



[/cutetrans/](#) **Code of Administrative Procedure**

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eff. 07/03/2017

amended 08/15/2018

APC §1: Construction and purpose.

This Code shall be construed so as to do substantial justice, and shall never be interpreted nor enforced in a manner that is arbitrary or capricious, unless it's funny, and no administrative action subject to process taken under this Code or otherwise shall abridge a person's freedom to argue, debate and otherwise engage in the regular business of the server. It is intended in every respect to protect the rights of individuals and not to abridge them, and shall be construed as broadly as practical in that aim.

APC §2: Offenses.

- (a) Offenses and their attached punishments to be determined by operation of this Code are to be defined in a reasonable manner intended to ensure confidence in this server's moderation, and their definitions shall be developed by argument and decision, but never in such a way as to be indeterminable by common sense.
- (b) Common sense may be satisfied by way of electoral process, but this electoral process cannot ex post facto create an offense that would not have been actionable prior to the offense; and no one can be prejudiced by an amendment to this code made after the offense has been committed.
- (c) No person may be punished in any way if it cannot be coherently and specifically alleged how their behavior is concretely hurting the interests of another person, or the interests of the commons, or tends to hurt their interests, or, in the case of threats, may hurt their interests if they were to be realized and could possibly be realized, or if the person's behavior is such that it tends to indicate moral turpitude.
- (d) No substantive distinction shall be implemented between channels that interrupts or otherwise disrupts the course of an ongoing discussion so long as it does not interfere with a relevant conversation.

APC §3: Ministerial officers.

- (a) Ciskillers and laugh and a halves, who are ministerial officers, are charged with protecting the commons from people without the ascendant role.
- (b) Ministerial officers may be empowered to kick or to ban as are necessary to prevent spamming, aggravated stalking and other abuses, and may be empowered to delete posts, and may be otherwise empowered, individually and collectively, as is necessary.
- (c) Ministerial officers do not have discretionary power beyond that which is strictly necessary to execute their duties, with the exception of their duties under section

4 and 5 of this Code in which they shall have full discretionary authority, and shall only take action on their own motion without approval of the commons or the Administrator if it is manifestly necessary.

- (d) Ministerial officers shall not delete any person's posts unless they contain gore or other material that tends to offend or shock a reasonable person's senses, or unless they constitute mass spamming. This includes deletions incident to a ban.
- (e) Persons without the ascendant role shall have the right to petition the Administrator for a redress of any grievances as a result of summary action on the part of ministerial officers, and roles should be rescinded from a ministerial officer for a reasonable period of time if it is determined by the Administrator that their power was abused or if their discretion was not mindfully used.
- (f) A person without the ascendant role but who has the woke role shall not be summarily punished by a ministerial officer except in accordance with the limitations in section 7 of this Code.
- (g) A person with the ascendant role may have their woke role temporarily rescinded by a ministerial officer, to the effect of removing their capability to @everyone, post images or /tts, in accordance with the limitations in section 7 of this Code.
- (h) At the discretion of the Administrator, electoral process or the advice of the tribunal may be used to determine whether a ministerial officer has abused their discretion and to determine the appropriate sanction.
- (i) Nothing in this section limits or controls the inherent discretion of the Administrator to select ministerial officers, to control and regulate their official behavior and to decide upon and effect their removal.

APC §4: Laugh and a halves.

- (a) Laugh and a halves are charged with administering the giving, creation and modification of roles that are not roles of privilege.
- (b) Laugh and a halves are not to give themselves or any other person roles which have substantive powers without the Administrator's assent.
- (c) Laugh and a halves are not to remove any other person's substantive roles, including social group roles.
- (d) Laugh and a halves are not to delete any roles.

APC §5: The roles of privilege.

