

**Code of
Students' Society of McGill University
Judicial Board Procedures**

Definitions

“action” as used in this Code refers to proceedings filed on petition to the SSMU Judicial Board;

“Constitution” shall be defined as the Constitution of the Students’ Society of McGill University which came into force on May 1, 1999;

“days” as used in this Code do not include weekends (Saturday and Sunday) or holidays (civic and academic);

“members of the Students’ Society of McGill University” shall be defined under Article 1 of the Constitution of the Students’ Society of McGill University, unless its definition is the point of dispute in an action brought before the SSMU Judicial Board;

“SSMU” shall be defined as the Students’ Society of McGill University;

I. General

1. These rules of practice shall be in addition to, and in no way a derogation from, the terms of the Constitution of the Students’ Society of McGill University (“*Constitution*”). The SSMU Judicial Board (“*Judicial Board*” or “*Board*”) reserves the right to modify these rules or adapt them to a specific situation if necessary.
2. The Judicial Board is a dispute resolution body of the Students’ Society of McGill University empowered to try facts and to hear appeals in accordance with its jurisdiction under the Constitution.
3. Only members of the Students’ Society of McGill University shall act as advocates for parties involved in actions before the Judicial Board.
4. No documents submitted to the Judicial Board shall be confidential except in the case that the Judicial Board finds in favour of one or more of the parties requesting such confidentiality.
5. In the event that only four members of the Judicial Board are able to hear an action, one member shall withdraw.
6. Articles 29 and 30 of the Constitution are hereby incorporated by reference.

II. Jurisdiction

7. Articles 19.2, 23.5, 28, 31, 32.6, and 34.4 of the Constitution are hereby incorporated by reference.

In addition to Article 28.4 of the Constitution, there shall be no other petitions filed or actions launched in any other dispute resolution body concerning a petition duly filed with the Judicial Board.

Any member of the Judicial Board shall withdraw from participating in any action where a conflict of interest exists between them and any party to the action.

8. The Judicial Board has sole authority to decide whether it has jurisdiction to hear an action brought before it.

III. Preliminary Procedures

A. Petitioner: Filing a Petition

9. Unless expressly indicated otherwise, petitions to the Judicial Board must be made no more than ten (10) days after:
 - a. the event that is the cause for the petition
 - b. learning of the event that is the cause for the petition
10. The petitioner must fill out Judicial Board Form P-1 “Petition for Hearing” and complete all requested information, attaching additional typed sheets as necessary.

The petition shall include:

- a. a written and signed statement from each of the witnesses to be called by the petitioner, providing the details of their testimony;
- b. a copy of all relevant documents in their entirety (except the Constitution and SSMU By-Laws); and
- c. a declaration containing the written arguments of the petitioner conforming to the following format:
 - i. Allegation of Facts: What happened? Include any relevant actions, dates, communications, Council Motions, etc...
 - ii. Procedures already followed: Have all other possible avenues for dispute resolution been exhausted? If not, why not?
 - iii. Remedy sought: The petitioner must state clearly what he or she wants, e.g. Order of Council overturned, and act by an officer declared unconstitutional, an interpretation of the Constitution or SSMU By-Laws in reference to a specific fact situation.
 - iv. Reasoned Argument: What is the basis of jurisdiction for the Judicial Board? Why should the Judicial award the petitioner what he or she wants? What specific statutory provisions are involved and/or have been violated? How do facts as alleged constitute a violation? How should the statutory provisions be interpreted according to the petitioner?

11. The petitioner must sign the petition,, thereby agreeing to submit the dispute to the sole jurisdiction of the Judicial Board and agreeing to be bound by its decision.
12. A copy of the petition must be delivered to the respondent(s) and the petitioner must get a signed receipt from the respondent(s). If the petitioner is unable to get a signed receipt, a statement should be included in the petition detailing the steps taken by the petitioner to insure that the respondent(s) received a copy of the petition delivered by someone other than the petitioner. Service shall be deemed to have been effected after four day or such reasonable time, as determined by the Judicial Board, following delivery of the petition to a third-party mandated to deliver it to the respondent(s). A copy of all signed receipts or such evidentiary proof that confirms delivery must be included with the petition filed with the Chief Justice of the Judicial Board.
13. The completed petition shall be filed at the Judicial Board box at the SSMU office. The petitioner must alert the Chief Justice of the Judicial Board by telephone or registered mail of the filing of the petition.
14. Petitions which are incomplete or which do not follow these formalities may be returned pending correction, or declared incomplete and inactive at the discretion of the Judicial Board.

