



JUDICIAL POLICY

OF THE

ALMA MATER SOCIETY

OF QUEEN'S UNIVERSITY

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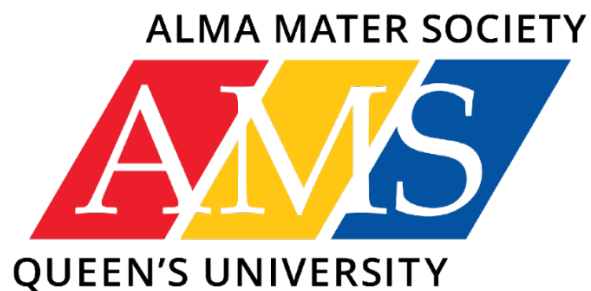


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Land Acknowledgement

We acknowledge that we are on the traditional lands of the Anishinaabe and Haudenosaunee peoples, known as Katarokwi, or colonially as “Kingston.” The Alma Mater Society at Queen’s University seeks to recognize the importance of these lands to the Indigenous peoples who have existed since time immemorial. The unjust acquisition of these lands occurred through the Crawford Purchase of 1783, a land treaty upheld by the First Peoples but later undermined by the British Crown and the “Canadian” government. This history of numerous broken promises and treaties continues to impact Indigenous communities today.

As settlers on this land, we acknowledge our continued benefit from systemic structures that marginalize Indigenous peoples. Recognizing systemic oppression, it is our duty to actively listen to and amplify Indigenous voices, addressing both past and ongoing injustices for meaningful, positive change. We are grateful to these lands for sustaining us and giving us the gift of life. This acknowledgment is a call to action, committing us to understand and respect the history and ongoing struggles of Indigenous peoples. We recognize that words alone are not enough; our actions must reflect our commitment to justice and reconciliation.

As a branch of the society that strives to connect student leaders and facilitate positive change and student advocacy on Turtle Island, we strive to maintain the core values and teachings from Indigenous peoples. We are incredibly grateful for the ability to do so. As the Secretariat Office facilitates Assembly, Elections and Judicial Affairs, it is our duty to ensure that the voices of Indigenous and marginalized peoples are amplified, as well as provide resources on how we can facilitate and help in advocacy that is important. We are set to encourage all members of the Office and student leaders such as Assembly members to reflect on the privileges that they have been on afforded on this land, and use them to ensure campus safety, accessibility, and impact for all students. As settlers on the stolen lands of the Anishinaabe and Haudenosaunee peoples, we must continue to educate ourselves and strive to decolonize every layer of our governance system and curricula to Indigenize our learning.

Purpose

The Judicial Policy of the Alma Mater Society (“AMS”) governs the procedures and operations of the **Judicial Affairs Office** (“JAO”) and **Judicial Council** (“Judicial Council”), which were first established in 1898, and are simultaneously autonomous from each other and the AMS. The Judicial Affairs Office and Judicial Council are in tandem understood to compromise the **Judicial System** (“System”) and are ultimately accountable to all members of the society.

The purpose of this policy is to govern the operations of the Judicial System and establish clear and simple procedures for judicial proceedings. This policy works in tandem with the *Appointment Policy* of the Alma Mater Society, which outlines appointments and removals of students to the Judicial Affairs Office and/or Judicial Council.

Terminology

For the purposes of administering the Non-Academic Misconduct system of Queen’s University, any discrepancies between the terminology listed below and the Student Code of Conduct, the Code’s definition should prevail. For all other purposes, the definitions listed below prevail.

1. **Advisors:** An Advisor is a more formal type of support to a student, such as a Legal Counsel or other similar representative. Students who are facing serious incidents of Non-Academic Misconduct are encouraged to consider obtaining legal advice from a lawyer or other legal Advisor of their choosing. Even where a student has retained the assistance of an Advisor, Case Officers retain the right to address the student directly; moreover, the student’s Advisor is ordinarily not permitted to answer questions on the student’s behalf.
2. **Agency Agreement:** A formal written agreement between the AMS and the University that sets out the authority, terms and conditions for the administration, on behalf of Queen’s University (“University”), of Non-Academic Misconduct cases (“NAM Cases”) referred to it by the Non-Academic Misconduct Intake Office (“NAMIO”).
3. **Case Expert Advisor:** Is an individual, normally the Secretary of Internal Affairs, appointed as an official advisor to case under the Judicial Affairs Office at the discretion of the Case Officer, and by approval of the Judicial Council Chair.
4. **Case Officer:** The individual acting under the authority of the Judicial Affairs Office, which is guaranteed by the AMS Constitution. This is normally the Judicial Case Manager for NAM Cases, and Judicial Disputes (Policy) Manager for SPI cases. However, this may also include the Secretariat in exceptional circumstances, subject to limitations of this or *Appointment Policy*. Every case will be assigned a Case Officer,

whose responsibilities include but are not limited to: investigating alleged violations, meeting with Respondents, Complainants, and Witnesses, and presenting to the Judicial Council. Note, that the “Case Officer” is equivalent to the “Case Manager” as defined by the Code. Different titles are being used to distinguish between the Judicial Case Manager, and a Case Manager who overseeing a case, which may sometimes be the Judicial Disputes Manager.

5. **Case Record:** Records covered under this clause include but are not limited to:
 - a. Any application, complaint, incident report, reference, or other document, if any, by which the proceedings were commenced;
 - b. Forms signed by the Respondent during the course of the case (e.g., Form 1);
 - c. Any interview notes or recordings;
 - d. The notice of the hearing;
 - e. A copy of all documentary evidence filed with the Council;
 - f. The decision of the Council and the reasons therefore;
 - g. If applicable, the decision of the Judicial Appeals Board;
 - h. The completed sanctions (where applicable); and
 - i. A record of any other document or piece of evidence which was sufficiently relevant to the case at hand.
6. **“Constitution” or “AMS Constitution”** refers to the constitution of the Alma Mater Society.
7. **Complainant:** The Complainant is a student, Queen’s University or a member of the Queen’s Community (faculty member, instructor, staff, or Kingston resident) or any other individual or Party who has been harmed by alleged violation. Complainants can include, but are not limited to,
 - a. Individuals and groups directly harmed by the violation
 - b. Agent of the University, the AMS, and the SGPS acting within the scope of their authority.
 - c. Someone who files a complaint on behalf of the harmed individual(s) or group, providing that the Complainant has the written consent of such individual(s); such written consent should be provided to both the Case Officer and the Judicial Council Chair.
8. **Designated Representative(s):** In the event of a group case, this refers to individual(s) or a group that has constitutional or otherwise delegated authority over the overarching functions of the group. Such Designated Representative(s) will be responsible for representing the Respondent group in hearings and interactions with the Judicial Affairs Office.
9. **Expert Advisor:** Is any person that is external to an ongoing proceeding, who is appointed by the Case Officer as an Expert Advisor to the Case Officer. Such persons may accompany the Case Officer to meetings and/or proceedings. Expert Advisors should only be appointed for group SPI cases, in which the advisor’s

expertise or knowledge of an area is deemed necessary for the prompt and successful resolution of the ongoing case.

