

Charter of the Judicial Council

OF THE

ALMA MATER SOCIETY

OF QUEEN'S UNIVERSITY

Responsibility	Chairperson of the Judicial Council
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ALMA MATER SOCIETY
AMS
QUEEN'S UNIVERSITY

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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.

Purpose

The Judicial Affairs Office and Judicial Council are in tandem understood to compromise the **Judicial System** ("System") and are simultaneously autonomous from each other, and ultimately accountable to all members of the Alma Mater Society. The **Judicial Council Charter** governs the procedures and operations of the **Judicial Council** ("Judicial Council"), which is the adjudicative branch of the Judicial System, first established in 1898 by Principal Grant.

The purpose of this policy is to govern the operations of the Judicial Council and establish clear and simple procedures for judicial proceedings. This policy works in tandem with the *Judicial Policy*, and *Appointment Policy* of the Alma Mater Society.

Scope

As the highest adjudicative body of the Alma Mater Society, the Judicial Council receives its authority and jurisdiction from the AMS Constitution. The Charter of the Judicial Council governs all hearings of the Judicial Council or other bodies, delegated its authority from time to time, and provides guidance on fair proceedings when hearings not covered by this Charter arise or are required.

Terminology

1. **AMS Board of Directors or Board of Directors** refers to the Board of Directors that governs the Alma Mater Society Inc.
2. **Corporation** refers to the Alma Mater Society Inc., which is governed by the AMS Board of Directors.
3. **Society** refers to the Alma Mater Society, governed by the Assembly.
4. **Judicial Council** or **Judicial Council** ("Judicial Council"): refers to the highest adjudicative body of the Alma Mater Society, which derives its authority and jurisdiction from the AMS Constitution. While the formal name is Judicial Council, for historical and traditional reasons, the Judicial Council may be synonymous with the term Judicial Council, which is abbreviated as "Judicial Council."
5. **Judicial Appeals Board** refers to the body that hears appeals of the Judicial Council in matters relating to Suspected Policy Infraction, and all matters pertaining to Disorderly Conduct.

Roles and Responsibilities

Judicial Council ("Judicial Council") Chair: The Judicial Council Chair is ultimately responsible for ensuring that all meetings of the Judicial Council follow the procedures and order outlined in this charter, and for protecting the integrity of the Judicial Council and its proceedings. The Judicial Council Chair is the official spokesperson for the Judicial Council or may delegate the public representation of Judicial Council to the Secretary of Internal Affairs.

Judicial Council Vice-Chair: The Judicial Council Vice-Chair works in tandem with the Judicial Council Chair, to ensure that the Charter is adhered to and followed. The Judicial Council Vice-Chair, elected following the procedures of the *Appointment Policy*, acts for the Judicial Council Chair in the event of a conflict-of-interest or unavailability. The Judicial Council Vice-Chair should be consulted on decisions made by the Judicial Council Chair and should provide advisory support as requested or required to support the Judicial Council Chair in the fulfillment of their duties.

Secretary of Internal Affairs ("Secretary"): The Secretary ensures that the Chief Governance Officer upholds their roles and responsibilities under the Charter and fulfills the role of the Chief Governance Officer during the summer, or when there are vacancies. The Secretary is additionally and solely responsible for the record management of all files pertaining to the Judicial Council, including the sharing of files, and archival practices (with the Information Officer). The Secretary acts as an advisor to the Judicial Council Chair as requested or required.

Chief Governance Officer: The Chief Governance is considered the administrative clerk to the Judicial Council and is responsible for providing the Judicial Council with logistical support, ensuring meeting times are booked, and enforcing accountability measures (attendance policies). The Chief Governance Officer acts for the Secretary, in the event of a conflict-of-interest or unavailability. In order to maintain the Judicial Council 'at an arms length' from the Secretary and Internal Affairs Office, the Chief Governance Officer, acts as the main point of contact for all Judicial Council members.

Speaker of Assembly: The Speaker of the AMS Assembly is the Chair of the Judicial Appeals Board. The Speaker is responsible for organizing and calling all meetings of the Judicial Appeals Board and addressing appeals that fall within the purview of the Appeals Board. The Speaker of Assembly may be consulted on other Judicial matters at the discretion of the Judicial Council Chair or Secretary, as required or requested. When consulted, the Speaker is to act within the scope of their role as Chair of the Judicial Appeals Board, and in the best interest of the Judicial System of the Alma Mater Society.