B. Respondent

15. If the Judicial Board decides to accept the petition, it shall invite the respondent(s) to submit their position on the dispute by duly completing Judicial Board Form R-1 "Position of Respondent". Such a response must be filed no more than seven (7) days after the invitation of the Judicial Board. The Board reserves the right to extend this period in the case of extenuating circumstances.
16. The respondent must deliver a copy of Form R-1 to the petitioner(s) and the respondent must get a signed receipt from the petitioner(s). If the respondent is unable to get a signed receipt, a statement should be included detailing the steps taken by the respondent to insure that the petitioner(s) received a copy of Form R-1 delivered by someone other than the respondent. Service shall be deemed to have been effected after four days or such reasonable time, as determined by the Judicial Board, following delivery of Form R-1 to a third-party mandated to deliver it to the petitioner(s). A copy of all signed receipts or such evidentiary proof that confirms delivery must be included with the copy of Form R-1 filed with the Chief Justice of the Judicial Board.
17. The completed form R-1 shall be filed at the Judicial Board box at the SSMU office. The respondent must alert the Chief Justice of the Judicial Board by telephone or registered mail of the filing of the form.

C. Preliminary Conference

The parties to the dispute and members of the Judicial Board shall then meet in a “preliminary conference” and discuss a number of issues informally, including but not limited to agreement on non-contentious facts of the dispute, stipulation of witness testimony, amendment of petition or respective declaration(s), explanation of hearing procedures, and setting a time limit on oral arguments at hearing.

D. Intervenors

18. Following the submission by the respondent, an invitation shall be extended through the campus media to anyone wishing to intervene in the dispute by duly completing Judicial Board Form I-1 “Application for intervention” and submitting to the Chief Justice of the Judicial Board no more than five (5) days following first publication of notice. Completed copies of Form I-1 shall be distributed to the petitioner(s) and respondent(s) by the Judicial Board.

IV. Hearing Rights and Procedures

19. Following the preliminary conference, a date for the hearing shall be set and conducted.
20. Hearings are open to the public, limited only by space restrictions in the designated hearing room or the discretion of the Judicial Board.
21. No recordings will be taken during the hearing, although parties may take notes as necessary.
22. Members of the Judicial Board may ask questions directly to witnesses, parties and/or advocates.
23. The order of oral arguments at the hearing shall be as follows. The Board reserves the right to modify this order or adapt them to a specific situation if necessary.
 - a. Petitioner
 - b. Respondent
 - c. Intervenors

V. Disposition

24. Following oral arguments, the members of the Judicial Board will recess the proceedings to determine if they can render a decision at the hearing. The Board may render its decision at the hearing and provide written reasons to the parties at a later date, or it may reserve judgment for a reasonable period of time upon which a written judgment will be communicated to all parties by the Chief Justice.

25. The Judicial Board may order any interim or final measure necessary to facilitate the execution of its decision, having due regard to the circumstances of the action.

26. Copies of the decisions of the Judicial Board shall be placed on the SSMU web site and be kept on file in the office of the SSMU.

VI. Appeals

27. As provided in Articles 28.1 and 28.4 of the Constitution, the Judicial Board is the sole and final authority on matters brought before it. It shall be binding on the parties involved and there shall be no appeal from its decision.

VII. Miscellaneous

28. Any member of the SSMU may make a motion before the Board requesting clarification of these rules. Such a motion should clearly state why the rules are perceived to be unclear, uncertain or unfair.

29. The French and English versions of these rules shall be equally valid and authoritative.

30. These procedures should be read in light of the Charte des droits et libertés de la personne and, where applicable, the *Canadian Charter of Rights and Freedoms*.

APPENDIX

Constitution of the Students' Society of McGill

Students' Society of McGill University Interim By-Laws

SSMU Judicial Board Form P-1 "Petition for hearing"

SSMU Judicial Board Form R-1 "Position of Respondent"

SSMU Judicial Board Form I-1 "Application for Intervention"

Adopted

FROM PETITION TO HEARING

A. FILING A PETITION

- Have you filled out Judicial Board Form P-1 "Petition for Hearing" and provided all requested contact information, attaching additional typed sheets as necessary?
- Have you provided a list of any and all of your witnesses and a written and signed statement from each, providing the details of their testimony?

- Have you attached a copy of all relevant documents in their entirety (except the Constitution and SSMU By-Laws)?
- Have you included the declaration containing the written arguments following the format stated in Form P-1?
- Have you signed and dated the petition?
- Have you delivered a copy of the petition to the respondent(s) and obtained a signed receipt from the respondent(s) to be included with your petition? If not, have you included a statement detailing the steps taken to insure that the respondent received a copy of the petition delivered by someone other than the petitioner (service is deemed to be effected four days following these steps)?
- Have you filed the completed petition at the Judicial Board box at the SSMU office and alerted the Chief Justice of the Judicial Board by telephone of the filing of the petition?

B. STEPS TAKEN FOLLOWING SUBMISSION OF PETITION:

1. If the Judicial Board decides to accept the petition, it shall invite the respondent(s) to submit their position on the dispute through Judicial Board Form R-1 “Position of Respondent”, a copy of which will be delivered to you by the Chief Justice of the Judicial Board.
2. A Preliminary Conference will be held among the members of the Judicial Board and the parties to the action, discussing a number of issues informally including non-contentious facts, limit on oral argument, explanation of hearing procedures, or stipulation of witness testimony.
3. An invitation for interveners in the action will be made by the Judicial Board through the campus media.
4. Following the acceptance of interveners, a date for the hearing will be set. At the hearing, oral arguments will be made by all parties concerned. Following the hearing, the Judicial Board will render its judgment.