

Judicial Board

Rules and Regulations of Practice



Table of contents

1. Definitions	2
2. General	3
3. Initiation of Proceedings	6
4. Actions Undertaken	7
Review	7
Dismissal	8
Full Hearing	8
5. Appeals	9
6. Proceedings	9
7. Proceeding Outcomes	11

1. Definitions

Throughout this document, the terms below shall have the following meanings:

Chief Justice shall mean the primary authority over the conduct and proceedings of the Judicial Board.

Conflict of Interest refers to any situation that is sufficient to affect, or provide an incentive to affect, the Concerned Individual or Implicated Individual(s) impartiality in their conduct of Society activities, including the events and circumstances detailed herein.

Complainant refers to the person initiating proceedings.

Complaint refers to the issue/appeal sent to the Judicial Board to be decided.

Days refers to business days and excludes weekends, holidays, and days when McGill University is not in operation such as reading weeks / winter break.

Governing Documents shall refer to the Constitution, the Internal Regulations of the Society, and the Policies of the Society.

Hearing refers to the session during which a Complaint is formally presented and considered by the Judicial Board.

Intervenor refers to a Party with an interest in the result of the Petition that is neither the Complainant or the Respondent.

Judicial Board refers to the body of the Board of Directors who has the authority to review complaints lodged against the Society or its Members or provide opinions in accordance with its established process.

Mandate refers to the role and responsibilities of the SSMU Executive, Director, or Councilor.

Nominating Committee refers to shall refer to the committee of the Board of Directors established in accordance with the Internal Regulations of Governance.

Part(y)(ies) refers to all the named participants in the Judicial Board Petition.

Petition refers to the written document completed by a Complainant/Respondent/Intervenor.

Respondent refers to the person against whom the complaint or appeal is filed.

Responses refers to the answer by the Respondent to the Petition.

Secretariat shall refer to a group of Governance staff that consists of the Deputy Speaker, the Parliamentarian, the Speaker, and the Internal Counsel and Corporate Secretary.

2. General

2.1. As per the Internal Regulations of Governance:

“After review, the Judicial Board has the authority to:

- a. Dismiss the complaint with written reasons;
- b. Refer the complaint to the most relevant body or group, so long as that body or group has not previously ruled on the matter;
- c. For matters that have been previously ruled on by another body or group within the Society, review the appeal and original ruling and provide a ruling;
- d. For matters which would not be better suited to another body or group within the Society, hear the matter in its entirety and provide a ruling.

Matters which are addressed by the Judicial Board may be appealed to the Board of Directors as necessary.

The rules and conduct of the Judicial Board shall be defined in the Judicial Board Protocols.

The Judicial Board shall inform the Secretariat of all rulings who shall make such information public.”

2.2. The Judicial Board shall abide by the applicable laws and SSMU's Governing documents in the following order of priority:

- a. The Companies Act, RSQ, c C-38;
- b. The Constitution;
- c. The Memorandum of Agreement between McGill University and the SSMU;



- d. The Internal Regulations;
 - e. Any SSMU Policies;
 - f. Any SSMU Protocols; and
 - g. These Procedures.
- 2.3. English shall be the de facto language of the Judicial Board. All reasonable efforts will be made to accommodate French-speaking Parties in accordance with SSMU's Francophone Affairs Policies.
- 2.4. Every communication to the Judicial Board shall be addressed to jboard@ssmu.ca. Complaints, Responses, and applications for intervention shall be done through the form on the [website](#).
- 2.5. In the event of vacancy among the Justices constituting the Judicial Board, the Board of Directors shall fill the vacancy using the Nominating Committee.
- 2.6. The Judicial Board shall be composed of five (5) Justices.
 - 2.6.1. All internal meetings, such as the reviews of complaints and decisions to dismiss, refer or hear a matter, shall require all five (5) Justices, with quorum for voting being a simple majority. Such meetings should generally be held in person, but the Justices may, by consensus, decide to discuss such matters online or asynchronously (for e.g. over email).
 - 2.6.2. Hearings shall require three (3) Justices present, with quorum for voting being a simple majority.
- 2.7. The Judicial Board and its members shall abide by the Conflict of Interest Policy, namely:
 - 2.7.1. Where a Justice is in a Conflict of Interest, they shall withdraw from any Proceedings so concerned and shall not attempt to influence any Justices involved therein.
 - i. The Justice(s) with a Conflict of Interest shall immediately declare such Conflict of Interest and recusal in a written notice to the Judicial Board email.
 - 2.7.2. All Justices shall sign all confidentiality forms mandated by the Board of Directors before commencing their role.
- 2.8. A Chief Justice shall be selected by the Justices annually or as a vacancy arises through a single majority secret ballot vote immediately upon a vacancy.