10. **Forms:** Refer to the forms which the Judicial Council and the Judicial Affairs Office use in the execution of their responsibilities under the Judicial System.
11. **Judicial Affairs Managers (“Judicial Managers”):** This refers to the head of the Judicial Affairs Office, and includes the Judicial Case Manager, and Judicial Disputes (Policy) Manager. The Judicial Managers are equal and ultimately responsible for the oversight of the office, and administration of all cases. The Judicial Managers report to the Secretary of Internal Affairs for administrative support yet have full operational independence concerning case management and outcomes.
12. **Judicial Affairs Office (“JAO”):** Consists of the Judicial Managers and Judicial Deputies who administer cases in accordance with this policy and the Agency Agreement.
13. **Judicial Appeals Board (“Board”):** Refers to the entity to which appeals relating to a Suspected Policy Infraction may be made.
14. **Judicial Case Record Management Procedure:** This refers to an internal AMS document approved by the Information Technology Office which outlines procedures on the management, retention and destruction of Case Records to ensure compliance with this policy of the Agency Agreement. This document can be made available to any Party involved with the Judicial System upon request.
15. **Judicial Council (“Judicial Council” or “Council”):** The adjudicative body of the Alma Mater Society, which derives its authority from the AMS Constitution. Judicial Council members are appointed per procedures of the *Appointment Policy*.
16. **Judicial Council Chair (“Chair”):** An appointed Chair who oversees the Council members. The Chair leads hearings and deliberations, takes notes during hearings and writes a decision consistent with the rationale of the Judicial Council as needed. The Chair is a non-voting member of the Council unless there is a tie between members.
17. **Judicial Council Terms of Reference (“Charter”):** This refers to a document that outlines rules and etiquette surrounding Judicial Council Hearings, expected conduct during and after hearings. This document must be updated by the Judicial Managers and approved by the Judicial Council Chair by September 30th of each year.
18. **Judicial Council Vice-Chair (“Vice-Chair”):** A member of the Council appointed in accordance with the Procedures Policy, who resumes the duties of the Chair when the Chair is unable to fulfill them or at the Chair’s discretion.
 - a. **Judicial System (“System”):** The Judicial System refers to the Judicial Affairs Office, and Judicial Council and incorporates both the Non-Academic Misconduct and Suspected Policy Infraction for both individuals and groups.

19. **"Member Society"** refers to faculty societies who are considered members of the Alma Mater Society as defined by the Constitution.
20. **NAM Appeal Panel:** The University's final internal appeals body for NAM Cases.
21. **NAM Units:** Each of the Student Conduct Office, Athletics and Recreation, Residences, and any Authorized Agent of the University, involved in the administration of the Student Code of Conduct
22. **Non-Academic Misconduct ("NAM"):** A single act, repeated acts or part of a pattern of behaviour that taken in its entirety constitutes a violation of the Queen's University Student Code of Conduct.
23. **Non-Academic Misconduct Cases ("NAM Cases"):** refers to the Category 1 cases of violations of the Student Code of Conduct as delegated to the Judicial Affairs Office by the Non-Academic Misconduct Intake Office ("NAMIO").
24. **Non-Academic Misconduct Intake Office ("NAMIO"):** An office of Queen's University that receives and refers reports of NAM Cases in accordance with the criteria set out in the Student Code of Conduct.
25. **Parties or Party:** Refers to the Parties to the proceedings, and should include, without limitation, the Case Officer, the Complainant(s), and the Respondent(s). In cases in which the Respondent is a group, this should also include the Designated Representative(s) of the group.
26. **Queen's Legal Aid:** A pro-bono legal service available to residents of Kingston, Napanee and surrounding areas, and to Queen's University students. This organization is one of several law clinics funded and supported by the Queen's University Faculty of Law.
27. **Respondent:** an individual or group of individuals alleged by the Judicial Affairs Office to have violated Society Policy or the Code.
28. **Sanction:** the tasks, duties, or other requirements that must be completed by a Respondent who has accepted responsibility or has been found responsible for violations of the Code or other Society Policy.
29. **"Suspected Policy Infraction" or "SPI"** refers to cases pertaining to violations of policy within the purview of the Alma Mater Society, which includes but is not limited to the Constitution, other policy for which the AMS Assembly is the final authority, a policy of a "Member Society" and/or any other appropriately published non-academic rule or regulation.
30. **Student:** Anyone who is registered, full-time or part-time, in a course or program of study, including a non-degree diploma or certificate (whether for credit or not), offered by or through the University, or anyone who was so registered when the reported misconduct was said to have occurred. It also means a person registered at another university on a letter of permission from Queen's and a person on exchange at Queen's or abroad.

31. **Student Code of Conduct ("Code"):** A document which outlines the activities and behaviours that constitute Non-Academic Misconduct and associated sanction(s). Upon registering in a course or program of study offered by or through Queen's University and while a Student remains registered in any course or program of study at the University, every Student enters a contractual relationship with the University by which they:
- a. acknowledge the right of the University to set standards of conduct;
 - b. accept and agree to be subject to the University's policies, rules and procedures, including the Code; and,
 - c. accept the right of the University and/or its Authorized Agent(s) to impose sanctions for conduct found to have violated those standards, policies, rules or procedures.
32. **Support Persons:** A Support Person may be anyone of the student's choosing as long as that person has had no involvement in the incident, i.e. as a witness or co-Respondent. The Support Person's role is to provide moral support and assistance to the student in understanding processes and procedures. The Support Person may attend any meetings that occur as part of the process, such as the initial meeting, investigation interviews, resolution discussions, and hearings. When a Support Person accompanies a student, they generally do not have a speaking role and are not there to advocate or speak on behalf of the student. Parents, mentors, and friends are some examples of Support Persons for students.
- b. **University:** Queen's University at Kingston, Ontario.
 - c. **Witness:** Any person whom the Judicial Affairs Office, Judicial Council, or any Party to the proceedings calls upon during investigation or hearing for additional testimony.

Judicial System Pillars

The conduct of all members of the Judicial System should be guided by the pillars listed below, which are integral to the effective functioning of the system. The Judicial System aims to restore damages done to the community, individuals, and the University through conduct that is not in alignment with University or Society Policies. The System also notes the importance of deterring further policy violations and preventing recidivism. While the System is not based on decisions made in preceding cases, the Society recognizes the importance of addressing repeat violations under the Student Code of Conduct or Society Policy. The system is also predicated on the notion that students are best suited to hold their peers accountable for their actions, thereby building a genuine sense of community and fulfilling the objective of providing restorative and non-adversarial justice.

The Judicial System is guided by the following central pillars:

1. **Restorative Justice:** Emphasizes the importance of elevating the role of victims and community members through active involvement in the misconduct process, holding Students directly accountable to the people and communities harmed by their conduct, restoring the emotional and material losses of victims, and providing a range of opportunities for dialogue, negotiation, and problem solving, whenever possible. The goal is to achieve a greater sense of community safety and social harmony for all involved and requires the willing joint participation of Students and those impacted.
2. **Peer-administered:** Upholds the non-adversarial and restorative nature of the Judicial System and recognizes the inherent value of peers supporting student development and learning to become positive community members and citizens.
3. **Complaint-driven:** The Judicial System responds to cases referred to its office by, where appropriate, meeting with those impacted and/or harmed by the actions in order to fully understand the complaint. This pillar requires the Judicial Affairs Office to have a written complaint prior to the initiation of any formal proceedings and prevents the Judicial System from becoming adversarial or prosecutorial.
4. **Non-adversarial:** The Judicial System strives to approach NAM Cases in a collaborative way with all participants in order to arrive at resolutions that balance the interests of those involved.
5. **Adherence to the Principles of Procedural Fairness:** This pillar recognizes the natural rights of Parties involved in any case, and the importance of following due process. The general principles of procedural fairness include but are not limited to the following. Additional rights which constitute procedural fairness are included in Part G of this policy.
 - a. be advised, in writing, of the allegations;
 - b. have a case heard and decided by an unbiased decision-maker;
 - c. formal written notice of any adjudication date;
 - d. an Advisor, including the assistance of a Support Person or Advisor (which is defined by the Code)
 - e. present evidence and arguments in response to alleged violations of the Code or other Society Policy
 - f. be provided with written reasons for the decision(s) made in their case.

Scope

The Judicial System derives its authority from the Constitution, and over any NAM Case referred to it by the NAMIO in accordance with the Agency Agreement with the University. The Judicial System also exercises jurisdiction over Suspected Policy Infractions.

This policy applies to all members of the Alma Mater Society. This policy covers the entire process of addressing a case, including concerns relating to the Judicial Affairs Office and the Judicial Council, procedures for cases and constitutional interpretation, as well as the rights of involved Parties. This policy also applies to infractions of this policy by a member of the Judicial System.

