



Bureau du président du conseil de l'AEUM

Située sur les territoires traditionnels des collectivités Haudenosaunee et Anishinaabe.

SSMU Office of the Speaker

Located on Haudenosaunee and Anishinaabe, traditional territories.

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MOTION REGARDING LEGAL ACTION AGAINST TUITION HIKES 2023-11-23

Submitted for: 2023-11-23

Submitted to:	SSMU Legislative Council	Document no.:	LEG-PUB-MOT-2023-11-23-002
Moved by:	Keith Andre Baybayon <i>Arts Councillor</i>	Current Status:	<input type="checkbox"/> FOR APPROVAL <input type="checkbox"/> APPROVED <input checked="" type="checkbox"/> POSTPONED <input type="checkbox"/> COMMITTED <input type="checkbox"/> NOT APPROVED
Seconded by:	Melanie Renaud <i>Athletics Councillor</i>		
Supported by:	Rishi Kalaga <i>Member</i> Sebastien Duckett <i>Member</i>		

Issue

This motion seeks to mandate the SSMU Board of Directors and Executive Committee to prepare and oversee a legal challenge to the tuition increases. This would include forming a special committee to hire a law firm and prepare litigation strategy. This committee would have mandatory reporting requirements to the SSMU Legislative Council.

Background and Rationale

The tuition increase proposed by Québec would have dire consequences for McGill University and its students. The doubling of tuition from \$8,992 to \$17,000 will make attending McGill almost impossible for thousands of students, particularly those with socio-economic disadvantages. The specific implications for McGill [outlined by Principal](#) and Vice-Chancellor Deep Saini on November 2nd included enrollment and revenue drops, program cuts, layoffs and major reductions in the varsity teams. These all lead to an immense decrease in the quality of programming and the services that McGill can provide for its students present and future. This is a clear and direct threat to the vitality and diversity of the student population at McGill.



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If enacted, these tuition increases would be a clear example of a discriminatory state action. These measures are specifically targeted at English-language institutions and speakers in Québec, with the objective of imposing burdens and denying benefits to linguistic minorities. In addition to being discriminatory in the sense that it is commonly used, it may also be unconstitutional. Section 15 of the Canadian Charter of Rights and Freedoms guarantees equality rights. Furthermore, subsection 3 (a) and 3 (b) in Section 23 of the Charter further guarantees minority language education rights “provided out of public funds.”

The SSMU is in a unique position to take legal action against these tuition increases, if enacted. It is the only party who has legal standing to pursue a challenge in the courts.

Passing this motion is an important first step to prepare to mount a legal challenge. The SSMU must act swiftly and decisively to be able to meet legally-mandated timelines for a challenge. Although the tuition increases have not yet been formalised, once they are, it will be beneficial to have mechanisms in place to act swiftly.

Alignment with Mission

The proposed tuition raise would undermine McGill’s diverse needs and reduce the quality and accessibility of its education, among other things. They are in direct contradiction to SSMU’s mission and the composition of its membership.

Consultations Completed

The lack of time to mount a legal challenge has impacted the possibility for wide-spread consultations before the presentation of this motion. However, given that legal challenges can take years and the bulk of the costs would be incurred much later, there is still considerable opportunity to complete ongoing consultations. Having said this, there have been three categories of consultations performed nonetheless.

First, there was a public town hall on October 25th to discuss the tuition increases. Support for a legal challenge was raised and endorsed by the attendees of this town hall. This town hall included SSMU executives including the President and VP External, all of whom expressed a desire to take strong action.

In addition, there have been campus wide discussions with students, administrators and campus leaders, where support was expressed for further measures such as legal action.



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The president has been consulted throughout the process of the drafting and presentation of this document.

Risk Factors and Resource Implications

Financial: Mounting a lawsuit against the state costs money. Although precise figures are impossible given that several factors may influence cost, it would very possibly cost into the hundreds of thousands of dollars over the several years it would take to pursue legal action to its end. However, these legal costs could be mitigated in meaningful ways. For example, the SSMU could split the legal fees with its counterparts internal to McGill, such as PGSS, and external, such as Concordia and Bishops, whom the tuition raise also affects deeply. Finally, the SSMU could turn to the public for support. There is precedent for such legal challenges to raise considerable sums through crowd-funding services. These costs weighed against the monetary loss the university would encounter as a result of the tuition raise, highlighted in the [Principal's statement](#), are nominal.

Human Resources: Pursuing legal action will require several people to commit their time to overseeing the challenge. Although this would not be substantial, it is still a consideration.

Reputational: There may be reputation risks of pursuing and of not pursuing legal action. There may be reputational harm associated with directly challenging the state, who is well-equipped to publicly villainize or counter the SSMU's legal suit. However, it may severely undermine the SSMU's reputation to not stand up to discriminatory state action that directly contradicts its constitutional mission and McGill undergraduate students more broadly.

Sustainability Considerations

No sustainable student body can withstand a direct and devastating attack on the future of a diverse and representative student population.

Impact of Decision and Next Steps

If passed, this motion would authorise and require the SSMU Board of Directors and Executive Committee to pursue a legal challenge of the tuition increases, once formally enacted by the Québec government.

In anticipation, SSMU would engage a law firm and prepare documents/protocols for a corresponding committee. Once the tuition



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increase has been enacted, this would involve overseeing the legal challenge and participating where necessary.

Motion or Resolution for Approval

Be it resolved that, should the tuition increases be adopted, the SSMU Board of Directors and Executive Committee be mandated to pursue legal action against the Québec government.

Be it further resolved that, within two months of this motion's passing, that the SSMU Executive Committee present a concrete proposal for a committee to oversee the legal action, including the requisite Terms of Reference.

Be it further resolved that the SSMU Executive Committee allocate the necessary financial and human resources in undertaking the legal challenge against the Québec government, while seeking every reasonable opportunity to negotiate or reduce the financial burden of undertaking the legal challenge.

Results of the Vote

In favour	(14)
Opposed	(2)
Abstain	(N/A)