

AMS POLICY MANUAL 4

NON-ACADEMIC MISCONDUCT RULES AND REGULATIONS

Amendments

Extracted in its entirety from AMS Policy Manual 1 and established as this distinct policy manual on 19 March 2015

Amended on 2 April 2015 | 3 March 2016 | 16 March 2016 | 5 October 2016 | 3 November 2016 | 1 December 2016

AMS POLICY MANUAL 4: AMS NON-ACADEMIC MISCONDUCT RULES AND REGULATIONS

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Chapter I: AMS Non-Academic Misconduct (NAM) Policy and Procedures

1. PRINCIPLES

The AMS Non-Academic Misconduct system is guided by the following five central pillars:

- Restorative
- Non-adversarial
- Complaint-driven
- Peer-administered
- Adherence to the principles of natural justice

Each of these pillars are integral to the effective functioning of the system and in ensuring the strength of the other pillars. The system aims to restore damages done to the community, individuals, and the University. The system also notes the importance of deterring further 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 of the sections herein. 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.

2. DEFINITIONS

- A. **Respondent:** An individual or group of individuals alleged by the AMS Judicial Affairs Office of violating AMS Policy Manual 4: Non-Academic Misconduct Rules and Regulations, Chapter I, Section 4, Part D.
- B. **Complainant:** The party aggrieved by the violation under AMS Policy Manual 4, Chapter I, Section 4, Part D. Complainants can include, but are not limited to, individuals and groups directly harmed by the violation and agents of the University, the AMS, and the SGPS acting within the scope of their authority.
- C. **Witness:** Any person which the Judicial Affairs Office, Judicial Committee, or any party to the proceedings calls upon during investigation or hearing for additional testimony.
- D. **Settlement:** An agreement to a specified violation of the Student Code of Conduct, and an agreement for the respondent to complete a set of sanctions by a prescribed date.
- E. **Settlement Hearing:** A hearing that arises from a settlement. Such a hearing is closed to the general public and the media.
- F. **Non-Settlement Hearing:** A hearing that arises from a case in which there was no settlement reached. Such a hearing may be open or closed to the public and/or the media.
- G. **Counsel:** An agent, lawyer or otherwise, who represents a party in the proceedings. The Judicial Affairs Manager, and/or their designate (if applicable), serves to represent the complainant throughout the process, including in settlement agreements and at hearings before the Committee.
- H. **Parties:** The parties to the proceedings shall include, without limitation, the Judicial Affairs Manager, complainant(s), and the person(s) allegedly in violation of AMS Policy Manual 4.

3. JUDICIAL AFFAIRS OFFICE

- A. The Judicial Affairs Office shall act as the investigatory and prosecutorial branch of the AMS Non-Academic Misconduct system.
- B. In the event that a case brought forward to the AMS Judicial Affairs Manager is also being heard, or could potentially be heard, in a criminal court, the Judicial Affairs Manager and Vice-President (University Affairs) shall consult with the NAM Intake Office and other appropriate parties for advice on how to proceed.

- C. When the AMS Judicial Affairs Manager recognizes or suspects that a pending case could possibly involve issues of racism, sexism, heterosexism, or any other form of discrimination, the Judicial Affairs Manager shall consult with the Human Rights Office of the University for advice on how to proceed.
- D. Subject to and without limiting the authority required by the AMS to fulfil its contractual responsibilities as an Authorized Agent of the University for dealing with matters of Non-Academic Misconduct, the Judicial Affairs Office shall have operational independence from the other functionaries of the AMS, including the Executive, the AMS Board of Directors, and the Office of the Secretariat. Such AMS functionaries shall not have authority to interfere with the proper execution of the Judicial Affairs Office's mandate to investigate and prosecute alleged violations as outlined in the Student Code of Conduct and AMS Policy Manual 4.
- E. The Judicial Affairs Deputies shall, at the discretion of the Judicial Affairs Manager, be assigned as case officers to investigate alleged violations and present the cases to the Judicial Committee if applicable. As representatives of the Judicial Affairs Office, their work will be overseen by the Judicial Affairs Manager, to whom ultimate responsibility with regards to handling cases will fall. Concerns regarding the assignment of Deputies (including, but not limited to, concerns regarding potential conflicts of interest and requests to meet with someone of a particular self-identified gender) may be directed to the Judicial Affairs Manager.
- F. Amongst other responsibilities, the Judicial Clerk, overseen by the Judicial Affairs Manager, shall ensure that all sanctions are carried out in a reasonable manner in accordance with the letter and spirit of the Judicial Committee ruling. Should these conditions not be met, the Judicial Clerk may charge the relevant respondent(s) with a separate violation as set out in AMS Policy Manual 4: AMS Non-Academic Misconduct Rules and Regulations, Chapter I, Section 4, Part K.

4. JUDICIAL COMMITTEE

- A. The AMS Judicial Committee (the "Committee") shall act as the adjudicative branch of the AMS Non-Academic Misconduct system and shall hear all cases pursued by the Judicial Affairs Office.
- B. The Committee may exercise authority over any matters of non-academic misconduct involving inappropriate behaviour of AMS members, which adversely affects the interests and responsibilities of the University community or which is referred to it by the NAM Intake Office.
- C. The Committee recognizes that it is validly constituted by virtue of the Queen's University Charter, the delegation of authority by the University Senate and the Board of Trustees, and the AMS Constitution. Consequently, the Committee will not entertain questions as to its authority or legitimacy.
- D. Without restricting the generality of the foregoing, the AMS Judicial Committee may exercise jurisdiction regarding any breach of the Queen's Student Code of Conduct or AMS Constitution, or any violation of any appropriately published non-academic rule or regulation, including but not limited to the following:
 - I. Any breach of Section 5 of the Queen's Student Code of Conduct, including:
 - a. Abuse of Process
 - b. Aiding in the Commission of an Offence
 - c. Alcohol and Drug Use
 - d. Contravention of Policy
 - e. Disruption or Interference
 - f. Improper Use of Dangerous Objects and Substances
 - g. Misconduct Against Persons and Dangerous Activity
 - h. Misconduct Involving Property
 - i. Misrepresentation or False Information
 - j. Misuse of University Information Technology
 - k. Unauthorized Entry and/or Presence

Full definitions of these parts of the Code of Conduct, as well as information regarding their included subsections, may be found by consulting the *Student Code of Conduct (2016)*, available at <http://www.queensu.ca/studentconduct/> or on request to the AMS Judicial Affairs Office or Office of the Secretariat.

- II. Any breach of an appropriately published non-academic rule or regulation incorporated into the constitution, manual, handbook, policy, or similar publication or document of the Society, or of any student organization or member society as outlined in subsection 3.01.01 of the AMS Constitution. This shall also include such violations as may be found only in AMS Policy Manual 4, including:
 - a. failure to comply and/or interference with the direction of an official of the University, the AMS, or the SGPS acting within the scope of their authority, including but not limited to Campus Security and Queen's Student Constables;
 - b. trespassing;
 - c. vandalism, or wilful or negligent damage to the property of the AMS, the SGPS, any other University organization, any member of the University community, or any member of the general public;
 - d. infringement of the rights of any member of the University community or general public, including but not limited to excessive noise and general public disturbance;
 - e. actions committed as part of an unlawful public disturbance that threatens civil order and/or the safety of any member of the University community or the general public;
 - f. failure to comply with any order made by the AMS Judicial Committee, including but not limited to a summons or the assignment of sanctions;
 - g. perjury;
 - h. fraud;
 - i. assault or battery of any nature;
 - j. any direct or indirect use of an elected or appointed position within the AMS, or any of its member or affiliated societies, in the commission or concealment of a violation of any published rule of the AMS, its member or affiliated societies, or the University;
- III. Any breach of the rules, regulations, or policies of the University or of any authorized rule-making body within the University, including but not limited to the Queen's Harassment/Discrimination Complaint Policy and Procedure, the Electronic Information Security Policy Framework, and Residence Rules and Regulations.
- IV. Any breach of the laws of the land, including but not limited to provisions of the Criminal Code of Canada while in Canada, the laws of the host country while abroad, and any applicable municipal, provincial, state, or international laws or regulations, whether the conduct occurred on- or off-campus, provided that the conduct had a real and substantial connection to the legitimate interests of the University, members of the University community, and/or the Society.
- V. Any other matter referred to the AMS by the NAM Intake Office.
- E. The Committee conducts hearings in a non-legalistic manner. To this end, the Committee 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. The Committee will exercise their discretion in fairness to all concerned parties.
- F. When Judicial Committee decisions are rendered, all parties shall be informed of all relevant appeal procedures.
- G. Procedure governing the functioning of the AMS Judicial Committee is such that:
 - I. the committee shall be secluded when making its decisions;
 - II. quorum shall consist of three members, at least one (1) of whom shall be the Chair or the Vice-Chair;
 - III. majority opinion will decide a question while an even division of opinion fails to do so;
 - IV. in the event of an even division of opinion, the matter:
 - a. may be adjourned for consideration by the Judicial Committee members present at the proceedings, at the acting Chair's discretion; or
 - b. in the event of a period of deliberation with no foreseeable resolution, the acting Chair may break a tie.

