

## **SSMU Judicial Board Procedures**

### **General**

1. The Judicial Board is a dispute resolution body of the Students' Society of McGill University empowered to hear appeals and try facts in accordance with its jurisdiction under the Constitution
2. Only members of the Students' Society of McGill University, not paid for their services, shall act as advocates for parties involved in actions before the Judicial Board.
3. The membership of the Judicial Board is made in accordance with art. 25 of the SSMU Constitution ("Constitution").
4. In the event that only four members of the Judicial Board are able to hear an action, one member shall withdraw.
5. The Director of Student Advocacy shall act as neutral secretary to the Judicial Board. All communication shall be made through him/her.
6. The Chief Justice shall be mandated to coordinate the time and place of the hearing.
7. All communication shall only be made to official McGill email addresses.

### **Appointment**

8. In the event that a Judicial Board has not been appointed, and the previous Judicial Board is unable to be convened, the Judicial Board of the Law Students' Association shall sit until a Judicial Board is appointed.

### **Jurisdiction**

9. The Judicial Board is the authority on matters covered by art. 24.1 of the Constitution.
10. 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.
11. The Judicial Board shall decide whether it has jurisdiction to hear an action brought before it.

### **Preliminary procedures**

12. 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

#### *The Petitioner*

13. The Petitioner must submit:
  - a. a copy of all relevant documents in their entirety (except the Constitution and SSMU By-Laws);

- b. A completed version of the Form P-1: Petition for Judicial Board – Short Form (see Appendix A);
  - c. a declaration containing the written arguments of the petitioner conforming to the following format:
    - i. *Allegation of facts*: What happened? Who did what? What were the relevant dates of any: eg. communications, decisions, official Council motions?
    - ii. *Procedures already followed*: Why is it not possible for this petition to be resolved by the parties? Have all other possible avenues for dispute resolution been exhausted? if not, why not?
    - iii. *What does the petitioner want (remedy sought)*? The petitioner must state clearly what he or she wants e.g. Order of Council overturned, an 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 Board award the petitioner what he or she, wants? What specific statutory provisions are involved and/or have been violated? How do the facts as alleged constitute a violation? How should the statutory provisions be interpreted according to the petitioner?
14. The petition must be signed by the petitioner(s), thereby agreeing to submit the dispute to the sole jurisdiction of the Judicial Board and agreeing to be bound by its decision.
15. A copy of the Petition must be delivered to the Student Advocacy Office, duplicated six (6) times. The Director of Advocacy may request an electronic copy be sent as well.
16. If the Board accepts the petition, the Director of Advocacy will notify the named Respondents. The Board will not entertain petitions which are frivolous, vexatious or of inconsequential merit or outside its jurisdiction.

#### *Respondent*

17. The Respondent shall submit their position on the dispute by duly completing Judicial Board FORM R-1 “Position of Respondent – short form” (Appendix 2) as well as a well-ordered factum responding to the issues raised by the Petitioner. 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. The submission shall be signed by all Respondents.

#### *Intervenors*

18. The Judicial Board may recognize intervening parties only where those parties are necessary for a complete solution to the questions in issue.
19. 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 a signed copy of it to the Director of Advocacy no more than five (5) days following first publication of notice. The Judicial Board shall distribute

completed copies of FORM I-1 to the petitioner and respondent if they choose to accept the Intervention.

### **The Petition**

20. The Director of Advocacy shall provide the Petitioner and the Respondent with a copy of this policy upon receipt of a petition.
21. Any additional authorities may be filed with the Board up to **5 business days** before the hearing date.
22. In exceptional cases, the Chief Justice may allow additional authorities to be filed after this deadline.
23. Petitions shall be limited to 25 pages, not including cover page, table of contents, or authorities. A party may request ask for leave, in writing, for an extended page limit.
24. A petition may include a request for an interim order. The Chief Justice may issue interim orders at his or her discretion. A party may file a separate request for an interim order.

### **Hearing rights and procedures**

25. Hearings are open to the public, limited only by space restrictions in the designated hearing room or the discretion of the Judicial Board. The Judicial Board has the power to remove anyone from the Hearing if they are disruptive, threatening, or offensive.
26. The Judicial Board hearing is loosely modelled on a Human Rights tribunal. As such, members of the Judicial Board may ask questions directly to witnesses, parties, and/or advocates.
27. Members of the Judicial Board shall dress in formal business attire for all hearings. There shall be no dress requirement for parties to the dispute or their advocates
28. The procedure for the hearing shall be as follows:
  - a. The Chief Justice shall introduce the members of the Judicial Board and shall outline the rules of the hearing.
  - b. The Petitioner, followed by the Respondent, may make an opening statement to introduce the nature of the application and the facts of the case for no more than five (5) minutes.
  - c. The Petitioner shall tender evidence and proceed with argument for no more than twenty (20) minutes.
  - d. The Petitioner shall present his witnesses and may question them.
  - e. The other party or parties may cross-examine the Petitioner's witnesses.
  - f. The Respondent shall tender evidence and proceed with argument for no more than twenty (20) minutes.
  - g. The Respondent shall present his witnesses and may question them.
  - h. The other party or parties may cross-examine the Respondent's witnesses.
  - i. The Intervenor shall tender evidence and proceed with argument for no more than twenty (20) minutes.

- j. The Intervenor shall present his witnesses and may question them.
  - k. The other party or parties may cross-examine the Intervenor's witnesses
  - l. The members of the Judicial Board may intervene at any time to ask questions of an advocate, party, or witness.
  - m. The Petitioner, followed by the Respondent, may make a closing statement and/or rebuttal for no more than ten (10) minutes. No new evidence may be introduced during the closing statement.
29. In the event of multiple Petitioners or Respondents, the Chief Justice shall have the discretion to determine the sequence of Petitioners and Respondents. For each phase of the hearing, all of the Petitioners must present before the first Respondent.
30. The Judicial Board has the right to:
- a. Amend the above procedures on a case by case basis if necessary.
  - b. Determine other procedures and/or guidelines with regard to items not mentioned, such as burden and standard of proof, necessary for each case.

### **Interim Orders**

31. The Judicial Board may make interim orders. Interim orders shall be binding on all parties, and on all persons advised of the order who are subject to the authority of the Judicial Board. The Judicial Board may issue sanctions for contempt.
32. A party that makes an application for an interim order must do so in writing and serve the application on all of the other parties.
33. The Judicial Board may convene a hearing to decide upon an interim order. The hearing must not be *ex parte* unless one party is deemed to unreasonably be making themselves unavailable. The Board may also determine the issue based solely on the written submission.
34. The Judicial Board shall decide upon the merits of an application for an interim order as soon as reasonably possible. This decision may be made by no less than three (3) members of the Board.

### **Disposition**

35. The Judicial Board has the power to order such remedies as conform with art. 24.3 of the Constitution.
36. 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 Director of Advocacy.
37. The written statement of reasons shall be provided within 30 days of the hearing.

## **Appeals**

38. As provided in art 24.4 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.

## **Miscellaneous**

39. 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.
40. The French and English versions of these rules shall be equally valid and authoritative.