Part A: Terms of Reference

Section 1: Scope

1. Part A of this policy outlines the general Rules of Order of the Judicial Council and/or any other body that meets on its behalf. Unless stated otherwise, all hearings of the Judicial Council (or alternative bodies) must follow the Rules of Order outlined in this section. Certain types of hearings may have additional requirements, that must be followed *in addition to* Part A. Various parts and sections of this policy outline their scope of application.

2. The Judicial Council may make, by unanimous approval of its members rules for:
    a. Regulating the procedures of the Judicial Council
    b. Defining the official duties of each of the members
    c. Any rules made pursuant to this clause must be ratified by Assembly and subsequently be published in the Judicial Council Charter.

Section 2: Rules of Order

1. All meetings of the Judicial Council will be chaired by the Judicial Council Chair, Vice-Chair, or any other person appointed by President's Council as Interim Chair at the recommendation of the Secretary of Internal Affairs.
2. All questions and statements must be directed to the Chair.
3. Parties (respondents, complainants, appellants, the Internal Affairs Office) may not interrupt each other except to raise a *Point of Order* to the Chair.

4. All statements unless indicated otherwise are limited to ten (10) minutes, except the statements of the Internal Affairs Office. The Chair has the jurisdiction to limit such statements to keep meetings of Judicial Council efficient.

Section 3: Order of Business

1. **Land Acknowledgement**
2. **Preamble and Call to Order**
    a. In which the Judicial Council Chair outlines the authority of the Judicial Council to consider and act on matters before the Council.
    b. The Judicial Council Chair will also issue a statement that the Council will not entertain any questions related to its authority.
    c. Explanation of the reason(s) for the hearing and reading of the applicable charge(s) or complaint(s) by the Chair of the hearing,
    d. Opportunity for the Respondent to admit or deny the allegation(s) in whole or in part,
    e. Reminder that the provision of any information or evidence known to be false by any Party may result in violation(s) for abuse of process or contempt of the Judicial System as outlined by the *Judicial Policy*.
3. **Introduction**
    a. Members of the Judicial Council introduce themselves. This concludes by a brief introduction by the Judicial Council Chair on the reason(s) for the hearing.
4. **Case Presentation**
    a. In which a member of the Internal Affairs Office (if applicable) presents the facts and circumstances.
5. **Statement by the Appellant (if applicable)**
    a. In which the appellant states the basis of the appeal, and the scope of the appeal being brought forward.
6. **Statement of the Respondent**
    a. In which the respondent states their position on the subject matter (accept or deny allegations), as well as their intended outcomes.
7. **Statement of the Complainant (if applicable)**
8. **Question Period**
    a. The Council should retain the right to question the Parties and to receive and consider evidence relevant to the determination of appropriate sanction(s).
    b. Members of the Council are permitted to question any of the Parties or witnesses at the hearing during the proceedings to clarify any point, submission, or fact put before the Council, or to acquire additional information as is necessary and appropriate to reach a decision. The Council

retains the right to interrupt speakers at a hearing, though should take care not to inhibit the course of justice in doing so.

9. **Calling of the Witnesses**
    a. Witnesses may only be questioned by members of the Judicial Council and may request that all parties be excused for the duration of their statement, to provide information to the Council in seclusion.
    b. The Judicial Council Chair should have the authority to reasonably limit the questioning of witnesses where it is satisfied that there has been sufficient information given to fully and fairly establish the facts in relation to which the witness has given evidence.
10. **Closing Statements** in this order:
    a. Appellant
    b. Respondent
    c. Complainant
    d. Internal Affairs Office
11. **Deliberations**: Once the Parties have made their submissions, and the Council has asked questions (if applicable), the Council will
    a. Retire to deliberate; or
        i. If the Council retires, they may come out of retirement to ask additional questions of the Parties. To ensure fairness and transparency, all Parties must be present for these questions.
        i. If new information is presented, the other Party (Parties) will be given a chance to respond.
    b. Adjourn to deliberate and render its decision later.
        i. The Council should retain the right to adjourn a hearing and set a date to reconvene. Every effort should be made to reconvene the case as soon as possible in fairness to all Parties to the proceeding.
12. **Decision Ties:** Normally the Council will attempt to reach a unanimous agreement on the outcomes of the case. However, a simple majority will determine most cases. In the event of a tie, the Council may choose to:
    a. Adjourn and delay consideration at the Judicial Council Chair's discretion;
    b. In the event of a period of deliberation with no foreseeable resolution, the Judicial Council Chair may cast a tie-breaking vote.

