

# Bylaw 140: Student Judiciary

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## 01. Mandate

1. The Board is the organ of the Students' Union responsible for the interpretation and enforcement of Students' Union legislation.

## 02. Scope of Cases

1. The scope of the Board shall be limited to actions and appeals brought before it that:
  - a. initiate a complaint about a contravention of Students' Union legislation;
  - b. request an interpretation of Students' Union legislation or;
  - c. appeal rulings made by the Chief Returning Officer during the Students' Union's general elections.
2. A reference question allows the DIE Board the ability to provide opinions on the scope of Students' Union policies, actions, decisions and events without the need for a dispute to be brought to the Board.

## 03. Standing

1. The following have standing to initiate a complaint before the Board about the contravention of Students' Union legislation:
  - a. Members of the Students' Union, except Tribunes;
  - b. Any Students' Union constituted body, except the Board or Council.
2. The following have standing to request an interpretation of Students' Union legislation from the Board:
  - a. Students' Council,
  - b. Members of Students' Council,
  - c. Student Representative Associations,
  - d. the Chief Returning Officer of the Students' Union.

## 04. Constitution of Board

1. The Board consists of:
  - a. Chief Tribune;
  - b. two Associate Chief Tribunes; and,
  - c. five to eleven additional tribunes.

## 05. Nomination and Ratification of Chief Tribune and Associate Chief Tribunes

1. The Chief Tribune and Associate Chief Tribunes shall be nominated by a two-thirds majority vote of the committee and ratified by a two-thirds majority vote of Council.

## 06. Nomination and Ratification of Tribunes

1. The tribunes shall be nominated by a two-thirds majority vote of the Committee and ratified by a two-thirds majority vote of Council.

## 07. Time of Nomination and Ratification

1. When possible, appointments to the Board shall be made between January and April of each year.

## 08. Composition of the Committee

1. The Committee consists of:
  - a. two voting members of the Executive selected by the Executive;
  - b. two voting members of Council selected by Council;
  - c. two tribunes selected by the Board.

## 09. Quorum for Committee

1. Any five of the members of the Committee shall constitute a quorum.

## **10. Chair of Committee**

1. The Chair of the Committee shall be elected by and from the Committee.

## **11. Notice to be Given of Committee Decisions**

1. Notice of all appointments made to and chairs elected by the Committee shall be reported to Council, the Executive, and the Board.

## **12. Who May be Appointed Tribunes**

1. No tribune may be:
  - a. a voting member of Council,
  - b. a voting member of a committee of Council, or
  - c. A paid employee of the Students' Union.

## **13. Tenure of Office**

1. Tribunes hold office as long as they continue to be members of the Students' Union, unless they resign or are removed by a two-thirds majority vote of the Committee and ratified by a two-thirds majority vote of Council.

## **14. Registrar**

1. The Executive shall make a paid employee available to the Board to act as Registrar.

## **15. Duties of Registrar and Filing of Appeals**

1. Under the supervision of the Chief Tribune, the Registrar shall:
  - a. receive and forward to all tribunes all applications to launch actions, and
  - b. where a ruling is delivered by the Board, report to Council and the parties the ruling of the Board.

## **16. Applications in Writing**

1. An application to launch an action or appeal shall be made to the Registrar in writing.

## **17. Actions Limited Those Founded in Rule of Law**

1. The Board shall grant applications for actions within the Board's scope and order a hearing.

## **18. Time Limit on Scheduling a Hearing**

1. The Board shall order a hearing no later than seven days after the Registrar has received a valid application, unless all parties to the application agree to an extension.

## **19. Time Limit on Appeal**

1. Applications appealing a ruling of the Panel of First Instance must be submitted to the Registrar within seven days of the ruling.

## **20. Panel of First Instance**

1. Actions shall be heard by a Panel of First Instance consisting of three tribunes, one of whom must be either the Chief Tribune or an Associate Chief Tribune.

