



November 3<sup>rd</sup>, 2011

### **SSMU's Memorandum of Agreement with McGill and the Use of the "McGill Name"**

In the SSMU's negotiations with McGill for a new Memorandum of Agreement (MoA), the McGill name has long been a point of contention. The MoA outlines SSMU's and McGill's legal rights and responsibilities to each other and is renegotiated every five years; at this time the SSMU must also renegotiate a Lease for the William Shatner University Centre. The current Lease and MoA negotiation process has been occurring for almost three years, with three different sets of SSMU Executives. This year's SSMU Executive is finalizing the MoA, as it is a necessary document for SSMU's functional relationship with McGill University.

#### *Negotiations*

Since the 1990s, the McGill University administration has been seeking to change the names of many student groups on campus. This is for many reasons, including the fact that McGill University is a trademarked name, and the McGill logo ("wordmark") and crest are all intellectual property owned by McGill University. As the SSMU is a separate legal entity it does not have legal rights to the McGill name and thus must seek permission to use the McGill name. The University has continued to grant the SSMU to use "McGill University" in its own name, the "Students' Society of McGill University" however this usage is "not assignable" (according to the MoA), meaning that the SSMU has no power to grant the use of the word "McGill" to any of its affiliated groups, i.e. to its clubs or services.

It has been a long struggle with McGill to get them to accept that students, who go to this university and play an active role in student life on campus, should be allowed to use the McGill name. We have secured a number of approved formulations in which new student groups can use the McGill name (see Appendix B); while this is an improvement over our last MoA (signed in 2006)<sup>1</sup>, it does not remove the pending substantial impact on many of the SSMU's over 200 student groups which already exist.

The names on SSMU's list of groups ("Appendix G" of the MoA) have been the major issue of debate with the University since our Executive came into office in June. We have worked long and hard to clarify the University's rationale for insisting on name changes for many groups and have forcefully and repeatedly presented numerous arguments in favour of student groups being allowed to use the McGill name (including but not limited to long history of using the name, the role of students within the university, connections with alumni, the liability coverage on the part of the SSMU, and the existence of many other methods to make it clear that a group consists of students). Both President Maggie

---

<sup>1</sup> The 2006 McGill-SSMU MoA stipulated that no groups were allowed to use the McGill name and instead had to use "SSMU."



Knight and VP University Affairs Emily Yee Clare—SSMU's principle negotiators since June—have a substantial history of involvement in SSMU groups and of speaking out in support of the McGill name. While we have not been able to consult directly with each and every group, we have made our best efforts to consult directly with SSMU's services and with those groups that are especially large and have a long history of using their current name.

In some cases, we have won the right to “grandfather names”, but in other cases they refuse, particularly where they have been making their objections to the name known to the SSMU for many years. In many cases the University is adamant that groups which do not use the McGill name at all must change their names to include the word “students” or similar, to show that the groups are not part of McGill's administrative or academic activities.

### ***McGill's Rationale As We Understand It***

The reasons for the administration's refusal of the use of the McGill name are not always clear and we have sometimes struggled to get them applied consistently across groups. However the following outlines McGill's primary rationale as SSMU understands it:

- 1) *Fundraising*: The McGill administration engages in significant amount of fundraising throughout the year and they are concerned that fundraising done by student clubs and groups will detract on the administration's ability to acquire funds. Their logic is that a donor may give money to a student club or group thinking that they are part of the McGill University administration. When the administration goes to the same donor, the donor will refuse to give money as they believe that they had already given money to McGill.
- 2) *Liability*: The McGill administration wants to reduce the possibility of being sued for actions by a student group. For example, in the past there have been a very small number of cases where a SSMU group has travelled and they have gotten into accidents which have resulted in the death of a student. Subsequently, McGill has been sued when the SSMU should have been. McGill wants to limit this liability risk as well as the financial commitment necessary in dealing with these cases. Though it is clear that our groups are covered under SSMU's extensive insurance and issues of either SSMU or McGill being sued in place of the other are covered elsewhere in the MoA, McGill remains concerned about broader issues of reputational liability.
- 3) *Reputation*: Through our negotiations, the SSMU found that there were certain groups that McGill is forcing to change their names even though they do not have “McGill” in their names. Furthermore, in some cases it appears to us that the primary rationale for a required name change is the potentially controversial mandates or actions of the group in question. It became clear that the McGill