Part A: Judicial System

Section 1: Judicial Affairs Office

1. The Judicial Affairs Office (JAO) will act as the investigatory branch of the Judicial System, administering cases of Non-Academic Misconduct (NAM) and Suspected Policy Infraction (SPI).
2. JAO should have operational independence for dealing with all matters which fall within its purview, subject to the terms and conditions of the Agency Agreement. It is independent from the AMS Executive, the AMS Board of Directors, and the Internal Affairs Office. Such AMS functionaries do not have authority to interfere with the proper execution of JAO's mandate to investigate alleged violations.
 - a. Any interference into the JAO may be considered contempt of the Judicial System and subject to Part F of this policy.
3. All members of the Judicial Affairs Office must comply with the procedure to determine conflicts of interest, as outlined by the *Appointment Policy*.
4. If the Case Officer recognizes or suspects that a pending case could possibly involve issues of harassment and/or discrimination on the basis of one or more protected grounds, the Officers should notify the Secretariat and consult with the Human Rights Office and Student Conduct Office for advice on how to proceed.
5. Case Officers assigned to a case and acting with the authority of the Judicial Affairs Office, as determined by the *Appointment Policy*, may not be removed from their office except by the procedure for removal of Judicial Managers or as outlined in *Appointment Policy* or the Agency Agreement.

Section 2: Judicial Council

1. The Judicial Council (the "Council" or "Judicial Council") is the adjudicative branch of the Judicial System and should hear all cases pursued by the Judicial Affairs Office. It derives its authority from the Constitution, and its operational guide is known as the *Charter for the Judicial Council*.

2. All members of the Judicial Council must uphold the highest level of integrity and personal responsibility and comply with the procedures to determine conflicts of interest and attendance expectations as outlined by the *Appointment Policy*.
3. **Standard:** Responsibility should be determined on a balance of probabilities, i.e., that it is more probable than not that the Respondent(s) is responsible for the actions that give rise to a violation(s).

Section 3: Secretariat

1. The Secretary of Internal Affairs ("Secretary") works with the Judicial Managers to represent the system externally; and oversee cases to ensure they are dealt with appropriately.
2. In all matters, the Secretary is responsible for monitoring the Judicial System for compliance with this, and any relevant policies and procedures. The Secretary is bound to confidentiality relating all matters within the purview of the Judicial System and enjoys autonomy in all relevant decision making under this policy or the *Appointment Policy*.
3. In the summer months (between May-August), the Secretary may act with the authority of the Judicial Managers, following all relevant procedures, for the initiation and investigation of any case.
4. Notwithstanding the above, Judicial Managers retain decision making autonomy and independence from the Secretary. While the Secretary is considered an advisor and retains the authority to direct members of the Judicial System to comply with this policy; the Secretary may not interfere with the day-to-day operations of a case under the purview of the Judicial Affairs Office, or act in a manner that undermines the independence or integrity of the Judicial System.
5. The Secretary must at all times be made aware of any cases within the purview of the Judicial System as an item of information.

Section 4: Confidentiality

1. **General:** The Judicial System should endeavor to the best of its ability to keep specific details of investigations confidential, and all members (including members appointed on a temporary basis) should sign a confidentiality agreement upon assuming their positions. Representatives of the Judicial System and any other

individual(s) involved in the case should neither disclose nor discuss ongoing investigations with members of the general public.

2. **Recordings:** To ensure transparency, electronic recordings of all meetings will be made whenever possible; however, the contents of these meetings, whether recorded electronically or in writing, will not be released to the general public unless used at an open hearing. If a Respondent declines to have an electronic recording made, the Respondent should sign an **Acknowledgement of Refusal of Recording** signaling their refusal. In such instances, the notes produced by the Case Officer(s) are considered an official record for the meeting.
3. **Confidentiality:** Representatives of the Judicial System and any other individual(s) involved in the case should neither disclose nor discuss ongoing investigations with anyone other than those who have a legitimate need to know or where required by University policy or other regulation or law. An agreement to confidentiality does not preclude Parties to the proceeding from acquiring legal counsel or other agents or representatives, or from seeking advice as appropriate from sources outside the Judicial System. This includes but is not limited to:
 - a. Secretary of Internal Affairs
 - b. Legal Counsel
 - c. University Ombudsperson
 - d. Student Conduct Office
 - e. Human Rights and Equity Office
4. **Disclosure of Information:** In certain scenarios, the Judicial System may be compelled to disclose information related to the details of a case with certain individuals. Such scenarios may include, but are not limited to:
 - a. The acquisition of information which suggests that harms will be committed against an individual(s) in the future;
 - b. The acquisition of information pertaining to the abuse of a minor (less than 18 years of age);
 - c. The requirement to disclose information as a result of a legal proceeding, such as in response to a request or demand for information from the courts.
 - d. In the scenarios described in Parts A and B, the Judicial System should seek advice from the Student Conduct Office.

Section 5: Appointments

1. The Judicial Case Manager is normally appointed to all NAM Cases, while Judicial Disputes (Policy) Manager normally presides over SPI cases.
2. The *Appointment Policy* governs the appointment of Case Officers, and procedures surrounding addressing conflicts of interest.

Section 6: Other Notes

1. Care will be taken in all matters to inform all Parties accurately, fairly, and in an unbiased manner of appropriate policy and procedures, including all applicable rights, and to provide Parties with the tools and resources necessary to ensure that their rights are upheld, and the matter is dealt with in a fair and just manner.
2. Where any member of the Judicial System is placed under investigation for a matter of NAM or SPI, that member should, at the discretion of their supervisor, be required to take a leave of absence until such time as the matter is concluded. At such time as the matter is concluded, a determination may be made by the appropriate individuals or bodies as to the continuation of the member's role within the Judicial System.

Part B: NAM Cases

Section 1: General Information

1. **Authority:** This policy recognizes that the Judicial System is authorized to resolve matters of Non-Academic Misconduct ("NAM") on behalf of the University as delegated by the Non-Academic Misconduct Intake Office ("NAMIO"). This section sets out the specific structures, roles, responsibilities and procedures in place for the Judicial System to meet its obligations as part of the University's broader NAM system and as outlined by the Agency Agreement.
2. **Referral:** The Judicial Affairs Office will oversee Category 1 NAM Cases of the Student Code of Conduct as referred to it by the NAMIO and follow all the regulations defined under the Agency Agreement.
 - a. Normally, all cases relating to NAM will be handled by the Judicial Case Manager, however, cases may be delegated in the event of a conflict of interest as outlined in the *Appointment Policy*.

3. **Complainant:** In all NAM Cases, the Complainant is considered to be the University.
4. **Confidentiality:** The Judicial System will maintain confidentiality of all matters in accordance with the terms of the current Agency Agreement between the AMS and the University, and all members should sign a confidentiality agreement upon assuming their positions.
5. **Freedom of Information Requests:** As a result of the delegation of authority over NAM Cases as per the terms of the Agency Agreement between the AMS and the University, certain AMS NAM-related information may be subject to access requests under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. Such requests, or any access requests pursuant to any other legal proceeding that could result in the disclosure of NAM-related files, records, or documents in the possession of the AMS, should be referred to the University's Chief Privacy Officer, and the Judicial System will notify the Student Conduct Office of any such requests.

Section 2: Resolution by Agreement

1. **Scope:** The Case Officer will attempt an informal resolution by agreement if:
 - a. The facts and/or issues at hand are not disputed;
 - b. The Respondent and Case Officer agree to the violation(s) to be recorded in the NAM Record; and
 - c. The Respondent agrees to complete the proposed sanction(s).
2. **Oversight:** Prior to confirming the resolution agreement, the proposed resolution will be reviewed by Secretary of Internal Affairs. Any recommendation to vary the proposed agreement must be agreed to by the Respondent. If no agreement can be reached, the matter will be referred to Judicial Council for a hearing.
3. **Agreement:** Where a Respondent and Case Officer agree on the responsibility for a violation(s) and the proposed sanction(s) the agreement should be recorded in physical or electronic writing on **Case Resolution Agreement**. Such form should include:
 - a. An admission of responsibility to the violations to be prepared by the Respondent;
 - b. A full account of the facts of the incident agreed upon;
 - c. A waiver to a hearing before the Judicial Council for said violations; and
 - d. An agreement on the part of the respondent to complete specified sanctions and comply with specified conditions.

4. **Appeals:** Cases resolved by agreement are not subject to appeal.

