



BOARD OF DIRECTORS MINUTES

DECEMBER 11, 2016

Held in Suite 1200 of the Brown Building at 3600 McTavish Street in Montreal, Quebec, H3A 0G3.

Attendance: Ben Ger (President), Erin Sobat Vice-President (University Affairs), Adam Templer (Member at Large), Igor Sadikov (Member at Large), Ellen Chen (Member at Large), Sean Taylor (Member at Large), Chloe Rourke (Member at Large), Jonathan Glustein (Member at Large).

Regrets: Ryan Hughes (General Manager) (non-voting), David Aird Vice-President (External Affairs), Kahli-Ann Douglas (Member at Large), Niall Carolan Vice-President (Finance).

1.0 Call to Order: 12:53 PM

2.0 Adoption of the Agenda

3.0 Approval of the Minutes

3.1 Minutes from the 2016-11-24 BoD Meeting – TABLED.

4.0 New Business

4.1 For Approval: Ratification of Decisions Made by the Legislative Council at the December 1st, 2016 meeting – APPROVED;

4.2 For Discussion: Judicial Board Question Regarding the Powers of the Board;

Ben: There was a conversation that happened with the justices, but I haven't had a minute to type up the longer response. The Chief Justice knows that they will be keeping their position and are expecting a further letter explaining it. I do apologize about that, with exams things have been hard to prioritize.

Adam: A letter explaining what?



Ben: There was a request for a letter letting them know that they would be able to keep their job, but also telling them that there needs to be more review of the internal procedures and that they could be involved with that.

Sean: Will there be any chance to submit any feedback they have on the changes to the internal procedures to the j-board review committee?

Ben: Yeah, I think that's what the scope of the committee is.

Adam: Is that going to be useful if they don't know the internal procedures?

Sean: Well they had some feedback on their own internal procedures.

Ben: Super fair. Any other questions?

4.3 For Discussion: Response to the Reference Question.

Ben: The next thing is the response to the reference question, which we decided we'd talk about in public session rather than confidential session. We'll pull it up; I'm not sure if someone would like to start, talk about some of their opinions on how this should go, some reasons that they made some of the edits that they did.

Igor: The most important suggestion is to cut out these long, highlighted parts. So this one and then later on, the corresponding paragraphs and the full response. I think those were discussed last time, it just falls a bit outside of the scope of the reference and as such outside of the scope of the response, I feel. Like to me, the main purpose of this statement is to explain the reasoning behind failing to verify the judicial board opinion if we do fail to ratify it, and the scope of the statement should limit itself to that explanation.

Jonathan: Shouldn't we decide what we're going to do with it before we decide crafting a statement that we might not end up using?

Ellen: Did we decide on this?

Jonathan: This came from the previous board.

Ben: Yeah, super fair. I thought maybe what we wanted to do was cutting this, I thought it was something that was kind of decided on last time, that we'd wait until we knew what we were talking about, so maybe



the larger conceptual stuff like whether or not we even should be responding to things like this, regardless of which decision we do make, but fair enough. We can have like a first discussion if people would like to talk about their opinions on whether or not we should be ratifying it at all.

Chloe: I can start. I felt like this response, to me, summarized what the key concerns with the reference question, which is that there's not extinguishing need – is that different than taking a stance against people from that nation? And that therefore doesn't violate the equity policy, because the equity policy is protecting from discrimination against individuals of a specific nationality or origin. So I feel like that clarity made in the response adequately summed up my concerns with the reference question. I felt like the reference question also seems somewhat contradictory, because they did omit in the reference question that there is a difference, in that there are times when SSMU would adopt for particular reason, a stance against a nation, except that they admitted that it would be acceptable in certain conditions, so I was kind of confused by the reference document.

Jonathan: I think that, in my opinion, the reference question is written incorrectly. The reason why I think that is because when they talk about the national origin policy in the reference question itself, talking about the equity policy, they make specific reference in the types of BDS motions that have come to McGill. So they say, first of all, there has been a motion like a "BDS-type" motion if we can put them all in one category, in terms of the three ones that have come in the past eighteen months, one of which targeted specifically companies benefiting from the occupation. They said, that motion itself is not what they're talking about, that would be a legal motion, what they are talking about is a motion that would fully endorse the entire campaign of BDS, which is more akin to the one we saw that came in February. Because that includes both an academic and cultural boycott, which is one targeted towards a national origin, when you're culturally boycotting a country, that's more targeted towards somebody's national origin rather than boycotting a specific company that may be benefiting from illegal things. The reason why, which they say in the reference, that, for example, when talking about the apartheid in South Africa, a motion that would target South Africa as a nation with an academic, cultural and divestment and sanctions and all that stuff, would be against the policy, but targeting specific companies that benefited from an apartheid state, would not be included in that. So I think it was a fair recommendation in the sense that it seemed to narrow in on the specific things about the BDS campaign as a whole, but would be unconstitutional, and it specifically says in the equity policy that the national origin clause is one of the main points of the equity policy, and it does specifically say that not following these points would be akin to violating SSMU's constitution. So I think that it should be ratified, at the very least, I think it shouldn't be overturned because I think that it's made some very valid points about where we should see SSMU as an organization in terms of these types of issues, and I think it makes an important distinguishing between targeting companies that benefit directly from human rights abuses, that's fair game, but targeting a country as a whole is not. That's a very fair point especially for students who come from countries that would have come concerns with human rights and other issues.



Igor: I think the comparison to South Africa is interesting and very telling, because they basically admit in the reference that the kind of boycott that could come against the South African apartheid regime would be, in this interpretation, a violation of the equity policy and the constitution, which to me is absurd. This is literally a complete perversion of the intent of these clauses, and since they're playing the same reasoning, I don't see how you can make this argument here. Further to that, they fail to make this crucial distinction between targeting a nation and targeting the actions of a national government, but also the distinction between the nation and the discrimination on the basis of national origin, which is the discrimination of individuals. So nowhere in these BDS motions is it endorsed that there is discrimination against individuals like within SSMU on the basis of national origin. Just to clarify, the cultural and academic boycott is not a boycott of Israeli culture and Israeli academics, it's a boycott of the state of Israel by cultural actors and a boycott of Israeli academic institutions. And nowhere are people's rights infringed on the basis of national origin. It's all at the institutional level. Further to that, I would say that there's some more procedure or technical issues of interpretation in this reference that call to question the understand of the governance documents by the judicial board. And that is how much they're relying on the equity policy. While first I agreed that they're misinterpreting the equity policy, but even overlooking that, they say that the equity policy is really central to this reference, I think they state that as is, but the equity policy doesn't actually apply to the GA motions. Like, motions and resolutions have to abide by the governance documents and the constitution and the internal regulations but policy don't supersede motions in that sense. And that makes sense, because just because you passed a policy and brought action on something, the general membership could be willing to take a stance that is not directly in line with that policy at a GA, I think that's sort of fair. And that's what the governance documents say, so that's a bit of a misinterpretation. They do say that they used the equity policy to help interpret the clause in the constitution as well, which that's a little bit more acceptable I guess, but still, raises questions of why you're doing that, because the constitution clearly supersedes any other document. Further to that, because the preamble of the constitution, while it is an integral part of it, is not written in the same kind of technicality as the rest of the constitution, you could say. The analysis of it should be a little bit different and I think there's more room for political interpretation of that analysis, and the judicial board has the really gone overboard here with political motivation, and I think in such cases, the preamble serves as a guiding principle for all the member of SSMU and all the institutional actors within SSMU, but ultimately the interpretation of these clauses is political and should remain such. Given that there's disagreement, to an extent, over how to interpret that, I think that's necessarily the case and not even on issues as contentious as this, pretty much anything that SSMU does around equity, some people will say that's unfair, there's always disagreement around this so I think that the j-board should be more careful in making such clear judgments about that particular aspect of the constitution.

Jonathan: I think there are a couple points to talk to there. The first of which is that even though the equity policy does not directly apply to the GAs, it applies to SSMU, and because the motion is brought up at SSMU GA and the motion, if it were to pass, would take effect on SSMU as a governing body, if a motion that they outlined were to pass, like an academic, cultural boycott as well as divestment to Israel or any



other country, based on national origin, it would apply to SSMU as a body, I think that's important to consider because it does say in the equity policy that not only is it very clear that national origin is one of the grounds for discrimination, but section 2.5.1 says that it's in direct violation of the constitution to discriminate on these grounds, which makes complete sense, like it should be a direct violation of the constitution to discriminate on these grounds. I think that their reference does not preclude the creation of a BDS club on campus, it explicitly says that's a question for another day, and it doesn't preclude any BDS organization on campus, all it says is SSMU as a body can't take a stance on this particular issue, because of the implications it would have for the students of that national origin. The j-board decision applies uniformly for any country that would be targeted for something like this, I think there's a legitimate claim to be made that students coming from that country to McGill would feel discriminated against if there was a cultural boycott instituted against their country. That, to me, is one of the most important things that they j-board ruling does. And that is that it doesn't preclude any organizing for BDS or for any other country that would face something like this, but it does make SSMU as a representative body of all the students at McGill, call into fact that they shouldn't be taking a stance on something that could discriminate on someone based on their national origin. That's the most important thing we can take from this and in terms of their reasoning about the constitutionality, it does say in section 2.5 that it doesn't apply directly to the constitution.

