



Judgment of the USC Appeals Board in the matter of:

Sick Kids Club Western v Clubs Governance Committee,
2017:6

Judgment Date: May 1, 2017

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

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

PART I: OVERVIEW

1. The Petitioner, Sick Kids Club Western, applied to the Clubs Governance Committee (hereinafter "CGC") for ratification as a USC club. The CGC denied both the Petitioner's application and request for reconsideration. The Petitioner then appealed to the USC Appeals Board pursuant to Section 6.01 of the Ratification Procedure and By-Law #6.
2. For the reasons that follow, the Board has determined that the CGC's decision not to ratify Sick Kids Club Western should be upheld.

PART II: FACTS

3. Sick Kids Club Western is a proposed club that aims to spread awareness about pediatric diseases. The proposed club would organize events to educate the student body about childhood illnesses and to provide financial contributions to the SickKids Foundation. Intended events include activities such as running information booths and hosting guest speakers.
4. In their original, unrevised constitution, Sick Kids Club Western described the club as one that "will provide an opportunity for undergraduates at UWO to be part of a cause that benefits the younger youth in the Greater Toronto Area and all throughout Canada."
5. In its initial letter denying the Petitioner's application for ratification, the CGC stated that the proposed club was not suitable for ratification because 1) other clubs have similar mandates for the local children's hospital, 2) the proposed club had a focus on fundraising, 3) it would be

difficult for some students to interact with the agency outside of the local area, and 4) the Petitioner's proposed members could volunteer directly with the local agency or other USC clubs.

6. The Petitioner then submitted a request for reconsideration. In its request, the Petitioner responded to the CGC's concerns by stating that many Western University students from the Greater Toronto Area ("GTA") have a closer emotional connection with the SickKids Foundation instead of the Children's Hospital in London, and that the proposed club's fundraising events would be secondary to the ones centred on education and awareness. The Petitioner added that opportunities to be involved directly with SickKids is less accessible to Western University students as those events are held in the Greater Toronto Area during the academic year.

PART II: ISSUES

7. The issues present in this appeal are the following:
 - 1) What is the appropriate standard of review?
 - 2) Should the CGC's decision not to ratify Sick Kids Club Western be upheld?

PART III: ANALYSIS

What is the appropriate standard of review?

8. In determining whether a proposed club is suitable for ratification, the CGC interprets its own governing statute and relies on procedures and policies it is familiar with (such as the *Clubs Governance Committee Terms of Reference* and the *Procedure for Ratification*). As a result, the CGC is owed considerable deference in its interpretation of these policies. Therefore, the appropriate standard of review is reasonableness.
9. The role of the Board in this appeal is to determine whether the CGC came to a reasonable decision in concluding not to ratify the proposed club and whether the CGC acted throughout the process in compliance with USC club policies. It is not the role of the Board to appraise whether the proposed club deserves to be or should be ratified. Instead, the Board seeks to ensure that the proposed club was treated to a fair process.

Should the CGC's decision not to ratify Sick Kids Club Western be upheld?

10. The requirements for ratification can be found in the USC's *Procedure for Ratification*. Section 2.04 outlines three qualities that a proposed organization must demonstrate. They are the following:
 - 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.
11. Section 2.02 of the USC’s *Clubs Operating Policy* also emphasizes the “Uniqueness and Distinctiveness” requirement and states that a “USC Club shall be unique from other USC Clubs.”
12. The CGC’s governing statute is the *Clubs Governance Committee Terms of Reference*, which delineates in section 5(1)(i) that the CGC has the ability to ratify qualified organizations as USC clubs. It is clear from the objective and mandate provisions of the *Terms of Reference* that the CGC has broad authority in deciding how it oversees and manages the clubs community. The decision to ratify a proposed club is thus a discretionary one. In evaluating a student organization’s suitability for ratification, the CGC has the discretion to consider aspects beyond the three requirements outlined in section 2.04 of the *Procedure for Ratification* and can take into account other factors that are relevant to the operation of a USC club and to the clubs culture as a whole.
13. The CGC’s initial decision to reject Sick Kids Club Western was reasonable. The first reason for the denial, that other clubs have similar mandates for the local children’s hospital, is grounded in the “Uniqueness and Distinctiveness” requirement. The other concerns given for the denial, such as the one recognizing the potential difficulty for non-GTA students to interact with the agency, reflects the realities of the Western student community and are justifiable in light of the discretionary nature of granting ratification.
14. The CGC’s decision to reject Sick Kids Club Western’s request for reconsideration was also reasonable. In its response, the CGC stated it was concerned that an emotional bond was not being created with the local London community. The CGC also raised the issue of students living outside of the GTA having limited exposure to the volunteer opportunities, and mentioned that there were potential health and safety risks to one of the proposed student events (the food sale). These are legitimate concerns, and with its broad authority, grounds the CGC could rely on to base their ratification decision.
15. Therefore, both the CGC’s denial of the initial ratification and the request for reconsideration was within its jurisdiction and reasonable.

PART IV: DISPOSITION

The appeal is dismissed.