Section 3: Resolution by Hearing

1. **Scope:** Where a Respondent and Case Officer cannot agree on the responsibility for a violation(s) and any proposed sanction(s), and there is sufficient information that on a balance of probabilities a violation(s) of the Code has been committed, the Case Officer will refer the matter to Judicial Council for a hearing on responsibility or sanctions or both by sending **Notice of a Judicial Council Hearing** to the Respondent; and Judicial Council Chair.
2. **Hearings:** All cases resolved by a hearing will be heard by the NAM Judicial Council ("NJC") whose membership is defined by the *Appointment Policy*.
 - a. **Closed Hearings:** NAM proceedings are private administrative proceedings between the University and the student involved. Hearings should be closed to the public; however, subject to the approval Judicial Council Chair, the Respondent may have support person(s), Advisor(s), and/or counsel in attendance.
 - b. **Non-adversarial:** The Council should conduct hearings in a non-adversarial manner. To this end, the Council may find it appropriate to limit submissions made by Parties and/or limit the examination of witnesses at a hearing in order to deal with the matter in an expeditious manner.
3. **Types of Hearings:** There are two types of hearings that may occur:
 - a. **Full Hearing:** Hearings should be conducted for the purpose of determining responsibility for a violation(s) and, imposing sanction(s).
 - b. **Partial Hearings:** A partial hearing may be conducted where the Respondent has accepted responsibility for the violation(s), but no agreement was reached between the Case Officer and the Respondent regarding sanction(s). Such a hearing should accept the facts as presented in the Case Brief and should only hear evidence regarding the rationale for the proposed sanction(s). In the event of a partial hearing regarding sanction(s), the order of business of Judicial Council will be condensed to account for the fact that an agreement on responsibility has already been reached. While the hearing may proceed without the Respondent, effort must be made to accommodate the Respondent in the presence of extenuating circumstances which prevent their presence at the scheduled time.
4. **Hearing Packages:** At least five (5) days before a scheduled hearing, each Party involved may submit a Case brief to the Secretariat which includes the following:

- a. A copy of the Incident Report or complaint
- b. A copy of any investigation report
- c. A timeline that includes:
 - i. date of the incident,
 - ii. date case assigned to JAO,
 - iii. dates of communication and meetings with the Respondent, and
 - iv. date that the hearing request was made.
- d. A list of witnesses anticipated to present evidence at the hearing
- e. A detailed description of events
- f. Suggested sanction(s) and rationale for those sanction(s)

The Respondent may also submit a case briefing following the same timelines of the Case Officer directly to the Secretariat. The submission of such a briefing should not preclude any Party from giving additional testimony at a hearing before the Judicial Council.

- 5. **Balance of Fairness:** The Judicial Council will exercise discretion in fairness to all concerned Parties; however, where there is a conflict in the balance of fairness any benefit should fall in favour of the Respondent.
- 6. **Appeals:** Cases resolved through a formal resolution may be appealed to the NAM Appeal Panel by the Respondent to the proceeding, on application, by electronically or physically written notice within ten (10) business days of the date of distribution of the decision of the Judicial Council. The notice of intention to appeal should conform to the procedures set out in the Queen's University [Rules of Procedure for the NAM Appeal Panel](#).

Section 4: Disposition of Cases

- 1. **Disposition:** Where a Case Officer has reviewed the matter and met with the Parties, witnesses, and reviewed relevant evidence, and has determined that on a balance of probabilities no violation(s) have been committed, the Case Officer should end the proceedings and inform the Respondent and any other Parties of the outcome by providing a **Notice to End of Proceedings**.
- 2. **Appeals:** Cases resolved by disposition are considered closed, and the decision is not subject to appeal.

Section 5: Time and Records

1. The Judicial Affairs Office must attempt to resolve all cases within 25 business days of the receipt of a complaint. The Judicial Council Chair and Secretariat must be informed if the Case Officer has concerns about the ability to meet this time requirement.
2. All NAM Case Records are the property of the University, and their retention and destruction will be conducted per terms outlined in the Agency Agreement, and with consultation with the Student Conduct Office and/or Chief Privacy Officer of the University.

Part C: SPI Cases

Section 1: General Information

1. **Initiation of a Case:** A Suspected Policy Infraction (“SPI”) case may be initiated upon the receipt of a written notice, and where, based on the information provided, there is a reasonable belief that a violation occurred.
 - a. The Judicial Managers bear sole responsibility for initiating a proceeding before the Council on behalf of the Society, any member of the Society, or any member of the public.
 - b. Normally, all cases relating to SPI will be handled by the Judicial Disputes (Policy) Manager, however, cases may be delegated in the event of a conflict of interest as outlined in the *Appointment Policy*.
 - c. The Case Officer must, within an ongoing investigation determine if said breach constitutes a breach of the Student Code of Conduct or other, non-AMS, University policy, and therefore must be reported as NAM to NAMIO. Matters deemed fully under the jurisdiction of the Judicial System may not be referred to another body, as these are internal AMS matters within the purview of the Judicial System. This does not preclude the Judicial Affairs Office from seeking support or guidance from the Student Conduct Office on navigating an SPI case.
2. **Ongoing Investigation:** The Judicial Affairs Office is empowered to investigate all potential Suspected Policy Infractions regardless of whether the Complainant has withdrawn the complaint. This is done to ensure that the rights of Complainants are protected against any pressures to withdraw the complaint or from internal and external influences in the judicial process. In exceptional circumstances, the Judicial Council may hold a hearing to determine if a case should be continued. Decisions of

the Judicial Council are final and not subject to appeal.

3. **Interim Measures:** The Judicial Affairs Office is empowered to place an interim measure where the matter at hand is time sensitive and/or failure to take prompt action may result in irreparable harm. All interim measures must be unanimously supported by:
 - a. Case Officer
 - b. At least one of the Judicial Manager
 - c. Secretary of Internal Affairs or Judicial Council Chair

In the event one of the above parties recuses themselves due to a conflict of interest, and/or at the discretion of the Secretary, the Council of Order may be called to issue the interim measure.

All decisions signed by the Parties above for interim measures should be final and not subject to appeal.

4. **Role of the Case Officer:** In all instances, the Case Officer should not be considered a representative of either the Respondent nor the Complainant. The Case Officer is a neutral Party who is investigating the allegation provided and represents the interests of the student body and the University in accordance with the pillars of the Judicial System.
5. **Case Classification:** For alleged group violations the Case Officer will determine in consultation with the other Judicial Manager and Secretariat if the alleged violation is involving a ratified extracurricular organization/club or Member Society Council/group, or if the case should proceed as an individual case.
 - a. If, during the course of the investigation, the Case Officer determines that the case would be better suited to be processed as an individual case, the case may be re-categorized and proceed as an individual case. Such re-categorization should take place only after consultation with the Secretariat and only with the approval of both Judicial Managers.
6. **Expert Advisor:** Is any person that is external to an ongoing proceeding, who is appointed by the Case Officer as an Expert Advisor to the Case Officer. Such persons may accompany the Case Officer to meetings and/or proceedings. Expert Advisors should only be appointed for group SPI cases, in which the advisor's expertise or knowledge of an area is deemed necessary for the prompt and successful resolution of the ongoing case. The appointment of any Expert Advisors required approval by the Judicial Council Chair.

Section 2: Resolution by Agreement

1. **Scope:** The Case Officer will attempt an informal resolution by agreement if:
 - a. The facts and/or issues at hand are not disputed;
 - b. The Respondent and Case Officer agree to the violation(s); and
 - c. The Respondent agrees to complete the proposed sanction(s).

The Case Officer reserves the right to resolve the case through a Judicial Council hearing, without an attempt to reach an agreement if it is deemed that a case resolution by agreement is not appropriate given the nature of the suspected violation(s). A case may be resolved by agreement only at the discretion of the Case Officer.