Section 4: Open and Closed Hearings

1. Hearings should be closed to the public except where:
    a. A Party to the proceeding has requested that it be open to the public, in which case the Judicial Council Chair will consider the nature of the matters to be discussed and determine whether the hearing will be open or not, giving special consideration to the Respondent's right to an open hearing; or

c. The Judicial Council Chair, in consultation with the Secretary and Judicial Managers, determines the case to be in the public interest such that an open hearing is warranted.
d. In the event of an open hearing, notice should be sent to the Queen's Journal by the Director of Communications, in the form of a press release detailing the time, and location of the hearing.

2. In the event of a closed hearing, no press release should be sent. The Council should not release the details of any hearing to the press or public, except:
    a. With explicit written authorization of the Parties to the proceedings; or
    b. In cases deemed by the Judicial Council Chair, in consultation with the Judicial Managers and Secretary to have significant public interest to the Queen's or Kingston communities, or where knowledge of the proceedings is deemed to be beneficial to the student population, in which case a notice of the redacted proceedings and any sanctions should be forwarded to the Queen's Journal.
    c. In some closed hearings, a redacted version of the decision letter may still be provided if the case matters are deemed of significant public interest.

Section 5: Decision-Making Procedure

1. The Judicial Council will be secluded when making its decisions.

2. **Referral:** The Council may, at its own discretion, refuse to hear a matter if it becomes aware that a more appropriate body exists to hear the case. In this case, the matter should be referred to NAMIO for review and coordination of further referral.

3. **Decision Letter**: The Council should give its decision and order, if any, of any proceedings in physical or electronic writing and should include reasons supporting the decision.
    b. If the Council gives oral judgment on the date of the hearing, the decision should be deemed to be effective or released on the date of the hearing.
    c. If the Council reserves judgement and produces written reasons, the decision should be considered released when the copies, signed and typed, are distributed.
    d. All decisions must include information regarding rights and method for submission of a request to appeal including the specified timelines for such and the specified addressee for submission.
    e. All Council decisions requiring the completion of sanction(s) should be accompanied by the relevant Sanction Instruction Guidelines and Forms.

f. Decision letter will be known as **Decision Letter of the Judicial Council**. The Council should provide a written decision of its interpretation no later than seventy-two (72) hours after the hearing took place.

4. **Proper Notice:** The decision and order, if any, of the proceedings, together with the reasons, should be signed by the Judicial Council Chair (or delegate) of the Council and distributed by the Judicial Council Chair to
    a. The Respondent(s) to the proceedings
    b. The Case Officer
    c. The Secretary of Internal Affairs (for informational purposes)
    e. A redacted Judicial Council Decision may be sent to the Complainant if the Judicial Council decision impacts the Complainant or for the administration of natural justice, the Complainant should be made aware of the sanctions imposed. This may only be used in closed session hearings, and at the discretion of the Judicial Council Chair, and Case Officer and where the Complainant is considered an aggravated party per the *Judicial Policy*.

5. The decision is considered delivered if sent by electronic mail to the email address provided by the Respondent, in which case, notice should be deemed to have been received on the day on which it was sent,

Section 6: Rights of All Parties

The rights outlined below apply to all parties that engage with the Judicial Council, or any such body delegated its authority with respect to matters that fall within its purview:

1. Right to a translator;
2. 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.

3. Right to be notified of a hearing before Judicial Council. For all matters, thirty-six (36) hour notice prior to a scheduled hearing is considered proper notice in exceptional or urgent circumstances. Otherwise, at least a seventy-two (72) hour notice must be provided;
4. Right to make a statement in a hearing before Judicial Council;
5. Right to a full and fair hearing by Judicial Council;
6. Right to request that an open hearing be closed to the public, or that a closed hearing be opened (subject to Part A, Section 4).
7. Right to request that the Judicial Council summon a witness;
8. Right to present arguments and/or submissions, at a hearing.
9. 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.

Part B: Constitutional Interpretation

Section 1: Nature of Hearings

1. The Judicial Council should be the final authority on all matters of Constitutional Interpretation, as per the AMS Constitution.
2. Procedure governing the functioning of the Judicial Council during such a hearing is that:
    a. The Council should be secluded when making its decisions;
    b. Quorum should consist of 2/3 of regular members.
    c. Majority opinion will decide a question. In the event of an even dissent of opinion, the Judicial Council Chair or acting Chair should break the tie.