Erin: I think that might not be the best interpretation of how our policy apply to that document, because I think it's true that because the GA has powers over all of our governing documents except for the constitution, so it kind of does have the ability to supersede those policies. There's nothing that says motions that go forward to the GA have to be in line with our policies; it does say that they have to be in line with our internal regulations to ensure that they are non-contradicting procedurally, but they don't check really to ensure that they're in line with our policies, that's not something that we do. I think that's just a logistical piece.

Chloe: To add on to that, policies themselves can be approved or modified at any time in the GA, so in terms of hierarchy of governance documents, what Igor said is correct. There's no reason why a policy should supersede a motion and that motions should be judged along our internal regulations and constitution. That being said, I think it is a bit of an ambiguity within our governance documents, because a lot of the policies that we do have are long-standing policies that have been very integral documents to how we govern as an organization.

Ben: Some of the questions that are popping up that I'm writing down are: does the policy apply to the GA? Does this still violate the policy? Does it still violate the constitution? And then I guess there is still some disagreement on whether or not this discriminates against a culture or this discriminates against a country, or if that means that if discrimination against a country or the act of a country is discrimination against national origin. So if people want to talk to one of those points.



Sean: I just want to speak quickly to some of the more nit-picky stuff, in terms of the constitution. The constitution itself precludes SSMU from acting in ways that discriminate –

Ben: Which section are you referencing?

Sean: It's in the constitution somewhere. It doesn't exactly reference the equity policy itself, it precludes SSMU from acting in ways that discriminate on the basis of numerous grounds. It does say that in the constitution, it precludes SSMU from acting in ways that would be discriminatory, and in the equity policy, the ways that are discriminatory are outlined. So one of those is being of national origin. I think it's a very slippery slope to deny the national origin as being a legitimate form of discrimination, and I think that if we were to overturn the ruling, that is essentially, in the eyes of the students, what the BoD would be doing. Because we have a situation where the j-board has ruled on the subject of national origin with an academic and cultural boycott applied to a nation, and it's been overturned on the basis that it doesn't constitute discrimination on the basis of national origin. I don't think that there's anything more that could constitute on the basis of national origin, in terms of individual students like Igor brought up, I think it's important that there are other things in that policy like religion and sexual orientation that would apply to more of an individual student, but in terms of national origin, it specifically speaks to what nation you're from, which includes things like the culture of that nation, the schooling of that nation, those sorts of policies themselves are included within someone's national origin. And so I think that it would be unconstitutional to do it because it says that's one of the ways they could discriminate.

Erin: I guess it is a question of who we're talking about when we talk about national discrimination, or discrimination based on national origin, based on what that's referring to; I think one of my concerns with this statement is that it does seem to conflate a Jewish identity with Israeli national origins and I know that can be complicated but I think that's an assumption, as well as a lot of the language does suggest that people who support Israel as being associated with Israeli national origin, which I don't think it the case across the board. I know there are a lot of students who support Israel who are not associated with Israel culturally, etc. But also recognizing that there are others on campus who already also feel discrimination based on, for example, national or ethnic or other grounds. The reference made here also speaks to ways that SSMU can provide support for or mediate conditions for disadvantaged groups, and that has typically been clarified as that we can offer closed spaces for groups that don't have the same access or inadequate access to support or are otherwise discriminated against, and that in itself is not discrimination against other groups. That's the basic principle that I think is kind of twisted in the reference, so I think that's important to consider, just remembering who exactly we are talking about.

Jonathan: What are you saying, exactly? That this is a twist in the perception of equity?

Erin: I have to pull up the wording from the reference exactly, but it kind of suggests that there aren't groups on campus that already are in this position as well, that might need support on this basis.



Ben: I will mention something that's in the reference that might be relevant; people can give their thoughts on it. I believe it says at some point that there is an acknowledgement of this difference between discriminating between people on the basis of the act of a nation, and I think what they say is, though in principle this doesn't really make any sense that discriminating against the act of a nation is discriminating against someone based off their national origin, but they say in practice, this is what ended up happening. I believe that's the only mention, so there is a bit of a self-contradiction within here, which is up for interpretation.

Jonathan: Just to respond quickly to what Erin said about who is targeted in terms of its discrimination, I think it makes it pretty clear, I mean they do say that there was a tangible rise in things that would violate SSMU's equity policy after the BDS motion passed the GA last semester. But to me, it seems very clear in this ruling that they are specifically concerned with Israeli students at McGill, not Jewish students, not students who would support Israel who are from America, but specifically Israeli students, and there are Israeli students at McGill, because it targets them based on their national origin. It's a specific stance that would be taken by SSMU, if this motion were to pass, against Israel, of which it is the Israeli students' national origin. So I think that is what's central to the motion, and that is specifically why they've ruled that BDS and similar motions would be unconstitutional, because there are students represented directly who are Israeli, who have come directly from Israel. We have students from around the world at McGill; it's an international university, we have people from everywhere, so taking a stance against a specific country, of which people have grown up in and moved straight from to go to McGill, and then when they get here, to have their student body who is supposed to be representative of them, take a stance against the country that they were born, and that they identify with, I think that's what is central to the j-board ruling. Not whether you support Israeli policies or not, that's a completely separate point. And I think they address that when they say that they're not ruling on whether or not it's constitutional to have BDS clubs and organizations on campus. Because they permit the fact that there can be student clubs on campus that would take a stance against Israel's policies. That being said, SSMU as an organization that is supposed to represent all undergraduate students at McGill, all those students fall under one umbrella, and you're a member whether you like it or not, and so that organization should not be discriminating against any one based on the country that they come from. That's the central part of the j-board reference.

Igor: Just to address the point about BDS clubs, I think that's also a pretty major oversight in the ruling, because if the BDS action network were to become a SSMU club, then the equity policy would in fact apply to it, as opposed to a GA motion, to which it doesn't apply. So I feel like here, the judicial board is hedging its opinion through avoiding making this more extreme claim that actually follows from its reasoning, where the reasoning actually applied to the GA is not applicable. So that's a weakness of this reference, rather than a strength.



Ellen: Could you clarify that a little bit?

Igor: When they say that this in no way precludes the existence of BDS clubs on campus, if they says that anything related to BDS is a violation of equity policy, then if there was a BDS SSMU club, that would be a violation of the equity policy. Beyond that though, I just wanted to refocus on the specific motion that this is about. And again, this motion is not substantially different than the motion that came before it, which is a bit of a logical inconsistency, since in the resolve clause of the motion, the two motions are very similar. The most recent motion says that SSMU supports campaigns of BDS, including the campaigns of divestment from corporations invested in occupation, and that the SSMU president lobbies the board of governance in support of BDS. That's all. So basically, in this reference, they say that just because it mentions the word BDS by name, suddenly this completely changed the nature of the motion, whereas it has both the same actual effect in terms of it's resolve clauses, and the same effect in terms of it's effect on campus, how people feel about it since both are obviously fitting into the broader BDS movement.

Chloe: I kind of want to build on what Igor mentioned, in that I think that the motion, I went over the motion again and I think that the reference is that they support BDS campaigns, and then the reference question takes the excerpts from different BDS campaigns and says that this is the movement as a whole and it's been supported. Of course, the BDS movement had been linked in certain situations to anti-Semitism, which is not something that can be ignored, but I think what's also important to realize is that SSMU's executives and clubs and everyone that is part of the organization is held to account to the equity policy and could never support a component of the BDS campaign that is explicitly associated with discrimination and anti-Semitism, or discrimination against individuals. So I think it's important to realize that the BDS movement, like any movement, is complex. Just because SSMU is supporting BDS does not mean that SSMU is supporting point blank everything that happens in the BDS movement and would absolutely not be held to account in terms of supporting any aspect of that, or have to consider how that applies to our equity policy. Of course, if the BDS movement inherently does discriminate against individuals, that's different. But that's different that being associated with discrimination. Second thing that I wanted to say was that the same argument, the thing that you have to consider in context, is that pretty much all the clauses of this motion focus specifically on the companies that are illegally profiting from the occupation of Palestine territory and human rights, and that those individuals that come to McGill see their university as discriminating against them, based on their national origin and supporting actual human rights violations against them as individuals within their country of origin. So I think it's not fair to say that as an organization, there is a question on whether or not SSMU should be taking leadership to represent these students too and to represent their feeling of being discriminated against by virtue of the system that is supporting these institutions. I think that's not negligible, and that wasn't something that was even considered or even acknowledged within the reference question, in my opinion. The last thing is that I do think the equity policy is an important document and I don't think we should neglect the decisions that are made in the reference question purely because they reference in large part the equity policy. I think that what's important to realize is that it is a political interpretation, largely, of



the equity policy, rather than a strictly legal interpretation, and I think that's the point that Igor is making that is important for us to consider. The equity does hold all SSMU clubs, executives, any actors within the organization, accountable, and I think it's an important policy, so I don't see a huge issue with referencing it for decisions that are made, because in practice that's how it's done.