- 2.8.1. The Chief Justice shall be responsible for leading the proceedings.
- 2.8.2. The Chief Justice role shall be considered vacant should they fail to attend two (2) meetings without notice.
- 2.8.3. In the event of misconduct or delinquency of duties, the Chief Justice may be removed by a single majority secret ballot. The Chief Justice must be provided with notice of the motion and an opportunity to present a defense.
 - i. The removal from the role of Chief Justice does not automatically remove their position on the Judicial Board.
- 2.9. All members of the Judicial Board shall endeavor to act honestly and in good faith in the best interests of the Members of the SSMU and shall exercise the care, diligence, and skill that a reasonably prudent person would exercise in comparable circumstances.
- 2.10. Meeting of the Judicial Board, including hearings, shall be considered a formal environment. Justices shall dress in formal business attire for all Hearings. There shall be no dress requirement for any other attendees.
- 2.11. Upon review of a Complaint, the Judicial Board shall provide their decision to the Parties involved, as well as the Secretariat who will present a notice in public session to the Board of Directors at the next regularly scheduled meeting.
 - 2.11.1. Correspondence will be sent from the jboard@ssmu.ca email to the McGill or SSMU email addresses associated with the Parties. No correspondence will occur with non-McGill or non-SSMU email addresses.
 - 2.11.2. Information related to Petitions will be considered public by default, but identifying information may be redacted at the request of the Parties and a vote by the Judicial Board.
- 2.12. Appeal of a ruling by the Judicial Board can only be made directly to the Board of Directors, who has final authority on all financial, operational, and legal matters related to the SSMU.
 - 2.12.1. The Judicial Board does not have the authority to bind the Board of Directors.
 - 2.12.2. The appeal to the Board of Directors, complete with all relevant documentation, must be submitted to the Secretariat no more than seven (7) days after the Parties receive the written reasons.

3. Initiation of Proceedings

- 3.1. Complainants shall raise a Complaint to the Judicial Board through a Petition.
- 3.2. Complaints must be submitted to the Judicial Board within ten (10) days of the incident or ten (10) days of the Parties' awareness of the incident. Complaints lodged after this window will be automatically dismissed. This time limit shall be extended in the event the Judicial Board fails to respond within ten (10) days.
- 3.3. Complaints must be submitted using the format and mechanisms provided by the Judicial Board. Improper submissions will be automatically dismissed.
- 3.4. Complaints may not be frivolous, vexatious or of inconsequential merit. Such determination shall solely rest on the Judicial Board's interpretation of the submitted Petition and contextual background.
- 3.5. By filing a Complaint with the Judicial Board the Complainant agrees to the following:
 - 3.5.1. To defer sole authority to the Judicial Board to rule on the matter at hand.
 - 3.5.2. To cooperate fully by providing clear, complete documentation in a timely manner.
 - 3.5.3. To notify the Judicial Board of any potential Conflicts of Interest.
- 3.6. If the Judicial Board has decided to hear a Complaint, they shall invite interested Parties.
- 3.7. Within two (2) days of the decision to hear the complaint, the Chief Justice shall inform the named Respondent of the upcoming hearing and invite them to fill in a Response through the online form. The Response must be filed within ten (10) days of receipt of notice from the Chief Justice.
- 3.8. Upon receipt of the Response, the Judicial Board shall publicize on the SSMU website a short summary of the upcoming hearing and invite Intervenors to participate, subject to any decision by the Judicial Board regarding confidentiality or anonymity. Intervenors shall signal their intention to intervene in the case by filling in the online form within five (5) days of the notice being published.

- 3.9. All Petitions lodged with the Judicial Board must include at minimum the following information:

1. Allegations of Facts

- a. What happened?
- b. Who did what?
- c. What were the relevant dates of any, for example, communications, decisions, official motions?
- d. A copy of all relevant documents in their entirety.

