



Bureau du président du conseil de l'ÉUM

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 THE APPROVAL OF A REFERENDUM QUESTION AMENDING SECTION 1.3 OF THE SSMU CONSTITUTION

2025-02-04

Submitted for: 2025-02-04

Submitted to:	SSMU Board of Directors	Document no.:	BOD-PUB-MOT-2025-02-04-002
Moved by:	Dymetri Taylor <i>President</i>	Current Status:	<input type="checkbox"/> FOR APPROVAL <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> POSTPONED <input type="checkbox"/> COMMITTED <input type="checkbox"/> NOT APPROVED
Seconded by:	Hamza Abu Alkhair <i>Director of Clubs and Services</i>		

Issue

Section 1.3 of the Constitution must be changed through a referendum question to preserve the autonomy, agency, and integrity of the Society by preventing the wrongful or deliberate misinterpretation of the Constitution's Preamble.

Background and Rationale

On page 6 of the Constitution of the Student Society of McGill University (hereafter "Constitution") is a one-sentence long phrase describing how the Preamble should be interpreted. This phrase reads as follows:

1.3. Preamble: "The preamble shall form an integral part of the Constitution."

Although it may appear banal, it must be emphasized that the many important values listed in the Preamble of the SSMU's Constitution (hereafter "Preamble") have been consistently weaponized against the Society to hold it to an impossible standard.



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This has manifested both in the forms of litigation and in Notices of Default (hereafter “NoDs”) with respect to our Memorandum of Agreement (hereafter “MoA”) with McGill.

As such, this single phrase has served to function as a built-in vulnerability in the sense that any party may claim the SSMU has violated its own Constitution but in doing so only cite the Preamble—alleging, for example, that by taking a political stance some students may object to, that the SSMU has failed to “*facilitate communication and interaction between all students from all McGill communities.*”

It is furthermore not trivial to mention that *literally* facilitating communication between 25,000+ individuals in a given moment is not only impossible; rather, it is absurd by any standard to genuinely believe that a team of 6-7 SSMU Executives and a handful of part-time and full-time staff possess the capability to meet an unreachable standard which itself is not precise—namely and precisely because such standards were never met to be interpreted in a literal fashion.

Because of these conclusions, the constitution must be amended so that section 1.3 reads as follows:

1.3. Preamble: “The Preamble shall serve solely as a mission statement of this Constitution and an articulation of principles and values for the Students’ Society of McGill University. As such, the Preamble shall not be interpreted as imposing specific obligations on the Society nor shall it be used as a basis for legal, contractual, or procedural claims.”

This issue affects all students, given the way section 1.3 has been exploited to subvert popular movements and the clear ambitions of student movements. It could potentially save the SSMU thousands of dollars in legal troubles by saving time on unnecessary deliberation or litigations.

Alignment with Mission

The changing of this clause would make it easier to implement virtually every Policy in the case that frivolous or vexatious conduct or litigation arose which would combat such Policy’s ratification or implementation.

Consultations Completed

- Vice-President (External Affairs): Wrote this motion and reviewed the myriad historical cases in which the Preamble was mentioned as a means of achieving some political goal at the expense of the



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SSMU and provided alternatives to the text discussed in the amendment. Full support was given.

- Services Representative / Director of Clubs and Services: Provided initial feedback on the language and scope of the motion's proposed question. Full support was given.
- Law Representative: Discussed potential political / policy-related implications of the amendment the Constitution, were the questions approved and voted upon by the membership. Full support was given.
- Arts Representative: mentioned the importance of providing more thorough information in the question section such that it is more clear to the student body why the question is relevant.
- [Policy and Advocacy Coordinator](#): The PAC was contacted regarding the formatting of the motion and adherence to the writing and style guides of the SSMU. Full support was given.

I have read and completed the requirements outlined in the Consultation Policy.

Risk Factors and Resource Implications

This question, if approved by the membership, would possibly save the SSMU thousands on legal fees and make it more difficult for the McGill Administration to instrumentalize and weaponize the MoA.

Impact of Decision and Next Steps

If passed, this motion would allow the question mentioned below to be added to the fall referendum. If the question is so approved by the membership, the constitution will be changed to include the alteration mentioned in Appendix A.

Motion or Resolution for Approval

The purpose of this amendment is to prevent the Preamble of the Constitution from being misused to impose unrealistic expectations on the SSMU, leading to costly procedural challenges. Clarifying that the Preamble is a mission statement, not a binding rule to be literally interpreted, will protect the Society's autonomy and ability to enact student-driven policies without concerns over legal challenges. This change ensures a fair interpretation of the Constitution while safeguarding SSMU's governance and financial and organisational stability.



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“Do you agree to approve the following amendment to section 1.3 of the SSMU Constitution as outlined in Appendix A to ensure its Preamble is correctly interpreted?”

Results of the Vote

In favour	(UNANIMOUS)
Opposed	()
Abstain	()

APPROVED



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Appendix A: Modifications to the SSMU Constitution

1. INTERPRETATION

1.3. Preamble

The preamble shall form an integral part of the Constitution.

The Preamble shall serve solely as a mission statement of this Constitution and an articulation of principles and values for the Students' Society of McGill University. As such, the Preamble shall not be interpreted as imposing specific obligations on the Society, nor shall it be used as a basis for legal, contractual, or procedural claims.

APPROVED