2. **Agreement:** Where a Respondent and Case Officer agree on the responsibility for a violation(s) and the proposed sanction(s) the agreement will be recorded in physical or electronic writing on **Case Resolution Agreement**; and must include:
 - a. An admission of responsibility to the violations to be prepared by the Respondent;
 - b. A full account of the facts of the incident agreed upon;
 - c. A waiver to a hearing before the Judicial Council for said violations; and
 - d. An agreement on the part of the respondent to complete specified sanctions and comply with specified conditions.
3. **Case Brief:** In addition to what is required under Part D of this policy, the Case Brief submission of the Case Officer must also include the following:
 - a. A rationale for the sanctions assigned; and
 - b. Evaluation of the Party(s)' attitudes during the judicial proceeding.
4. **Types of Hearings:** For SPI cases, there is a distinction made between individual and group cases. Suspected Policy Infractions committed by one individual that are resolved via an agreement between individuals and the JAO are not subject to appeal and require no further hearing. The Case Officer must consult with the Secretary of Internal Affairs prior to signing an informal resolution agreement form. No appeals or further hearings are required if the information agreement was between individuals and the JAO. The Chair of the Judicial Council may also be consulted in the event the Secretary is acting as a Case Office or has a conflict of interest.
5. **Hearings:** Cases resolved by agreement in which they are brought against a group, may be heard as soon as the Judicial Council sees fit, as all Parties have agreed to the terms of the agreement, thus making the Respondent's presence unnecessary.

However, as all Parties have a right to attend a hearing even in the event of a agreement, the Judicial Council Chair should take reasonable steps to enable Parties to attend if they so choose. Council will review the Case Brief of the Case Officer, and retain the right to:

- a. For cases resolved by agreement, it is generally understood that only the Case Officer's presence is required for this hearing as an agreement has already been reached by the involved Parties. This however, should not undermine the right of all Parties to be present at the hearing.
 - b. Reject the proposed agreement and call for a full hearing before the Council, if the Council thinks the case warrants substantially greater sanctions upon the Respondent(s) and/or if the Council believes the facts of the case are not self-evident enough to justify an out-of-Council agreement. This authority should only be exercised if the Judicial Council feels that a miscarriage of justice has occurred during the investigation or there was a significant error in procedure;
 - c. Reject the proposed agreement and call for the Judicial Affairs Office to try to reach a more appropriate agreement if the Council thinks the case warrants substantially greater sanctions upon the Respondents. This authority should only be exercised if the Judicial Council feels that a miscarriage of justice has occurred during the investigation or there was a significant error in procedure;
 - d. Reduce any proposed agreement without resort to a full Council hearing; or
 - e. Set a deadline for the completion of the sanctions as it sees fit.
7. **Appeals:** Cases resolved by an informal resolution are not subject to appeal
- a. Notwithstanding the above, cases can be appealed if Judicial Council exercises its authority under Part C, section 2, subsec. 4 (b) and (c) following procedures under Part C, Section 3 of this policy.

Section 3: Resolution by Hearing

6. **Scope:** Where a Respondent and Case Officer cannot agree on the responsibility for a violation(s) and any proposed sanction(s), and there is sufficient information that on a balance of probabilities a violation(s) have been committed, the Case Officer should refer the matter to Judicial Council for a hearing on responsibility or sanctions or both by sending **Notice of a Judicial Council Hearing** to the Respondent.
7. **Hearings:** All cases resolved by a formal resolution will be heard by:

- a. The regular composition of the Judicial Council where the Respondent is an individual or the AJC has no reason to convene. In such cases, quorum for the Judicial Council is 2/3 of regular members.
- b. The Alternate Judicial Council (AJC) whose composition is defined in the *Appointment Policy* if the case involves a club, or a group affiliated with a Member Society or the AMS.

Section 4: Disposition and Delay

1. **Disposition:** Where a Case Officer has reviewed the matter and met with the Parties, witnesses, and reviewed relevant evidence, and has determined that on a balance of probabilities no violation(s) have been committed, the Case Officer should end the proceedings and inform the Respondent and any other Parties of the outcome using **Notice of End of Proceedings**. The Secretary of Internal Affairs must be notified and consulted any time a case is dismissed.
2. **Appeals:** Cases resolved by disposition are considered closed, and the decision is not subject to appeal.

Delay of Proceedings

3. A Party to a proceeding may formally request that proceedings before the Judicial Council be delayed by submitting a signed **Request to Delay Proceedings** to the Secretariat, who will forward it to the Judicial Council Chair. The approval of such a request will be subject to the discretion of the Judicial Council Chair.

Section 5: Appeals

1. Appeals may only be submitted by individuals formally named as Complainants, Respondents or Designated Representative(s) in a case.
2. **Time Limitations:** All cases pertaining to Suspected Policy Infraction (SPI) may be appealed to the Judicial Appeals Board ("Board")
 - a. By submission of an **Intent to Appeal** within 10 business days of the receipt of Judicial Council's Decision to the Secretariat.
 - b. The Board will strive to meet within 10 business days for receiving a notification by the Secretariat that an appeal is requested.
3. **Composition:** The composition of the Board is defined in the *Appointment Policy*.

4. **Jurisdiction:** The Board may only overturn a decision of the Judicial Council on the following grounds:
 - a. There is clear and compelling evidence that the appellant has been treated unjustly;
 - b. If it can be deemed to the Board's satisfaction that the Judicial Council had a clear and definitive bias in making their ruling.
 - c. The appeal should not constitute an opportunity for the Board to simply second guess the judgment of the Judicial Council, but rather exists solely to ensure that there has not been an indisputable miscarriage of justice based on either the facts or on considerations extraneous to the case.
 - d. The Board may not hear cases of Election Appeals, Disputes on Constitutional interpretations or any matters that fall outside the Suspected Policy Infraction. Such decisions of the Judicial Council are final.
5. **Information:** the Board will proceed in the same general fashion required of the Judicial Council. Prior to a hearing, the following documents must be presented to the Board:
 - a. Intent to Appeal
 - b. Decision of the Judicial Council
 - c. Case brief submitted by the Case Officer to Judicial Council
 - d. Any documents relating to conflicts of interest, or special appointments to the Council to be submitted by the Secretariat.
6. **Decision:** The Board should seek to render a unanimous decision. However, if the members of the Board are unable to agree upon a disposition, a majority vote of the PIPAB may resolve the proceeding, and the dissenting member is entitled to write a dissent. A decision and order, if any, of any proceedings should be made available in writing and should include reasons supporting the decision. It should be distributed by the Secretariat to:
 - a. Each of the Parties to the proceedings;
 - c. The Judicial Council Chair; and
 - d. The Queen's Journal, in the case of an open hearing.
 - i. In some closed hearings, a redacted form of the proceedings and sanctions may still be provided if the case matters are deemed of significant public interest and subject to a majority approval of the Judicial Appeals Board Chair, Secretariat and Judicial Council Chair.
7. The decision of the Board is binding upon all Parties.

Section 6: Time and Records

1. The Judicial Affairs Office must attempt to resolve all cases within 25 business days of the receipt of a complaint. The Judicial Council Chair and Secretariat must be informed if the Case Officer has concerns about the ability to meet this time requirement.
2. All SPI Case Records are the property of the Alma Mater Society and will be retained with the Secretariat following procedure for **Judicial Case Record Management Procedure** approved by the Information Technology Office of the AMS.
3. In the event of an appeal to the Judicial Appeals Board, the retention commences at the conclusion of the academic year in which the appeal took place, and **Notice of End of Proceedings** is delivered.

Part D: Judicial Proceedings

Section 1: Case Proceedings

1. Where a matter arises during a judicial proceeding not addressed by Part D, the Case Officer may make determinations consistent with the pillars of the Judicial System, and in consultation with the Secretary or Judicial Council Chair.

Initiation of a Meeting

2. Upon the receipt of a case the Case Officer will initiate a meeting with the Respondent by sending a
 - a. First Meeting Request
 - b. Confirmation of Meeting which should include information on the location of the meeting once a meeting is confirmed.
3. In the event that a Respondent fails to respond to the meeting request, the Case Officer will attempt to schedule the meeting a maximum of (3) times by sending the following notifications:
 - a. Meeting Request – Second Attempt.
 - b. Meeting Request – Final Attempt.
4. In the event that all attempts fail, the Case Officer will proceed the case through a resolution by Judicial Council Hearing.

