

Governance Committee - Decision on Student Court

The Governance Committee decided on the 16th of October that Student Court is not able to properly serve its role and should be abolished via a referendum.

Background & Role of Student Court

Student Court was originally created to be the disciplinary body of the AMS. It would be responsible for assisting AMS Council with rewriting unclear referendum questions, the interpretation of its Constitution, Code of Procedures, and Bylaws, along with hearing cases from members of the Society that involve alleged instances of breaches of the AMS Constitution, Code of Procedures, or Bylaws. This meant that AMS members would be able to send in cases such as elections appeals or even an appeal on Council's decision(s).

One of the key parts to take from Student Court's background is that it was made without the power to be able to overturn Council, the highest governing body of the Society, and its decisions. Later, in 1976, it was given the ability to overturn Council decisions or pass rulings that would take effect without Council's approval. However, after a referendum vote in 1979, this power was removed from the Bylaws, meaning that Student Court could not override Council.

Reasons for Governance Committee's Decision

The Governance Committee unanimously agrees that Student Court is not able to serve its function effectively and should be abolished via referendum. This decision comes from much debate, both in and outside meeting rooms, along with research of every Student Court case dating back to 1977, and thought into whether Student Court can serve some other function that has not been already filled by another body within the AMS.

The main problem with Student Court is that it cannot deliver effective rulings since it cannot overturn Council anymore. The only alternative to this is giving back power to Student Court, but that itself causes more problems. Student Court's ruling is delivered by students from the Faculty of Law acting as judges, and precedence has shown that they are more well-informed in Canadian Law rather than AMS Constitution, Code of Procedures, and Bylaws, leading to their rulings to be more along the lines of Canadian Law. Giving the power of the Board of Directors to a body that is hired (not elected) and not well-versed in the Society's practice can lead to risky rulings that may put the Society in bad legal standing.

Currently, Student Court's functions are already being accordingly fulfilled by other bodies within the AMS; elections appeals are taken in by the Elections Committee; appeals to decisions of the Elections Committee is done by the Elections Appeals Committee; disciplinary cases are heard and dealt with by the Ombudsperson, the University, or the RCMP. If there was a wish to appeal Council's decision, the matter could be brought up through a member-at-large statement or even a petition if necessary.

The only functions that remain for Student Court are rewriting ambiguous referendum questions and acting as the interpreter of AMS Constitution, Code of Procedures, and Bylaws. Governance Committee can delegate these final two tasks to new or existing bodies within the AMS. Thus, Student Court is left with no substantial duties, rendering it useless as its role is fulfilled by other more efficient bodies in the AMS.