

# STUDENTS' SOCIETY OF MCGILL UNIVERSITY JUDICIAL BOARD 2021-04-14<sup>1</sup>

Reference re Applicability to the Society's Services of the 2016 Reference re Legality of the BDS Motion and Similar Motions

#### **PARTICIPANTS**

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#### Petitioner

and

(1) Students in Solidarity for Palestinian Human Rights McGill

(2) Union for Gender Empowerment

Intervenors

#### **TYPE**

Final Judgment

**JURISDICTION** 

#### REASONS FOR JUDGMENT

THE SSMU JUDICIAL BOARD [2020-2021] - UNANIMOUS

University Affairs.

of Directors on March 8, 2021. Upon an informal request for clarification, the Judicial Board submitted a revised copy to the Board of Directors on April 14, 2021.



## Executive Summary<sup>3</sup>



the 2016 Reference and the 2021



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[2]



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- [5] In January 2019, the then-President of the SSMU, Tre Mansdoerfer, filed a petition to the Judicial Board seeking clarification on whether Queer McGill or any other SSMU Service could adopt a stance on the BDS movement.
- [6] Another petition related to the 2016 Reference was filed in August 2020. The Board decided it should logically be heard before the present reference, since it asked the Board to reconsider the soundness of the 2016 Reference, while the present reference solely challenges the entity to which it applies. The pandemic and an insuffshouen9v70 1 72.024 616.42 Tm0 g0 G[(p)-4(e)-3(ti)4(ti)-5(on t)-2(o)] TJETQq(mbQq0o(ti) ju.04 Qq4(ti)-4(e)-3(ti)4(ti)-5(on t)-2(o)]



[11] The Union for Gender Empowerment (UGE), an Intervenor, remarked on its mandate to provide an anti-oppressive environment and peaceful means of advocacy. It was further mentioned that the actions of the Israeli government negatively affect students at McGill; thus, it is necessary for Services like the UGE to engage in such advocacy.

#### Issues

- [12] The Board considered the following questions:
  - [a] Can a SSMU Service have a position on the BDS movement?
  - [b] Can the SSMU compel Services to take a specific position, or vice versa?

### Jurisdiction

- [13] In its decision to establish its jurisdiction, the Judicial Board consulted section
  1.1 of the Internal Regulations of Governance Constitution,
  and sections 7 and 20 of the Judicial Board Procedures.
- [14] Specifically, section 1.1(a) of the Internal Regulations of Governance grants the Board jurisdi

including the authority to declare invalid any act of a Club or Service which violates

acknowledges

othe <sup>13</sup>

[15] Section 7 of the Judicial Board Procedures lays out the general jurisdiction of the Board while section 20.1 specifically deals with the jurisdiction of the Board to

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#### Positions on Political Issues

- [28] The Board recognizes that having a position on political issues is integral to the operation of some Services of the Society, Services have the autonomy to do so.
- [29] The SSMU, and by extension, its Services, may not establish a position on political
- <sup>26</sup> among other prohibited grounds of discrimination. As decided in the 2016 Reference and reaffirmed by the Reference re Interpretation, to do so would contravene the Socie Constitution and the Equity Policy.<sup>27</sup>
- [30] However, the Board highlights the importance of the



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- [33] In short, SSMU Services may adopt positions on political issues, subject to the constraints of the governing documents of the SSMU and Judicial Board rulings.
- [34] As decided in the Reference re Interpretation, it would be inappropriate for this Board to categorically and broadly disallow political stances on certain topics.<sup>32</sup>