- a. **NAM:** The Case Officer reserves the right to seek the support of the Student Conduct Office for contacting Respondents and receiving further guidance before proceedings in the case.
- b. **Contact:** The Case Officer will make all reasonable efforts to conduct individual meetings with all Parties to a proceeding, while also recognizing the importance of dealing with matters expeditiously in fairness to all concerned Parties. To that end, Case Officers will make three (3) attempts to meet with a Party to the proceeding and witnesses to a proceeding. Case Officers may request the Student Conduct Office's assistance in contacting the involved students. If one or more of the Parties fails to respond to the allegations, the Case Officer may proceed with the investigation and disposition of the case without the participation of that Party.
- c. **SPI:** In the event that a Party failed to attend two (2) or more meetings which have already been agreed upon or failure to respond to communications from the Case Officer within seventy-two (72) hours, a case may be initiated for failure to co-operate or the frustration of the judicial process for SPI cases. This will be done by the **Notice of Contempt of Judicial Process**.

Acknowledgement of Rights

- 5. All Respondents are required to sign the following prior to any discussion pertaining to an ongoing case
 - a. **Acknowledgement of Understanding of the Judicial Process**, which outlines the roles, responsibilities and rights of all Parties involved in the Judicial System; a list of all possible sanctions that may be imposed by the Judicial Council.
 - b. **Confidentiality Agreement** in which Parties agree to keep the nature and details of an ongoing investigation confidential to protect the integrity of the judicial process. This agreement also outlines and informs the Parties of who has access the records of the case, and the file retention schedule as appropriate. This agreement does not preclude or undermine the rights of parties to seek external support as outlined in Part G of this policy.
- 6. The Judicial Affairs Office will provide the necessary personnel and resources to ensure that Respondents can become as informed as they desire prior to signing Acknowledgement of Understanding of the Judicial Process.
 - a. The Case Officer will record the efforts undertaken to review the rights, processes, and procedures with the Respondent and should record in the case history that the Respondent declined to sign the form.

- b. The Case Officer will then proceed to investigate and resolve the case by Judicial Council Hearing.
- 7. **Witnesses and Interviews**, The Case Officer may request to meet with witnesses by sending a **Witness Meeting Request**. All persons called in as witnesses must complete the **Confidentiality Agreement**.

Section 2: Hearing Notification

1. **Scheduling Hearing**: Once investigatory proceedings have concluded, the Case Officer will initiate a hearing by requesting that the Secretariat (or a delegate) schedule a Judicial Council hearing.
2. Once the hearing date is confirmed, the Case Officer (or delegate) will issue a **Notice of a Judicial Council Hearing** to all Parties which includes:
 - a. Case number,
 - b. Respondent(s) Name(s), Student Number(s), Email(s)
 - c. Alleged violation(s) of the Code or Policy
 - d. A brief summary of the particulars of the incident
 - e. Type of Hearing and appropriate hearing body.
 - f. Reason for the hearing
 1. Case could not be resolved by agreement
 2. Case resolution by agreement deemed not appropriate by Case Officer
 3. Respondent(s) requested hearing.
 4. Judicial oversight hearing (SPI)
 - g. A warning that if the Party notified does not attend the hearing, the Council may proceed in that Party's absence;
 - h. A copy of **Charter of the Judicial Council**, or a link to where this guide may be accessed;
 - i. A list of the possible sanctions which may be imposed by the Council, though this list should serve only as a guideline for the Parties involved and should not serve to restrict the JAO or Judicial Council in proposing or assigning sanctions;
 - j. A statement of the time and location of the hearing, and
 - k. A notice that the Respondent may obtain counsel to represent them. This will be accompanied by the phone number of Queen's Legal Aid.
 - l. Any deadline(s) for a submission of material or case briefs to the Judicial Council.

If notice of a hearing has been given to a Party to any proceedings in accordance with the rules outlined in this section, and the Party does not attend the hearing without reasonable cause being provided, the Council may proceed in that Party's absence.

3. **Summons for Witnesses:** All Parties, including Judicial Council Members involved may request that Judicial Council summon a witness. Upon approval of the request by the Judicial Council Chair, the witness will receive **Witness Summons** with details of the hearing date.
 - a. If the witness is unavailable, they may submit a written statement. This option is only available at the discretion of the Judicial Council Chair and in consultation with the Secretary where the Judicial Council Chair and/or Secretary are satisfied that doing so does not undermine the privacy or confidentiality of the proceedings.
 - b. Judicial Council will use the same process to require the attendance of any member of the AMS or public during the hearing proceedings:
 1. To give evidence to the Judicial Council.
 2. To produce in evidence at a hearing document and/or other things specified by the Judicial Council, relevant to the subject matter of the proceedings and admissible at the hearing.
4. **Waiving Time Limitations:** All time limitations described above may be waived at the discretion of the Secretariat (or delegate) who is providing administrative support for the case with oversight from the Judicial Council Chair and for the purposes of maintaining the efficiency of the Judicial System.

Section 3: Case Brief

1. **Case Brief:** All Parties may submit a case brief by a deadline communicated, outlining any matter they deem as relevant to the case. The submission of such a briefing should not preclude any Party from giving additional testimony at a hearing before the Judicial Council.
2. The Case Officer must submit all relevant communications, documents and evidence to the Judicial Council. This must include:
 - a. A copy of the Incident Report or complaint
 - b. A copy of any investigation report
 - c. A timeline that includes:
 - i. date of the incident,
 - ii. date case assigned to JAO,
 - iii. dates of communication and meetings with the Respondent, and

- iv. date that the hearing request was made.
 - d. A list of witnesses anticipated to present evidence at the hearing
 - e. A detailed description of events
 - f. Suggested sanction(s) and rationale for those sanction(s)
- 3. **Rescheduling Hearing:** A copy of the Case Officer's brief must be provided to the Respondent for all NAM cases.. If upon reviewing the case brief the Respondent determines that they require additional time to prepare for the hearing, they may submit a written request to the Secretariat (or delegate) electronically or physically. Reasonable requests for rescheduling should be accommodated.
 - a. For SPI cases, a copy of the Case Officer's brief will only be provided at the discretion of the Case Officer or upon written request by a party to the case; subject to approval by the Secretariat in recognition of the confidentiality of the statements provided during the case proceedings. As much as possible, every effort will be made to balance the confidentiality of the proceedings, with access to the case brief. This may include redactions of confidential material if appropriate.
 - b. The Notice of a Judicial Council Hearing should be properly completed to include all information relevant for procedural fairness.
- 4. **Confidentiality:** Contents of the case briefing are confidential; however, the Judicial Council Chair should have the discretion to discuss the briefing with authorized / relevant individuals for the purposes of securing necessary advice or counsel.
 - a. Members of the Council must not discuss briefings before the hearing. Any concerns of Council members about potential issues relating to a case should be discussed exclusively with the Judicial Council Chair.
 - b. All Parties, including witnesses, scheduled to appear in front of the Judicial Council must complete a **Confidentiality Agreement** prior to receiving access to any information pertaining to the case to be confirmed by the Secretariat. This requirement is waived when the hearing is made open to the public.
- 5. **Contempt:** Any member of the AMS who has been issued a summons pursuant to these Rules and who, without reasonable cause, subsequently fails to attend and give evidence at the hearing, or to produce the documents and items specified, may be found liable for contempt as identified in Part F of this policy.

Section 4: Rules of Evidence

1. The Judicial System may admit any relevant evidence including:

- a. any oral testimony from relevant witnesses; and
 - b. any document, film, or digital recording, or other object which is relevant to the subject matter of the proceedings.
2. The Judicial System may act duly on such evidence but may exclude anything unduly repetitious.
3. Where the Judicial System is satisfied as to the authenticity of a copy of a document or other piece of evidence, such a copy or copies may be admitted as evidence at a hearing.

Section 5: End of Proceedings

1. To end proceedings, a **Notice of End of Proceedings** must be submitted to the Judicial Council Chair. Once approved, a copy of the Letter must be delivered to the Respondent and/or other stakeholders.
2. Reasons for formally ending proceedings may include, but are not limited to, withdrawal of the complaint, the discovery of new evidence, or the completion of all sanctions.