Section 2: Initiation of Hearings

1. **Initiation:** A constitutional interpretation may be initiated by any of the following:
    a. Secretary of Internal Affairs
    b. Judicial Affairs Office by unanimous consent of the Judicial Managers upon receipt of a request to do so by any member of the Society.
    c. AMS Assembly, by two-third (2/3) majority vote, in which case the Speaker of Assembly will present the question posed by Assembly to the Council

2. **Purpose:** Such hearings may be initiated to request clarification of one or more sections of the Constitution or Society Policy.
    a. Notwithstanding the above, any perceived violation of the Constitution should be pursued as a Society Policy Infraction case.
    b. Interpretations of the constitution are initiated to ensure that the constitution is being applied fairly, and consistently Constitutional

Interpretations are non-adversarial, and intended to allow students to present differing interpretations, before a final decision is made by the Judicial Council.

Section 3: Notice of Hearings

1. All Constitutional interpretations should be **open** to the public, except where the Judicial Council Chair, in consultation with both the Secretary and Judicial Managers determines the meeting to be private or there are concerns about the public disclosure of the relevant information. In making a decision, the safety and privacy of disclosed information and affected parties must be balanced with the transparency requirements.
    a. A decision to host a closed meeting must be unanimously supported by the Judicial Managers, Secretary and Judicial Council Chair.
    b. At any hearing, and at any time, Judicial Council, may by a simple majority, also vote to move into a closed session.
    c. Judicial Council, by a simple majority, reserves the right to seal any submissions made (verbal, written or otherwise) if deemed necessary to protect the privacy of involved parties. Sealed records are considered confidential.

2. Regardless of the nature of the hearing, a **Notice of Constitutional Interpretation** as well as the final decision of the Council will be made and remain public to ensure alliance with the principles of procedural fairness and procedural justice; as well as reflect the responsibility of Judicial Council to the Society by promoting transparent governance.
    a. The **Notice of Constitutional Interpretation** must be made public at least one (1) week prior to the scheduled time of the meeting.
    b. The Secretary may request an expedited hearing, not subject to the time requirement, on a matter deemed urgent to the Society. Such hearing is subject to the approval of the Judicial Council Chair.

Section 4: Terms of Reference

1. An **open session** hearing is open to all members of the Alma Mater Society, including *The Queen's Journal*. All verbal statements made are public and will be included in the meeting minutes prepared by the Chief Governance Officer.
2. A **closed session** is restricted to specific members or students, the Speaker of Assembly, the Secretary and both Judicial Managers. Records maintained by the Chief Governance Officer are considered confidential. At the discretion of the Judicial Council Chair, a closed session may remain open to students and members at large but be used to restrict reporting or quotation of verbal submissions made.

3. The Council may make such rulings at a hearing as it considers reasonable and necessary in the circumstances to maintain order and expedite the hearing of the matter while upholding the principles of fairness and natural justice.
4. The Council may find it appropriate to limit submissions of evidence at a hearing in order to deal with the manner in an expeditious and fair manner
5. Members of the Council are permitted to question the Party to the proceeding in order to clarify any point, submission, or fact put before the Council, or to acquire additional information as is necessary and appropriate to reach a decision.
6. Upon unanimous agreement of the Council, the Council should retire to deliberate. Deliberations are not open to the public or any other party. Only Judicial Council members are permitted in deliberations. The Council may come out of retirement to ask additional questions of the Party to the proceeding.

Section 5: Submission of Statements

1. Submissions to the Judicial Council on matters of Constitutional Interpretations are known as 'statements'. Submissions must be made in the manner specified in the **Notice of Constitutional Interpretation** by the deadline specified. Every effort must be made that members of the Judicial Council access statements at least seventy-two (72) hours prior to the scheduled hearing.
2. Regardless of the party which requested a meeting, written submissions of statements can be made by the following:
    a. Any student who has paid their AMS fee may submit statements to the Judicial Affairs Office within the designated timeline. It is the responsibility of the Judicial Disputes Manager to compile the submissions and present them to the Judicial Council. The Judicial Affairs Office acts as a neutral facilitator of submissions of statements to the Council.
    b. The Secretary may submit evidence as an expert witness, presenting this information to the Judicial Council at their hearing.
    c. The timeline of evidence submission can be waived or adjusted in special circumstance, approved threefold by the Judicial Council Chair, Speaker of Assembly and the Secretary. Examples of special circumstances are election related disputes, disputes related to assembly that arise prior to assembly or in which a decision of assembly is conditional on the interpretation of the constitution or policy; or any other matter deemed as special by the Judicial Council Chair, Speaker and Secretary.
    d. All written submissions are confidential, and can only be accessed by the Secretary, Judicial Disputes Manager and members of the Judicial Council. Written submissions will not be made public except by 2/3 approval of the Judicial Council.

