

Comprehensive Governance Review Committee (CGRC)

Report no. 4 to the Legislative Council

FOR APPROVAL

Submitted for 2020-02-27





Students' Society of McGill University

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EXECUTIVE SUMMARY

The Comprehensive Governance Review Committee (“CGRC”) was established on September 27, 2018 by a resolution of the Students’ Society of McGill University (“the Society” and “the SSMU”) Legislative Council to analyze the structure and function of the Society’s governance bodies and documents in order to bolster “greater engagement with student governance.”¹

Over the course of the 2018-2019 academic year, the CGRC worked diligently and met regularly to go through iterative processes of identifying challenges and barriers to meaningful student engagement with the Society’s governance and the SSMU more widely. Through this work, the CGRC began to formulate potential changes to the structure and function of the Society’s governance bodies, documents, and processes.

In 2019-2020, the CGRC brought forward its proposals to reform both the structure and composition of the Legislative Council, General Assemblies, and Board of Directors. These proposals generated significant student interest and dialogue over the course of the consultation process and the CGRC was pleased to see the level of engagement with its work. We hope to see this trend continue for the remainder of the CGRC’s mandate and look to members of the Legislative Council for their assistance in this regard.

With the significant decision-making bodies having been addressed, the CGRC has decided to now focus on addressing the remaining inconsistencies present in the Society’s governing documents and structure. Addressing these inconsistencies will help to contribute to the overall coherence of the SSMU’s governing documents and streamline business practices.

The CGRC anticipates that this will be its last report to the Legislative Council for the 2019-2020 year due to timelines related to the start of the referendum period but will continue to undertake its research work and bring forward proposals for discussion to the Legislative Council in order to equip subsequent iterations of the committee to engage more imaginatively with governance review.

As always, comments, questions, and concerns are indeed very welcome at any time. Any SSMU Member is also invited to attend meetings of the CGRC should they wish to do so.

Faithfully,

Husayn Jamal, Governing Documents Researcher

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¹[Motion for Special Emphasis to be Placed on Greater Engagement with Student Governance for 2018-2019 2018-09-27](#)



CONTEXT AND CONSULTATION

While this present proposal focuses explicitly on the Constitution, this is by no means the only focus area for the CGRC. We began by narrowing our scope of work to a reasonable and manageable framework that would affect the greatest of the desired changes from those we consulted with, as well as those diligently working and interacting with the Society's governance structures each day. We are pleased to say that the CGRC conducted robust consultations with a wide array of students, student groups, SSMU staff, and other stakeholders throughout the process, the outcomes of which all guided our work and the present proposal.

In our process, we acknowledge that it is often difficult to undertake meaningful consultation and that it is vital to the work of the CGRC that we strike the right balance between breadth of perspectives and manageability of the feedback and scope of the project as a whole. In our effort to strike this balance, we engaged with stakeholders from across the spectrum of involvement with SSMU and made meaningful efforts to engage with traditionally non-engaged student populations and approach the work of consultation through an equity-focused lens.

We are proud that our broad and diverse consultations garnered much valuable feedback and we are grateful to the following individuals and groups for their input either throughout the process or at individual stages during the CGRC's work:

- Permanent staff, including the General Manager, Human Resources Manager, and Operations Director
- Casual staff, including the Speakers of Council, Parliamentarian, Recording Secretaries, Equity Commissioners, and University Affairs Secretary-General
- Representatives of the campus press, including the Editor-in-Chief of the McGill Tribune and writers for the McGill Daily
- Representatives from SSMU Services, including the Black Students' Network (BSN) and Sexual Assault Centre of the McGill Students' Society (SACOMSS)
- Officers of the Society, including the President and Vice-President (University Affairs)
- Directors of the Society, including Directors Rubenok and Figueiredo
- Representatives of Senate Caucus, including the Law Senator
- Justices of the Judicial Board, though all declined to participate on grounds of neutrality and impartiality
- The student body at large, through a public comment period facilitated through the University Affairs Facebook page, as well as those students present at meetings of the CGRC



RECOMMENDATIONS

Upon reflecting on our work over the 2018-2019 academic year, the CGRC wishes to do its very best in order to fulfil its mandate to facilitate more active and vibrant engagement with student governance for the Society. In order to do this however, the CGRC's work cannot be circular and aimless and must be concrete in its proposals and vision for a way forward. To this end, the CGRC, recommends that the Society's Legislative Council:

1. Review the included governance review proposal;
2. Deliberate, consult, and ask questions of the proposal, and sections thereof; and
3. Resolve itself by way of a motion to support the proposal and send it to referendum.