## **21. Panel of Appeal**

1. Appeals of rulings of the Panel of First Instance shall be heard by a Panel of Appeal consisting of five tribunes, at least one of whom must be either the Chief Tribune or an Associate Chief Tribune.

## **22. No Crossover Between the Panel of Appeal and Panel of First Instance on Any Given Application**

1. No tribune who took part in the decision of the Panel of First Instance on an action may sit on the Panel of Appeal or take part in the hearing or adjudication of the application for appeal.

## **23. Replacement of the Chief Tribune or Associate Chief Tribune**

1. If neither the Chief Tribune nor any Associate Chief Tribune can hear an action or appeal, they shall be replaced for the duration of that action or appeal by other tribunes selected by the Board.

## **24. Exclusive Ultimate Appellate Jurisdiction**

1. The Panel of Appeal shall have and exercise exclusive ultimate appellate jurisdiction within the Students' Union, and the ruling of the Panel of Appeal is, in all cases, final and conclusive.

## **25. Administrative Support to be Provided**

1. The Chief Tribune shall have access to sufficient administrative support to carry out the logistical requirements of the Board.

## **26. Duties of Chief Tribune**

1. The Chief Tribune is responsible for appointing tribunes to panels and scheduling hearings.

## **27. Duties of Associate Chief Tribune**

1. The Associate Chief Tribunes are responsible for fulfilling the duties of the Chief Tribune in their absence.

## **28. General Powers of Enforcement**

1. If the Board finds that an application for action or application for appeal requires action, the Board may make any order proscribing or prescribing any remedy it considers appropriate and just in the circumstances.

## **29. Effective Date of Rulings**

1. Rulings of the Board shall be effective once registered with the Registrar.

## **30. Tribunes May Make Rules and Orders**

1. The Board may make general rules and orders:
  - a. for regulating the procedure of and in the Board and the bringing of cases before it, and for the effectual execution and working of this bylaw;
  - b. for empowering the Registrar to do anything and transact any business as is necessary to fulfill the mandate of the Board.
2. Rules and orders made by the Board shall hold the force of regulation, but may not be amended by Council.

## **31. Extent of Rules and Orders**

1. The rules and orders may extend to any matter of procedure or otherwise not provided for by this bylaw, but for which it is found necessary to provide, in order to ensure the proper working of this bylaw and the better attainment of the mandate of the Board.

## **32. Copies to be Reported**

1. Copies of all rules and orders made under this bylaw shall be provided to the Registrar who shall report the same to Council and the Council Administration Committee.

## **33. Elections**

1. Where a member is guilty of a serious contravention, the CRO may recommend to the DIE Board that further penalties be brought under Bylaws [320](#) and/or [330](#).
2. Any member shall be entitled to appeal a ruling of the CRO to the DIE Board.
3. All appeals of the CRO's rulings, with the exception of those arising out of voting and Election results, shall be heard and ruled upon by the DIE Board prior to the announcement and release of the results of the election.
4. No appeal of a CRO ruling shall be considered by the DIE Board unless it is received by the end of the following business day of the CRO's ruling being posted.
5. Where a complete appeal is received, the DIE Board shall convene a hearing by the end of the following business day of the appeal being submitted.
6. The DIE Board shall, at the meetings set out in Section 33, either
  - a. rule on all appeals; or
  - b. order a delay to the Election, Referenda or Plebiscite.
7. No appeal of a DIE Board decision on a CRO ruling shall be considered by the Panel of Appeal of the DIE Board unless it is received by the end of the following business day of the DIE Board decision being posted.

### **34. Right to Attend Board Hearings**

1. Every member of the Students' Union is entitled to attend any hearing of the Discipline, Interpretation and Enforcement Board except the portions of any such meeting that occur in camera.
2. The Chair of the DIE Board may expel any person, including a member of the DIE Board, from a hearing for improper or disruptive conduct.