3. In an open session, any member of the AMS who has paid their membership fee may address the Council and make a verbal statement. Judicial Council make limit submissions as outlined in the *Terms of Reference* of Constitutional Interpretations.
4. In a closed session, verbal submissions may be limited to specific individuals or persons. Any student who wishes to speak to Judicial Council in private, may make a request to move into a closed session subject to a majority vote of Judicial Council. The Judicial Council Chair reserves the right and discretion to make determinations on how and who is permitted to remain in a closed session.

Section 6: Decision

1. The Council should provide a written decision of its interpretation no later than seventy-two (72) hours after the hearing took place.
    a. If the Council requires more time for deliberation, the Judicial Council Chair must notify the Secretary and request their approval prior to this deadline.
2. All decisions are binding and are not subject to appeal. Any Society Policy amendments should follow the spirit of Judicial Council Interpretations.
3. Clarifications of the written decision of Judicial Council's interpretation must be submitted to the Secretary and Judicial Disputes Manager within 72 hours of the release of the decision.
    a. When a request for clarification is made, only those that were brought forward within the designated timeframe above will be reviewed.
    b. Constitutional Interpretations may only be clarified **once** if submissions are made within 72 hours of the release of the decision. If a request to clarify is made, the Judicial Council will reconvene within one (1) week or as soon as possible to review the question(s) and issue a statement of clarification if deemed necessary.

Part C: Appeal Hearings

Section 1: Purpose

1. Whereas the Judicial Council is:
    a. Per the AMS Constitution, "the final level of appeal for all decisions/rulings made regarding all Society elections and referenda."
    b. Per the AMS Elections and Referenda Policy, responsible for hearing appeals to rulings made by the Chief Electoral Officer or Chief Returning Officer.
    c. Per the AMS Constitution, responsible for addressing disputes relating to "A Speaker's ruling from the Assembly which is contested by a member of the Assembly, or a member of the Society, and/or any of its Member Societies"
2. The purpose and function of Governance Appeals is to:

a. Provide an avenue by which students-at-large and other members of the Alma Mater Society can raise concerns and/or appeal rulings made by the Chief Electoral Officer, Chief Returning Officer, or Speaker of Assembly; or any other individual acting on behalf of or for the positions listed.
b. Create a procedure by which appeal hearings are conducted, regardless of their origin or purpose.

3. Part C also applies to the *Judicial Appeals Board*, when it hears appeals relating to cases of Suspected Policy Infractions.

Section 2: Initiation

1. Governance Appeals may be initiated at any time by:
    a. Secretary of Internal Affairs
    b. Alma Mater Society President
    c. By a student-at-large, assuming they have exhausted all relevant or applicable avenues for appeals. Relevant or applicable avenues for appeals should be understood to refer to appeals procedures outlined in various policies and procedures.

2. Limitations to Appeal Hearings:
    a. Governance Appeals cannot be initiated if the relevant policies and procedures have additional steps or measures of appeals that have not been followed. For further clarity, the Judicial Council being the final level of appeal for issues that fall within its purview under this section, will only hear cases that have otherwise followed the proper steps and procedures in escalating concerns being raised. Not withstanding the above, where a case may fall both under the *Governance Appeals Procedures* or *Suspected Policy Infraction* protocol of the Judicial Policy, the case must proceed under the *Judicial Policy* as a *Suspected Policy Infraction* unless the facts of the matter are clear and undisputed, and in the judgement of the Judicial Affairs Office and Secretary, the matter is time-sensitive or the subject matter is such that a judicial proceeding is not warranted.

    b. Whenever there are appeals raised that pertain to Faculty Societies or the Residence Society, the Secretary must consult with the President of the Faculty Society or the executive directly overseeing the portfolio surrounding which, an appeal exists, prior to the initiation of proceedings. The Secretary may refuse to grant requests of appeals if internal appeals procedures have not been addressed or followed appropriately; and consideration should be given to protect the autonomy and self-governance of the society. Where there are disputes on how to proceed with a faculty society, the final decision

will be made by the Judicial Council Chair. Not withstanding the above, if an appropriate representative of the relevant policies or procedures (for example, the Chair of an Advisory Board, President of a Faculty Society or any other individual with reasonable authority to speak on behalf of internal appeals procedures) determines that the case cannot be addressed via internal appeals avenues for any reason, the appropriate representative is authorized to refer the matter directly to the Judicial Council.