- H. The Judicial Committee may make, by unanimous approval of its members, Rules:
 - I. for regulating the procedures of the Judicial Committee.
 - II. defining the official duties of each of the members of the Committee.
 Any rules made pursuant to this subsection shall be ratified by Assembly and shall subsequently be published.
- I. The AMS Judicial Committee 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 AMS Judicial Committee:
 - I. restitution;
 - II. suspension of privileges including, but not limited to, banishment from all licensed on-campus pubs, licensed events, AMS-organized events, and club or Society activities;
 - III. community service orders not to exceed fifty (50) hours, to be chosen by the student from a list of organizations compiled annually by the Judicial Affairs Office and the Judicial Committee, though the student may submit a proposal to the Judicial Affairs Office for service at an alternate organization;
 - IV. a fine not to exceed one thousand dollars (\$1,000.00), payable to the Queen's Alma Mater Society;
 - V. a bond not to exceed one thousand dollars (\$1,000.00), 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;
 - VI. recommendation to the Provost of requirement for withdrawal from the University;
 - VII. an order that letter(s) of apology be submitted to any aggrieved party (parties);
 - VIII. educational sanctions including, but not limited to, essays, posters, presentations, other creative projects, and/or reflective papers to be completed as part of restorative sanctions.
- J. The Judicial Committee may impose deadlines as it finds reasonable for any sanctions it levies.
- K. Should a respondent fail to complete their assigned sanction by the deadline, this shall be deemed to be a separate offence (pursuant to Chapter I, Section 4, Part D, Subsection II(f) of AMS Policy Manual 4) subject to the filing of a new case with subsequent sanctions.

5. APPOINTMENT AND REMOVAL

A. APPOINTMENT

- I. Insofar as the system is peer-based and should be representative of the demographics of the student body, the AMS shall strive throughout the process of hiring members of the AMS Non-Academic Misconduct system, to ensure a diversity of genders and faculty society affiliations are represented.
- II. Where possible, in the selection of the Chair, the members of the Committee, the Manager and the Deputies, there shall be a presumption in favour of those applicants who have previously served on the Judicial Committee and in the Judicial Affairs Office.
- III. All appointments shall be subject to ratification by the AMS Assembly.
- IV. The Vice-Chair of the Judicial Committee shall be a member of the Judicial Committee appointed by the Chairperson of the Judicial Committee when the Chair sees fit or if required. If appointed, he or she shall also serve as the Vice-Chair of the Alternate Judicial Committee.

B. LENGTH OF TERM

- I. The Chair and members of the Judicial Committee, the Judicial Clerk, and the Judicial Affairs Manager and Deputies shall be appointed to one (1) year terms of office.
- II. The terms of office of the members of the AMS Judicial Committee and the AMS Judicial Affairs Office shall begin on May 1st of the year they were appointed and run until April 30th of the following year.

C. REMOVAL

- I. A member of the AMS Judicial Committee may be removed from office by a two-thirds (2/3) majority vote of all voting members of the Assembly at a meeting where proper notice of such motion has been given.
 - a. Proper notice shall be considered a notice of motion included in the agenda of the meeting prior to the meeting where the vote to remove will occur.

- II. The Assembly shall consider whether or not the AMS Judicial Committee member in question is guilty of:
 - a. behaviour unbecoming of such an office holder; or
 - b. an inability to perform their duties satisfactorily.
 - III. Members of the Committee are required to be in attendance in all committee hearings. If a member misses more than three (3) hearings without a valid reason (to be determined by the Chair of the Committee) that member is subject to removal from the Committee, at the discretion of the Committee Chair.
 - IV. Should the functioning of the AMS Judicial Committee be precluded because of a review as outlined in Section 5: Appointment and Removal, Part D, USAB shall assume the duties and functions of the AMS Judicial Committee pending a final outcome of the matter.
 - V. In the event of a vacancy on the AMS Judicial Committee as a result of proceedings under Section 5: Appointment and Removal, Part D, or as a result of resignation, the position shall be filled as soon as possible by an appointment made by:
 - a. the Chair of the Committee;
 - b. the Vice-Chair of the Committee.
 - VI. Should the office of Chair become vacant as a result of resignation or removal, the Vice-Chair shall assume the duties of that office.
- D. EXTRAORDINARY JUDICIAL COMMITTEE
- I. In cases where a conflict of interest in a case renders members of the Judicial Committee (including the Summer Judicial Committee) unable to fulfil their responsibilities such that quorum cannot be reached, the AMS Secretary may appoint additional members to an Extraordinary Judicial Committee to deal with the case in question.
 - II. These members shall be selected from an expanded pool of candidates that shall include all current AMS members who have training and experience in AMS Non-Academic Misconduct.
 - III. All regular members who do not have conflicts will continue to serve on the Committee for the case in question. As such, the number to be appointed shall be such as is necessary to achieve quorum.
 - IV. In the event that the respondent or complainant have concerns that there may be a reasonable apprehension of bias in one or more of the appointed members, such appointments may be appealed to the AMS Assembly.
 - V. In the event that both the Chair and Vice-Chair have declared conflicts, the Acting Chair of this Extraordinary Judicial Committee shall be determined by the AMS Secretary, with consideration given to depth of experience within Non-Academic Misconduct.

6. RULES OF PROCEDURE

A. INITIATION OF INVESTIGATION

- I. Prior to initiating a proceeding before the Judicial Committee, written notice of the alleged violation is to be delivered to the Non-Academic Misconduct Intake Office. If the NAM Intake Office determines the AMS Non-Academic Misconduct system to be the appropriate NAM Unit for the case, it shall be forwarded to the AMS Judicial Affairs Manager.
- II. Where possible, the Judicial Affairs Office shall entertain requests from parties to meet with a preferred gender.

B. OUT-OF-COMMITTEE PROCEEDINGS

- I. An investigation by the Judicial Affairs Office shall be initiated as per Section 6: Rules of Procedure, Part A.
- II. The Judicial Affairs Office shall make all reasonable efforts to conduct individual meetings with all parties to a proceeding, while also recognizing the importance of dealing with matters in an expeditious manner in fairness to all concerned parties.