Part E: Sanctions

Section 1: General

The Judicial Council may impose such sanctions in proportion to the seriousness of the offence committed. Without limiting the generality of the foregoing, the following sanctions may be imposed by the Judicial Council against individuals found responsible for offences:

1. **Restitution:** a monetary compensation for loss, damage or injury, or replacement of damaged or destroyed property.
2. **Written warning or reprimand:** A notice given to a Student indicating the details of the violation(s) and including a direction that the conduct cease and not be repeated. This notice must include a statement regarding the possibility of progressively more severe sanctions being applied with additional violation(s).
3. **Letter of behaviour expectation:** A letter to be signed by the Student that includes an undertaking not to engage in certain behaviour and which sets out the range of possible consequences if the stated behavioural expectations are not met.
4. **Suspension of privileges** including, but not limited to:
 - a. Banishment from all licensed on-campus pubs, licensed events, AMS-organized events, and club or Society activities; or

- b. Restrictions on the ability to apply for or hold paid or volunteer positions within the Society or a Member Society or affiliated Councils, services, organizations or groups for a specified period of time.
 - c. Students found responsible for a Category 1 violation of the Code may not hold a position in the Judicial System for one (1) academic year after the year in which they have been found responsible for the violation.
- 8. **University or Community service** orders not to exceed twenty (20) hours, to be chosen by the Respondent from a list of organizations compiled annually by the Judicial Affairs Office. The Respondent may submit a proposal to the Judicial Affairs Office for service at an alternate organization, and requests may be approved at the discretion of the Case Officer.
- 9. **Monetary Fine:** A fine not to exceed five hundred dollars (\$500), payable to the Queen's Alma Mater Society;
- 10. **Conditional Fine:** A bond not to exceed five hundred dollars (\$500), to be held in trust by the Queen's Alma Mater Society, for a period not exceeding twelve (12) months from the date of the decision when the sanction is imposed. The bond will be accompanied with a letter of behavioural expectations. A breach of the behavioural agreement may result in the loss of the bond, and additional sanctions at the discretion of the Case Officer.
- 5. **Apology:** An order that letter(s) of apology to be submitted to any aggrieved Party. Such a letter must first be sent to the Case Officer prior to its release to the other Party(s).
- 6. **Educational sanctions:** which are a requirement to complete specific educational activities, including but not limited to, essays, posters, presentations, other creative projects, and/or reflective papers to be completed as part of restorative sanctions.
- 7. **No Contact:** A requirement that a student have no direct or indirect contact (including but not limited to in-person, phone, text, email, social media, through a third Party, etc.) with individual(s) or group(s) as outlined in the letter of behavioural expectations.
- 8. Any other sanction or remedy as the Council considers appropriate and just in the circumstances.

Section 2: AMS Membership

- 1. Members of the Alma Mater Society who engage with serious, repetitive or disruptive behaviour may have their membership in the Alma Mater Society suspended for a period of time or terminated indefinitely at the recommendation of the Judicial Council or the Judicial Appeals Board and by approval of Assembly.

2. The AMS Assembly, at its discretion, may approve and delegate the authority to enforce suspensions or terminations such:
 - a. That Assembly approve the suspension and/or termination of an individual's membership. In such instances, it should be made clear that the order pertains to a single individual's membership.
 - b. That Assembly approve the suspension and/or termination of any person's membership who engage in a clearly defined series of events. In such instances, the Assembly delegates the authority to make determinations on whether the facts or series of events apply in different cases to the Judicial Council, and subject to approval by President's Council.
3. The procedure of termination of membership may be implemented as follows:
 - a. Such a sanction should only be imposed with the unanimous consent of the Assembly who do not abstain at a meeting where proper notice has been given to members of Assembly and to all Parties to the proceedings. Members of Assembly are expected to abstain in the event they have a conflict of interest as outlined by the *Appointment Policy*.
 - b. Proper notice to all Parties considered a notice of motion released with the agenda subject to rules governed by the *Assembly Policy*. Proper notice to all other Parties is considered a notice delivered on the same day that members are notified of the motion.
 - c. All motions for the suspension or revocation of AMS membership must occur in a closed session of Assembly, moved by the Secretary of Internal Affairs. As much as possible, the name(s) or other personal information (ex. Email or student number) will not be disclosed. Assembly will be provided with a copy of a redacted Judicial Council Decision. Instead, the Assembly will be asked to make a decision based on the presented information.
4. If Assembly approved the motion, the President of the Member Society must receive official notice from the Secretariat (or delegate) with identifying information of the student. This information must be kept strictly confidential at all times and be used only for the purposes of implementing the suspension or revocation.

Section 3: Additional Sanctions for Groups

The following sanctions may only be applied in cases in which the Respondent is a group under either the NAM or SPI procedure.

1. Probationary periods, where the club, group, or organization is subject to audits, weekly reports to their superior office or supervisor (e.g., Clubs Office, Member

Society President), and any other appropriate checks as the acting Judicial Council deems appropriate;

2. Suspension of group privileges, including but not limited to the removal or denial of space allocation and/or the revocation or denial of club grants;
3. Recommendation to the Office of Advancement that alumni donations should be cut off (where applicable);
4. Recommendation to the Chair of the Student Activity Fee Review Council to review the group's student fee;
5. De-ratification of the group. If this sanction is imposed, the Secretariat must notify the AMS Assembly at the next session on the de-ratification of the group and associated violations which led to the decision.
6. Suspension of individual privileges, including but not limited to the inability to re-apply for a hired or volunteer position within the Society or a Member Society.
7. Removal of the Chairs/executive of a Member Society Council/group.

Section 4: Limitations

1. No sanction should be imposed on a Member Society committee or group that serves to eliminate or otherwise results in the disbanding of the committee or group without the 2/3 approval of AMS Assembly.
2. Judicial Council may impose such sanctions at its discretion but will consider the circumstances of the Respondent. Failure on the part of a Respondent to complete sanctions per the communicated deadlines, could result in further proceedings and additional outcomes (i.e., sanctions). This will be considered a separate offense.

Part F: Disorderly Conduct

Section 1: Purpose

1. Whereas the Alma Mater Society is committed to the provision of experiential learning opportunities to all its members, and creating a safe space for personal growth on-campus; AND
2. Whereas all members of the Society that interact with governance proceedings administered by the Internal Affairs Office, particularly the Judicial System and Civic System, have rights that are protected by Society policies;
3. The purpose of Part F of this policy to ensure that all individuals appointed to positions in the Internal Affairs Office, including but not limited to positions in the Judicial System, Civic System or Legislative System, have:
 - a. Have their rights to a fair and due process protected;

- b. Ensure their safety and well-being in the administration of their duties;
- c. Provide for a way in which the Society addresses instances in which person(s) act in bad faith;
- d. Support the mandate of the AMS to ensure that all such positions remain engaging, meaningful and of value to individual students;
- e. Ensure that the positions continue to garner interest, and the difficulty of the role is not exacerbated by disorderly conduct during governance proceedings.

Section 2: Scope

1. Part F of this policy applies to all individual(s), regardless of their membership in the Alma Mater Society who are interacting with:
 - a. The Civic System of the Society, as defined by the Constitution, in any capacity;
 - b. The Judicial System of the Society, as defined by the Constitution, in any capacity;
2. Any member of the Internal Affairs Office;
 Part F of this policy does not apply to Non-Academic Misconduct cases. Any suspected abuse of process for a NAM case must be escalated to the attention of the Student Conduct Office and dealt with appropriately following their guidance.
3. Part F of this policy does not supersede or undermine the University's policies on Harassment, Discrimination or Sexual Violence. If in the course of administration of governance proceeding such matters arise, the affected individuals, and/or the Secretary of Internal Affairs, may consult with the Student Conduct Office. Any member of the Internal Affairs Office affected by such aggressions has the right to escalate the concerns to the University following the University's policies.

Section 3: Infractions

Without limiting the generality of the foregoing, the Judicial Council may hear cases relating to disorder in governance proceedings, which includes but is not limited to:

1. Contempt of a Process includes but is not limited to:
 - a. Failure to comply with a process, directive, decision, measure or order of the Judicial System, including but not limited to interim measures and/or decisions of Judicial Council. Failure to comply with an order or outcome relating to a NAM case, will be referred to the NAMIO.
 - b. Knowingly making false reports or allegations against any person or assisting another person in making or pursuing the same.