Adam: I'm trying to think through this because I can kind of see where both arguments are coming from, but I don't know that SSMU can associate with part of a movement and I know that students won't make that distinction. This is not in terms of a legal but in terms of a theoretical, we can't associate to part of a movement. I'm going to move on to my next point which actually deals with the stuff, because that's too much theory. If we look in the three main reasons that they get, talking about how they reach their conclusion, they mention the equity policy, but the three main reasons that they outline, they talk about from the constitutional principles, they talk about representation, leadership, and service. That, specifically on a constitutional ground. They reference the equity policy beyond that, but those three reasons where they're forming this decision is from a constitutional framework, and it may be being misrepresented, because the equity policy is a significant part of it, but the constitutional framework is definitely there, when they talk about it.

Jonathan: I completely agree with that, and I think that's a really important point to make. Just going back to, in terms on the unconstitutionality, Chloe made a fair point in terms of how, for example, students from Palestine might feel discriminated against based on what they may see as their university being complacent in investment in Remax, which profits off of these early occupations. That being said, that's a completely separate thing that BDS itself, because as Adam correctly brought up, you can't just endorse BDS and just take one section of the BDS movement to be what SSMU is going to adopt. Which is why I think they make the important distinction that a motion that targets a company, like Remax, who is profiting off the occupation, that would be fair game, because it's completely different from BDS as a motion, which in its governing statement says that it targets Israeli society as a whole. Society as a whole include culture, it includes academics, it includes everything that would be from an Israeli national origin. Which is why I think the j-board reference correctly points out that endorsing BDS and calling for SSMU to advance BDS would be in and of itself a violation of the equity policy, because it discriminates based on national origin. Divesting from companies, that profit off human rights violations, is different that targeting a nation as a whole itself. And that's the distinction that it points out that that's the important one that we should be looking at movement forward in terms of the theory. As Adam says, I think it's granted in the constitution as well.

Chloe: So I think the argument, really the question that it comes down to, is whether or not the BDS movement, and by supporting this movement, we are discriminating against individuals who are from Israel. Because that's how I see it.



Erin: I see it as coming down to, as not the economic boycott or targeting specific companies, but the broader boycott of culture and society, etc. So I think what that comes down to is how these campaigns function in terms of what they're targeting and who they're targeting, I think there's an argument to be made that while there's been certain manifestations of BDS campaigns that have been fairly discriminatory to certain people, but on the whole targeting the structures of the society, the power structures in the society can be seen as a legitimate way to campaign on something. We could take challenging various aspects of society that may discriminate against the ways that somebody identifies with being a Canadian. The state of identity that we can see as legitimate the whole; I think that's what it's coming down to, for me.

Ben: I think there might be a few different opinions.

Sean: I have a couple things to say, first off that we as the Board can say that, if an Israeli person feels marginalized, as many have in the aftermath of it – there was an outburst of people, either Jewish or Israeli feeling marginalized. You can't discount a Jewish person who is feeling marginalized because of this, because of the historical context of Israel. And I think we can't say that the intent is against the actions of the nation and not against the people of that nationality or cultural identity, and that no matter how much we say that, this will be interpreted as people see fit. We can't tell them how to interpret it. It's such a complex issue; yes, it's regularly compared to apartheid, but that was a much more simple example than this. In this, there are two parties who are both committed atrocities against each other; yes, the Israeli government is complicit, but also the Palestinians are complicit in fighting back and not being open to a two-state, some not wanting a two-state solution and wanting to abolish Israel. And so its both sides are in the wrong and both sides are in the right in certain parts. So it's an extremely complex topic that, at a school as diverse as ours, it's a bit of an oversight of us to take a stance against the actions of the nation when it's so easy to see that such a stance is against the nationality, not just the actions of the nation. We are the Board; we have a responsibility to act on behalf of SSMU as a corporation and what is best for SSMU as a corporation, and I'm not say that this is best, but what has caused an extremely negative outlook from the student body towards SSMU over the past three years, and that we haven't done anything to address the fact that, yes, these motions are technically different, but essentially the same motion has come forward the past three times. In the four years that I've been here, and nothing has been done, no action to say that, look, this has been voted down, it's been approved in the GA and then voted down in the referendum, there's no oversight of: at what point do we stop a motion from continuing to come forward after it fails. And I think that the j-board gave one way that was maybe too far, by saying it can't come forward ever again, but I think there does need to be something done, to address that, because student are just going to view SSMU as a body that is just going to keep taking this. It just makes people tired of the democratic process on campus, that they're already tired of. (39:33)

Ben: I think there are multiple conversations going on; I think Sean, you're talking about like the length of which this reference should go, like talking even beyond the theory that the current conversation is about



and into whether there should be provisional things laid out in the reference, which was brought up last meeting as whether or not there was a desire to add extra restrictions on that sort of...

Sean: No, I'm asking, doesn't SSMU have something that says the identical motion isn't supposed to come forward after it's failed?

Erin: No, we don't. A few other associations do.

Chloe: For clarification also, the response that was originally written by the previous board had recommendations to do that. We haven't gone into that yet, but I think my recommendation and also Igor's is that should not be done, that the board should not make that recommendation.

Ellen: I have two points; first, to follow up on Sean and Chloe's point as to what exactly is the essence of the BDS movement, I think that's very important for the discussion that comes later. So whether we can say with a straight face that BDS is purely economic, that we're just treating this the same as fossil fuel divestment, which in my opinion, I don't think we can. Fossil fuel divestment is a common issue that doesn't common anyone specifically, but this by its very nature targets groups and companies connected to Israel, and that is the core element of this movement, so I think that makes it different. Which brings me to my second point, the way I see this is essentially is a procedural protection against motions that put SSMU in a position where it takes a stance on a issue targeting a certain group or a certain nation and, the way I see it, we're essentially answering a question of: should SSMU be constitutionally allowed to take a position against a group of people, or a motion based on a group of people. And whether a constitutional protection is the right way to do it. To me, the question is not so much whether these motions should be kept allowing forward, it's that if we don't say that this is unconstitutional, and then one day it does succeed, then what does SSMU do? Can you really say with a straight face, look, now we have this mandate from the GA, that tells us to support BDS but it's clearly against our own equity policy if we actually do support it, then what do you do? You have this democratic mandate from the GA, and then what do you do? So should we be putting in this constitutional protection that prevents this from happening?

Igor: As to the nature of the BDS movement, I don't think there's anything wrong to be put in that position if this motion should pass, it's been done by a number of other student associations in Quebec and Canada, across the United States, professional associations. In terms of the nature of the BDS movement, as that does seem to be an important matter to resolve, I think the distinction that Erin made between the targeting more institutional aspects and individuals is the distinction that we should be basing this on to determine that. Even though the BDS movement goes beyond divestment, it also includes boycott, it's not – we have to understand what we mean by a state or a nation, right? And by nation, we could mean all the individuals of that nation. In such case, clearly, saying that you oppose all the individuals of that nation is discriminatory under basis of national origin. However, this is not what the BDS movement does.



The BDS movement targets Israeli institutions that are complicit in the occupation of the Palestinian territories. That includes academic institutions, that corporate with the military and even those that do produce directly technological research with the military still are complicit in the occupation by not opposing it. Similarly, the cultural boycott is again, not a boycott of Israeli culture, it's the other way around; it is encouraging artists, for instance, not to give shows in Israel because it normalizes the state. That's the argument – and you can agree or disagree. You can say that this is effective, this is not effective, or this might not be the best way to go about it. But it's very different than actually targeting people, targeting individuals by virtue of them having a specific national origin. In terms of people feeling marginalized by this motion, I think this is something that we can't discount, and in making a judgment on how to balance these sides, you can just say that it's not our place to say, this is complicated, yes it's complicated but that doesn't mean we can't apply critical reasoning and make a decision. In doing so, we have to follow the general principles of equity in such cases, and to make an analogy, if you have anti-racist initiatives and then you have white people complaining and saying that they feel attacked, that they feel marginalized (and I'm not making a direct comparison, I'm just making an analogy), you are in a position to say that while these feelings exist, we're going to make a decision that goes against them. And what allows us to say that is a more structural view of the situation, an understanding that there is a certain power disparity and in the Israeli-Palestinian conflict, there is a power disparity. It's not feud where both sides are equal, it's the kind of situation where one country is occupying territory that doesn't belong to it. That concept of power disparity is something we can use to make that decision. That's something that, as Chloe mentioned earlier, this reference entirely overlooks. This is a process they need to engage in, and you might come to a different conclusion, but you can't just completely ignore the stated goal of the BDS motion and movement, which is to end the occupation of Palestinian territories, like it does not make sense to analyze this motion, this movement, this concept, without even introducing that, without even considering what is the significance of Palestinian human rights to the equity policy, what is the status of Palestinian students on campus with relation to the impact that taking such a stance or not taking such a stance, or taking a stance against such a stance, would have on those students. And these are all things that weren't done in this reference. And they have to be done; if you want to actually make a conclusion on this, this is the kind of process that you need to engage in. Now, in terms of not wanting to bring these motions again, as I said last time, that's a legitimate concern, but that's a different concern than whether this motion is constitutional or not, and that is not the proper way to go about doing that. It's a disingenuous way, like well we don't want to this so we're going to rule unconstitutional. Instead you could just say, we're going to pass some things so that the same motions can't be brought again, that's totally fair. It doesn't require you to ratify this statement that has some major logical inconsistencies.