- III. Prior to a meeting with the Judicial Affairs Office, the respondent must sign Form 1 (Acknowledgement of Rights and Understanding of the Judicial Process) acknowledging that they are satisfactorily informed about their rights and about the Non-Academic Misconduct process.
 - a. The Judicial Affairs Office and the Office of the AMS Secretariat shall provide the necessary personnel and resources to ensure that respondents can become as informed as they desire prior to signing Form 1.
 - b. If Form 1 is not signed, the Judicial Affairs Office has the right to refuse a meeting with the respondent, and once the settlement deadline is reached the case may proceed to a non-settlement hearing before the Judicial Committee.
- IV. The Judicial Affairs Office will attempt an out-of-committee settlement if:
 - a. the facts and/or issues at hand are not disputed;
 - b. both the respondent and prosecuting party agree to a proposed settlement; and
 - c. the respondent agrees to waive their rights to a full Committee hearing.
- V. Upon agreement of an out-of-committee settlement, the Judicial Affairs Office shall have the respondent sign Form 3 (Minutes of Settlement to Out-of-Committee Proceedings) of the Judicial Committee Rules of Procedure. Such form shall include:
 - a. an admission of responsibility to the charges included therein;
 - b. a waiver to a full hearing before the Judicial Committee for said charges;
 - c. an agreement on the part of the respondent to abide by specified sanctions and conditions which, without limiting the Judicial Affairs Manager's ultimate discretion, may include any of those sanctions listed in Section 4(I); and
 - d. a full account of the facts of the incident which the Judicial Affairs Office will present to the Judicial Committee (which may be attached).

Parts (a) and (c) of Form 3 shall be separate and distinct, and must both be signed by the implicated party and the Judicial Affairs Manager or Deputy.

C. DISPOSITION WITHOUT A HEARING

- I. Any proceedings may be disposed of by:
 - a. agreement of the parties to the proceedings; or
 - b. a decision of the Committee given without a hearing where the parties have waived their right to a full hearing.

D. INITIATION OF PROCEEDINGS

- I. A proceeding before the AMS Judicial Committee may be initiated by the Judicial Affairs Manager, in cases of a violation under AMS Policy Manual 4, by filing a Form 4 (Notice of Intent to Initiate a Proceeding Before the AMS Judicial Committee).
- II. Form 4, or equivalent written notice, must be filed within 40 business days of the receipt of the complaint.
- III. Form 4 shall include:
 - a. the name(s) of the person(s) making the complaint;
 - b. a reference to the relevant section(s) of the Queen's Code of Conduct, AMS Constitution, AMS Policy Manual 4, or other relevant document under which the alleged violation falls;
 - c. the name(s) of the person(s) who allegedly committed the violation;
 - d. the time and date upon which the alleged violation was committed; and
 - e. a brief description of the circumstances surrounding the alleged violation.
- IV. The Judicial Clerk shall take the information on Form 4 and shall transfer it to Form 5 (Notice to a Party to a Proceeding Before the AMS Judicial Committee), which shall be issued to the respondent(s) within 10 business days of the receipt of Form 4 or its equivalent by the Judicial Clerk.
- V. Form 5 will include the date, time, and location of the hearing. If the hearing date, time, or location is not known at the time of issue, the Form 5 will be reissued when the missing information becomes known.
- VI. The time limits in Section 6(D), described above, may be waived over the summer and winter breaks, reading week(s), and at the discretion of the Judicial Committee Chair or Vice-Chair. Outside of these times, and where circumstances warrant, these time limits may be waived by authorization of the Judicial Committee Chair through a Form 6

(Agreement to Delay Proceedings) submitted by one of the parties to the proceedings. Such a form may be acquired by request to the AMS Judicial Affairs Manager or Office of the AMS Secretariat.

E. PRE-HEARING BRIEFING

- I. For all cases, the Judicial Affairs Office shall submit a brief description of the incident including a list of proposed or agreed-upon sanctions and the rationale for those sanctions. This briefing shall be submitted at the same time as Form 4.
- II. In the case of a non-settlement hearing, the respondent shall have the opportunity to submit their own briefing to the Judicial Committee Chair up to three (3) days before the hearing. The respondent shall be reminded of this right when they are provided with Form 5. The submission of such a briefing shall not preclude the respondent from giving oral testimony at their Judicial Committee hearing.
- III. The Judicial Committee Chair shall peruse briefings to determine if any issues require outside consultation before the hearing. The Chair may opt to distribute the briefing to other members of the Committee in advance of the hearing.
- IV. Details of briefings shall be confidential; however, the Chair shall have the discretion to discuss the briefing with authorized/relevant individuals for the purposes of securing necessary advice or counsel. Members of the Committee shall not discuss briefings before the hearing. Any concerns of Committee members about potential issues relating to a case shall be discussed exclusively with the Chair.

F. NOTICE

- I. Form 5 shall be sent to:
 - a. the Judicial Committee;
 - b. the Judicial Affairs Office; and
 - c. all parties to the proceeding.
- II. A Form 5 shall be served no later than 10 business days after receipt of Form 4 by the Judicial Clerk, and at least 10 business days prior to a non-settlement hearing. A hearing may be held sooner upon agreement by all the parties to the proceedings.
 - a. Settlement hearings may be heard as soon as the Committee sees fit, as all parties have agreed to the terms of the settlement, thus making the respondent's presence unnecessary. However, as all parties have a right to attend a hearing even in the event of a settlement, the Judicial Committee Chair shall take reasonable steps to enable parties to attend if they so choose.
- III. All parties to a proceeding shall be given a package which shall include:
 - a. a copy of the previously filed Form 5;
 - b. a warning that if the party notified does not attend the hearing, the Committee may proceed in that party's absence;
 - c. a copy of the Judicial Committee Rules of Procedure, or the link to where this policy may be accessed online;
 - d. a list of the possible sanctions which may be imposed by the Committee, though this list shall serve only as a guideline for the parties involved and shall not serve to restrict the Judicial Affairs Office or Judicial Committee in proposing or assigning sanctions;
 - e. a statement of the time and location of the hearing; and
 - f. a notice that the respondent may obtain counsel to represent them. This shall be accompanied by the number of Queen's Legal Aid.
- IV. All notices given pursuant to Section 6(F) shall be sufficiently given if delivered personally by the Judicial Clerk, if sent by mail to the school address of the appropriate person as listed in the records of the University Registrar, if sent by electronic mail to the Queen's email address or AMS email address of the appropriate person, or if sent by facsimile to the offices of the respondent or the respondent's counsel (where this has been previously agreed upon).
 - a. Any notice sent by registered mail shall be deemed to have been given on the third business day following the date of such mailing.
 - b. If sent by electronic mail, notice shall be deemed to have been received on the day on which it was sent.

- c. If sent by facsimile, notice shall be deemed to have been received on the day of the fax transmission, provided that a written copy is sent afterwards by mail.
- V. A party to a proceeding may formally request that proceedings before the Judicial Committee be delayed by submitting a signed Form 6 to the Judicial Clerk. The approval of this request will be subject to the discretion of the Judicial Committee Chair. Form 6 may be acquired via request to the Judicial Affairs Manager or Office of the Secretariat.
 - a. In the event of extenuating circumstances which preclude the submission of a signed Form 6, it is the responsibility of the party to inform the Committee of their absence, at which point the Chair will determine how to proceed.
 - b. Where notice of a hearing has been given to a party to any proceedings in accordance with these Rules, and the party does not attend the hearing without reasonable cause, the Committee may proceed in that party's absence.
- VI. In the instance of an open hearing, notice shall be sent to the Queen's Journal through the form of a press release detailing the name of the respondent and the date, time, and location of the respondent's hearing. In the instance of a closed hearing, no press release shall be sent.