- (a) The woke and ascendant roles are known as the roles of privilege.
- (b) The woke role is granted at the plenary discretion of the Administrator and may be granted by a ministerial officer, but should generally be granted:
 - (i) upon a showing that the person seeking the role is transgender, or
 - (ii) would benefit the community by having the role, or
 - (iii) has the approval of a transgender member of the server.
- (c) The ascendant role is granted to a person with the woke role:
 - (i) summarily by the Administrator upon a showing of transgenderism and trustworthiness on the median of probability and referral by another ascendant, or
 - (ii) summarily by the Administrator upon a showing beyond a reasonable doubt of transgenderism and trustworthiness, or
 - (iii) summarily by the Administrator upon a showing beyond a reasonable doubt of the possession of a status comparable to that of the ascendant role in a server oriented primarily towards transgender people to be

- designated at the discretion of the Administrator or by electoral process or by the decision of a tribunal convened under section 11 of this Code, or
 - (iv) by the outcome of electoral process, or
 - (v) by the decision of a tribunal convened under section 11 of this Code.
- (d) Once granted, the roles of privilege cannot be rescinded without due process and due process applies to them, unless:
 - (i) they were originally obtained by means of fraud;
 - (ii) unsavory conduct followed within a reasonable time of a summary grant of a woke role;
 - (iii) the role was granted conditionally;
 - (iv) the role was granted improvidently, if rescinded within a reasonable time of discovery of the improvident circumstances.
- (e) The burden is on the petitioner, whether on another person's behalf or on one's own, to establish grounds for a favorable exercise of discretion.
- (f) Notwithstanding any provision of this Code outside this section, no matter pertaining solely to a person without a role of privilege shall require adherence to any rule or process, nor may a person without a role of privilege claim any substantive or procedural right under this Code, except that which is explicitly provided for in this section. Further, any person with the woke role but without the ascendant role may summarily have that role rescinded if good cause appears to the Administrator.
- (g) However, a person without a role of privilege shall be considered a person with a role of privilege for the purposes of subdivision (f) if:
 - (i) they have had their role of privilege rescinded on a probationary basis, or
 - (ii) they are contesting the rescission of their role of privilege, only as it applies to the rescission of the role and any punishments that arise as a result.
- (h) A person without a role of privilege shall have the right:
 - (i) to petition the Administrator subject to the provisions of subdivision (e) of section 3, and
 - (ii) to an explanation for summary punishment under subdivision (c)(ii) of section 7, and
 - (iii) to present evidence, explain their actions, request clemency or otherwise attempt to influence the outcome of summary punishment by petitioning the Administrator under subdivision (d) of section 7.
- (i) Where a warrant issues for a person without a role of privilege, they shall gain such rights as necessary so as not to make the limitations on the warrant meaningless.

APC §6: Types of process.

- (a) Summary process enforces the discretion of the Administrator, and punishment which follows the summary process must conform to the limitations and rules set out in section 7 of this Code.
- (b) Electoral process enforces the will of the commons, and punishment which follows the electoral process must conform to the limitations and rules set forth in section 8 of this Code.
- (c) Unless specifically adopted for that purpose, the rules of procedure set forth in sections 7 and 8 which apply to summary or electoral punishment do not apply to process which does not constitute punishment.
- (d) Electoral process which does not constitute punishment and which is not of a nature which explicitly requires compliance with the rules of procedure set forth

in section 8 shall be satisfied by those rules, but those rules will be merely directory and shall not control the terms of the vote, which may be decided at the discretion of the Administrator.

- (e) Electoral process is ultimately a determination of reasonableness, not a fact-finding process, and the commons are not required to undertake their own investigations of the circumstances that underlie electoral process. Notice provided by the Administrator in the course of electoral process should provide sufficient facts or evidence to support a reasonable outcome.
- (f) In any form of electoral process, a vote given by a person not acquainted with or having no personal interest in the facts underlying the subject of process may be disregarded at the Administrator's discretion.
- (g) Votes in electoral process should be done by either a single :voteyes: or :voteno: emoji. In her own discretion, upon the appearance of a vote not given in conformance with this subdivision, the Administrator should:
 - (i) consider the vote in full if its intent appears clear,
 - (ii) consider the vote in part if the votes in question appear to indicate a partial assent or dissent,
 - (iii) disregard the vote in full otherwise.

APC §7: Summary punishment.