1. Commitment to Representation

The Preamble of the Constitution is an under-appreciated source of the SSMU's essential guiding principles. The Preamble is an expression of purpose and a communication of the Society's underlying philosophy that should be present in all of its rationale and decision-making. At present, the clause in the Constitution's Preamble relating to representation does not fully express the Society's commitment to equity and self-representation which we feel will be ameliorated by the following change.

To this end, we propose the following amendments to the SSMU Constitution.

Preamble

REPRESENTATION. The Society shall act as the official voice of its Members and as a liaison between them and the University. The Society shall act in the best interests of its Members as a whole.

The Society shall, insofar as it is recognized as the official voice of students enrolled in undergraduate and professional programs at the University's downtown campus, properly create spaces for self-representation whenever possible. Such spaces will allow students to use the Society's platform to self-advocate on issues that align with Society positions to affect change in institutions such as the Society, the University, and the Government. When making decisions, Society representatives shall be obligated to inform themselves on each topic, consult affected populations, work for their constituents, and seek to create and improve avenues to understand the needs and priorities of all Members.



This revised representation Preamble acknowledges that the SSMU has an obligation to create spaces for self-representation of groups rather than duplicate or co-opt this community-driven work. Furthermore, it creates the acknowledgement that all SSMU representatives at all levels (Directors, Officers, Councillors, Senators) have a responsibility to be informed on topics before them, the effect on affected populations, to work in service of constituents, and improve the well-being of all Members.

2. A Renewed Vision for the Judicial Board

The matter of the Judicial Board was first raised in the *Comprehensive Governance Review Committee: Report no. 2 to the Legislative Council* when it was agreed that the existence of the body should be retained in the Constitution in order to assure its independent decision-making capacities but that all subsequent provisions relating to the Judicial Board would be moved into the Internal Regulations. After this decision from the Legislative Council, the CGRC returned to the topic of the Judicial Board and is now proposing the following additional changes with the goal of increasing accessibility and reducing procedural barriers.

15 ~~Judicial Board.~~ Governance Appellate Committee.

15.1 General. There shall be a body of the Society called the ~~Judicial Board~~ Governance Appellate Committee, which shall be a ~~body~~ permanent committee of the Board of Directors. It shall have authority to adjudicate on matters within its jurisdiction, as set out in the Internal Regulations. Every Member shall have the right to ~~petition~~ bring to the ~~Judicial Board~~ Governance Appellate Committee on matters falling within the ~~Judicial Board~~ Governance Appellate Committee's jurisdiction. ~~The Governance Appellate Committee was formerly and shall be interchangeably known as the Judicial Board.~~

AND THAT EACH SUBSEQUENT REFERENCE TO "JUDICIAL BOARD" IN THE CONSTITUTION OR INTERNAL REGULATIONS BE AMENDED TO "GOVERNANCE APPELLATE COMMITTEE"

The reasons for changing the name of the Judicial Board are equally symbolic as they are functional and practical. As the SSMU moves in a direction away from the current Judicial Board which is excessively procedural and burdensome to navigate as was evidenced in the public consultations, a change in name will help to refocus why the body exists and what its powers should be.

Any student, no matter how skilled or experienced, generally should not be mediating interpersonal disputes between individuals when they do not relate to a governance interpretation matter, especially when resources exist both inside McGill University



(e.g., Office of the Ombudsperson) and in the community (e.g., Centre des Organismes Communautaires).

As such, reframing the Judicial Board as the Governance Appellate Committee is a very visible acknowledgement of the fact that the body's primary purpose should be to interact and assist with matters related to governance and bylaw interpretation when other avenues of dispute resolution have been exhausted. There is a need for a neutral group to be able to make recommendations on how the Society's governance regulations should be interpreted in given situations but this should be separate from interpersonal mediation which can be taken up elsewhere in a more expeditious way.

Furthermore, acknowledging the Governance Appellate Committee as a committee of the Board of Directors is a more intellectually honest approach that recognizes the supremacy of the Board of Directors of the SSMU as a corporate entity. How individuals may feel about this does not change the fact that the Board of Directors cannot be constrained by a subordinate body.

Additionally, the benefits of this change allow the procedures and terms of reference of the Governance Appellate Committee to be relaxed significantly in a way that reduces procedural barriers in the process by moving away from courtroom-style hearings and instead towards discussion-based fact-finding and decision-making in the form of recommendations instead of rulings.