G. HEARING

- I. A hearing shall be closed to the public except where a party to the proceeding has requested that it be open to the public, in which case the Chair will consider the nature of the matters to be discussed and determine whether the hearing will be open or not, or in the event that the Chair, on consultation with both the AMS Secretary and Judicial Affairs Manager, determines the case to be in the public interest such that an open hearing is warranted.
 - a. Members of the Queen's Journal shall be notified of any open hearings by the Judicial Clerk.
- II. The Committee 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 remaining in keeping with principles of fairness and natural justice.
- III. At the prescribed time for the hearing, the following procedure shall be followed:
 - a. introduction of the Committee members and a preamble by the Chair outlining the right of the Committee to exist and to consider and act on matters such as are before the Committee. The Chair shall also issue a statement that the Committee shall not entertain any questions related to its authority or legitimacy;
 - b. explanation of the reason for the hearing and reading of the applicable charge or complaint by the Chair of the hearing;
 - c. opportunity for the respondent to admit or deny the allegation(s) in whole or in part;
 - d. opening statement by a representative of the AMS Judicial Affairs Office (including, but without limiting, a summary of the facts and what is intended to be proven);
 - e. opening statement by the respondent (including, but without limiting, the basis of the defence);
 - f. presentation of the Judicial Affairs Office's case, including calling witnesses, entering evidence, and cross-examination of the Office's witnesses by the respondent;
 - g. presentation of the respondent's case, including calling witnesses, entering evidence, and cross-examination of the respondent's witnesses by the Judicial Affairs Office;
 - h. closing submissions of the Judicial Affairs Office; and
 - i. closing submissions of the respondent.
- IV. The Committee will retire to make its decision or adjourn to deliberate and render its decision at a later date.
- V. Members of the Committee are permitted to question any of the parties to or witnesses at the hearing during the proceedings in order to clarify any point, submission, or fact put before the Committee, or to acquire additional information as is necessary and appropriate to reach a decision.

- VI. In all hearings, the function of the Committee shall be to act as a final check on the powers and authorities of the Judicial Affairs Office.

H. SETTLEMENT HEARINGS

- I. Where the Judicial Affairs Office has reached a settlement with the respondent, the representative from the Judicial Affairs Office will present the case before a closed hearing of the Judicial Committee. The respondent, if they so wish, may make a statement to the Committee, but the regular proceedings as outlined above shall be condensed seeing as an agreement has already been reached.
- II. Evidence and/or testimony to be presented by the Judicial Affairs Office shall include:
 - a. Form 3 (properly signed);
 - b. a statement of the agreed-upon facts;
 - c. an evaluation of the party's or parties' attitudes during the investigatory and settlement negotiation processes;
 - d. a summation of the reasons behind the proposed settlement; and
 - e. any other document or thing that the representative of the Judicial Affairs Office deems relevant.
- III. The representative of the Judicial Affairs Office shall answer any questions posed by Committee members.
- IV. The Committee shall then convene amongst themselves to discuss the proposal.
- V. The Committee shall retain the authority to:
 - a. reject the proposed settlement and call for a full Committee hearing if the Committee thinks the case warrants substantially greater sanctions upon the implicated party/parties and/or if the Committee believes the facts of the case are not self-evident enough to justify an out-of-committee settlement. This authority should only be exercised if the Judicial Committee feels that a miscarriage of justice has occurred during the investigation or there was a significant error in procedure;
 - b. reject the proposed settlement and call for the Judicial Affairs Office to try to reach a more appropriate settlement if the Committee thinks the case warrants substantially greater sanctions upon the implicated party/parties. This authority should only be exercised if the Judicial Committee feels that a miscarriage of justice has occurred during the investigation or there was a significant error in procedure;
 - c. reduce any proposed settlement without resort to a full Committee hearing; and
 - d. set a deadline for the completion of the sanctions as it sees fit.
- VI. The Committee shall not release the details of any settlement hearing to the press or public, except with explicit written authorization of the parties to the proceeding.
- VII. In all hearings, the function of the Committee shall be to act as a final check on the powers and authorities of the Judicial Affairs Office.

I. ADMISSIBILITY OF EVIDENCE

- I. The Committee may admit as evidence at a hearing, whether or not it may be admissible evidence in civil or criminal court:
 - a. any oral testimony; and
 - b. any document, film or digital recording, or other object which is relevant to the subject matter of the proceedings.The Committee may duly act on such evidence, but may exclude anything unduly repetitious.
- II. Where the Committee 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.

J. RIGHTS OF PARTIES

- I. A party to a proceeding has the right at a hearing to:
 - a. be represented by counsel or an agent;
 - b. call and examine witnesses;
 - c. present their own arguments and submissions; and
 - d. conduct such cross-examination of witnesses as is reasonably required for a full and fair disclosure of the facts relevant to the matter before the Committee.

- II. The Committee may reasonably limit the examination and cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly the facts in relation to which the witness has given evidence.
- III. Where a party to the proceedings intends to make detailed submissions or refer to lengthy documents, a copy of the submissions or documents, as the case may be, shall be delivered to the Judicial Clerk at least three (3) business days prior to the hearing, and shall then be delivered to the Committee by the Judicial Clerk at least two (2) business days prior to the hearing.

K. SUMMONSES

- I. The Committee may require the attendance of any member of the AMS, including a party to the proceeding, by summons, or may request the presence of any member of the public:
 - a. to give evidence on oath or affirmation at a hearing; and
 - b. to produce in evidence at a hearing documents and/or other things specified by the Committee, relevant to the subject matter of the proceedings and admissible at the hearing.
- II. A party to a proceeding may request that the Committee summon a witness to comply with Section 6(K).I. Such a request shall be made by written notice, or via Queen's email at least three (3) business days prior to the hearing.
- III. A summons issued under Section 6(K).I or 6(K).II shall:
 - a. be called Form 7 (Summons to a Witness Before the AMS Judicial Committee);
 - b. contain the witness's name;
 - c. state the time, date, and location of the hearing;
 - d. mention any documents or other evidence to be produced at the hearing by the witness;
 - e. be authorized by the Committee Chair (or Alternate or Extraordinary Chair, as the case may be) or the Judicial Affairs Manager; and
 - f. be served to the witness by the Judicial Clerk, either via written notice or electronically to a valid Queen's or AMS email, at least three (3) days prior to the hearing; and
 - g. shall require the witness to sign a confidentiality agreement.
- IV. 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 and subject to a fine at the Committee's discretion.

L. REFERRAL TO APPROPRIATE BODY

- I. The Committee may, at its own discretion, refuse to hear a matter if it becomes aware that a more appropriate body exists to hear the case.
- II. Appropriate bodies shall include, but are not limited to, the University Student Appeals Board (USAB) and the Student Conduct Office.

M. ADJOURNMENT

- I. The Committee shall retain the right to adjourn a hearing and set a date to reconvene. Every effort shall be made to reconvene the case as soon as possible.

N. DECISION

- I. The Committee shall give its decision and order, if any, of any proceedings in writing and shall include reasons supporting the decision.
- II. The decision and order, if any, of the proceedings, together with the reasons thereafter, shall be signed by the Chair or Vice-Chair of the Committee and distributed by the Judicial Clerk to:
 - a. each of the parties to the proceedings;
 - b. the AMS Secretariat; and
 - c. the Queen's Journal, in the case of an open hearing.

