



## Club Hearings and Sanctions Procedure

1 May 2016

Clubs Governance Committee

### 1.00 GENERAL

- 1.01 This document governs the procedures for submission, hearing, and resolution of complaints within the USC Clubs system.
- 1.02 Any reference to "day" or "days" shall refer to business days only and shall exclude statutory holidays and the USC winter closing period and any days the USC office is not operational.
- 1.03 Any reference to "person" or "persons" shall refer to an individual, group of individuals, or corporate entity.
- 1.04 Any reference to "Club" or "USC Club" shall refer to an organization that has been ratified by the USC in accordance with the Club Ratification and De-Ratification Procedure.
- 1.05 Any reference to "Executive" or "Club Executive" shall refer to the President, Vice-President Finance, Vice-President Events, and Vice-President Communications of a Club.

### 2.00 SUBMITTING A COMPLAINT

- 2.01 The investigation of a club shall commence upon the receipt of a complaint by the Clubs Governance Committee or on the Clubs Governance Committee's own initiative.
- 2.02 A complaint shall consist of the following:
  - (1) The name of the club.
  - (2) The name of the complainant.
    - i. The name of the complainant shall be redacted when the complaint is forwarded to the club.
  - (3) The date of the alleged violation.
  - (4) The section(s) of Clubs Policy and Procedure that the club has allegedly violated.
  - (5) Any other relevant information.
- 2.03 All complaints must be submitted to the Clubs Policy Coordinator within thirty (30) days of the alleged violation being discovered.
  - (1) A complainant may submit a written request to the Clubs Policy Coordinator to extend the submission deadline past thirty (30) days. It is the sole discretion of the Associate Vice-President of Clubs whether to extend the deadline, with a written letter explaining the rationale of the accepted or denied request for extension.



2.04 The Clubs Policy Coordinator shall ascertain the completeness of the complaint. A complaint shall be deemed complete when it contains all of the items specified in section 2.02 above. In the event that the complaint is not deemed completed, the Clubs Policy Coordinator shall follow up with the individual to ascertain any information that has been left out of the allegation.

### **3.00 HEARING PROCEDURE**

3.01 Upon receipt of a complaint, the Clubs Governance Committee shall meet at its earliest convenience to adjudicate on the matter.

3.02 The Executives of the club in question shall be notified of the complaint within ten (10) days of the complaint being filed.

3.03 The Executives of the club in question shall be given five (5) days to either speak in front of the Clubs Governance Committee by form of oral hearing, or submit a written response to the complaint to the Chair of the Committee prior to the Clubs Governance Committee hearing at which the complaint shall be adjudicated.

3.04 Where a complaint has been filed against a club, the club Executive shall be permitted to review the complaint documents subject to the following conditions:

- (1) Any information identifying the complainant will be redacted as well as any other information deemed appropriate by the chair of the Clubs Governance Committee.
- (2) The club Executive may disclose the contents of the complaint documents to club members. The club Executive is responsible for ensuring that all club members are aware that the documents are confidential.
- (3) The club shall not be permitted to disclose the contents of the documents to anyone other than a club member without written permission of the chair of the Clubs Governance Committee.
- (4) The club will be held responsible for any disclosure of the complaint documents to any person other than a club member. The Clubs Governance Committee may use unsanctioned disclosure of complaint documents as evidence when making a decision regarding potential sanctions.

3.05 The Clubs Governance Committee shall be guided by Clubs Policy and Procedure in adjudicating on alleged violations and may seek the assistance of any source of relevant information.

3.06 The Clubs Governance Committee shall deem the club to have committed the violations in the following circumstances:

- (1) It can be demonstrated that the club violated sections of Clubs Policy and Procedure.
- (2) It can be demonstrated that the club violated USC and/or University governing documents or municipal, provincial, and/or federal law.
- (3) It can be demonstrated that a club misused or abused a USC service or privilege.



3.07 In the event of the club Executive in question requesting an oral hearing rather than a written submission, the Clubs Governance Committee must abide by the following criteria:

(1) The Committee shall inform the candidate in writing of the hearing no fewer than two business days (2) in advance and at this time shall provide the candidate with a written summary of the allegation prepared by the Compliance Officer, and a copy of the findings of the investigation.

- i. The Committee shall redact the names or other identifying information of individuals involved in the investigation.
- ii. In the event the candidate is unable to attend the scheduled hearing, the candidate may send a proxy. The candidate must provide written notice to the Committee notifying of their intention to send a proxy and the identification of the proxy at least one (1) hour prior to the scheduled hearing.

(2) An audio recording of the hearing shall be kept with the Compliance Officer as part of the investigation file and shall not be released to any member of the public, with the exception of the USC's Appeals Board in the event of an appeal.