Renaming the Judicial Board to the Governance Appellate Committee therefore is the first step in increasing the body's accessibility and reducing procedural barriers for all students as outlined in the Forthcoming Changes section of this report.

3. Other Associated Changes

As with the *Comprehensive Governance Review Committee: Report no. 2 to the Legislative Council* and the *Comprehensive Governance Review Committee: Report no. 3 to the Legislative Council* there are other incidental changes required to the SSMU Constitution and Internal Regulations to either correct errors or bring it inline with current well-established practice. This section briefly summarizes such changes.

1.5 LANGUAGE. The Constitution and Internal Regulations shall be made available in both the English and French languages. **Both versions shall have equal authority. In the case of conflict, the version in the French language shall be authoritative.**

19 OFFICIAL LANGUAGES OF THE SOCIETY. English and French are the official languages of the Society. Members may use either official language at all meetings and in all



documentation of the Society. The Society shall respond to Members in the language of the originating correspondence.

Legal compliance (re: *La charte de la langue française*)

8.2 COMPOSITION. (b) one (1) Councillor appointed for every two thousand (2000) students or part thereof by the following faculties or schools each faculty or school in accordance with the procedures set out by that constituency: if that school is not already represented by a faculty-level student association, for every two thousand (2000) students or part thereof to a maximum of four (4) Councillors in accordance with the procedures set out by that constituency;

- (i) Faculty of Arts;
- (ii) School of Social Work;
- (iii) Faculty of Dentistry;
- (iv) Faculty of Education;
- (v) Faculty of Engineering;
- (vi) Faculty of Law;
- (vii) Desautels Faculty of Management;
- (viii) Faculty of Medicine;
- (ix) Ingram School of Nursing;
- (x) School of Physical & Occupational Therapy;
- (xi) Schulich School of Music;
- (xii) Faculty of Science;
- (xiii) Interfaculty of Arts and Science;
- (xiv) School of Religious Studies to represent and be nominated by students registered in the Bachelor of Theology (B.Th.)

The Theology Undergraduate Students' Association (TUSA) has been newly created to serve and represent students registered in the Bachelor of Theology (B. Th.) degree program as part of the School of Religious Studies as a separate and distinct degree program from the Bachelor of Arts (B.A.) in Religious Studies. Given that the TUSA will not hold a seat on the Arts Undergraduate Society (AUS) Legislative Council, the SSMU is obligated to offer the TUSA a seat on its Legislative Council.

8.2 COMPOSITION. (k) the General Manager, who shall be an ex-officio member of the Legislative Council and who shall not have the right to vote.

The General Manager provides primarily legal, operational, and financial expertise relating to the SSMU's operations. Given that this business occurs at the Board of Directors, there is little reason to afford the General Manager an ex-officio seat on the



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Legislative Council even if it is non-voting, especially given that the Legislative Council retains the ability to invite the General Manager to attend any session as required.

FORTHCOMING CHANGES

With the Legislative Council, Board of Directors, General Assembly, and Judicial Board all having been addressed by the CGRC over the course of this academic year, we anticipate that this report will be our last on changes to the Society's Constitution.

In order to effectively implement the vision for the newly proposed Governance Appellate Committee as a committee of the Board of Directors, the CGRC will work, over the remainder of the academic term, to amend the Internal Regulations of Governance and Internal Regulations of Committee Terms of Reference to create a new composition and set of procedures for the Governance Appellate Committee. These provisions, and especially the Internal Regulations of Committee Terms of Reference, shall repeal and replace the Judicial Board Internal Procedures.

Work on this file will be done concurrently with other updating to the Internal Regulations when areas of inconsistency and limited clarity arise. All such changes will be duly brought forward to the Legislative Council.

FOR APPellate



CONCLUSION

We thank you for considering the proposal contained in this report and for your comments and consideration with respect to the associated rationale. To conclude, we propose the following resolution be adopted by the SSMU Legislative Council:

BE IT RESOLVED, THAT the Students' Society of McGill University Legislative Council adopt the recommendations contained in the *Comprehensive Governance Review Committee: Report no. 4 to the Legislative Council* and approve the following question to go to Winter 2020 Referendum:

Do you agree to supercede and replace the Students' Society of McGill University constitution as outlined in Appendix A?

Where Appendix A is a copy of the SSMU Constitution with all changes compiled in this and the previous report annotated (additions highlighted in yellow, removals with a strikeout).

FOR APPROVAL