Judicial Board would delay this motion by many months. If the Board cannot point to a specific part of this policy, they believe that it is unreasonable to refer this motion to the Judicial Board. They note that the Judicial Board reference recently received

exte f

trsp a bl m trnt e r t r p l d v b s r t

Director Marpole states that they would like to avoid spending more money on legal fees as the Board has already exceeded its professional services budget for the year. Director Earle agrees.

This item becomes 7.b.i.

- i. Motion to posth

Es