(3) The order of proceedings at a hearing shall be as follows:

- i. A member of the Clubs Governance Committee shall commence the hearing by reading the alleged violation to the club Executive and outline the findings of the investigation.
- ii. The Committee shall have the opportunity to ask any questions regarding the findings of the investigation in an effort ascertain all pertinent information.
- iii. The club Executive shall have the opportunity to refute any information introduced by the Committee, add any information that the Committee may have missed or overlooked, including any mitigating factors that the Committee should consider in their deliberations.
- iv. The Committee shall have the opportunity to ask follow-up questions based on the information provided by the club Executive.
- v. The club Executive shall have the opportunity to make a final statement to the Committee regarding the case.

3.08 Where a club Executive is given notice of the hearing pursuant to s. 3.07.(1).ii and fails to appear or send a proxy, the Committee shall assume that the club Executive has no further evidence to add to the case and the Committee shall proceed directly to deliberations.

#### **4.00 SANCTIONING PROCEDURE**

4.01 A club found to have committed an alleged violation may be sanctioned as deemed appropriate by the Clubs Governance Committee.



- 4.02 A club that has been found to be in violation of the USC's Bylaw #2 by Elections Committee may be sanctioned as deemed appropriate by the Clubs Governance Committee.
- 4.03 The Clubs Governance Committee shall determine the severity of sanctions according to the following criteria:
- (1) The type of violation.
  - (2) The club's level of responsibility, including any action taken by the club to mitigate the violation.
  - (3) The club's intent prior to and while committing the violation.
  - (4) The persistence, scope, and severity of the violation.
  - (5) The club's prior history of committing violations.
  - (6) The harm caused by the violation.
  - (7) The level of remorse and restorative action demonstrated by the club.
- 4.04 The Clubs Governance Committee may, at its sole discretion, sanction a club. Sanctions may include, but are not limited to the following:
- (1) A written warning.
  - (2) Prohibition from exercising certain privileges afforded the club by the USC.
  - (3) Probation such that any further violation will result in further sanctions or de-ratification.
  - (4) Discipline or removal of individual club member or Executive.
  - (5) Freezing of financial accounts of the club.
  - (6) De-ratification of the club.
- 4.05 Where de-ratification is the selected course of action, the Clubs Governance Committee shall halt the meeting and proceed according to the De-Ratification Procedure.
- 4.06 De-Ratification Procedure:
- Circumstances where de-ratification may be considered include, but are not limited to:
- (1) lack of student interest and involvement based on the discretion of the CGC;
  - (2) the club does not have twenty-five (25) members;



- (3) the CGC deems the club to be dormant due to a lack of activity and/or programming, less than three (3) meetings are held per academic year, or less than one (1) club event is held per semester;
  - (4) the club does not meet deadlines established by the USC, the CGC or those with authority over the Clubs Community on a consistent basis, whether or not due to lack of ability or effort;
  - (5) the relationship between the club and its external organization makes it impossible for the club to follow USC and University governing documents or USC Clubs Policy;
  - (6) the club demonstrated an inability to maintain financial stability or a positive financial account balance;
  - (7) the club consistently disregards requests for action or inaction made by the USC, the CGC or those with authority over the clubs system;
  - (8) the club engaged in egregious conduct as provided for in the Community Standards Policy, or the University's Code of Student Conduct;
  - (9) the club committed a serious misuse or abuse of a USC service or privilege;
  - (10) the club's actions or inactions has discredited the USC and its reputation;
  - (11) the club consistently violated or has, at the CGC's sole discretion, committed a serious violation of USC policies, procedures and other governing documents;
  - (12) the club was found in violation of a municipal, provincial or federal law or regulation; or,
  - (13) the club consciously acted against, or refused to act in a manner that supported, the USC's objective or the club's mandate.
- 4.07 A club that has been de-ratified will have its account closed and any money in the account will become the property of the USC.

4.08 Any club assets or supplies in a locker or in office space will become property of the USC.

#### **5.00 NOTIFICATION**

- 5.01 The Chair of the Clubs Governance Committee shall provide written notice of the Committee's decision within ten (10) days of the decision being made.
- 5.02 Written notice shall consist of the decision, reasons for the decision, and any applicable sanctions.
- 5.03 All documentation including the notice of the decision shall be kept on file with the Compliance Officer.



## **6.00 APPEALS**

- 6.01 An organization that has been sanctioned may appeal the decision of the Clubs Governance Committee.
- 6.02 An appeal must be made in writing to the USC Appeals Board no more than two (2) days after being informed of the decision of the Clubs Governance Committee.
- 6.03 The USC Appeals Board shall provide written reasons for its decision to the appellant organization and the chair of the Clubs Governance Committee.
- 6.04 Should the USC Appeals Board fail to come to a decision, the decision of the Clubs Governance Committee shall be upheld.
- 6.05 The decision of the USC Appeals Board shall be binding and final.

## **7.00 CONTEXT AND ENACTMENT**

- 1. Documents Repealed – N/A
- 2. Supporting/Related Documents – Clubs Governance Committee Terms of Reference, Clubs Operating Policy
- 3. Date Passed – 27 January 2016
- 4. All previous Amendments – N/A