Ben: Is that a suggestion to put something in here that maybe isn't there?

Igor: I think it's an entirely different issue, so it through be handled through different channels, you can bring it to council, bring it to GA, bring it to a referendum. I don't think it's the role of the Board of



Directors to be doing that, but it's a legitimate issue that can be brought up through the proper channels.
(49:57)

Jonathan: I think there are a few things that are being talked about that might be a little bit disingenuous when we're talking about BDS as a motion itself, and I think Adam brought up some really good points as to why we can't pick and choose stuff from the BDS movement, if this j-board decision specifically deals with the BDS movement as a whole, as a SSMU endorsement of the BDS movement. A SSMU endorsement of the BDS movement includes stuff like cultural boycotts, which are also, in addition to encourage people not to play in Israel, which is one of the thing Igor brought up, also includes, for example, if an Israeli artist or pretty much any sort of Israeli person were to come to McGill to give a talk or let's say an Israeli guitarist were to come to SSMU, BDS would mandate that SSMU cannot have that Israeli guitarist because they are imposing a cultural boycott on Israel. To me, that's about as clear as discrimination on national origin as it gets; discriminating against nationality coming to your school and doing a concert just because they happen to be from said national origin, is discrimination based on national origin and that's what BDS calls for. If anyone is interested in that passage on BDS's website, I can pull it up and share it around, but that is an important point being made, that it is discrimination being made based on national origin, BDS as a movement itself as it stands. As I said before, I don't think divesting from Remax, because they profit off of the Israeli occupation, would necessarily be a violation of SSMU equity policy, or SSMU's constitution, but endorsing BDS as a blanket movement is a violation because of those specific reasons. Going back to, in terms of the comparisons that were made with some sort of anti-racism policies and white people saying that they're being discriminated against them, I think that's not a fair comparison at all, I think it's completely different. This is a national origin issue and, as BDS clearly states that it would call for a boycott on Israeli artists, for example, because it says that they would, quote unquote, use themselves as cultural ambassadors to promote their own propaganda, once again something that it says on the website, I think that is a discrimination based on national origin. Going back to what was said about the fact that we've passed this motion like three times in the last eighteen months and every single time it's been rejected, I think that's an important point as well – this doesn't preclude other motions in the future that would target Remax, for an example I keep going back to, from being brought up. But I think this is an opportunity that the Board of Directors does have to actually reflect, also to reflect the student will, that's happened three times in the past eighteen months when this has been continually rejected. While this could be brought up in the future in a different form, I think the point that Adam made is extremely important, that if this were to pass one day, and it's not constitutionally protected against, then there's a really big situation where you have a GA motion that's passed calling for a boycott of a country based on people from that national origin, and SSMU's going to have to deal with that at that point. I think it's really important to protect people that could be discriminated against, based on that fact. So I think there are really good points being made, and that's how I see this j-board decision, and that's why it's so valuable, because it does make that distinction between divesting from a certain company and the BDS movement as it stands. And that's what I think



we need to be focusing on, the BDS movement as it's self, whether SSMU could endorse that, and I don't think it can; it would be unconstitutional.

Chloe: I'm only speaking for myself, but for me, I think this is coming down to whether or not the BDS movement inherently involves discrimination against individuals, and I understand that people have already decided one or the other how they feel about that, but I don't think it's as clear in my mind right now. I think that's because, in general, you have to understand that when SSMU supports a movement, it does not mean point blank endorsing every aspect of that movement and all the tactics that are involved in that movement, it's that they overall support the goals of that movement. I think that's where I'm struggling in this respect, because I think the example that can be given, and I'm not trying to make false comparisons, but like how a lot of people condemn the Black Lives Matter movement because of a couple of individuals that do things in the name of that movement that do not represent the movement as a whole. I don't think you can define certain actions that are done in the name of the movement and define the entire movement by those actions; I think that's a really bad fallacy to enforce. The movements are complicated, but I think that there is a question of whether or not inherently within the BDS movement it is discriminatory, and I am currently on the fence about that because I do see both sides and I do see that the movement itself has been very strongly linked to it in the past, and I don't think that can be denied. I personally don't really know where I stand on that aspect of it, but I do think in general, I do not support ratifying the reference question as it stands very strongly against that, because the reference question says explicitly, at the end, after sort of contradicting itself, it says that SSMU should not be able to take stances against the acts of a nation, and I do think that SSMU should definitely be able to take a formal stance against the acts of a nation, I think that's a very important role to be able to support movements that stand up against institutional injustices that are perpetrated at times by nations. I don't think that the conclusion that they make, that it's unconstitutional, is a valid one that we should uphold. I think that's setting a really dangerous precedent, that future campaigns or future movements that are supported by SSMU cannot condemn the actions of nations that could be unjust. That does sit well with me at all, and I think the j-board contradicts itself on that aspect too. The last thing I would say is that in the end, we have to make this decision from a very technical standpoint, in terms of the interpretation of our governance documents, we can't make a decision that sets this kind of precedent purely based off of our political beliefs, or this one specific political issue, because this sets a very strong, legal, governance precedence and you don't design governance documents around one specific political issue because they set precedents for lots of different future movements, and I think that we need to move away from the specific politicization around this movement and understand how it implicates our governance documents. I think it's a very strong statement to say that taking a stance against the acts of a nation is unconstitutional, I don't agree with that and I think that's inherently wrong. Whether or not the BDS movement itself is discriminatory against individuals from a specific national origin, I see both sides.

Erin: I brought up the idea of actions, but also at the same GA we passed a motion to support Free Minerals initiatives, which divested from companies invested in mining and DRC, which is a very specific



targeted divestment movement as well, that puts focus on a specific country. Or, for example, I question as well some of the language in the reference around South African apartheid, because it says that SSMU could well have adopted a formal position against apartheid, but it could not have adopted a formal position against the nation of South Africa, instead could have called for a more inclusive South African society. But if you read through, as I have, meeting minutes from 1985 at senate and the board of governors (58:30), that was actually an argument used against the divestment campaign for South African apartheid, suggesting that it wouldn't be appropriate to take a stance against the nation as a whole, because all these different points: well, people of color in South Africa are benefiting from these companies, for example, because they're getting employment. So I think that this motion, like Igor suggested, takes BDS in a vacuum. I'm also just looking back, just because there's been a lot of talk about the similar motions of the past few years, but I'm looking at the Fall 2014 one, which resolves that SSMU publically condemn the destruction of schools, the illegal expansion of settlement, the SSMU exec would sponsor and endorse efforts conducted by student groups to combat oppression and misrepresentation, including but not limited to marginalization of Palestinians, and provide a safe platform for students to voice their views. The following winter was very specifically focused on divestment, working with SPHR, but specifically to divest from the specific companies and working at the Board of Governors level for that. And it's only the most recent one that actually names BDS, so I'm still trying to understand if it's this wording of BDS that is the primary concern here, because I've seen the same – if we're just talking about the opposition, it's been to all of those motions, to a similar extent. So if it's just the suggestion that those other motions still have an association with that kind of movement? I mean, we're obviously not going to make anyone happy, but I'm not sure where the line is for people on that.

Sean: I think that at this point we're just going back and forth, and I don't think that it would be such a bad thing in this statement to include that paragraph that says, maybe not have the Board say it but advise council or advise some other group to put in a method that would restrict reintroduction of motions in general. I'm not saying that it's just in the case of BDS, as Chloe was saying, we can't just look at this and politicize it as one thing to bring in a policy, we have to step back from this one issue and look at this in general. I think that if we faced motion repeated in general, that it makes sense to put in place some structure for that. So I know that's partially unrelated to the background that has been happening, but I think that is a valid thing that we could include in this statement. I personally think that the Board could put it in, but I do also acknowledge and respect and understand the hesitation of that and putting it to a different body to produce that. But I think that it is something that we should do, because that is something that is important to respond to in case of them saying that it should never be brought up again, I think that it something that we should make a statement on in this statement. I also think that, in response to Chloe, I'm full with the fact that the people who speak out against Black Lives Matter because of the particular radicals, that is an over generalization of the movement, but I think that what Jonathan was saying is that he literally pulled up on the BDS website saying these things, and that those are the aims of this group, so I think you can't discount saying, yes we would boycott these economic aspects, but not these cultural aspects, when that is a part of this movement that we're saying that we're willing to



support. Yes, that is nitpicking, but I think at this point, it just feel like we're going back and forth and we're not actually parsing through the document of what should be changed.

Chloe: Well, we haven't decided whether or not we're going to ratify this, let alone what statement we're going to write, that's the problem.