- c. Misrepresentation or a false statement during an investigation or proceeding;
 - d. Disrupting or otherwise interfering with the orderly conduct of a proceeding.
 - e. Breach of any confidentiality agreement(s) signed with the Internal Affairs Office or its sub-units.
 - f. Concealment of a violation of any policy
 - g. Intentionally providing false or misleading information
 - h. Failure to attend more than two (2) meetings for which proper notice has been given or to attend a Judicial Council hearing, where the Council requested the presence of the individual.
 - i. Disclosure of confidential case details made to the media in a manner that undermines the integrity of the judicial process.
2. Abuse of Process includes but is not limited to:
- a. Any attempt to discourage an individual's proper participation in, or use of the judicial process, or their rights under various governance proceedings;
 - b. Any direct or indirect retaliation (e.g. through coercion, intimidation, threats or social pressure) against a complainant, a person who makes reports under governance proceedings, a potential witness, the Case Officers, and/or any such person administering a governance proceeding within the scope of Part F.
 - c. Electronically or digitally recording, in any format, a meeting or proceeding without the express permission of the administrator conducting the meeting or the Chair of the proceeding, as the case may be;
 - d. Any attempt to influence or undermine the decision-making, or good judgement of the Case Officer or individuals administering a governance proceeding. This includes but is not limited to direct or indirect threats or other intimidation tactics that are reasonably perceived to be unnecessary, unwelcome and hostile.
3. Interference in a Process is committed by a member of the Executive, Board, or the Society, who uses a position of power or leverage to attempt to influence the governance proceedings and/or outcome(s) by the exercise of their powers or authorities.
4. All matters of disorderly conduct are addressed on a *balance of probabilities* and with the *reasonable person standard*.

Section 4: Enforcement

1. Any behaviour listed in Part F, Section 3 will be addressed by the individuals in the order listed below:

- a. Contempt of Process by the Case Officer, Secretary of Internal Affairs or President;
 - b. Abuse of Process by the Secretary of Internal Affairs, or President;
 - c. Interference in a Process is escalated to the Judicial Appeals Board directly.
2. All members of the Internal Affairs Office who feel that in the course of the execution of their duties, infractions under Part F, Section 3 have taken place, must notify the Secretary of Internal Affairs (and/or Judicial Council Chair) and escalate it as outlined by subsec. 1. The matter will be escalated or handled as outlined in 4(1) at the discretion of the Secretary of Internal Affairs and/or Council of Order. Cases referred to the President should be those which are serious, and/or which the Case Officer or Secretary feel they are unable to address or have a conflict of interest in addressing.
3. Such cases will be handled as a Suspected Policy Infraction, following regular judicial proceedings. In such cases, the Case Officer as listed in clause (1) of this section, has the sole authority to place any interim measure they deem fit to ensure the safety, timeliness, and efficiency of the judicial process.
4. All such cases except those of the Contempt of the Judicial System will be heard by the Judicial Appeals Board, and decisions are not subject to appeal. Cases of Contempt of the Judicial System, if they arise in the course of an ongoing proceeding, or completion of sanctions are heard by the Judicial Council for the first offense, and Judicial Appeals Board for any further charges of contempt.

Part G: Rights of Parties

Section 1: Rights of All Parties

General

1. The Judicial System aims to ensure that all Parties receive fair and impartial treatment.
2. Prior to or at the beginning of the first meeting with the Case Officer, all Respondents should be informed of their rights in accordance with this section and will be requested to sign a "**Form 1**" or provide confirmation in physical or electronic writing (i.e., email) to acknowledge receipt and understanding of this information.

Rights of All Parties

3. Right to a translator;

4. Right to representation;
 - a. Parties may contact Queen's Legal Aid (613-533-2102) to determine their eligibility for consultation or guidance;
 - b. Parties may obtain advice from University Ombuds Office (613-533-6495 or ombuds@queensu.ca);
 - c. Parties may be accompanied by a Support Person at any meeting or hearing pertaining to a NAM matter. A support person provides emotional and moral support to a Party but may not represent or speak on behalf of the Respondent;
 - d. Parties may be accompanied by an Advisory, (including legal counsel) who may provide a more formal type of advice and support to a Respondent. Even where a student has retained the assistance of an Advisor, the Advisor is not permitted to speak directly on the student's behalf.
5. Right to be notified of a hearing before Judicial Council;
6. Right to make a statement in a hearing before Judicial Council;
7. Right to a full and fair hearing by Judicial Council;
8. Right to request that an open hearing be closed to the public, or that a closed hearing be opened;
 - e. This request will be considered by the Judicial Council Chair. In the event that there is agreement between Parties, the Judicial Council Chair will take this into account in making their decision.
9. Right to request that the Judicial Council summon a witness;
10. Right to present arguments and/or submissions, at a hearing.
11. Right to appeal a formal decision made by Judicial Council.
 - f. Parties must be informed of all the relevant appeal procedures upon receipt of a Council decision;
 - g. Cases resolved by informal agreements are not subject to appeal.
12. Right to express concern in writing to the JAO, Judicial Council Chair, or the Secretariat regarding a member of the Judicial System whose judgement may be biased.

Section 2: Additional Rights of Respondents

1. Right to end a meeting with JAO at any time;
2. Right to refuse to be recorded by JAO;
3. Right to disclosure of evidence relevant to the matter and to be used by JAO or Judicial Council
 - a. Sensitive information such as names of witnesses, or other Parties may be redacted from the evidence. Care must be taken to ensure that evidence will

not be disclosed or withheld in a manner which would damage the integrity of the investigation or hearing or unfairly prejudice the Respondents.

4. Right to an open hearing before the Judicial Council;
 - a. This clause does not apply to NAM Cases referred to the JAO by the NAMIO;
 - a. In some cases, including but not limited to cases where an open hearing would have an undue and/or negative impact on the Complainant or other Parties to the proceedings, this right may be reasonably limited by the Judicial Council Chair;
 - b. Given a Respondent's right to an open hearing, the burden should be placed on the Party requesting a restriction on the openness of the hearing to show why the hearing (or parts thereof) should be closed to the general public and/or the media;
 - c. In the event that the Judicial Council Chair deems it reasonable and appropriate to place restrictions on the openness of the hearing, and yet the Respondent has requested an open hearing, the Judicial Council Chair should consider methods by which to maximize the openness of the hearing while still addressing those concerns of other Parties which the Judicial Council Chair has deemed valid;
 - a. The ultimate decision on the matter should be at the discretion of the Judicial Council Chair, who should consider the interests of all Parties and rule in the manner considered most fair and just. In making their decision, the Judicial Council Chair may consult with the other members of the Council, as well as with the Secretariat, and Judicial Managers.

Section 3: Additional Rights of Complainants

Rights below apply to Complainants who are harmed by alleged violation(s) of a case, and who are considered to have an interest in the outcome of the case. Complainants may request to exercise their rights listed below at the initial meeting with the Judicial Affairs Office.

1. Right to be notified of the Judicial Council decision no later than seventy-two (72) hours of the release of an oral or written decision.
2. Right to be consulted before a case is resolved by agreement.

Section 4: Additional Rights of Witnesses

1. Right against self-incrimination.
2. Testimony given by a witness in any proceeding cannot be used to incriminate them in any other proceeding, except:
 - a. In a proceeding for perjury or for the giving of contradictory evidence; or

- b. In a proceeding for a violation of the Code which occurs during the giving of testimony, including but not limited to offences listed under the Code, Section VI, Part A: Abuse of Process.
3. Right to provide statements to the Judicial Council in seclusion and privately and/or in a written format.

Monitoring

Compliance with this policy will be monitored by the Secretary of Internal Affairs. This policy is accompanied by the letters, forms and notices, which are updated and maintained by the Judicial Managers, and approved by the Secretary of Internal Affairs. Revisions to Part B: Non-Academic Misconduct must be done after consultation with the Student Conduct Office. Any substantial changes to this policy must be approved by the Council of Order prior to their presentation to the AMS Assembly, who reserves the right to consult with the Student Conduct Office.

Contact person	<i>Secretary of Internal Affairs</i>
Date of next review	<i>August 2027</i>
Related policies, procedures and guidelines	<i>AMS Constitution Appointments Policy Student Code of Conduct Charter of the Judicial Council</i>
Policies superseded by this policy	<i>N/A</i>