- III. In the instance that a case is deemed to have significant public interest to the Queen's or Kingston community, or knowledge of the proceedings is deemed to be beneficial to the student population, by the Judicial Committee Chair and Judicial Affairs Manager, a notice of the redacted proceedings and any sanctions shall be forwarded to the Queen's Journal.
 - IV. A decision of the Committee shall be deemed to be distributed if delivered personally by the Judicial Clerk, sent by registered mail to the school address of the appropriate person as listed in the records of the University Registrar, or if sent by electronic mail to the Queen's or AMS email address of the appropriate person. Any decision sent by registered mail shall be deemed to be distributed on the third business day following the date of such mailing.
 - V. If the Committee gives oral judgment, the decision shall be deemed to be effective or released on the date of the hearing. A written decision shall be distributed to relevant parties pursuant to Sections 6(N).II and 6(N).IV within 72 hours of the oral decision. This may be waived at the discretion of the Committee Chair. If the Committee reserves judgment and produces written reasons, the decision shall be considered released when the copies, signed and typed, are distributed pursuant to Sections 6(N).II and 6(N).IV.
 - VI. All Judicial Committee decisions requiring the completion of community service hours will be accompanied by the distribution of a Form 8 (Community Service Verification Form) by the Judicial Clerk within 72 hours of the decision. Community service hours will not be deemed completed unless a Form 8 is completed in its entirety and submitted by the prescribed date.
 - VII. If a respondent is required to complete one or more letters of apology, the Judicial Clerk will distribute a Form 12 (Letter of Apology Guidelines) within 72 hours of the Judicial Committee decision.
- O. RECORD OF PROCEEDINGS
- I. The Committee shall compile a record of any proceedings in which a hearing has been held which shall include:
 - a. any application, complaint, incident report, reference, or other document, if any, by which the proceedings were commenced;
 - b. the notice of the hearing;
 - c. a copy of all documentary evidence filed with the Committee; and
 - d. the decision of the Committee and the reasons therefore.
 - II. The record of the proceedings, compiled under Section 6(O).I, shall be filed by the Judicial Clerk in the Judicial Affairs Office and shall be kept on file for seven years after the date of the decision by the Judicial Committee, after which time the record shall be destroyed.
- P. APPEALS
- I. A decision of the Committee may be appealed by any of the parties to the proceeding to the University Student Appeals Board (USAB), on application, by written notice within two (2) weeks of the distribution of the written decision of the Committee.
 - II. A notice of intention to appeal under Section 6(P).I shall conform to the procedures set out in the Queen's University Senate Policy on Student Appeals, Rights & Discipline and be submitted to the University Ombudsman within the two (2) week period specified in 6(P).I. This notice of intention of appeal will include the submission of a signed Form 9 (Notice of Intent to Appeal) to the AMS Secretariat within the two (2) week period specified in 6(P).I.
 - III. Where the Committee makes a decision which requires action by the Senate, the avenue of appeal of the decision should be clearly set out in the decision itself (as per the Senate Statement on Grievance, Discipline and Related Matters).
- Q. END OF PROCEEDINGS
- I. To end proceedings once a Form 4 has been filed with the Judicial Committee, a Formal Notice of End of Proceedings (Form 11) must be submitted to the Judicial Committee Chair. 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.

7. CONFIDENTIALITY

- A. The AMS Non-Academic Misconduct system shall endeavour to the best of its ability to keep specific details of investigations confidential, and all members shall sign a confidentiality agreement upon assuming their position.
- B. Notwithstanding the generality of the aforementioned clause, the AMS Judicial Affairs Office shall endeavour to hold private meetings when conducting investigations.
- C. 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.
- D. If a respondent declines to have an electronic recording made, the respondent shall sign a Form 2 (Acknowledgement of Refusal of Recording) signaling their refusal.
- E. Representatives of the Non-Academic Misconduct system and any other individual(s) involved in the case shall neither disclose nor discuss ongoing investigations with members of the general public.
- F. In all settlement hearings, any personal or identifying information shall be kept confidential and their contents kept private from the general public and the media.
- G. Members of the Judicial Committee shall not disclose or discuss the contents and details of their deliberations with any members of the general public or the media.
- H. Notwithstanding the need for confidentiality, it may be necessary for representatives of the Judicial Affairs Office or the Judicial Committee Chair to discuss details of a specific case with certain individuals, including, but not limited to, the AMS Secretariat, the Vice-President (University Affairs), and the University Ombudsman.

Chapter II: AMS Group Non-Academic Misconduct (GNAM) Policy and Procedures

Any of the aforementioned breaches of the Code of Conduct outlined in AMS Policy Manual 4, Part A performed by an AMS ratified extracurricular organization, group, club, or Faculty Society committee/group shall be heard by the Alternate Judicial Committee as seen in the following policy.

1. DEFINITIONS

- A. Respondent: a ratified extra-curricular organization, club, or Faculty Society committee or club, alleged by the Judicial Affairs Office to have violated the Code of Conduct as outlined in this policy.
- B. Designated representative(s): Individual(s) or group that has constitutional or otherwise delegated authority over the overarching functions of the group.
- C. Named parties: those individuals acting within the scope of their position with the group/organization that were directly involved in the alleged violation
- D. Complainant: The individual directly harmed by the violation under Section 5, Part B, Subsection 4-D Complainants can include, but are not limited to, agents of the University, the AMS and the SGPS acting within the scope of their authority. A complainant may also be someone who files a complaint on behalf of an individual(s) harmed provided the complainant has the written consent of that individual(s). This consent shall be submitted to the Commissioner of Internal Affairs.
- E. Witness: Any person which the Judicial Affairs Office, Judicial Committee, or party calls upon during investigation or hearing for additional testimony.
- F. Settlement: An agreement to a specified violation of the Code of Conduct and an agreement for the respondent to complete a set of sanctions by a prescribed time.
- G. Settlement hearing: A hearing that arises from a settlement. Such a hearing is closed to the general public and the media.
- H. Non-settlement hearing: A hearing that arises from a case in which there was no settlement reached. Non-settlement hearings may be open or closed to the public.
- I. Counsel: Agent, lawyer or otherwise, who represents a party in the proceedings.
- J. Parties: The Parties to any proceedings shall include, without limitation, the AMS Judicial Affairs Director or complainant(s) and the representatives of the group charged under AMS Policy Manual 1: Procedures or By-Laws of the AMS.

2. JUDICIAL AFFAIRS OFFICE

- A. The Judicial Affairs Office shall act as the investigatory branch of the AMS group non-academic discipline system with the Judicial Affairs Director acting as the principle investigator in most instances considering the sensitive nature of many group discipline cases. Where the subject matter of the case is determined by the Judicial Affairs Director to be relatively innocuous, the case shall be designated to a Judicial Affairs Deputy.
- B. In the event that a case brought forward to the AMS Commissioner of Internal Affairs or the Judicial Affairs Director is also being heard or could potentially be heard in a criminal Court, the Judicial Affairs Director or Commissioner of Internal Affairs shall consult with the appropriate parties in the Senate Office for advice on how to proceed.
- C. When the AMS Judicial Affairs Director or Commissioner of Internal Affairs recognises or suspects that a pending case could possibly involve issues of racism, sexism, heterosexism, or any other form of discrimination, the AMS Judicial Affairs Director shall consult with the Human Rights Office of the University for advice on how to proceed.

3. ALTERNATE JUDICIAL COMMITTEE

- A. The Alternate Judicial Committee shall act as the adjudicating branch of the AMS non-academic discipline system and shall hear all group discipline cases processed by the Judicial Affairs Office.
- B. The AJC shall adhere to the policy/procedures outlined in this document. The membership of the AJC may appear in two forms, depending on the type of group discipline case. It shall be at the

- discretion of the Commissioner of Internal Affairs to determine which Alternate Judicial Committee is required and notify the Judicial Committee Chair.
- C. If a case is brought forward outlining a Queen's club as allegedly violating the Code of Conduct, the composition of the AJC shall consist of:
 - I. The Judicial Committee Chair (Chair)
 - II. Five members of the Judicial Committee, one of which shall be the Judicial Committee Vice-Chair
 - III. A Representative from the Clubs Office which shall either be the Clubs Manager or the Assistant Clubs Manager as designated by the Clubs Manager.
 - D. If a case is brought forward involving a Faculty Society committee/group the composition of the AJC shall consist of:
 - I. The Judicial Committee Chair (Chair)
 - II. Three members of the Judicial Committee, one of which shall be the Judicial Committee Vice-Chair
 - III. The President of the Faculty Society that oversees the committee or group
 - IV. Two Faculty Society Presidents chosen by the Commissioner of Internal Affairs on a case by case basis, with consideration given to limiting conflicts of interest
 - E. The Faculty President sitting on the AJC reserves the right to appoint members from alternate Faculty Societies in their place, if they determine in consultation with the Commissioner of Internal Affairs that this would be the practice in order to form an unbiased panel.
 - F. A quorum of 5 must be maintained at all times on the AJC.
 - G. In the event that the Judicial Committee Chair or Judicial Committee Vice-Chair is not available, the Judicial Committee Chair shall delegate a member of the Judicial Committee to perform this role.