Ben: That's on the line of what I was going to bring up. I guess, thinking about how this conversation will go and how we go about it, this is going to touch a little bit on what we talked about before and what we're talking about now. Previously we had a conversation about why the past board decided that it was within their jurisdiction to talk about more than just ratifying this reference. It was because there were some parts of it that they felt like they agreed with and they didn't want to completely ignore, and then some parts that they didn't, and they thought that there's a possibility of the Board setting a legal precedent that might be too wide set. And as such, maybe there should be more clarifications made and whether or not that's within the jurisdiction of the Board in terms of a reference response, maybe it's within the jurisdiction of the Board to release a second letter just talking about the nuances of what was going on to clarify for future legal references, and then what's the point of splitting it into two letters when you could just write it all in one, to give a response as nuanced as the reference itself, but that's a discussion in itself about whether or not. That's just historical context about why that maybe happened, and I feel like that's where we're driving ourselves back to, this idea that parts of this reference are valid and parts are more confusing.

Jonathan: Just in terms of the constitutionality of doing something like that, I think it's pretty clear that we have to take a stance on whether we ratify, send it back to the j-board or we overturn the reference. There's no line-item veto given to the BoD in terms of us looking through the document and being like, "we like clause 35, but we don't like clause 37." The way the procedure work is that the j-board ruling has been put to us, and we have to make a decision on whether to ratify it, overturn it or put it back to the j-board. After that, we can create a statement that would go out to the student body, but that's the first thing that has to happen before we can do anything else. We can't just let it hang; we can't take a middling stance on what we're doing with it.

Ben: That's more so what I'm touching on; it's fine if people do see it in the rules of the board that there is something to do here and there are maybe other things to do at the same time. Purely, you're right, if that is the interpretation we're going with, that's super fine. I think historically, the reason the previous Board did what they did is because they felt there was so many little nuances to this that they needed clarification into whether they were just going to put it into one statement, but we don't necessarily have to do that, but I guess it is a discussion on whether or not we do want to put that out at the same time, whether we are in favor of potentially commenting on some of the specifics, if there is disagreement by the Board as a whole. Maybe not in the same letter, but they could be separate, one could be a press release and one could be a decision. Regardless, what we'll be doing now is talking about the general



concept of ratifying the motion, talking about if there is a desire to make further recommendations, or if there is a desire to talk about the different parts that we want to agree or disagree on, that's the framework that I'm seeing. And we're still talking about whether we want to ratify it, but I don't know if other people see that discussion happening in a different order.

Jonathan: I think this is a good order in how we're discussing it, but that we need to decide question number one before we can move on. I don't think question three we can do period, because it's not constitutional for us to do a line-by-line veto. But number two, I think obviously we can discuss if we want to make further recommendations, but I think we should actually rule on the j-board ruling before we do so, so that we know what type of recommendations we're going to be making. We have to decide first before we make recommendations.

Adam: On that note, can I make a point? So I want to respond to something that was made earlier – the wording that I have written down was that if this results in people feeling marginalized, we just kind of acknowledge that it's a complicated issue, but that to me just sounds like washing our hands of that marginalization. I think we need to consider the practical implications more than the theoretical idea behind adopting something like this. This ruling and our constitution still allows SSMU to call out actions by external governments by calling out settlement expansions or writing to new motions that target specific companies but the effect of this is that the effect on campus is going to be very different from the stated intentions of it. The marginalization on campus is going to be real, it's going to be harmful, it was harmful last year just from coming up and the reactions on both sides, not just against one group but each side against one or the other – it was bad. I remember getting lots of emails from constituents when I was an Arts rep, with people saying, “Oh PSN is under attack from people on one side of the issue”, then Jewish students and Israeli students were messaging me saying that they were under attack from people on the other side. The marginalization is real and we can't discount that by relying on external arguments. Erin mentioned the argument from 1985 about how it would have an effect on employment in South Africa; that's external to SSMU so that's a weak argument. Jonathan, you had brought up how the cultural boycott would stop cultural performers from Israel taking a role on campus; personally, I don't think that's a great argument because, again, that's external. We need to focus more on the effect on our members in a very manifest sense, and the manifestation is going to be marginalization that we can't ignore.

Jonathan: Of passing or not passing?

Ellen: If we don't put a constitutional protection and one day this passes?

Adam: I'm not trying to make this specific to BDS, because there will be more issues in the future, but the result of taking stances like this is going to be one of marginalization against students on campus. I think that's something that we need to recognize and it's something that the j-board recognizes.



Jonathan: I think a lot of the points that I was going to make have already been said, so I'll try to be quick. I just wanted to bring up about Chloe's point: in terms of the goals of the movement, not discounting something because of the individuals in the movement do certain things, but looking at the goals of the movement as a whole, but I think that the goals of the BDS movement include an academic and cultural boycott of Israel. One of the goals of the movement is a cultural boycott and so endorsing BDS or a similar motion in the future, applying this to any other country in the world, applying a cultural boycott, which is a goal of this movement, would be dangerous, as Adam mentioned, in terms of marginalization of people on campus. It does extend beyond BDS, it's not just this because history moves fast and this could be a real thing with another country in ten years. I think it's important, as Adam said, to have a constitutional protection against it, because it discriminates against people of national origin and it's right in the goals of the movement itself, in terms of the cultural boycott. Erin made the comparison to divesting from Conflict minerals in the Congo, which is completely not the same as the BDS movement, it's much more akin to divesting from something like Remax, which the reference does not preclude from existing. I think to a certain extent we're going in circles now, but I think that j-board ruling does a very good job of separating the different parts of this complex issue and isolating the movement of BDS itself, which would be harmful to SSMU's constituents, the student body, and I think that's why we need to be ratifying it because it does keep the option open for divesting from specific companies, hypothetically, but it shuts the door for a wide spread boycott of a nation, which is what this is essentially advocating for, which I think is important because we have to protect students based on national origin.

Ellen: Not really a new point, but in support of what's being said, to me what this j-board decision is doing is drawing a line, constitutionally, against what we consider as unconstitutional discrimination. And the way to think about this is if we replace Israel in BDS, keeping everything else the same, replace it with any other country, Palestine, whatever, would we support this motion? That's, for me, the key question.

Ben: Chloe, you brought up how it's difficult maybe to think about this in the larger scale of what it is we are actually ratifying here, and what is the goal of the movement versus some of the tactics of the movement can be considered to be two sides to view how that can impact one's personal self, like referencing some of the stuff that is in the response itself, where we talk about the stated goal of the BDS movement to take a stance against the ongoing violation of Palestinian human rights, are we taking a stance about that not being able to be ruled on? Or are we talking about some of the tactics used by that movement? Some of the stuff that Erin brought up, when we say things like in similar motions, this reference kind of leaves room for some of those to be able to come to the general assembly, how it talks about how the previous questions would maybe still be constitutional – I don't actually necessarily read what the reference says to say that, some of the language in the reference specifically talks about how that might not be the case. I do want to say that speaking from a purely factual basis, if we look historically, some of the responses to previous motions have in fact been the exact same responses that we are getting now in terms of people being like, "oh, those previous motions were unconstitutional." At



that time, people did come to the general assembly and were like, “oh, we shouldn’t be voting on SSMU divesting from anything because that is inherently taking a stance against Israel.” And now there’s a discussion that’s happening here about whether that is the full extent of what we’re looking to ratify. If we do ratify this or choose not to, in a theoretical world if we did choose to ratify what the judicial board is saying, like how far is “similar motions” going? I guess in the instance that it’s the will of the board to ratify this, I really don’t feel comfortable not talking about a lot of the nuances that I strongly do believe are problematic with this reference, which I think there are quite a number.

Igor: I’m just going to add one specific thing first; so this reference and our discussion also seem to operate under the assumption that there are aspects to BDS that are discriminatory. Again, that is a contested assumption. I understand that this is not directly related to this reference and we’ve been turning around in circles a little bit, but this is an assumption that we’re basing this discussion on, so I want to address it still. In terms of the cultural boycott, if we want to look at it in terms of what is on the BDS website, the full statement says the following: “Many Israeli artists act as “cultural ambassadors” for the state.” What this means is that the Minister of Foreign Affairs provides funding to artists and writers with the condition that they act as service providers and they promote the policy and injustice of Israel–

Jonathan: This is also a contested claim.

