

Referred to SONAD

OPERATIONS REPORT: JUDICIAL AFFAIRS OFFICE

Submitted by Ramya Ravishankar, Judicial Affairs Director 2008-2009

C O V E R L E T T E R

May 1st, 2009

Senate Committee on Non-Academic Discipline (SONAD)

Re: Operations Report

To whom it may concern,

It is with great pride that I have run this year's Judicial Affairs Office (formerly known as the Prosecutor's Office). Though there were numerous difficulties encountered, I was able to count on 6 well-trained and dedicated volunteers who ensured that peer-administered discipline at Queen's remains a proud University tradition.

Attached to this letter is my Annual Operations Report, in accordance with the Non-Academic Discipline at Queen's policy which states that:

The Senate shall receive reports from the AMS, SGPS and the Residences annually and at other times when requested by the Senate or one of its constituencies. The annual report of the AMS will include a summary of actions from the Chief Prosecutor's Office and a summary of actions from the Judicial Committee.

In addition to the breakdown of cases seen by this year's Judicial Affairs Office, I have included in this report the policy and procedural changes that have been implemented during my term as Director.

Furthermore, I have included a discussion of the Office's accomplishments as well as a number of challenges it faced. Stemming from this, I have provided a list of recommendations that I think would improve the system as a whole.

If you have any questions and or concerns, please do not hesitate to contact me.

Respectfully submitted,

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JUDICIAL AFFAIRS OFFICE MANDATE

The Judicial Affairs Office is responsible for administering non-academic discipline to all undergraduate students at Queen's University. Being the only student-run judicial system in North America, it strives to be non-adversarial in its means and restorative in its ends.

The Office is responsible for initiating a proceeding before the Judicial Committee, on behalf of the Alma Mater Society (AMS), any of its member, or any member of the public (including, without limiting, the faculty and staff of Queen's University), where it is believed that a respondent has violated section 10.01.01 of the AMS constitution. The Office conducts itself in an appropriate manner so as to abide by the principles of natural and restorative justice.

STATISTICS

The following is a brief statistical summary of the 2008-2009 operations of the Judicial Affairs Office, accompanied by similar information from recent years

CASES	2008-2009	2007-2008	2006-2007
Total number of cases	158	238	103
Homecoming Cases	120	136	63
Non-Homecoming Cases	38	102	40
Incomplete Sanctions Cases	n/a	57	n/a
Student Constable Cases	32	7	n/a
Cases with sanctions	74	158	57
Cases with no sanctions [Case was either dropped or the Judicial Committee chose not to apply any sanctions]	73	84	46
Cases that are still active [Either investigations are ongoing or a Judicial Committee hearing has not yet occurred; these don't include cases with incomplete sanctions]	4	7	n/a
SANCTIONS			
Restitution	\$2681.52	\$1978.35	\$114.00
Fines	\$1665	\$3395.00	\$1250.00
Bonds	\$6400	\$3155.00	\$1200.00
Community Service	150 hours	336 hours	118 hours
Letters of Apology	108	194	66
Ban from AMS Pubs	6	5	2
Suspension of Privileges	0	2	0
Educational Sanctions	5	0	n/a

2 0 0 8 - 2 0 0 9 C H A N G E S

Position of Director

This year saw the role of the Director of Judicial Affairs become a full-time paid position within the AMS. As in the past, this role came with the same two responsibilities under its portfolio: representing Non-Academic Discipline and administering it. By becoming a full-time paid employee of the AMS, the Director became directly accountable to undergraduate constituents. Furthermore, this ensured that the Director remained in Kingston over the summer, investigating and handling outstanding complaints, any graduating students who had not handed in their sanctions, and any new incidents that arose over the summer months. The full-time nature of the position also allowed for awareness initiatives and planning for the 2008-2009 school year to be undertaken.

Community Service

This year, I changed the way the Judicial Affairs Office and the Judicial Committee handle community service sanctions. This change will be implemented in the 2009-2010 year. Before the change, the Judicial Committee used to direct the completion of community service hours by distinguishing between on and off-campus volunteering. Often, the activities students would complete were not appropriate or relevant to the incident for which they are being charged. For example, a student charged with noise and public disturbance in Kingston may have completed their hours in their hometown of Chicago. This didn't address the issue of giving back to the very community they affected.