- (a) Summary punishment is punishment enforced at the discretion of the Administrator, without prior notice.
- (b) Summary punishment can only be imposed by the Administrator or ministerial officers:
 - (i) to prevent further occurrence of an ongoing course of conduct, such as spamming, @ing everyone unnecessarily or posting gore, or
 - (ii) to punish an act that tends to be an acute sign of gross moral turpitude, such as providing valid suicide advice to a person who is suicidal, or
 - (iii) to punish the fabrication of evidence in a proceeding brought under subdivision (e) of section 8, or
 - (iv) to prevent spoliation of evidence if it seems imminent, or
 - (v) to punish conduct which was once ongoing under the definition given under subdivision (b)(i) that a person was repeatedly requested not to engage in, or
 - (vi) for diplomatic reasons, or
 - (vii) if it's funny and the 'punishment' and it and its collateral effects and the whole course of the punishment lasts a maximum of two minutes, unless it would seriously interrupt an ongoing conversation, or
 - (viii) to punish actions which threaten the server's integrity.
- (c) Summary punishment shall be:
 - (i) limited to revocation of a role, kicking or banning, unless brought pursuant to subdivision (b)(vi) in which case such punishment is limited to muting, revocation of a role or kicking, and
 - (ii) rationally explained to the punished person plainly and concisely upon request, and
 - (iii) transient in nature unless later confirmed by proceedings brought under section 8, except when such punishment was brought pursuant to subdivision (b)(iii), (b)(vi) or (b)(viii), or when such punishment brought pursuant to subdivision (b)(ii) was executed because that conduct was in violation of the laws of the United States.

- (d) A person subject to summary punishment may petition the Administrator to attempt to influence the outcome of summary punishment by presenting evidence, explaining their actions, requesting clemency or by any other reasonable means.
- (e) A person who is of a role of privilege who is subject to summary punishment may, with or without argument or a petition under subdivision (d) and not subject to its limitations, apply to the Administrator for a vote subverting the summary punishment imposed upon them by means of electoral process subject to the procedures of section 8 of this code, with the exception that the Administrator must facilitate such a vote as soon as practicable upon application of the aggrieved party unless the punishment is under 1 hour in length.
- (f) Revocation of a role other than the roles of privilege by the Administrator is not summary punishment, but a form of summary process exempt from the provisions of this section.

APC §8: Electoral punishment.

- (a) Electoral punishment is punishment enforced at the will of the commons, with public notice.
- (b) With regards to the nature of the vote:
 - (i) The noticed vote is to last at least twelve hours before execution of the sentence, but only if the sentence is in the severity of banning or worse.
 - (ii) The twelve hour notice period may be expedited if consensus appears overwhelming and the offence is appropriately grave such that a prolonged period of voting may cause prejudice to the injured parties, or if a course of offensive conduct is ongoing on the part of the person to be punished or if the matter has been settled by consent.
 - (iii) The twelve hour notice period may be waived if the person in question is a repeat offender.
 - (iv) If, at any time within three days of the beginning of the vote, the results of the vote change its outcome, the punishment must be rescinded or enforced accordingly.
 - (v) In cases of rescission of punishment under subdivision (iv), the punishment shall be rescinded immediately after the outcome of the vote changes by more than one vote.
- (c) Any person may make an application to the Administrator to initiate electoral process to obtain administrative relief by way of electoral punishment, or the Administrator may initiate electoral process sua sponte.
- (d) The burden is upon the applicant to gather and present evidence in support of this vote and to advocate their position.
- (e) No electoral punishment shall issue without conclusive evidence of the facts underlying the alleged offenses in the record, unless:
 - (i) a pattern of offenses committed over direct messages is plausibly alleged and supported by screenshots or by credible testimony, and the person's character is otherwise suspect, or
 - (ii) an admission, or
 - (iii) as to spoliation, if it is plausibly alleged and supported by the testimony of more than one person and the person's character is otherwise suspect, or if substantial collateral evidence exists.
- (f) A vote shall only begin at the Administrator's sole discretion, and any resulting relief may be commuted at the Administrator's discretion so as to do substantial justice.