4. RULES OF PROCEDURES

- A. INITIATION OF INVESTIGATION
 - I. Prior to initiating a proceeding before the AJC, written notice of the alleged group violation shall be delivered to the Commissioner of Internal Affairs.
 - II. Upon receiving the complaint, the Commissioner of Internal Affairs shall determine in thorough consultation with the Vice-President University Affairs and the Judicial Affairs Director if the alleged violation is involving a ratified extracurricular organization or club, Faculty Society committee/group, or if the case should proceed as an individual case as outlined in this policy manual.
 - III. If it is determined that the alleged violation of the Code of Conduct falls under the jurisdiction of Group Non-Academic Discipline, the case shall be forwarded to the Judicial Affairs Director.
 - IV. If during the course of the investigation, the Judicial Affairs Director (or designate) determines that the case would be better suited to be processed as an individual case, he or she shall consult with the Commissioner of Internal Affairs and the Vice-President University Affairs before doing so.
 - V. If a case is to be processed as an individual case rather than a group case, the complainant shall be informed.
 - VI. In the instance that the case is found to be under the jurisdiction of group discipline and the AJC is the appropriate body to hear the case, notice must be sent to all AJC members by the Commissioner of Internal Affairs upon initially receiving the case. This is to provide AJC members sufficient time to review relevant policy and procedures insofar as the AJC does not regularly meet.
 - VII. Where possible, the Judicial Affairs Office shall entertain requests from parties to meet with a preferred gender.
- B. OUT-OF-COMMITTEE PROCEEDINGS
 - I. An investigation by the Judicial Affairs Office shall be initiated as per Policy Manual 5: Part B Subsection 4-A: Initiation of Investigation.
 - II. The Judicial Affairs Office representative shall conduct individual negotiations with both parties to a dispute. In the event that the Judicial Affairs Director (or designate) is

unavailable, the Commissioner of Internal Affairs will conduct individual negotiations with both parties.

- III. Prior to meeting with a representative of the Judicial Affairs Office the respondent must sign a Form 1.1 acknowledging that they have been satisfactorily informed about their rights and about the Group Non-Academic Process. The Judicial Affairs Director and the Commission of Internal Affairs shall provide the necessary personnel, time and resources to ensure that respondents can become as informed as they desire prior to signing Form 1.1. If Form 1.1 is not signed the representative has the right to refuse meeting with the respondent and once the settlement deadline is reached, the case may proceed to a non-settlement AJC hearing.
 - IV. The Judicial Affairs Office representative shall attempt an out-of-committee settlement if:
 - a. The facts and/or issues at hand are not disputed
 - b. Both the implicated and prosecuting parties agree to a proposed settlement; and
 - c. The implicated party agrees to waive his rights to a full Judicial hearing.
 - V. Upon agreement of an out-of-committee settlement, the Judicial Affairs Office representative shall have the respondent sign Form 3.1 of the Alternate Judicial Committee Rules of Procedure. Such form shall include:
 - a. An agreement of and waiver to a full hearing before the Judicial for the charges laid; and
 - b. Agreement of the respondent to abide by specified sanctions and conditions which, without limiting the investigating representative's ultimate discretion, may include:
 - i. sanctions outlined in AMS Policy Manual 1, Section 5, Part A Subsection 4-I
 - ii. recommendation to AMS Assembly for de-ratification
 - iii. suspension of privileges, including but not limited to removal or denial of space allocation, revocation or denial of club grants
 - iv. entering a probationary period, where the club/group/organization is subject to audits, weekly reports to their superior office (e.g. the Clubs Manager)
 - v. recommendation to the Office of Advancement that alumni donations shall be cut off where applicable
 - vi. recommendation to the Vice President of Operations to review their student fee where applicable
 - vii. suspension of privileges, including but not limited to the inability to re-apply for a hired or volunteer position within the relevant faculty for a sanctioned period of time
 - viii. entering a probationary period, where the club/group/organization is subject to audits, weekly reports to their supervisor (e.g. the relevant Faculty Society President)
 - ix. Removal of the Chairs/executive of a Faculty Society committee/group
 - c. Parts i) and ii) of Form 3.1 shall be separate and distinct and must both be signed by the implicated party/parties and the Judicial Affairs Director or Deputies
 - VI. Regardless of whether a settlement is reached, the AJC shall retain the ultimate authority in determining which sanctions may be imposed upon a respondent(s).
- C. DISPOSITION WITHOUT A HEARING
- I. Any proceedings may be disposed of by:
 - a. Agreement of the parties to the proceedings; or
 - b. A decision of the AJC given without a hearing where the parties have waived their right to a full hearing.
- D. INITIATION OF PROCEEDINGS
- I. A group discipline case proceeding before the AJC may be initiated by the AMS Judicial Affairs Director in cases of a violation under in AMS Policy Manual II, Section 5, Part A, subsection 4-D by filing a Form 4.1

- II. Form 4-1, or equivalent written notice, must be filed within 30 business days of the complaint being received. If the situation warrants it, the Commissioner of Internal Affairs shall have the jurisdiction to extend the 30 days.
 - III. Notice of the Intention of Proceedings to the AJC (Form 4.1) shall include:
 - a. the name(s) of the person(s) making the complaint;
 - b. the name of the club, committee or group which allegedly committed the violation;
 - c. a reference to the relevant section of the Queen's Code of Conduct or AMS constitution/policy document under which the alleged violation falls;
 - d. the time and date upon which the alleged violation was committed; and
 - e. a brief description of the circumstances surrounding the alleged violation
 - IV. The Judicial Clerk shall take the information on Form 4.1 and shall transfer it to Form 5.1 (Notice of Proceedings) which shall be issued to the Designated Representative(s) within 3 business days of the receipt of Form 4.1 or its equivalent being filed with the Judicial Clerk
 - V. Form 5.1 shall include the date of the hearing. If the hearing date is not known at the time of issuing, the Form 5.1 shall be reissued when the date for the hearing is known.
 - VI. The time limits in subsection 4-L (II) and (IV) may be waived over the summer, the winter break, reading weeks, and at the discretion of the AJC Chair or Vice-AJC Chair.
- E. PRE-HEARING BRIEFING
- I. For all cases the Judicial Affairs Office representative shall submit a brief description of the incident including a list of proposed/ agreed upon sanctions and the rationale for those sanctions. This briefing shall be submitted at the same time as Form 4.1.
 - II. In the case of non-settlement hearing the respondent shall have the opportunity to submit their own briefing to the AJC up to 3 days before the hearing. The respondent shall be reminded of this right when they are provided with Form 5.1.
 - III. The AJC Chair shall peruse briefings to determine if any issues require outside consultation before the hearing. The Chair may opt to distribute the briefing to other members of the AJC in advance of the hearing.
 - IV. Details of briefings shall be confidential; however, the Chair shall have the discretion to discuss the briefing with authorized/relevant individuals for the purpose of securing necessary advice or counsel. Members of the AJC shall not discuss briefings before the hearing. Any concerns of AJC members about potential issues relating to a case shall be discussed exclusively with the Chair.
- F. NOTICE
- I. Form 5.1 shall be sent to:
 - a. the AJC
 - b. the Commissioner of Internal Affairs
 - c. the parties to the proceeding
 - II. A Notice of Proceedings (Form 5.1) shall be served at no later than 15 business days after Form 4.1 is filed with the Judicial Clerk and at least 10 business days prior to a non-settlement hearing. A hearing may be held sooner upon agreement by all the parties to the proceedings. Settlement hearings may be heard as soon as the AJC sees fit, If the case is to be heard prior to the agreed upon date, the Designated Representative shall be officially notified.
 - III. All parties to the proceeding shall be given a package which shall include:
 - a. a copy of previously filed Form 5.1;
 - b. a warning that if the party notified does not attend the hearing, the AJC may proceed in his/her absence;
 - c. a copy of the AJC Rules of Procedure;
 - d. a list of the possible sanctions which may be imposed by the AJC; and
 - e. a statement of the time and place of the hearing;
 - f. a notice that the respondent may obtain counsel to represent them. This shall be accompanied by the number of Queen's legal Aid.