- administration feels that the affiliation of certain student groups to them is a reputational liability.
- 4) *Clarity*: The Administration has made it clear that they desire, in many cases, to clarify that a certain group is affiliated with SSMU and not the University. This is often tied to reputation arguments.
  - 5) *Consistency*: The McGill administration has argued that they desire to keep the name formulations as consistent as possible as to not confuse anyone external and make things easier for everyone. This is despite our assertion that our management of group names does not focus on consistency, but rather on supporting students. Furthermore, they have stated that no group may represent itself as being part of McGill (as opposed to being a group of McGill students) either in its digital or physical materials (website, social media, tshirts, banners, pamphlets, etc.), regardless of whether or not “McGill” appears in the group’s name. They have been particularly concerned about this in regards to groups that were perceived as interacting with the greater Montreal community. We have committed to working with groups to facilitate changing their information to make their status as student groups clear in their materials instead of getting their names changed, but often McGill refused to accept this as sufficient.

The major name changes required as part of this MoA are documented in “Appendix G”. Appendix G of the MOA divides our clubs and services into internal and external clubs, sports teams, services, and affiliated faculty associations. There are different rationales for the use of the McGill name or necessary change to club’s names for each section. The document is too long to attach here, but is available for viewing upon request.

### ***The Name Change Process***

We are currently in the process of contacting groups that are slated for a name change and informing them of the process that must be undertaken. The negotiation process will be outlined as the choices of names from which the group can use going forward (see Appendix A). Please note that if your club has not been contacted yet it may be soon, as we are still in the process of notifying groups; if you are never contacted, it means that your current formulation is accepted by the University. All groups who must change their names will be contacted by November 10. All groups, regardless of name change status will be receiving a follow-up email outlining the ways in which they must represent themselves (with taglines on their websites, for example) as well as guidelines as to what constitutes the misuse of the McGill name.



There are some high profile name change cases which many students are wondering about. These include:

- TVMcGill will become TVM: Student Television at McGill (which McGill has been calling “SSMUTV” on Minerva)
- McGill Walksafe will become SSMU Walksafe
- McGill Nightline will become (McGill Students) Nightline.
- Elections McGill will become Elections SSMU
- McGill Outdoors Club will become McGill Students' Outdoors Club
- McGill Global AIDS Coalition must enter “Student” in their name

We are aware of the substantial logistical and financial burden placed on groups by a required name change, particularly those with small annual budgets. We would never want a club to not be able to continue their mandates due to having to allocate all their funding to update their outreach supplies or equipment. Through our negotiations, we have been able to secure that McGill will be providing financial assistance (\$25,000) to clubs and services to help with the costs of altering their names (e.g. new website domain name, rebranding merchandise, etc.). Unfortunately, the University is unwilling to provide this funding if the expense is not incurred before November 15, 2011. However, VP Finance & Operations Shyam Patel and I will be working to find all affected groups funding to help as needed.

We ask for all students' support of SSMU's groups as they go through the name change process, and particularly of each group's leaders who will have to implement the changes. Please remember that it has not been in the power of these coordinators and executives to change the University's position; we at SSMU are of course always willing to hear your thoughts on the negotiations and the outcome.

### ***New Groups***

It is important to note that the use of the McGill name is not only restricted on the names of clubs and services which already exist; there are also strict guidelines as to how the name can be used going forward, as new clubs and services are created every year. Appendix B (an excerpt from Appendix G of the MoA) outlines exactly how students wishing to form a club must use the McGill name (or the SSMU's), with different formulations depending on the type of group.

### ***Final Words***

This entire situation has been difficult for everyone involved – the groups who must alter their names, the SSMU as an organization and the SSMU Executive on a personal level. I myself ran on a campaign position of fighting to retain the use of the McGill name for student groups, and it is something I have kept near to my heart. I want to take this



opportunity to thank everyone for their patience, their understanding and their hard work during this extremely difficult process. This statement is only the beginning – not only of future statements and explanations from the SSMU, but of a process of making students' voices heard during the MoA negotiations, that has begun before my term and will extend far beyond it.

If anyone has any questions or concerns, please feel free to email me and I will get back to you as soon as possible.