- (g) Electoral punishment may be of any nature decided by the Administrator, but shall not exceed in severity the punishment provided for in the notice.
- (h) In cases where the punishment is a permanent ban:
 - (i) such a ban shall only be enforced if the vote is near-unanimous, and
 - (ii) a majority vote that is not nearly unanimous will be enforced in the form of a temporary ban of an unspecified duration.
- (i) In cases where spoliation of evidence is alleged as a justification for a lack of immediately available evidence and the spoliation or a confession thereof was not witnessed by the Administrator:
 - (i) a sentencing memorandum containing evidence of and justification for the punishment should be compiled by any person, preferably an interested party, and presented to the person who has been punished, and
 - (ii) such a memorandum should generally comprise a compilation of testimony as well as contextual screenshots, and
 - (iii) the person who has been punished shall be given an opportunity to address the evidence provided in mitigation or otherwise, and
 - (iv) the lack of a sentencing memorandum within two days of the electoral punishment shall be grounds to reverse any such punishment, but punishment may be reimposed immediately and without notice upon the presentation of an adequate sentencing memorandum.
- (j) The Administrator, in her discretion, may deem invalid votes which were made by people without a role of privilege or, in cases where the vote concerns things which pertain particularly to trans people, by people without the ascendant role.

APC §9: Notice of process and outcomes.

- (a) All process should be noticed in some form, but a failure to notice summary punishment shall not affect the validity of the punishment if the summary punishment and its ancillary consequences do not exceed twenty-four hours in length.
- (b) A minor summary punishment shall be noticed to the person punished.
- (c) A severe summary punishment shall be publicly noticed to the person punished.
- (d) Electoral process shall be noticed to at least the ascendant role, but may be noticed to other roles depending on the roles of privilege which the person who is the subject of process possesses. As all people who have the ascendant role should have the woke role, noticing the woke role is sufficient for the purposes of this subdivision.
- (e) An opinion creating binding policy may be published at any point after the outcome of any process, summary or electoral.
- (f) Electoral process that is not punitive in nature as governed by section 6 of this Code should be noticed to the groups which it affects directly.

APC §10: Privileges.

- (a) Certain people may be given by the Administrator, from time to time, powers over messages, roles, emojis and other things in exchange for their dutiful service.
- (b) In no circumstance may the Administrator give any person substantive power over those with the ascendant role without electoral process.

APC §11: The Tribunal.

- (c) At her discretion, the Administrator may call a case before herself and a tribunal consisting of at least two other people to review a summary decision or issue a

decision in the first instance, and in the aid of that aim may issue all writs, injunctions or declarations necessary. The tribunal has the power to compel the administrator to take a certain action on any application brought under section 8, subdivision (c) of this Code.

- (d) If possible, the Administrator must obtain the concurrence of a majority of panelists to issue a decision on a matter submitted to it.
- (e) The panelists will be selected from lawyers and lay persons, if available, and any person of suitable intelligence, impartiality and discretion may be named an adjudicator pro tempore. Any objections to a panelist shall be heard and determined by the Administrator.
- (f) The respondent and applicant must have a chance to be heard if punishment is to be imposed. Punishment includes a declaration of any kind, such as a prospective finding of intent.
- (g) Except where otherwise enumerated, the tribunal does not have any power beyond that which the Administrator has.
- (h) No party directly involved in the matters underlying the proceedings shall formally opine on the matter.
- (i) Where the Administrator is the subject of a complaint, she shall, if she determines that the complaint is facially meritorious, convene a tribunal of at least three people to issue a decision in the first instance. The panelists will be notified of the rules relevant to their grant of a decision.
 - (i) A tribunal convened according to subdivision (i) of this section may receive direction by the Administrator and in the case of a per curiam decision the Administrator may write and draft the opinion notwithstanding subdivision (h) of this section, but the final decision shall be valid regardless of whether that direction is followed.
 - (ii) No tribunal convened according to subdivision (i) of this section may issue binding precedent unless that opinion is confirmed by the administrator.
 - (iii) The administrator hereby waives administrative immunity to the issuance of a writ of prohibition, declaration or restrictive injunction by the tribunal unless it is clearly contrary to public policy.

APC §12: Benefices.

The Administrator may, in her discretion, award certain beneficiaries their own private channels within the server. These channels are subject to the provisions of this Code, with the exception that people may be included or excluded from those channels at the discretion of the beneficiary. A benefice is not an electorally protected interest and may be rescinded at any time at the Administrator's discretion, so long as the motive for such a rescission is not arbitrary, capricious or in violation of the principles contained in section 1 of this Code. No benefice may allow any person to see it that is not allowed to post within it, unless such exclusion is sufficiently particularized.