Section 3: Representation

1. Except where the party initiating proceedings is the Secretary, members of the Judicial Affairs Office and Civic Affairs Office reserve the right to request that the Secretary serve as their formal representative to the Judicial Council; or to represent themselves at such hearings.

2. In light of the nature of governance appeals being disputes related to decisions made, and not *Suspected Policy Infractions*, students-at-large appealing decisions are not entitled to representation by the Internal Affairs Office. However, upon request, and in exceptional circumstances, the Secretary may require that a member of the Internal Affairs Office, with the appropriate expertise, represent a student-at-large, if doing so, ensures the concerns will be addressed appropriately at the Judicial Council hearing. Representation requests may also be granted at the discretion of the Secretary, in the event that students-at-large, have concerns about privacy or anonymity, and proceeding with the appeal has a significant public interest to the Queen's or Kingston communities, or where knowledge of the proceedings is deemed to be beneficial to the student population.

3. This does not waive the rights of all parties to representation.

Section 4: Terms of Reference

1. Appeal hearings must be scheduled within ten (10) business days of a notice of appeal being delivered to the Secretary of Internal Affairs. As matters may be time-sensitive proper notice is considered to be thirty-six (36) hours prior to a scheduled meeting taking place delivered to the party initiating the proceedings, members of the Judicial Council, as well as the respondent(s).

2. All appeal hearings are considered to be done in closed session, where access to or attendance is restricted to the parties involved.
    a. In some closed hearings, a redacted version of the decision letter may still be provided if the case matters are deemed of significant public interest. If this

pertains to a Faculty Society, the Secretary must have a non-binding consultation with an appropriate representative of the Faculty Society. Such persons are understood to generally be elected or authorized to speak on behalf of the Faculty Society, and who, in the judgement of the Secretary, do not have a conflict of interest with the matters pertaining to the case and/or with whom sharing some information is deemed justified. In special circumstances where consultation is not possible, the Secretary may proceed as usual, and at the direction of the Judicial Council.

b. Closed Session hearings may be made open to the public, following the Rules of Order of the Judicial Council as outlined in Part A.

3. The order of business will follow the Rules of Order for the Judicial Council, as outlined in Part A.

4. All decisions of appeal hearings are final and not subject to appeal.

Section 5: Standards of Appeal

1. The appeal should not constitute an opportunity to simply second guess the judgment of decision-makers initially responsible for the decision, but exists to:
    a. Address instances where there is clear and compelling evidence that the appellant has been treated unjustly;
    b. Address instances where there is a clear and definitive bias in the initial decision-making process.;
    c. Ensure that there has not been an indisputable miscarriage of justice based on either the facts or on considerations extraneous to the case.

2. Where the matters at hand are disputed, a balance of probabilities, and the reasonable person standard will be used to determine the most likely series of events and the appropriate course of action.

Part D: Oversight Hearings

Section 1: Purpose

1. Whereas the Judicial Council is responsible for:
    a. Per the AMS Constitution, “the overseeing of all Society elections and referenda to ensure that they are being run in accordance with the Society Policy on Elections and Referenda.” AND the responsible parties are considered the Chief Electoral Officer and Chief Returning Officer.

b. Per the AMS Constitution, “to act as a final check on the powers and authorities of the Judicial Affairs Office”. AND the responsible parties are considered the Judicial Disputes Manager and Judicial Case Manager.

2. The purpose of Oversight Hearings is to:
    a. Allow students-at-large to hold members of the Civic Affairs Office and Judicial Affairs Office accountable to the policies and procedures governing their operations.
    b. Address any Suspected Policy Infractions committed by members of the Civic Affairs Office or Judicial Affairs Office.
    c. Allow Judicial Council to actively exercise its responsibility for oversight
    d. Ultimately ensure and protect the integrity of governance proceedings.