Igor: Sure. But the idea of a cultural boycott, for example, when there is a Nazi metal band that is playing somewhere, people show up and prevent that from happening. Is this conceptually a violation of equity? I don’t think so. It’s a cultural boycott on political basis; you’re boycotting a political actor because of their political associations and convictions. So this is how you would make this argument. You can agree or disagree, but this a reflection that needs to be held. You can’t just assume that some aspects of the BDS movement and goals are discriminatory against a nation, because a lot of members of that nation, a lot of Israeli artists and Israeli academics who do speak out against the occupation, these people are obviously not boycotted by the BDS movement. But going back to the reference, the reference does not actually make this argument, it does not say that the BDS movement is problematic because of its association to cultural or academic boycott. The reference itself is actually constrained to economic boycott, economic divestment, and says that this is enough to basically qualify it as discriminatory against the nation. So again with this argument, as Jonathan said, you can’t pick and choose, you basically choose to ratify the entirety of this argument, it’s a logical progression or a reasoned argument, so if you disagree with even one of the steps, that’s reason enough to invalidate the entire argument. That goes to the second thing I wanted to say, which is one of the problems that I see, to kind of summarize, with this reference: first, there is this, this misrepresentation of BDS, in assuming that it’s discriminatory against a nation, and complete failure to take into account the stated goals of the BDS movement and the Palestine perspective, both in this general analysis and in the analysis of its impact on campus. This slight technical misapplication of the equity policy with this weird statement that we haven’t ruled on the constitutionality of the BDS action network or whether it follows the equity policy when in fact, if the BDS



network to become a club, that is precisely what you will have done. As well, the general blanket ban on taking stances against a nation in the way that is expressed there.

Chloe: I just wanted to briefly reiterate what I've said before, which is that if you believe that SSMU should not be taking a stance against BDS, that does not mean that it is unconstitutional. It doesn't mean that just because you don't agree with the movement or you believe that it's not SSMU's role, doesn't fundamentally mean that it's against our constitution. It also certainly does not mean, by any implication, that any movements against the acts of a nation are unconstitutional. And this is exactly what this is ratifying, that's the implication of this reference question. Regardless about how I feel about the whole issue itself, I'm very adamant about not ratifying this reference question because of those implications. I think there's been a lot of discussion about whether or not it's an inherently discriminatory movement, I do think it's important to realize that the goals of the movement itself are not BDS – BDS is the tactic to achieve the goals, which are addressing human rights issues in Palestine. And that's being ignored as the context of this question, and that's really not possible to ignore. I think it's valid if the reference question was saying that the tactic of a cultural boycott is unconstitutional; that, I would see more as an argument. There's more of a debate there. But it's not unconstitutional to take a stance against the acts of a nation. I think it's actually directly against our constitution in terms of leadership. Also, the effects of this reference question are to be against BDS and the effects of a moratorium are also anti-BDS, I think that's clear. Unless we can be sure that it's because they are unconstitutional, I think we shouldn't deny that it's actually a political decision that we're making based off of our beliefs about the issue, and that's not the role of the Board or the j-board. That's not democratic. I do totally think that the role of SSMU is protecting students from marginalization on campus, of course I support that and think it's important; students experience Islamophobia and Anti-Semitism on a regular basis, and those students should feel protected and feel like the equity policy should stand to protect and that they have recourse available through those options. I don't deny that or deny the importance or significance of that, but I don't see the Board or the j-board being the role of that, I see that as the role of SSMU Equity, and the reasons why the SSMU Equity Department is so important. The role of the Equity Commissioner is equity; equity as a principle that the Society upholds in general, I see this being a very central aspect of the organization, but I do not see that as being a reason to set this kind of precedent. I think I would prefer, if we're going to continue to discuss aspects of how we're doing to respond to the question, maybe not discuss that and really focus on whether we're going to ratify this question so that we can make a decision on that and then move forward, because it's already almost 2:30.

Jonathan: I want to respond to a few points that were brought up. First, to bend to your point about how it leaves the door open, "similar motions", you think is really vague. I actually think that the j-board ruling makes it pretty clear what they deem as similar motions to be, and it would be motions that discriminate against national origin, and it's pretty much there. It makes it pretty clear that would be what similar motions are. It's not really leaving the door wide open to a wide range of similar motions, it defines it, and it's very clear what those similar motions would be in the future. I think that's why it's so valuable,



because it does include constitutional protections for discriminating for motions that would be brought to the GA that would discriminate based on national origin. So I think it's pretty defined.

Igor: Can I just note, that at the part about the definition, it's not what you said, it's that which would compel SSMU to campaign against specific nations, not which discriminate on the basis of national origin, just to clarify.

Jonathan: Right, against specific nations, nations as being the operative term there, nations as being national origins.

Igor: That's the debate.

Jonathan: So going back to the point about the cultural boycott, which was brought up by Igor, Nazism is a political ideology, being Israeli isn't. If you're born in Israel, you're born Israeli; you don't really have a choice. You're Israeli and if you were to come to McGill to play, you would be culturally boycotted under BDS because you're Israeli, not because you subscribe to Zionism or a political ideology.

Igor: No that is precisely what it says.

Jonathan: It doesn't, and I can pull it up again, it says that, "many Israeli act as "cultural ambassadors" for the state. When international artists perform at Israeli conventions and institutions, they help create the false impression that Israel is a "normal" country like any other." Okay? It also says, "the Israeli administration of Foreign Affairs provides funding for Israeli artists and writers, with the condition that they serve as service providers for the policies and interests of Israel." Further to that point, I have a letter, which I can also circulate that I received earlier in the year, which is between two anthropology professors, one who supports the BDS movement and another one who is Israeli, but also supports the BDS movement. And he wants to go speak at the university of which this BDS professor is at, and he's denied, not because of his political ideology since they have the same political ideology, but because he's a teacher at an Israeli institution. So it is not to do with political ideology, I think that claim is disingenuous, it is to do with being Israeli and that's why this j-board motion is so important, because it isolates the fact that you can't be discriminated based on national origin, based on being Israeli, not from being a Zionist or a right-winger or a left-winger, but based on national origin of being from Israel itself. I also want to say that in terms of the nuances being taken into account, it does say that the boycotts or statements against Palestine would also be unconstitutional, so it does consider both sides. It also says that this would apply to everyone, not just Israel, it would apply to any sort of action that would be taken against Palestinians based on their national origin, which is also the right thing to do in my opinion. So it's not just narrowly focused in on this, it does take into account the views of other groups on campus and how they're factored in. Finally, the last thing I want to say procedurally, in terms of precedent, ratifying has been the norm for the Board of Directors, normally j-board decisions are ratified – I understand that



ones like these are much more sensitive and there's a lot more nuance to this than there would normally be for a j-board ratification. That being said, if we look at section 5.3 of the governing laws, it lists the reasons to overturn a j-board decision would be if it discriminates based on things like religion, national origin, gender, sexual orientation, or if it's manifestly unreasonable. And it doesn't give any other reasons as to why the Board of Directors should be overturning a j-board ruling. So I think, unless we can really prove that this is a manifestly "unreasonable" ruling, that there's no reason for us not to be ratifying it because that would be the normal procedure in this instance. And I understand that there are some concerns with that sort of thing. I also think that there's very specific dialogue to when we shouldn't be ratifying j-board decisions, and I don't believe this falls under one of them.

Adam: I was just going to say that unless we have new points to discuss, I'd like to move to call to question.

Ben: Would people be alright with me saying one more thing? I want to put it out there that there is maybe another option here and there is maybe some valid things brought up that maybe the problem with this reference is that there were maybe some things that were maybe left out of discussion, and there is some agreement and there maybe are some discussions that are not included from both sides. We can talk about some of the discussion here that was happening about the cultural reference, that isn't in here and maybe there is a desire for that to be looked in to. There is another option laid out in the constitution, that the Board of Directors does have the ability to send this back with a set of reasons, saying why we don't feel that this references the full extent of this argument, we believe some nuances were left out, we also believe that some of the reasoning brought up might need some more clarification from the board, which might have more knowledge on certain things. Maybe there were some misunderstandings at the judicial board level that need clarification that would help fully flesh out an argument. I also do think that, though it's fair to say that maybe, in some people's opinion, that this is very definitive, at least in my opinion as someone who is maybe not so sure about that, the presence of this discussion here maybe says that I don't think that is definite. That is the argument that's happening here, about whether or not actions against a specific nation is equivalent against someone based off their nationality. I think that is what we would be ratifying, is the agreement to that. So I don't know the full extent, maybe still, but it's fair that people think that's an old point that has already been discussed and I don't want to start that discussion again, I'm more so trying to get at is that there's a third option here that is fair and there's a lot of people who don't feel that there's enough talked about in this.

Erin: Can you clarify what that would look like procedurally?

Ben: What that would look like procedurally, we could have a discussion first about whether or not we want to ratify.



Chloe: Can I just recommend that we just vote on whether we ratify, yes or no, and then if no, we talk about whether to send it back or if we just throw it out and release a statement. I think we need to decide whether to ratify before we talk about what to do next.

Ben: My opinion is that there are three possible choices there.

Ellen: I see Ben's point. It makes a difference to me, at least, if we were to send it back, what are we sending it back on?

Chloe: So you'd rather vote yes, no, or send it back? Whereas I'd rather vote yes or no, and then send it back or other option.

Ben: Well I think we could just vote on whether or not we want to send it back, and depending on what happens there, we vote on ratification.

Igor: I think we should just follow the order, because if we want to ratify it then why would we be sending it back?

Erin: People recognize that if it's a no vote there are other options.

Ellen: Yeah, so that makes a difference, right?

Chloe: But it would be weird to split the vote three times.

Ellen: It is weird, but your point makes a difference to me at least. Like if we were to send it back, what will we be sending it back on? I'm not saying that we should have more discussion, but I would like to understand what it means when we say send it back. Do we completely disagree or?