- IV. Where notice of a hearing has been given to a party to any proceedings in accordance with these Rules, and the party does not attend the hearing without reasonable cause, the AJC may proceed in their absence.
- V. All notices given pursuant to subsection (1) shall be sufficiently given if either delivered personally by the Judicial Clerk, if sent by mail to the listed of the appropriate group as listed in the records of the Clubs Office, Faculty Society, or other relevant body, or if sent by electronic mail to the Queen's email address or AMS email address of the appropriate group. Any notice sent by registered mail shall be deemed to have been given on the third business day following the date of such mailing. If sent by electronic mail, notice shall be deemed to have been received on the day on which it was sent. Notice may also be sent by facsimile to the offices of the respondent or the respondent's counsel (where this has been previously agreed on). Notice shall be deemed to have been received on the day of the fax transmission, provided that a written copy is sent afterwards by mail.
- VI. In the instances of an open hearing notice shall be sent to the Queen's Journal through the form of a press release detailing the name of the respondent, as well as the date, time and place of the respondent's hearing. In the instance of a settlement hearing, no press release shall be sent.
- VII. A party to the proceeding may formally request that proceedings before the AJC be delayed by submitting a signed Form 6.1 to the Judicial Clerk. The approval of this request will be subject to the discretion of the Judicial Committee Chair.

G. HEARING

- I. A hearing shall be closed to the public except where the respondent has requested that it be open to the public, in which case the Chair will consider the nature of the matters to be discussed and determine whether the hearing will be open or not. Members of the Queen's Journal shall be notified of any open hearings by the Judicial Clerk.
- II. The AJC 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.
- III. At the prescribed time for the hearing, the following procedure shall be followed:
 - a. introduction of the AJC members and a preamble by the Chair outlining the right of the AJC to exist and to consider and act on matters such as are before the AJC. The Chair shall also issue a statement that the AJC shall not entertain any questions related to its jurisdiction;
 - b. explanation of the reason for the hearing and reading of the applicable charge or complaint by the Chair of the hearing;
 - c. opportunity for the respondent to admit or deny the allegation in whole or in part;
 - d. opening statement by the Judicial Affairs Office representative (including, but without limiting, a summary of the facts and what is intended to be proven);
 - e. opening statement by the respondent (including, but without limiting, the basis of the defence);
 - f. presentation of the Judicial Affairs Office Representative's case, including calling witnesses, entering evidence, cross-examination of the Representative's witnesses by the respondent;
 - g. presentation of the respondent's case, including calling witnesses, entering evidence, cross-examination of the respondent's witnesses by the Judicial Affairs Office Representative;
 - h. closing submissions of Judicial Affairs Office Representative;
 - i. closing submissions of respondent.
- IV. The AJC will retire to make its decision or adjourn to deliberate and render its decision at a later date.
- V. Members of the AJC are permitted to question any of the parties to or witnesses at the hearing during the proceedings in order to clarify any point, submission or fact put before the AJC.
- VI. No sanction shall be imposed on a Faculty Society committee/ group that shall serve to eliminate or otherwise result in the disbanding of the committee/group without the unanimous consent of AMS Assembly.

- VII. In all hearings, the function of the AJC shall be to act as a final check on the powers and authorities of the Judicial Affairs Office.
 - VIII. The AJC reserves the right to defer hearing a case to the Judicial Committee. This shall require unanimous approval by the AJC and written notification of the deferral to the Commissioner of Internal Affairs, and the Judicial Affairs Director.
 - IX. The AJC shall not release the details of any settlement hearing to the press or public.
- H. SETTLEMENT HEARING
- I. In a settlement-hearings, all of the above rules for non-settlement hearings still apply except as explicitly stated.
 - II. Where a settlement has been reached between the Judicial Affairs Office and the Designated Representative(s) of the group, the Judicial Affairs Director shall present the case before a hearing of the AJC. The Designated Representative(s), if they desire, may make a statement to the AJC but the regular proceedings as outlined above shall be condensed seeing an an agreement has already been reached
 - III. In the event that the Judicial Affairs Director is unavailable, the Commissioner of Internal Affairs will present the case in a hearing with the AJC.
 - IV. Evidence and/or testimony to be presented by the Judicial Affairs Office representative shall include:
 - a. Form 3.1 (properly signed)
 - b. a statement of the agreed upon facts;
 - c. an evaluation of the party's/parties attitudes during negotiations;
 - d. a summation of the reasons behind the proposed settlement; and
 - e. any other document or thing that the Judicial Affairs Director deems relevant.
 - V. The Judicial Affairs Office representative shall answer any questions posed by AJC members.
 - VI. The AJC shall then convene to discuss the proposal.
 - VII. The AJC shall retain the authority to:
 - a. reject the proposed settlement and call for a full AJC hearing if it thinks the case warrants substantially greater sanctions upon the implicated party/parties; and/or if the AJC believes the facts of the case as not being self-evidence enough to justify an out-of-committee settlement. This authority should only be exercised if the Judicial Committee feels that a miscarriage of justice has occurred during the investigation or there was a significant error in procedure,
 - b. reject the proposed settlement and call for the Judicial Affairs Office to try to reach a more appropriate settlement if the Alternate Committee thinks the case warrants substantially greater sanctions upon the implicated party/parties. This authority should only be exercised if the Judicial Committee feels that a miscarriage of justice has occurred during the investigation or there was a significant error in procedure;
 - c. reduce any proposed settlement without resort to a full AJC Committee hearing;
 - d. set a deadline for the completion of the sanctions as it sees fit.
- I. ADMISSIBILITY OF EVIDENCE
- I. The AJC may admit as evidence at a hearing, whether or not it may be admissible evidence in civil or criminal court:
 - a. any oral testimony, and
 - b. any document or other object, which is relevant to the subject matter of the proceedings. The AJC may duly act on such evidence, but may exclude anything unduly repetitious.
 - II. Where the AJC is satisfied as to the authenticity of a copy of a document or other project, such a copy or copies may be admitted as evidence at a hearing.
- J. RIGHTS OF PARTIES
- I. A party to a proceeding has the right at a hearing to:
 - a. be represented by counsel or an agent;
 - b. call and examine witnesses and present his/her arguments and submissions; and
 - c. conduct such cross-examination of witnesses as is reasonably required for a full and fair disclosure of the facts relevant to the matter before the AJC.

- II. The AJC may reasonably limit the examination and cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly the facts in relation to which he/she has given evidence.
- III. Where a party to a proceeding intends to make detailed submissions or refer to lengthy documents, a copy of the submissions or documents, as the case may be, shall be delivered to the AJC by the Judicial Clerk at least two (2) business days prior to the hearing.

K. SUMMONSES

- I. The AJC Committee may require the attendance of any member of the A.M.S., including a party, by summons, or may request the presence of any member of the public:
 - a. to give evidence on oath or affirmation at a hearing; and
 - b. to produce in evidence at a hearing documents and/or other things specified by the AJC, relevant to the subject matter of the proceedings and admissible at a hearing.
- II. A party to a proceeding may by written notice, or Queen's email, at least three (3) days prior to the hearing, request the AJC to require a witness, by summons, to comply with a) and/or b) of subsection 1). The AJC may, by its discretion and considering the circumstances, so require.
- III. A summons issued under subsection 4-S I. or II. shall:
 - a. be called Form 7;
 - b. contain the witness' name;
 - c. state the time, date and place of the hearing;
 - d. mention any documents or other evidence to be produced at the hearing by the witness;
 - e. be authorized by the AJC Chairperson or Alternate Chair; and
 - f. be served electronically to the witness to a valid Queen's email or AMS address at least two (2) days prior to the hearing the Judicial Clerk.
 - g. and shall require the witness to sign a confidentiality agreement.
- IV. Any member of the A.M.S. who has been issued a summons pursuant to these Rules and who fails to attend and give evidence at the hearing without reasonable excuse, may be subject to a fine at the AJC discretion.