Sincerely,

Carol Ellen Fraser  
VP Clubs and Services (2011-2012)



## Appendix A

Hi ,

I'm writing to you regarding your official club name here at the Students' Society of McGill University (SSMU). As you have probably heard over the past few years, the McGill administration has been seeking to change the names of many student groups on campus. This is for many reasons, including the fact that McGill University is a trademarked name, and the McGill logo ("wordmark") and crest are all intellectual property owned by McGill University. As the SSMU is a separate corporation it does not have access to the McGill name and thus must seek permission to use the McGill name and its associated trademarks. In the SSMU's negotiations with McGill for a new Memorandum of Agreement (MoA), which is a document that outlines SSMU's and McGill's legal rights and responsibilities to each other, the McGill name has been a point of contention for over three years. This year's SSMU Executive is finalizing the MoA. It has been a long struggle with McGill for them to understand that students, who go to this university and play an active role in student life on campus, should be allowed to use the McGill Name. In some cases we have won the rights, in others they refuse. In many cases the groups do not use the McGill name at all, however McGill is adamant in demanding that student groups must have the word "students" or something to that effect, to show that the groups are not part of McGill's administrative or academic activities.

We are able to confirm that the following choices are available to your group as accepted name changes (approved by McGill):

[ options approved in negotiations with McGill will be listed here]

Furthermore, in accordance with the MoA agreement, **"Each Group Shall include the following on their website and/or in their advertisements: "A student group of the SSMU (Students' Society of McGill University)."**

**Please note that the name you choose must be reflected in your website, Facebook groups, twitter, any official correspondence, banners, etc. These changes must be made by November 15. If making these changes is going to incur serious financial expenses, McGill (through the SSMU) may be able to reimburse you. Please contact us for more information in that case.**

**Your final, confirmed choice of name (from the list above), must be made known to the SSMU (email [cs@ssmu.mcgill.ca](mailto:cs@ssmu.mcgill.ca)) by November 10.** If you fail to do so, we may have to pick one of the options for you. We apologize for the late notice, however negotiations with McGill have been difficult and it has not always been clear which possible names they would accept and then later withdraw as possibilities. We wanted to wait until we could be sure that the choices above would absolutely be granted to groups. I apologize for having to break the news this way, over email, however it is impossible to meet with the over 250 groups here at the SSMU.



Finally, please note that the SSMU will be issuing public statements regarding the MoA in general and the McGill name issue within the coming weeks. **If your group has questions, you may email us and we will try to get back to you as soon possible, however please note that what I've outlined above is the result of a long and tedious process where many, many meetings have taken place, and many firm arguments have been made.** Unfortunately, in the end, the McGill administration holds all of the cards, and has the ultimate power on this issue.

Again, please understand that this email is extremely painful for me to write. I am committed to supporting the SSMU's groups in any capacity possible, now and in the future.

Sincerely,  
Carol Ellen Fraser



## Appendix B

The Association [SSMU] acknowledges and accepts that going forward (effective June 1, 2011) all **new** Groups of the Association wishing to adopt the name “McGill” or the name “SSMU” as part of its name shall be permitted to do so by adopting one of the following **Approved Forms for Group Names, subject to the category of activity:**

**Category I: For Groups other than those affiliated or affiliating with external organizations**

- McGill Students [insert e.g. Marketing Club]  
or
- McGill [insert e.g. Marketing; Pakistani] Students' Association  
or
- [insert e.g. Pakistani] Students' Society  
or
- SSMU [Insert]  
or
- [insert e.g. Korean Martial Arts Club] – SSMU

**Category II: For SSMU Groups affiliated or affiliating with external organizations including political parties**

**For Groups other than political parties:**

- McGill Students for [e.g. Make a Wish, Cystic Fibrosis etc.]  
or
- McGill Students Supporting [e.g. Make a Wish, Cystic Fibrosis etc.]  
or
- McGill Students Chapter of [e.g. Make a Wish, Cystic Fibrosis etc.]  
or
- SSMU - [e.g. Make a Wish, Cystic Fibrosis etc.]  
or
- [e.g. Make a Wish, Cystic Fibrosis etc.] - SSMU

**For political clubs and activities:**

- [insert e.g. Green Party/Liberal Party/NDP etc] @ McGill  
or
- McGill Students for [insert e.g. Green Party/Liberal Party/NDP etc]  
or
- SSMU [insert e.g. Green Party]  
or
- [insert e.g. Green Party] - SSMU





**Category III For Sports Clubs or Teams**

The Department of Athletics and Receptions shall have exclusive use of the name "McGill" in relation to any sport or team, except where permission is granted in writing by the Deputy Provost (Student Life and Learning).

**Category IV: For SSMU Services and Media**

- McGill Students [insert e.g. Marketing Club]  
or
- SSMU [insert e.g. Green Party]  
or
- [insert e.g. Green Party] - SSMU