Igor: I think we can talk about that when we get there, but that shouldn't affect your opinion on whether you want to ratify it or not. Either the legal reasoning is sound or it's not sound.

Sean: If we're voting to just send it back, she's asking a question of, okay what does that constitute? Are we just sending it back asking them to reconsider? She's asking a clarifying question, it's valid.

Igor: I was saying that we would clarify that obviously before we send it back. I'm saying we vote on the first thing, and then if that gets a yes vote, then it ends there and we can discuss the statement. If it gets a no vote, then we can talk about that.



Jonathan: I just want to speak quickly towards what it would mean, before we make a decision, because what it would mean, my understanding of it is essentially we send it back to the j-board with the reason why we disagree with their ruling, and then they have an opportunity to create a new ruling or send the ruling exactly back as it stands, at which point we have to go through this entire process again. And then ratify or not ratify it.

Ben: It's more so procedural; it's less about whether we agree or disagree and whether or not we see their logic as valid. We're saying that they're leaving out parts of this argument, or this argument doesn't line up fully. There needs to be other things considered, or else we can't make a ruling because we're not ruling on something complete.

Chloe: But I think the idea on whether to ratify or not needs to be independent on what to do afterwards, and I think that's a separate discussion and a separate debate. I think right now we need to vote, right now, yes or no.

Adam: I kind of disagree with that. We have three options to do. What happens if we first have a vote on whether we accept it or not, and we vote not to, and people voted not to because they wanted to send it back for further ruling and instead the result of that second vote is then no, we're not going to send it back, we're just going to reject it. I think that having a second vote afterwards as opposed to taking our three options in one vote, I feel like that would kind of distort the intentions of some people.

Chloe: But logically, you shouldn't be ratifying a decision with this kind of precedents because you're afraid of what will happen in the second vote. That's not necessarily a valid reason to ratify something. If you have concerns with the document as it stands, and those concerns are valid, they shouldn't be invalidated by the fact it might not be sent back.

Adam: But if you have concerns but you want to see more aspects of the ruling explored, so you vote no and then the vote to whether to investigate it or not, is just that the entire thing is dropped, then your vote against it is disingenuous.

Ben: I'm just going to procedurally – I think what we should be voting on is the yes or no of ratification, followed by the yes or no of sending it back. It seems like that is still the will of the majority of the people here?

Sean: The no vote here doesn't declare the overturning; it says that you're looking to send it back for an expansion on it and an edit of it. So the middle one is that you're acknowledging the parts of it you agree with, but parts of it is not fully fleshed out, so you're looking for more information, you're not just overturning it.



Igor: I don't think that's quite true because a no vote implies an appeal, and it implies that the logic of it was wrong. When you're ratifying an opinion, you're not just ratifying the conclusion; you're ratifying the whole argument.

Ben: That is a good point. I actually do think that Sean is right in saying that is not overturning it; the words overturning it are not located in the second passage. So it is fair to say that maybe the first vote here should be voting on whether or not there is enough information there, and if people wholly here do not feel that there is enough information in it, and it's sent back, then that can be the first vote. I think after we go through the vote of whether or not we want to send it back, that's saying that people feel like this is informed enough and that the logic is sound and that we can actually vote on whether or not to ratify. So I say we vote on B first, and then we vote on A or C second. Because theoretically, regardless of whether you ratify or not, before that you should have an opinion already formed about whether or not you think the logic is solid and whether or not you believe you have enough information to actually vote.

Erin: What's that going to do if we send it back? It's just going to bring this discussion back in 21 days.

Ben: Well I think that what we could do right now is outline some of the things that Igor or Jonathan or other people around this table have brought up that they've said, these specific things are not talked about in the reference and they're incredible important points to whether or not.

Jonathan: I just feel like we should be voting on whether to accept it or not, and then if we decide not to, then we can do into that. We shouldn't be wishwasy in the beginning, we should be making a definitive answer and then deciding afterwards what we should be doing with it, if anything.

Adam: This is a procedural question, but there are eight of us here, so what happens if we get a tie?

Ben: Can we deal with that when we get there? No, there was as good option brought up which is hilarious that it's come to this, but let's vote on what we vote on first. I don't care that it's an annoying process, but it's fair. So two options: the first one is, would you like to vote on ratification first? The second option is vote on sending it back first. Any questions?

Adam: What happens if it's tied??

Chloe: Well to fully overturn a position, we need four-fifths anyways. So it wouldn't be a tie to overturn.

Igor: If it's a tie, it's not a majority.

Vote happens. It's a tie.



Adam: I knew it!

Igor: Since there's no formal distinction over which of these have precedent, we should just vote in order in which the motion was made, and I think we were previously operating under the assumption that there was a motion to ratify, so I think we should vote to ratify.

Adam: This is why I wanted to establish what would happen if there was a tie, because I disagree with that.

Ben: We're going to go with chair's discretion and I'm happy to do that, so we're going to vote on sending it back first.

Igor: Can I appeal the decision of the chair?

Ben: No. So two options here: sending it back, or voting on whether to ratify.

Jonathan: Okay, before we do, I feel like these might be all ties and in which case I don't really know what happens.

Sean: So we vote on B first, and then if that doesn't happen, we vote between A and C?

Ben: Yes. That makes sense though right, because everyone in here should know whether or not they feel there is enough information present. At this point in the decision, you should be at least knowledgeable about whether or not you can make the decision based off the argument that is being put forward. And that's what B is saying. B is saying that: does the Board feel that the judicial board's reference has enough information and lays out a sound logic in order for the Board to make a decision or, alternatively, does the Board feel that the judicial board needs to reconsider some things and put more information in the reference?

Sean: Just given how long we've been debating, we obviously do as a whole agree that there are holes in the document.

Ellen: I think the key question here is do we get to refer back to the judicial board because we don't agree with some of the stuff or because it's not logically sound? There's disagreement over what the judicial board is saying.

Jonathan: It's not like, oh, I don't agree with them here so let's send it back. I kind of just feel like B is being used, no one really want to make a decision, so it's being used as a prolong until next session, which is fine, but we shouldn't be using B as an option to just prolong our decision making. If we want to



prolong it, we can table this until another time. But we shouldn't use B as that option. I think B is only if you find significant problems with the j-board ruling.

Ellen: It is logically unsound. Wrong logic.

Chloe: But if you disagree, then you'd just overturn it.

Sean: We've established that it is logically unsound because it doesn't address the cultural parts, because it doesn't address these parts that we've had such a long debate on. Personally, I'm not comfortable passing it as is, but I'm not comfortable completely overturning it because I think that it has the general idea, it's just there are parts that are missing. If we just overturn it and give a statement from the Board, does that carry as much weight as turning it back to the j-board and saying, we also want you to consider these things to include in your argument for this conclusion and then we get that back.

Erin: I think we just need to narrow our scope, because we're thinking about it with a lot of contingencies that can't be what we're voting on, otherwise we're just never going to vote on this. It's not going to be the end of every debate that we're having.

Igor: I think that if this is the legal argument that the judicial board has produced, we have no reason to believe that, in doing so, they didn't look at some things that they believed were relevant, it's a complete argument in their view and as such, sending it back without an appeal, without questioning the logic and just saying that it's not complete enough, I don't believe will substantially change either their opinion or their root argument really.

Sean: We are saying to include an appeal of reasons. We would create it; we're appealing it.

Igor: This is after reviewing and considering any appeals. If you want to appeal it, sure, but appeal implies disagree right, it implies that you don't think they reached a proper conclusion.

Sean: It's not an outside appeal; it's our appeal.

Ben: It's not saying that we don't agree with the conclusion, it's saying that we don't agree with the logic. It's not necessarily you disagreeing, specifically not overturning which is a complete disagree.

Ellen: But it also doesn't mean that you agree in part, and that's the problem.

Ben: Well it doesn't say anything about whether you disagree or not, and I think the point here is that you're not deciding on agreeing or not. I don't think people are going to see that and say, "oh the Board agrees or doesn't agree." We could have a discussion about what to include in that written rationale.



Chloe: Does anyone have an opposition to just going around and saying what they're leaning towards A, B, or C?

Adam: How is that different from a vote?

Chloe: No, a straw poll. An unofficial vote. Then we can form a consensus and we can stop debating this and move on and if we're still in the middle then we can just table this until more people are here.

Reminder: A is to ratify, B is to send back to the Judicial Board, C is to overturn.

Erin: C.

Chloe: C, with reservations, but also okay with B.

Ben: Same. [C, with reservations, but also okay with B.]

Igor: C.

Adam: Torn between B and A.

Ellen: Leaning towards A, maybe B.

Jonathan: A.

Sean: I am B, because I don't think that the argument is fully fleshed out and at the same time, if we just overturn it and give our own statement, we're just going to spend even more time hashing out the specifics of that statement, whereas if we give the j-board a chance to revise theirs, it gives us something edited to work from, instead of starting from scratch again. So I say B, but if not B then unfortunately A.

Adam: So it's a four-four split, like we thought.