L. REFERRAL TO APPROPRIATE BODY

- I. The Committee shall have the discretion to not hear the case if it determines that a more appropriate body exists to hear the case.

M. ADJOURNMENT

- I. The AJC shall retain the right to adjourn a hearing and set a date to reconvene. Every effort shall be made to reconvene the case as soon as possible.

N. DECISION

- I. The AJC shall give its decision and order, if any, of any proceedings in writing and shall include reasons supporting the decision.
- II. The decision and order, if any, of the proceedings, together with the reasons thereafter, shall be signed by the Chairperson or the Vice Alternate Judicial Chair of the AJC and distributed by the Judicial Clerk to:
 - a. each of the parties to the proceedings;
 - b. the A.M.S. Commission of Internal Affairs;
 - c. The Queen's Journal, in the case of an open hearing;
 - d. the complainant, no later than fourteen (14) days from the date of the hearing.
- III. In the instance that a case is deemed to have significant public interest to the Queen's and Kingston community or knowledge of the proceedings is deemed to be beneficial to the student population by the Judicial Committee Chairperson, the Judicial Affairs Director and the Commissioner of Internal Affairs, a notice of the redacted proceedings and any sanctions shall be forwarded to the Queen's Journal.
- IV. A decision of the AJC shall be deemed to be distributed if delivered personally by the AJC Chair, sent by registered mail to the school address of the appropriate person as listed in the records of the University Registrar, or if sent by electronic mail to the Queen's or AMS email address of the appropriate person. Any decision sent by registered

mail shall be deemed to be distributed on the third business day following the date of such mailing.

- V. If the AJC gives oral judgment, the decision shall be deemed to be effective or released on the date of the hearing. A written decision shall be distributed to relevant parties pursuant to Subsection 4-N-II within 72 hours of the oral decision. This can be waived at the discretion of the AJC Committee reserved judgment and procedures written notes, the decision shall be released when the copies, signed and typed, are distributed pursuant to Subsection 4-N-II.
- VI. All Judicial Committee decisions requiring the completion of community service hours will be accompanied by the distribution of a Form 8.1 within 72 hours of the decision by the Judicial Clerk. Community service hours will not be deemed completed unless a Form 4 is completed in its entirety and submitted by the prescribed date.
- VII. If a Respondent(s) is required to complete one or more letters of apology, the Judicial Clerk will distribute a Form 12.1 within 72 hours of the Alternate Judicial Committee decision.

O. RECORD OF PROCEEDINGS

- I. The AJC shall compile a record of any proceedings in which a hearing has been held which shall include:
 - a. any application, complaint, reference or other document, if any, by which the proceedings were commenced;
 - b. the notice of the hearing;
 - c. a copy of all documentary evidence filed with the AJC; and
 - d. the decision of the AJC and the reasons therefore.
- II. The record of the proceedings, compiled under subsection (1), shall be filed by the Judicial Clerk in the office of the Commissioner of Internal Affairs and shall be kept on file for five years after the date of the incident, after which time the record shall be destroyed.

P. APPEALS

- I. A decision of the AJC may be appealed by any of the parties to the proceedings to the Group Discipline Appeals Board, a Standing Committee of AMS Assembly. Notice to appeal shall be submitted in writing to the Commissioner of Internal Affairs within 72 hours of the distribution of the written decision of the AJC. This notice of intention to appeal shall include the submission of a signed Form 9.1.
- II. The Commissioner of Internal Affairs shall notify the Group Discipline Appeals Board Chair upon receipt of a completed notice to appeal as specified in subsection (1). The Board shall convene within one (1) week after the filing of notice of appeal. Where an appeal relates to a time-sensitive matter, the notice of appeal must include a request, with supporting rationale, to hear the Appeal on an abridged timeline.
- III. If the Board requires additional information, it may request that the parties to the proceeding supplement their original statements or provide additional documents.
- IV. The Group Discipline Appeals Board shall be composed of 3 voting members:
 - a. The AMS President (Chair)
 - b. The Undergraduate Student Trustee
 - c. The Student Senate Caucus Chair
 - d. A member of the Faculty of Law shall sit as a non-voting advising member. They shall be appointed by the Chair.
- V. In the event that the Student Senate Caucus Chair is not an AMS member, the vacancy shall be filled by the University Rector. If the University Rector is not an AMS member, or if any member is unavailable, the vacancy shall be filled by an appointee from AMS Assembly. The members shall have no significant relationship to the group involved in the incident, have no involvement in the decision being appealed, and shall be free from any other actual or perceived bias or conflict.
- VI. A party to the proceeding has the right at a hearing to: a) be represented by counsel or an agent; b) call and examine witnesses and present his/her arguments and submissions; and c) conduct such cross-examination of witnesses as is reasonably required for a full and fair disclosure of the facts relevant to the matter before the Board.

- VII. The Board may only overturn a decision of the AJC 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 AJC had a clear and definitive bias in making their ruling.
- VIII. The appeal shall not constitute an opportunity for the Board to simply second-guess the judgment of the AJC, 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.
- IX. The Board shall 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 Board may resolve the proceeding, and the dissenting member is entitled to write a dissent. A decision and order, if any, of any proceedings shall be made available in writing and shall include reasons supporting the decision. It shall be distributed by the Commissioner of Internal Affairs to:
 - a. each of the parties of the proceedings;
 - b. the Queen's Journal, in the case of an open hearing;
 - c. the complainant, no later than 72 hours from the date of the hearing.
- X. 8) In the instance that a case is deemed to have significant public interest to the Queen's and Kingston community or knowledge of the proceedings is deemed to be beneficial to the student population by the Judicial Committee Chairperson, the Judicial Affairs Director and the Commissioner of Internal Affairs, a notice of the redacted proceedings and any sanctions shall be forwarded to the Queen's Journal.
- XI. The decision of the Group Discipline Appeals Board shall be binding upon all parties.
- XII. The Commissioner of Internal Affairs shall keep a record of all proceedings before the Group Discipline Appeals Board, which shall include:
 - a. any written documents filed by the parties;
 - b. any interim orders made by the Board;
 - c. the decision of the Board and the reasons therefore.
- XIII. These records shall be kept on file for five years from the date of the incident, after which time the records shall be destroyed.
- Q. END OF PROCEEDINGS
 - I. To end proceedings once a Form 4.1 has been filed with the AJC, a Formal Notice of End of Proceedings (Form 11.1) must be submitted to the AJC Chair. Reasons for formally ending proceedings may include but are not limited to; withdrawal of the complaint and the discovery of new evidence.

5. CONFIDENTIALITY

- A. The AMS Group Non-Academic Discipline System should endeavor to the best of its ability to keep specific details of investigations confidential and all and any other individual involved in the case shall sign a confidentiality agreement upon assuming their position.
- B. Notwithstanding the generality of the aforementioned clause, the Judicial Affairs Office shall endeavour to hold private meetings when conducting his/her investigation.
- C. To ensure transparency electronic recordings of all meetings will be made whenever possible; however the contents of these meetings will not be released to the general public unless used at an open hearing.
- D. If a respondent(s) declines to have an electronic recording made, the respondent shall sign a Form 10 signally their refusal.
- E. Representatives of the Group Non-Academic Discipline System and any other individual involved in the case shall neither disclose nor discuss ongoing investigations with members of the general public.
- F. The results of all settlement hearings should be kept confidential and their contents kept private from the general public and the media.
- G. Members of the AJC shall not disclose or discuss the contents and details of their deliberations with any members of the general public or the media.

- H. Notwithstanding the need for confidentiality, it may be necessary for representatives of the GDRC or the Judicial Committee Chairperson to discuss details of a specific case with certain individuals, including, but not limited to, the Commissioner of Internal Affairs and the University Coordinator of Dispute Resolutions Mechanisms.