Section 2: Initiation

1. Oversight hearings may be initiated at any time by the following, which will henceforth be referred to as “the party initiating a proceeding:”
    a. Secretary of Internal Affairs
    b. Alma Mater Society President
    c. Speaker of Assembly, upon a majority vote of the Council of Order to address suspected policy infractions by the Secretary (or delegate), President, or Chairperson of the Board.
    d. Judicial Council Chair, upon written request by a student-at-large, who has paid their AMS membership fees.

2. Limitations to Initiation:
    a. Oversight hearings may only be initiated for the areas in which the AMS Judicial Council is responsible for as outlined in Section 1(1).
    b. Oversight hearings may not be initiated for issues pertaining to the administration of Non-Academic Misconduct cases. Concerns pertaining to NAM must first be raised to the Secretary, and subsequently to AMS President, and then to the Chairperson of Board of Directors, to ensure compliance with the Agency Agreement with the University.
    c. Whereas the Secretary is responsible for the administration of Judicial and Civic Affairs, the Secretary reserves the **right to respond,** which requires that oversight hearings only be initiated if the Secretary was notified of the concerns and provided at least two (2) business days to respond to or address a concern being raised. This limitation exists in recognition of the Secretary’s responsibility for compliance with policies governed under Assembly, ensures the timely response to concerns and prevents the misuse of this policy in an adversarial manner. Oversight hearing may be called:

i. In the event the Secretary is unable to adequately address concerns
ii. The complainant finds the response unsatisfactory
iii. In the event the Secretary has recused themselves due a conflict-of-interest, concerns must be directly addressed by Judicial Council, and the right of the Secretary to respond is waived.

Section 3: Representation

1. Except where the party initiating proceedings is the Secretary, members of the Judicial Affairs Office and Civic Affairs Office reserve the right to request that the Secretary serve as their formal representative or to represent themselves.

2. Where the party initiating proceedings is a student-at-large, and upon request, the Judicial Council Chair, in consultation with the Secretary may appoint a member of the Internal Affairs Office to support and represent the student-at-large at the hearing. The final decision rests solely with the Judicial Council Chair and should generally ensure that a person with the appropriate expertise is appointed. Generally speaking, the order of representation will be as follows, with consideration given to minimizing conflicts-of-interest:
    a. Judicial Disputes Manager
    b. Judicial Case Manager
    c. Chief Governance Officer
    d. Speaker of Assembly
    e. Under no circumstance can the Judicial Council Chair make an appointment which results in two members of the same autonomous unit/Office of the Internal Affairs Office, to be expected to hold opposing views. For example, the Judicial Case Manager may not represent a student-at-large in a hearing pertaining to the Judicial Disputes Manager (and vice versa).

Section 4: Terms of Reference

3. Given the time-sensitive nature of matters which fall within the scope of *Oversight Hearings*, proper notice is considered to be thirty-six (36) hours prior to a scheduled meeting taking place delivered to the party initiating the proceedings, members of the Judicial Council, as well as the respondent(s).
    a. Where a hearing is initiated by the Council of Order, the notice must also be delivered to all members of the Council.

4. All oversight hearings are considered to be done in closed session, where access to or attendance is restricted to the parties involved.

a. The Secretary has the right to attend all oversight hearings, and/or appoint a delegate, subject to the approval of the Judicial Council Chair.
b. In some closed hearings, a redacted version of the decision letter may still be provided if the case matters are deemed of significant public interest. A non-binding consultation must occur with the Secretary, President and Director of Communications prior to the release of any statement.
c. Closed Session hearings may be made open to the public, following the Rules of Order of the Judicial Council as outlined in Part A.

5. The order of business will follow the rules of order as outlined by Part A.
6. Decisions of the Judicial Council during oversight hearings are final and not subject to appeal.

Section 5: Outcomes

1. The Judicial Council may impose such sanctions in proportion to the seriousness of the infractions committed. Without limiting the generality of the foregoing, the Judicial Council may impose the sanctions outlined in this section, in addition to other sanctions or outcomes as outlined by the *Judicial Policy*. Outcome(s) that impact the employment of members of the Internal Affairs Office may not be implemented except by consultation with the Secretary.
2. The Judicial Council may take any action necessary to protect the integrity and principles of the Judicial System, and other governance proceedings. The Judicial Council, however, may not, take any actions or make decisions that may fall within the purview of the Corporation. Where issues arise that may fall within the purview of the AMS Board of Directors, the Judicial Council Chair must consult with the Secretary and Chairperson of the Board of Directors. To that end, Judicial Council may make non-binding recommendations to the AMS Board of Directors or refer some or all decisions of the outcome(s) to the Board of Directors, where the outcomes it wishes to impose are within the purview of the Board of Directors.