Another issue that arose was the legitimacy of some of the organizations for which students were volunteering and the validity of the approval letters their supervisors submitted. For example, a student would attest to completing their hours by helping a group of students with their math homework. This may or may not be true given the student's relationship with the others – they may have been peers, they may have been housemates, or they may have been strangers. Another example is that of handwritten letters submitted by elderly neighbours who had students volunteer to clean up their yards. Though the student must be given the benefit of the doubt, it was hard to ensure community service was completed.

To circumvent these problems, I passed into policy that respondents should choose where they did their community service from a list of organizations compiled annually by the Judicial Affairs Office and the Judicial Committee. In the event that the respondent was really passionate about volunteering at an organization that wasn't listed, they would have to submit a proposal explaining their choice. Organizations on the list are selected based on their proximity to the Queen's community (both geographically and ideologically), and their legitimacy. This change allows the Judicial Affairs Office and Judicial Committee to trust that the community service done is both relevant and genuine.

Pre-Hearing Briefings

One of the changes that was enshrined in policy last year but was implemented this year was the pre-hearing briefing. Before Judicial Committee hearings, I would brief the Committee Chair on the cases my Office would be presenting. This allowed her to consult any resources whose advice could help her run the hearing. Briefings were made either in writing or given orally.

Incomplete Sanctions

Unlike last year, I decided for filing purposes not to consider incomplete sanctions as new cases. Though the Office and the Judicial Committee considered instances of incomplete sanctions as brand new offences and treated them as such, the actual case number for the respondent remained the same. In order to note that a student had not handed in a sanction on time, we changed the case status to “incomplete sanctions” in our database.

Judicial Committee Hearings

We changed the rooms in which hearings were held this year. In the past, when we held hearings in the Hand-Purvis room in Dunning Hall, students either could not find it or were unable to access the building after a certain time because it was locked. This was rectified by having hearings at the John Deutsch University Center, which is always open.

Kegger Cases

Unlike last year, Homecoming kegger cases were not passed on to the Office for investigation. The only complaints that were pursued were for noise violations, underage possession/consumption of alcohol, unlawful possession/consumption of alcohol (i.e., open alcohol), and public intoxication.

A C C O M P L I S H M E N T S

Positive Relationship with University Administration

This year, we worked closely with the University Administration, specifically Vice Principal of Academics, Patrick Deane. We ensured that frequent and open communication existed between us and maintained a positive rapport. Circumstances that needed us to communicate included taking a disciplinary stance on street parties that occurred around Homecoming weekend, speaking to the Kingston Police regarding disclosure of information for cases that involved them, dealing with graduating students who were involved in the system, and receiving advice on whether or not we recommend a student withdraw from the University.

Awareness Initiatives

One of the weaknesses of the Non-Academic Discipline system at Queen's is that students and Kingston citizens alike are not very aware of its existence. As a result, this year, we have implemented a number of awareness initiatives that have targeted both students and non-students alike. Some of these initiatives have included attending housing talks to first year students in January, publishing the "Guide to Non-Academic Discipline" in the AMS-sanctioned agenda, handing out pamphlets to community members about the system, presenting to the Sydenham Ward Tenants' and Ratepayers' Association (SWTRA), and speaking to Orientation Week leaders.

The distribution of pamphlets was extremely successful. We specifically targeted areas that have mixed student and non-student populations. We also made the pamphlets easy to understand and provided contact information for any questions people had. Suffice to say, we received a number of calls from citizens who wanted to thank us, know more about the system, and also file a formal complaint.

The presentation to SWTRA also went over very well. Done over the summer, the presentation aimed to increase Kingstonians' knowledge of the system and explain to them how they could use the system to their benefit. The audience showed a genuine interest in what we had to say and their questions reflected their trust in our existence to protect shared values of safety and community.

