



Students' Society of McGill University
Association étudiante de l'Université McGill

Office of the Speakers
Bureau de Présidents du Conseil

Referendum Question Regarding Reform of the Judicial Board to Comply with Quebec Law

Whereas, Constitution Article 30.1 states:

“There shall be a body entitled the Judicial Board which shall be the final authority on:

- the interpretation of the Constitution and Bylaws of the Society;
- the interpretation and legality of all motions passed by Council;
- the interpretation and legality of all procedures, questions and results of all referenda and elections;
- the interpretation and legality of the constitutions of all Society activities, clubs and functional groups;
- the interpretation and legality of any other groups as requested.”

Whereas, Constitution Article 30.3 states that “The Judicial Board shall have the power:

- to declare invalid any act of Council, the Executive Committee or the General Manager which violates this Constitution and Bylaws;
- to declare invalid any act of a Society activity, club or functional group which violates this Constitution and Bylaws or its own constitution;
- to declare invalid any referendum or election that violates this Constitution and Bylaws;
- to order the placing of a referendum question on a ballot in cases of undue procedural delay.”

Whereas, Constitution Article 30.4 states “All decisions of the Judicial Board shall be binding on the parties involved, and there shall be no appeal from such decision.”

Whereas, Quebec legislation requires that the Board of Directors be the highest governing and decision-making power of an organization such as the SSMU;

Whereas, the current SSMU Constitution, with respect to the powers afforded to the Judicial Board, is therefore not in compliance with Quebec law;

Whereas, this matter has been reviewed by the SSMU’s legal counsel and the current Judicial Board justices;

Resolved, that the Constitution at Article 30.1 be amended to read “There shall be a body entitled the Judicial Board which shall have authority to adjudicate on matters of” instead of “There shall be a body entitled the Judicial Board which shall be the final authority on”;

Resolved, that Constitution at Article 30.3 be amended to read “The Judicial Board may recommend rulings to the Legislative Council with respect to the following matters” instead of “The Judicial Board shall have the power”;



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Resolved, that Constitution Article 30.4 be amended to read “Rulings of the Judicial Board do not have the effect of binding judgment until ratified by the Board of Directors. Every final written decision of the Judicial Board must be presented to the Board of Directors by the Judicial Board within two (2) weeks of said decision, accompanied by any preliminary decisions rendered, at the request of either party to the proceedings or as the result of a motion that the Judicial Board heard. As a general rule, decisions of the Judicial Board shall be considered final and shall be ratified by the Board of Directors. Notwithstanding the above, the Board of Directors remains the final authority of the Society and may, at its discretion or at the request of a party to the proceedings:

- receive a written appeal of the final decision if the appeal, complete with all relevant documentation, is filed with the Chair of the Board of Directors no more than seven (7) days after the final written reasons are released by the Judicial Board. Preliminary decisions may be considered in the context of an appeal of the final decision, but may not be appealed independently or before the final decision has been released by the Judicial Board;
- After reviewing the decision in its entirety and considering such an appeal, the Board of Directors may either 1) ratify the original Judicial Board decision by a simple majority vote; or 2) send the decision back to the Judicial Board, along with the appeal and the Board of Directors' written rationale, for further consideration by a simple majority vote, to which the Judicial Board must issue a response either upholding their original decision or presenting a new decision for consideration by the Board of Directors within ten (10) business days; or 3) overturn the decision of the Judicial Board by a 4/5 majority vote, if it concludes, that the decision of the Judicial Board was manifestly unreasonable or was motivated by discrimination as understood under Section 10 of the Quebec Charter of Human Rights and Freedoms. Where the Board of Directors overturns the Judicial Board's decision, such decision will be considered of no further effect and will not be subject to further appeal.”

Submitted by:

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