



Judgment of the USC Appeals Board in the matter of:

Preventing Abuse In Neighbourhoods Club v Clubs Governance Committee, 2017:8

Judgment Date: April 29, 2017

Panel: Danielle D'Alonzo, Robert Fung, Laura Lepine

Reasons for Judgment: Robert Fung

PART I: OVERVIEW

1. This is an appeal by the Preventing Abuse in Neighbourhoods Club (PAIN) in response to the decision by the USC Clubs Governance Committee (CGC) to deny ratification of PAIN.

PART II: FACTS

2. PAIN's mandate is to try and reduce various types of abuses that occur in society by raising awareness about the realities of abuses that occur in day-to-day life. Additionally, PAIN strives to bring in students from various backgrounds. The club proposes to hold conferences and events to further this mandate. PAIN's vision is to create a community of students which understands the damage that abuse causes and actively advocates against it.
3. PAIN submitted an application for ratification. On March 13, 2017, CGC denied PAIN's application for two reasons: (1) the USC does not permit students to mentor other students and (2) there are professional resources on and off campus for students to tap into.
4. PAIN updated their application.
5. On April 3, 2017, CGC denied PAIN's Request for Reconsideration. The CGC wrote the following in the letter to the club:

“CGC has reviewed your application, including the changes/clarifications you have made, and determined your organization is still **not** currently suited for ratification under the University Students’ Council Club Community based as previously stated. As well, the committee is concerned that students are not professionals or experts in this area [and] fundraising as part of the mandate.”

PART III: ISSUES

6. The central issue considered in this appeal is whether the CGC’s decision to deny ratification of PAIN was reasonable.

PART IV: ANALYSIS

What is the appropriate standard of review?

7. 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?

8. The CGC provided two reasons for denying PAIN’s original application for ratification. The first reason was that the USC does not permit students to mentor other students. However, in reviewing the original application, the Appeals Board finds that PAIN does not address mentorship nor does it permit students to mentor other students.
9. The second reason for denying the application was that there are professional resources on and off campus for students to tap into. This reason touches on the “uniqueness and distinctiveness” criteria for ratified clubs in section 2.04 of the USC Procedure for Ratification policy. However, the Appeals Board finds that PAIN provides additional resources for students that are unique and distinct.
10. The third reason for denying the application was that the committee is concerned that the students are not professionals or experts in this area. However, the Appeals Board finds that this reasoning is unreasonable. PAIN aims to raise awareness about the realities of abuses through charity events and hosting conferences. In the opinion of the Appeals Board, this does not require substantial expertise.
11. The final reason for denying the application was that the committee was concerned about fundraising as part of the mandate. However, the Appeals Board finds that fundraising is not part of the mandate. The mandate is to try and reduce various types of abuses that occur in society by raising awareness about the realities of abuses that occur in day-to-day life. Fundraising is not part of the mandate: rather, it is a way to further PAIN’s mandate.

12. Therefore, the Appeals Board finds that CGC's reasons for denial were unreasonable.

PART V: DISPOSITION

The appeal is allowed. PAIN's application for ratification is remitted to the CGC for reconsideration in accordance with these reasons.