Greater Complainant Involvement

We ensured that complainants were more aware of the complaints they had filed with the Office. This included consulting them more on what sanctions they would like to see respondents complete, inviting them to hearings, and sending them copies of decisions once they were made out. Of course, as we have done in the past, any restitution, letter of apology, or other relevant sanction has been sent out to the complainant in a timely fashion.

AMS STUDENT CONSTABLES

As one of our most common complainants, this past year, the Constables worked very closely with our Office to ensure any incidents that they saw occur was passed on to us. We created a more accessible template that maximized information gathered at the time and scene of the incident and we ensured that we communicated often to gather any details we needed for our investigations. We also arranged training in such a way so as to have myself present the Non-Academic Discipline system to the Constables. I explained how they work with the Judicial Affairs Office and what kind of information they should include to make the Office's job easier. Similarly, the Head Manager of the Student Constables attended our Office's training and told us how the service works and what kinds of sanctions he generally would be seeking for certain types of incidents.

The communication with the Constables continued further through our discussions on the clear demarcation of roles when it comes to Administrative Pub Bans – which are the bans levied on students by the AMS Vice President of Operations in consultation with the head managers of the Constables and pub staff, as well as the Food and Safety Director, and the Retail Operations Officer. These bans are different from the ones that we can propose as a sanction and that the Judicial Committee can impose. Distinguishing these and the procedures for each was a very important accomplishment this year.

C H A L L E N G E S

AMS Server going down

Possibly one of the most trying challenges of this past year, the server going down also happened to be something that we could not control. For more than two months, we were unable to access our emails and or the online case database. As a result, old investigations were put on hold and new investigations could not be started. There was a real backlog in cases and in consultation with the Judicial Committee Chair, it was decided that these cases would be heard once the servers came back up. However, this also meant that incidents that occurred in October, for example, would not be heard till March. Some respondents were upset that they were being contacted about disciplinary matters months after the incidents took place.

The server going down also affected other aspects of the Office's work. For example, decisions could not be sent out for the cases that had been heard already, or incomplete sanctions could not be monitored/filed for when due dates passed. Given our increased reliance on the online case database, the Office's activities were slowed down in the months of December, and then again in February.

Homecoming Cases

This year, we dealt with 120 Homecoming-related complaints. The Judicial Affairs Office is not designed to be able to handle such large numbers of complaints all at once. It gets bogged down with numerous meetings where students come in questioning the appropriateness of the Administration passing on complaints en masse based on tickets that were received. I feel these students do make a point. Furthermore, I feel like the students who are responsible for the disciplinary system, namely the Judicial Affairs Office and the Judicial Committee, start to feel complacent or like a rubber stamp.

Most of the time, the students' stories are quite similar to one another's. There is little to no way we can disprove what they are saying as the police involved are bound by confidentiality and probably don't remember one case out of the many they dealt with that night. Furthermore, the sanctions are doled out almost formulaically. I feel like these cases were a burden on the system in many ways.

However, I stand by my decision of taking on these cases. There *are* appropriate grounds for pursuing such incidents as they *do* harm the University's reputation. With this being said, there are some real flaws in the practical aspects of dealing with them. For example, open alcohol tickets, i.e. tickets for unlawful possession/consumption, do not have as much relevance in a street party context. The school's reputation is marginally affected, if that, by a student drinking on one side of the sidewalk versus another. Given that these were the majority of the types of cases we dealt with, I think the stress faced by the Office could be alleviated if these cases were no longer taken on.

Another case challenge was that of noise violations. The first issue with these is that in a street party context, it's generally hard to distinguish any one single body over another for causing noise. Secondly, most of the noise violation cases that were pursued this year resulted in the student coming in and sharing that of all the individuals responsible for the noise, this person was the only one who came forward, cooperated with the police and provided the name. More often than not, it was determined that these individuals were not even the ones creating the noise. Thus, these cases, too, should be reassessed in light of next year.

Perhaps, the most pressing challenge with Homecoming cases was that the names were passed on to the Office by the University Administration in December. They were not pursued until January (given exams). This, combined with the servers going down, resulted in many cases not being heard until March and the remainder dropped by the Judicial Affairs Office after consultations with VP Deane and the Judicial Committee Chair.

