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Located on Haudenosaunee and Anishinaabe, traditional territories



[6] On March 4, 2021, the Council *Motion* was presented at the Board of Directors. As there was much debate at the General Assembly and following the *Motion*, the Board of Directors hoped to present the *Motion* to the Judicial Board for the Board's review.

[7] The Petitioner, having considered arguments in favour and opposed to the *Motion*, sought advice on the *Motion's proposed actions*, more specifically as to whether they contravened the Society's governing documents, including the *Constitution*.

[8] The Judicial Board issued Calls for Intervenors as well as a Notice of Hearing for the present reference in March 2021. Both the Divest for Human Rights Coalition and Hillel McGill applied for intervenor status.

[9] At the Hearing, Hillel McGill argued that this *Motion* will contribute to anti-Semitism on campus, while the Divest for Human Rights Coalition argued that the *Motion* states that it "will not be used as a basis or justification for racism or xenophobia of any kind, including but not limited to anti-Asian racism, Sinophobia or anti-Semitism," therefore, attempting to limit the promotion of anti-Semitism through this *Motion*.⁶

[10] The Board is presented with the following question:

A. Is the

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[18] The Judicial Board views the Motion as constitutional since the SSMU is a political body that is empowered to take political stances, including campaigning against corporations. In its review, the Board notes that there are no provisions within the governing documents that explicitly restrict the ability of the Society to campaign against corporations.

Implications to Marginalized Communities

[19] During the Hearing, the Divest for Human Rights Coalition stated that the Motion before the Board rejects racism and does not target any ethnic groups. The Coalition said that the Motion explicitly states, "This Policy shall not be interpreted as justification for racism or xenophobia of any kind, including but not limited to anti-Asian racism, Sinophobia, or anti-Semitism."¹³

[20] However, this Board notes the possible gap between written policy and the actual implications of implementing the policy. The language of the Motion does not necessarily provide accountability mechanisms to prevent actions that could marginalize members of the Society.

[21] Further, the Coalition stated at the Hearing that the Coalition works to actively minimize the impact of racism and xenophobia without providing many details and noted that those found to be violating racism or xenophobia shall be dealt with separately. Such words without specifics do not provide protection or reassurance to communities that have or continue to be marginalized.

[22]



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themselves. As such, the Board finds that the causes selected by the Coalition are not in violation of the governing documents.

[29] Indeed, in the case before the Board, targeting corporations' actions cannot be deemed discriminatory under the *Equity Policy*'s prohibited grounds for discrimination, which