



Judgment of the USC Appeals Board in the matter of:

Mercy Ships Western Campus Club v Clubs Governance Committee, 2017:4

Judgment Date: April 28, 2017

Panel: Danielle D'Alonzo (Chair), Ryan Wolfe, Adrita Shah Noor

Reasons for Judgment: D'Alonzo (Wolfe and Shah Noor concurring)

PART I: OVERVIEW

1. This is an appeal by Mercy Ships Western Campus Club (“MSW”) in response to the decisions by the USC Clubs Governance Committee (“CGC”) to deny ratification of MSW. Due to the discretionary powers held by the CGC to determine which clubs are appropriate for ratification, the Appeals Board dismisses this appeal.

PART II: FACTS

2. MSW’s mission is to raise awareness for the Mercy Ships organization, establish a platform to connect students with each other and with local and international volunteer opportunities, and to spread awareness about the socioeconomic context and global health issues of sub-Saharan Africa. Their proposed events for the 2017-2018 school year include selling candy grams for Valentine’s Day, a guest speaker panel, an “Amazing Race” competition, and a triage workshop competition. The club also plans to organize an observership program whereby students travel to the Africa Mercy ship.
3. MSW submitted an application for club ratification to the CGC. On February 10, 2017, the CGC denied MSW’s application for one reason: the main focus of the club is fundraising.
4. On February 18, 2017, MSW submitted a Request for Reconsideration of their application. The amendments to their Constitution were primarily to the club’s mission, and were aimed at explaining the importance of the club’s work.

5. On March 27, 2017, the CGC denied MSW's Request for Reconsideration. While the club's mandate was no longer considered to be focussed on fundraising, the CGC denied the request on the following basis:

The mandate of your club has shifted focus from fundraising to volunteering within the London community. The CGC committee suggests those interested volunteer directly with the organizations. The USC offers a Volunteer Fair where many local agencies come to the UCC to promote their businesses and solicit volunteers. As well, many other established clubs also contribute to volunteering within the local community.

6. MSW has appealed the CGC's denial of their application for ratification, including the denial of their Request for Reconsideration.

PART II: ISSUES

7. The central issue considered in this appeal is whether the CGC's decision to deny ratification of MSW was reasonable.

PART III: ANALYSIS

What is the appropriate standard of review?

8. There are two standards of review when reviewing administrative decisions: reasonableness and correctness. In the impugned decision, the CGC was interpreting its own statutes and procedures. Accordingly, the CGC is entitled to a significant degree of deference when acting within its area of expertise. Therefore, the appropriate standard of review is reasonableness.

Was the CGC's decision to deny ratification reasonable?

9. Section 2.00 of the USC Procedure for Ratification policy outlines the requirements for ratification, which includes both procedural and substantive requirements. Section 2.00 states:

2.00 Requirements for Ratification

2.01 To be considered for ratification, an organization must submit an application package consisting of the following:

- i. Cover Letter: A typed cover letter stating the organization's desire to be ratified along with the names and email addresses of two (2) representatives of the organization.*
- ii. External Affiliation Form: If the proposed student organization has any affiliation with an external organization as defined in the External Affiliation provisions of Clubs Policy: Clubs Operating Policy, then the applicant must submit a form describing the nature of the relationship, which will be provided by the Student Organizations Support Staff, and submit any supporting documentation requested by the Student Organizations Support Staff. This form will be made available on the USC website.*

- iii. *Written Statement: A written statement, up to a maximum of three (3) pages, that answers the following questions:*
 - a. *What is the objective or mandate of the club?*
 - b. *Explain why your organization wishes to be ratified as a club under the purview of the USC.*
 - c. *How is this club unique and distinct from existing clubs?*
 - d. *Explain the physical, financial and other risks associated with the club.*

- iv. *Constitution: A proposed club constitution that is drafted in accordance with the Club Constitution Guideline, and is formatted the same or similar to the Club Constitution Template.*

- v. *Membership List: A membership list containing at least twenty-five (25) current undergraduate student names, and contact information for those prepared to join the organization once ratified.*

- vi. *Budget: A proposed club budget that gives a plan for the spending of club membership fees. The club fee that is being charged must be indicated in the submitted budget. The budget should also list any anticipated revenue streams and how these monies will be spent. The budget must include insurance and administrative deductions that will be taken from the club account Budget templates shall be made available by the Clubs Finance Coordinator or the USC AVP Clubs.*

- vii. *Description and Schedule of Events/Activities: A detailed itinerary of at least three (3) proposed club events/activities planned for the academic year. The itinerary should include:*
 - a. *description of the proposed events,*
 - b. *potential venues,*
 - c. *marketing strategies for these events and*
 - d. *A brief explanation of how the event/activity will contribute to the mandate of the proposed student organization.*

2.02 *The application package must be submitted online as an electronic file to the Clubs Policy Coordinator.*

2.03 *An organization may meet with the Clubs Policy Coordinator, or, Clubs AVP to ensure that all application requirements have been met. Any assistance from the Clubs Policy Coordinator, or Clubs AVP, does not guarantee that the organization will be ratified.*

2.04 *An organization must be able to demonstrate:*

- i. *Uniqueness and Distinctiveness – the organization must not have the same or a similar mandate to other existing clubs and must be readily distinguishable from all other clubs and services;*

- ii. *Significant student interest; and,*
 - iii. *Autonomy – the organization must not be directed by any external organization(s), as outlined in the External Affiliations Policy, in such a way that the organization’s conduct will conflict with USC and University policies and procedures. This does not prevent the club from having a relationship with an external organization, and/or receiving resources from an external organization.*
10. The preceding excerpt demonstrates the criteria that must be met in order to be considered for ratification. Beyond these criteria, the CGC has the discretion to decide which clubs are or are not suitable for ratification. It is within the purview of democratically-elected members of the USC, including elected members on committees such as the CGC, to determine whether a proposed club should become part of the USC community.
 11. It is evident that the CGC has decided that ratified clubs shall not have fundraising as the main focus of the club. There are any number of reasons why the CGC would make this decision. It is not incumbent upon the Appeals Board panel to determine whether this is an appropriate focus for a club. However, it is reasonable for the CGC to make this determination and impose this requirement equally upon all proposed clubs.
 12. In its original Constitution, MSW referred to itself as a “mobile aid-relief focused charity.” However, in its Request for Reconsideration, MSW explained: “While fundraising was merely one of our many focuses as a club, and as a charity, it was not the primary one. As a charity club on campus, it is most important that we build awareness for our organization and its principles, while promoting the spirit of volunteerism amongst our members.”
 13. The CGC denied the Request for Reconsideration on the basis that the club was now focused on volunteering in the London community. It is again within the discretion of the CGC to determine whether this is an appropriate focus of USC-ratified clubs. The Appeals Board finds that it is reasonable for the CGC to make this determination. Further, the CGC noted that many other clubs contribute to volunteering within the local community. This invokes the “uniqueness and distinctiveness” criteria in section 2.04 of the Procedure for Ratification.
 14. Accordingly, both the original decision and Request for Reconsideration decision were reasonable.

PART III: DISPOSITION

The appeal is dismissed.