Our governing policy states that hearings must be filed for within 40 (business) days of an incident and that this timeline can be extended at the discretion of the Judicial Committee Chair. The reason this policy is in place is so that students are not unfairly charged months or even years after an incident occurs. The Chair used her discretion this year, as did her predecessor before her, to allow for tickets to be processed in the court dockets and then passed on to the Administration who then passed it on to us. However, with greater time passing between the incident and the investigation, students either become complacent or hostile with the Judicial Affairs Office. Furthermore, their memory of the event in question also becomes worse, leading to poorer quality information we then have to sift through.

Despite the aforementioned challenge, it must be noted that an incident in September being investigated as late as January is one thing and an incident in September being investigated in March and or April is quite another. This latter scenario was the one that faced my Office upon the reestablishment of the servers. I did not feel we would have enough time to investigate, present, and then monitor sanctions for respondents – especially if they were graduating. As a result, I found this general timeline to be challenging and it was one of the reasons I pursued dropping the outstanding Homecoming complaints upon the server coming back.

It should also be noted that a trend found both last year and this year was that the majority of incomplete sanction cases turned out to be Homecoming cases. I would surmise that this resulted from the combination of students' general apathy towards such incidents and the fact that we pursued these cases so late, allowing students short timelines to complete the sanctions.

RECOMMENDATIONS

Homecoming Cases

As I mentioned earlier, Homecoming cases have posed a big challenge for the Office. However, I think not taking on open alcohol cases or noise complaints would allow next year's Office to better do their job.

Training

As mentioned earlier, the Constables are common complainants and attending their training and having them attend ours has been quite beneficial. I would recommend the same be done with other common complainants like the AMS Pub staff. Developing a template for incident reports would also be worthwhile. This recommendation stems out of my observations of Student Constable complaints which have come on behalf of the Pub staff rather than directly from them. This prevents us from restoring damage directly to those harmed and limits us to simply the Constables.

Mediation

An idea that emerged this past year was to develop a mediation group within the University to addresses chronic incidents or cases where complainants do not have the full information the Judicial Affairs Office would need to file a complaint (like the students' names for example). Right now, in such cases, we refer complainants on to Resolve Kingston, a local mediation group. However, I think it would be more beneficial to have a group composed of students and non-students (namely, faculty and or staff) to address these issues. This way we can continue addressing such issues through restorative non-adversarial justice.

Community Service Reflection

When community service is completed as a sanction, I think it is more restorative for the respondent to write out a concise reflection of the process. Given the purpose of the sanction is to restore the time the respondent took away from the community, having him/her write a reflection will allow him/her to be further involved with the act rather than merely offering their time without thinking about it or the original incident that resulted in the sanction. I would recommend enshrining this in policy and or implementing it as a requirement for when community service is imposed as a sanction.

Policy Changes

There are a number of changes in AMS Policy that would better serve the interests of Queen's students. First, I think it would be beneficial to enshrine in policy that respondents be able to request a copy of the pre-hearing briefing that is provided to the Judicial Committee Chair (subsection 9.5). This could be in writing if that is the manner in which the Director presents the briefing to the Chair or it could be as a recording if the Director provides it orally.

I also think it would help to introduce either in the AMS Constitution or in policy a discussion of sanctions that can be imposed by the Judicial Committee and a rationale for why they are proposed and or imposed (this would have to be a new section in either of the documents). Doing this would educate students about what they could be potentially facing and also makes the activities of the Judicial Affairs Office and Judicial Committee more transparent to the public.

Another issue that I saw needing to be addressed is that of graduating respondents who still have cases outstanding with the Judicial Affairs Office. These include new incidents and also incomplete sanctions. I would suggest putting in policy a means of waiving the minimum 10 days notice to an open hearing (that is currently in our policy) for any and all cases that come before the Judicial Affairs Office involving graduating students 24 hours after the last day of classes. Due to tight timelines, it would be up to the discretion of the Judicial Committee Chair to enforce this.