Ben: Okay it is a four-four split, but let me think about this. Oh my god, is it four-four from every possible option?

Sean: No, there are five Bs, of those who would possibly accept.

Ben: Just for formality, just because I already know what's going to happen, let's just vote on ratifying. Because we're going to end in a deadlock, 100%. So then we can just move on from there.



Chloe: The other option is that if we all come to a consensus that we can agree to move forward on B, then we don't need to vote. Any decision making body doesn't need to formally vote on decisions, it is possible if we come to a consensus. If we don't come to a consensus and agree about B, then we need to vote. Within Robert's Rules, we're allowed to do that.

Ben: Is that where we're at though?

Chloe: No, because I don't think Erin want to compromise and do B, and I don't think Jonathan does either.

Erin: We can talk about it more, but are we going to get anywhere? I don't know.

Ellen: To me, I think there's disagreement between us on what would B mean.

Erin: To me, we could ask them to reference like 20 more arguments or whatever, but I think we're just going to come back and have the same discussion. Personally, I put out arguments that I think are the ones that they should be considering. To the extent that those are reflected or not, it would still stand.

Ellen: For me, judicially, you cannot send a decision back because there are certain aspects that you think should be considered, but does not mean that it is completely logically unsound.

Chloe: There is something to be said about the Board taking into consideration the opinion of the j-board and going that route, to have exhausted that option before making what is a very drastic decision of overturning this decision. That's why it's important, because this is a fairly drastic decision. I'd be okay with B, personally, I could do that compromise.

Adam: What happens if there's not a majority for any, but there's also not a four-fifths majority to overturn it and we're just stuck looking at it?

Jonathan: It says "may". There is an option that they just don't do anything. Like, it says that the Board of Directors "may" do A, B, or C, so I guess if nothing happens then nothing happens and it would just stand.

Igor: I think that would happen and we'd just have to release a statement saying that we couldn't agree on it.

Ben: Is there any desire of the Board to ask an advisory body that might be larger?

Adam: It's not an option.



Ben: Everything is an option, like honestly, with my interpretation here of the constitution, the Board has advisory bodies, there is nothing that these options say that stops the Board from asking an advisory body for its opinion. In fact, I do think that is fully within its jurisdiction.

Jonathan: I don't think so, I think it's pretty clear that it has to be A, B, or C. Or nothing, but we can't do more than nothing.

Ellen: We can ask for another body but are we going to change our minds?

Ben: What do I have in mind? Asking a representative body like the Legislative Council to have this considered. The same discussion with a representative nature for the Board to consider.

Igor: This just politicizes it further; it's not supposed to be a political decision, that's what we're arguing right?

Ben: But that's getting the opinion from representation rather than this high standpoint.

Jonathan: But from the Board of Directors position, we get a j-board ruling, and we have to vote on whether to vote on A, B, or C. The j-board as a body is there to make references and for us to ratify them, that's the process and it's not to be referred to another body to make a decision.

Ellen: And more to that, are you or I or anybody here going to change their vote because Legislative Council votes one way or another.

Adam: Can we just vote on this before we lose quorum?

Ben: We're not about to lose quorum this second and I think what Chloe brought up is valid, we already know where a vote will end up, it's going to end up in a tie.

Igor: What about B, we could have a majority on B?

Ben: Well are people willing to do B?

Igor: Should we agree to do it first and then decide what to put on the rationale, or will that affect your decision of whether we do B or not?

Jonathan: I just don't think anyone's at a point of making a decision.



Ellen: For me, B has a very high standard or threshold to pass, and I think for other people it's a lower standard than my standard. And I think if I vote B, it would not mean the same thing a certain other people.

Ben: Is it the opinion of the Board that we want to have a discussion about B?

Jonathan: Not really, because it's been three hours. I agree with Ellen that I think B is not just the neutral option that we can pick to just be like, well, we're not sure so let's just send it back to the j-board.

Ellen: It's also not the option of we can agree with some parts, but not with others.

Jonathan: We don't have a line-item veto. We can't say that we agree with this but not with this, can you make reparations? They make their decision and then we vote on it. I think that if we have the option that some people are thinking B is, it would be nice but it's not what B is.

Ben: I do think that the campus community deserves a response, even if we are being like, it's "may" so technically it could sit here forever, I don't think that is the right way to govern or really the right thing to do here, so recognizing with all of us, there is a permanent tie that currently exists, and talking about collectively maybe detaching ourselves from the discussion of how we feel about this and then like how we should be governing as Directors of the Society and what's the right thing to do here, is maybe the discussion that should be happening, and I do feel like there needs to be action which is why I think if there is no way of moving forward, I think another body might be something that's worth consulting. There needs to be some decision made. Or maybe B is the right way forward, but it is not fair to the campus community to just sit here and be fine with our tie.

Jonathan: I would say two things to that, one is that, I do understand that it's been four months and we should be doing something, but a tie *is* something. That's a substantive thing, it means that the Board of Directors can't reach a decision on the valid aspects of the j-board decision. That could be put in a statement and released, hypothetically, if literally none of these options is one we can pick, we can put that in a statement and release it. What that means legally – it doesn't mean anything.

Sean: If we can't make a decision, then we're not fulfilling our role as a Board of Directors. We have to make a decision.

Erin: But if the Board itself is deadlocked, that's not a dereliction of duty.

Ellen: What you said, Ben, about us being responsible governors is knowing that we're currently deadlocked, people on one side or the other, can't think about changing their vote, so that we're not deadlocked, doesn't mean that we need to consult another body necessarily.



Igor: We might still be deadlocked though, because overturning requires four-fifths while ratifying only requires one-half. Why I don't think B is a good idea is that we will have to submit a written rationale and agree on that, and that will essentially end up the same way.

Sean: The rationale is just unbiased; in these areas, we are looking for you to reconsider. We can have different stance on those, the fact of economic boycott versus cultural boycott and other things. We're not making a stance and putting that in our rationale, we're just asking, we would like the j-board's opinion on this and how it would influence us.

Ellen: But we already know the j-board's opinion.

Adam: I want to make this point really quick, because I think that we should decide on something today, but if we send it back to the j-board asking them to investigate more areas, do people think that they would consider arguments that haven't already been brought up?

Ellen: Is it going to change their minds? Because yes I agree that there are areas that were not considered in this judgment, and this is perhaps not the best judgment that there ever was, but like Adam said, how much will it change this situation we're in now.

Ben: Okay, I don't know how people want to proceed then. Do people want to vote on B regardless? Just to see if that's something that we want to do, even if some people are unsure if that's something that would actually change their opinions?

Jonathan: Right now, we could vote on ratifying.

Vote on ratification. Ratification fails. Vote on overturning. Overturning fails. Vote on sending it back to the judicial board with written rationale. (3 yes, 5 abstained). This passes.

Ben: Okay. Do people want to have that conversation now? We need to write a letter to the judicial board saying that we want a new reference.

Jonathan: Won't we need to vote on the contents of this letter too, like I'm sure there's going to be things that Igor would like in the letter that I wouldn't.

Ben: We can work on that outside of the meeting, but it's another meeting.

Sean: We're never going to agree on the contents of this appeal, like it's never going to happen.



Ben: The appeal can just ask for something to touch on. For example, you to disagree on some interpretations of boycotting or the need for presence of some cultural boycott interpretations to be mentioned in the letter. We don't need to go to them and be like, this is our opinion on that, we can go to them and be like, we would like more information on that. I don't think a letter would have to be partisan. In fact I don't think it should be partisan, I really think that it should just ask for information.

Jonathan: I'm still of the opinion that by voting for this, we have said that there are things wrong here and we would like you to make a new decision on this.

Sean: We're not saying it's wrong, we're saying that they don't acknowledge it as an area of concern. We're asking for an expansion of their argument, we're not asking them to change it, we're asking for justifying reasons.

Ellen: So then they add some reasons and they add more clarification and it comes back with the same decision, and then?

Sean: I just didn't feel comfortable passing it the way that it was, because it didn't touch on certain topics that I felt needed to be addressed.

Adam: Can I note a concern? I'm just confused because Chloe voted against ratifying it but then abstained because she felt like she couldn't vote because she wasn't in the room and I find that confusing.

Erin: She voted no for A, abstained on C, and voted yes for B.

Ben: We can talk about someone maybe writing up a few different things that could potentially go into that letter, as well as a rough framework, and we could come back to that once there is information on a page?

Jonathan: Who would be in charge of doing that? I think Sean should be because he seems to be the most neutral member. I don't think anyone who voted definitively yes or no should be in charge of writing that because we obviously have our own opinions.

Igor: For format, maybe some bullet points so that we can vote on each bullet point so that we can have easy consensus and we don't have to send it back and forth.

Jonathan: I think we should meet in the New Year to decide on this.

Sean: We also have to remember that after we send this back, the j-board has 21 days to send it back. So in light of what happened last year, we should make sure that we do this in a timely manner.



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5.0 Adjournment: 03:15 PM

A handwritten signature in blue ink, reading 'Muna Tojiboeva', is written over a horizontal line.

Muna Tojiboeva, President

2017 - 08 - 09