2. Procedures Already Followed

- a. Why is it not possible for this Action to be resolved by the Parties or why have mediation efforts between Parties failed?
- b. Have all possible avenues for dispute resolution been exhausted? If not, why not?

3. Remedy Sought: What does the Party want?

- a. The Petitioner/Respondent/Intervenor must clearly state what they want.

4. Reasoned Argument

- a. Why should the Judicial Board award the Petitioner/Respondent/Intervenor what they want?
- b. If the Petitioner/Respondent/Intervenor alleges that a Governing document has been violated, they must address the following questions:
 - i. What are the specific sections that have been violated?
 - ii. How do the facts as alleged constitute a violation?

- 3.10. Other specific information required is detailed in the online form.

4. Actions Undertaken

Review

- 4.1. The Judicial Board shall review Complaints lodged against entities under the purview of the SSMU and may: (1) dismiss the Complaint, (2) consent to investigate the Complaint or (3) refer the Complaint to the appropriate body. All Complaints shall be

reviewed within two (2) weeks of its submission, with the dismissal, undertaking, or reference following immediately afterwards.

- 4.2. The Judicial Board shall provide written notice with reasoning to the Complainant and the Board of Directors (via the Secretariat) on their initial decision, with additional information as necessary on the subsequent steps the Judicial Board will take.

Dismissal

- 4.3. 4.3 The Judicial Board must provide written reasons for its dismissal of a Complaint to the Board of Directors and the Parties.

Reference

- 4.4. Upon receipt of a Complaint that falls under the jurisdiction of another body of the Society, the Judicial Board shall refer the matter for future investigation by the most appropriate body.
 - 4.4.1. For matters related to Human Resources, SSMUnion, or Staff, the Human Resources Department.
 - i. The Judicial Board does not have the authority to deal with matters related to Human Resources, SSMUnion, or Staff (excluding Executives), or the Human Resources Department in any circumstance.
 - 4.4.2. For matters related to violence, discrimination, harassment, and/or equity-based complaints filed by SSMU members, the Anti-Violence Coordinators.
 - 4.4.3. For matters related to Elections or Referenda, the Chief Returning Officer of the SSMU.
 - 4.4.4. For matters related to the fulfilment of Mandates, the Accountability Commissioner.
- 4.5. The Judicial Board shall provide written notice with reasoning to the Petitioner and the Board of Directors on their reference, and shall refer the matter directly to the most appropriate body.

Full Hearing

- 4.6. In the event that a matter requires a ruling, but it does not fall under the jurisdiction of any other body of the Society, the Judicial Board may choose to hear the matter in its

entirety and provide a ruling. The hearing shall take place within twenty days of the notice to Parties that a hearing shall take place.

- 4.7. Parties can petition for an emergency hearing as a part of their original Complaint, which, if approved by the Judicial Board, will expedite the normal timeline. Such matters will only be approved if there is serious risk that Petitioners' rights will be eviscerated if the normal timeline stands.
- 4.8. The Judicial Board shall hear matters related to the interpretation of Governing Documents.
 - 4.8.1. Appeals from such rulings must be submitted to the Internal Counsel & Corporate Secretary.

5. Appeals

- 5.1. In the event that another body of the Society has previously ruled on a matter, Parties may appeal this ruling to the Judicial Board. The Judicial Board will then review the original ruling and rule again on the matter (either to overturn or uphold).
- 5.2. Appeals are initiated in the same manner as detailed in the Initiation of Proceedings section.
- 5.3. Appeals may only be considered on the grounds that the original decision-making body significantly misinterpreted the Governing Documents involved, or in the circumstance there is a grave misinterpretation of the facts involved.
- 5.4. The Judicial Board shall provide written notice with reasoning to the Parties and the Board of Directors on their ruling.
- 5.5. The Judicial Board does not have the authority to deal with appeals related to Human Resources processes (including recruitment), SSMUnion, Staff, or the Human Resources Department in any circumstance.