Part E: Conflicts of Interest

Section 1: Purpose

1. Whereas the Alma Mater Society
    a. Recognizes that in the peer-to-peer environment of Queen's University, conflicts of interest naturally arise;
    b. Disclosures of conflicts-of-interest should be made in order to uphold the integrity of the judicial process;

c. The Judicial Council is the final authority on interpreting and applying the conflict-of-interest procedures of the *Appointment Policy*.

2. The purpose of hearings pertaining to conflicts-of-interest is to address instances or infractions of the spirit and intent of the *Appointment Policy* and allow for a way in which conflict-of-interest concerns can be raised and addressed to protect the integrity, efficiency and transparency of governance proceedings.

3. The scope of these proceedings includes but is not limited to members of the Internal Affairs Office, members of Assembly and/or any other person involved with a governance proceeding within the purview of Assembly.

Section 2: Initiation

1. Hearings under Part E may be initiated at any time by:
    a. Chief Governance Officer
    b. Secretary of Internal Affairs
    c. By directive from the Council of Order
    d. By a two-third (2/3) majority approval of Assembly
    e. By a majority approval of the Judicial Council
    f. By the Judicial Council Chair to the Judicial Appeals Board

2. Limitations to Initiation: Concerns about members of the Judicial Affairs Office or Civic Affairs Office, must be raised to the Secretary of Internal Affairs first, and secondly to the Council of Order, and lastly to the Judicial Council. The Council of Order may propose resolutions and/or alter the responsibilities of the person(s) affected to ensure and protect the integrity of the governance proceedings. The Council of Order may choose to refer the case to the Judicial Council.

Section 3: Representation

1. Cases pertaining to conflicts-of-interest will be addressed as they arise following the spirit and intent of the pillars of the Judicial System.

2. It is the responsibility of the complainant to represent themselves and explain to the Judicial Council the grounds for the bias and/or conflict-of-interest. Members of the Internal Affairs Office are not required to represent any complainant, except at the discretion of the Secretary of Internal Affairs and/or Council of Order. In making a decision, the decision-maker should focus on the likely hood of success, and ensuring a fair hearing can take place.

3. It is the responsibility of the complainant to demonstrate a reasonable belief that a conflict of interest exists. At the Judicial Council hearing, the complainant is represented by the Chief Governance Officer.

4. At the request of the Judicial Council, the respondent must answer all questions with truth and honesty. At the Judicial Council hearing, the respondent is represented by a member of the Judicial Affairs Office (normally the Judicial Disputes (Policy) Manager).

Section 4: Terms of Reference

1. All hearings pertaining to conflicts-of-interest are closed and confidential.

2. The Judicial Council may require that the complainant excuse themselves in the event that the Committee believes their presence might hinder or harm the respondent or the ability to disclose the truth in an honest manner. In such instances, a representative from the Internal Affairs Office.

3. A member of the Human Resource Office (in the event the case is brought against an AMS employee), may be present at the hearing and subsequent deliberations.

Section 5: Outcomes

1. The Judicial Council may impose any sanctions as outlined by the *Appointment Policy*, and/or the *Assembly Policy*. This may include the removal and/or disqualification of a member's vote at Assembly subject to approval by President's Council.

2. Intentional concealment of a conflict of interest which becomes evident after this process, should be considered a serious violation of this policy; and violations of this clause may be pursued by the Judicial Affairs Office or by a secondary hearing.

Monitoring

The Chair of the Judicial Council is generally responsible for ensuring compliance and adherence to the Charter of the Judicial Council. By a simple majority vote, the Judicial Council can vote to direct the Chair to comply with this Charter. All changes to the Charter must first be reviewed and approved by the Judicial Council and subsequently ratified by the AMS Assembly in order to take effect. Where an issue arises that is not addressed by this Charter, the decision on how to proceed should be made by the Chair and Vice-Chair, with a non-binding consultation with the Secretary of Internal Affairs.

Contact person	*Secretary of Internal Affairs*
Date of next review	*April 2029*
Related policies, procedures and guidelines	*Judicial Policy* *Elections and Referenda Policy* *Appointments Policy* *Assembly Policy* *Civic Engagement Policy* *Awards Policy*
Policies superseded by this policy	*N/A*