6. Proceedings

- 6.1. The Complainant may, at any time prior to the Hearing, withdraw the Petition, by way of a written notice to the Judicial Board.
- 6.2. During the Hearing, Parties may ask witnesses to testify as to facts of the Complaint, but there is no power of compulsion. Parties may also invite individuals or groups who could be affected by the ruling to give testimony.
 - 6.2.1. The Judicial Board may reject witnesses if there are an unreasonable number of witnesses or if multiple witnesses will make similar testimonies.
 - 6.2.2. No witness shall have the status of an expert witness. However, should the Judicial Board believe it is necessary, they may empower a SSMU Member or staff person to conduct an investigation and present their conclusions at the hearing.
 - 6.2.3. No Party shall call character witnesses.
- 6.3. No Party is required to be represented by an Advocate during the Proceedings, and may self-represent but should a Party want to, they may designate an Advocate. Only Members of the SSMU, not remunerated for their services, may be designated as an Advocate. A SSMU club, service or independent student group must be represented by a representative duly-authorized to speak on behalf of the entity.
 - 6.3.1. An Advocate shall not be in Conflict of Interest with any Justices.
 - 6.3.2. No witness shall be represented by an Advocate in a Hearing.
- 6.4. Where a panel is composed absent the Chief Justice or where the Chief Justice refrains from exercising their duties as the Presiding Justice, the Judicial Board shall appoint, by consensus, one (1) Presiding Justice to lead the Proceedings. Such appointment shall be effective only for the duration of such Proceedings.
- 6.5. Hearings should be held in person. The Chief Justice, either on their own or following a request by a Party, may decide to hold the hearing online, with sufficient justification.
- 6.6. Hearings are open to the public, limited only by space restrictions in the designated Hearing room. All Hearings shall abide by the standards of accessibility determined in the relevant policies.

- 6.6.1. Justices shall have the power to declare a Hearing *in camera*¹ if the public nature of the Hearing would cause threat or harm to those involved.
- 6.7. Justices shall have the power to remove anyone from a Hearing if they are disruptive, threatening, or offensive.
- 6.8. No audiovisual recordings shall be taken during a Hearing, but attendees may take handwritten notes.
- 6.9. The Hearing shall proceed as follows, unless decided otherwise by the Justices:
- a. The Presiding Justice shall introduce each of the sitting Justices and outline the rules of the Hearing;
 - b. The Petitioner(s), followed by the Respondent(s), may make an opening statement to introduce the nature of the Action, and the facts of the case for no more than five (5) minutes;
 - c. The Petitioner(s) shall present and question their Witnesses and shall tender evidence. The Respondent shall then present and question its Witnesses and shall tender evidence. All Witness testimonies shall be limited to thirty (30) minutes.
 - d. The Respondent(s) or the Petitioner(s) may cross-examine the other Party's witnesses following their testimony for no more than five (5) minutes respectively;
 - e. The Parties shall then proceed with oral arguments for no more than twenty (20) minutes each;
 - f. Justices may intervene at any time to ask questions to an Advocate, Party, or Witness; and
 - g. The Petitioner(s), followed by the Respondent(s), may make a closing statement and/or rebuttal for no more than five (5) minutes each. No new evidence may be introduced during the closing statement.
- 6.10. The Judicial Board may extend the time periods provided to the Parties if required at any time during the Proceedings.

¹ A closed hearing, with no members of the public allowed.

7. Proceeding Outcomes

- 7.1. Following a Full Hearing or Appeal, the Judicial Board may render one or more of the following outcomes:
 - a. Dismissal for lack of jurisdiction or insufficient basis;
 - b. A declaratory ruling on the interpretation or application of the Society's Governing Documents;
 - c. An order requiring compliance, reconsideration, corrective action, or sanctions by a Society body;
 - d. A ruling invalidating or reversing a decision inconsistent with the Society's Governing Documents;
 - e. A recommendation to the Board of Directors or other body for policy or procedural reform;
 - f. Any other outcome reasonably necessary to give effect to the Governing Documents and principles of procedural fairness, provided it does not exceed the Judicial Board's jurisdiction.
- 7.2. For Appeals, the Judicial Board shall in particular decide whether to uphold, overturn, or remit the decision of the original body, with or without conditions or corrective directions.
- 7.3. The Judicial Board may impose or recommend corrective or restorative sanctions on Parties within its jurisdiction where necessary. Sanctions shall be educational, proportional, and non-punitive in nature, and may include written reprimands, apologies, participation in training, temporary suspension of privileges, or other restorative measures. All sanctions shall be communicated in writing with reasons.