



Judgment of the USC Appeals Board in the matter of:

Asian Cultural Alliance; Social Venture Club; Western for Vision Loss; Canadian Association for Research in Regenerative Medicine; Children’s Health Community v. USC Clubs Governance Committee, 2015:4 Club Ratification Appeals Part II.

Judgment Date: April 27, 2015.

Panel: Philip Abraham, Brandt Chu, and Derrick Dodgson (Chair)

Reasons for Judgment: Dodgson

Summary

1. This is a consolidation of five USC club ratification appeals, representing the second half of clubs appealing (following the decision of Member Chu in Part I).

2. As stated in Part I:

What is at issue on these appeals is whether the Clubs Governance Committee (CGC) came to reasonable decisions when considering each proposed club’s application and whether it acted throughout the process in accordance with the USC Clubs Policy “Procedure for Ratification.”

3. The Appeals Board is not re-assessing each application on the merits in a *de novo* fashion. The Appeals Board affords the Clubs Governance Committee a significant degree of deference in acting within its area of expertise.

Asian Cultural Alliance (ACA)

4. Based on submitted materials, the ACA seems to represent an initiative from several USC clubs to assist in the integration of international students into the Western community. Their application was rejected on the basis of a lack of uniqueness/overlapping mandate, and not being feasible as a USC club.

5. The Appeals Board finds this decision reasonable, especially given that in addition to the structural issues with such an “alliance” within the USC clubs structure, ACA’s mandate seems to directly overlap with that of the Western International & Exchange Student Centre.

Social Venture Club

6. Based on submitted materials, the Social Venture Club seems to represent an initiative to raise awareness of the concept of social enterprises and social ventures. Their application was rejected for several reasons, including budget issues, overlapping mandate with other business clubs, and perceived difficulty with implementation of the consulting program and transition.

7. The Appeals Board finds this decision was made reasonably. The stated primary purpose to “raise awareness” seems to overlap directly with the existing Smart Solutions club which organizes speaker events. Additionally, the Social Enterprise component seems considerably beyond the scope of feasibility for a USC club to implement, as such programs are often the basis for an entire university department at some schools.

Western for Vision Loss

8. This group originally applied as a chapter of the Canadian National Institute for the Blind (CNIB). Their application was rejected as the CGC has decided that (under the requirement for clubs to be autonomous from external affiliation) it would be most appropriate for Western students interested in working with external charities to join local chapters rather than to found Western chapters.

9. The Appeals Board finds this decision reasonable, and it seems to have been consistently applied (also to the United Way Western in Club Appeals Part I). While the club did make this appeal with a changed name and responses to the above concerns, their revised budget still indicates that approximately 80% of their revenue will be used for charitable donations (presumably to CNIB) rather than for their own awareness initiatives on campus.

Canadian Association for Research in Regenerative Medicine (CARRM)

10. Based on submitted materials, the CARRM is an organization which since 2011 has worked on Ontario university campuses to raise awareness and educate students on regenerative medicine. Their application for ratification of a Western chapter was rejected for several reasons, including specific event problems, specific things missing from their proposed budget, and “not sufficient requirements to be a club”.

11. In their resubmission, CARRM specifically corrected the specifically identified issues with their application. In consultation with the CGC, CARRM learned the insufficient requirement reason was based on the CGC’s opinion that the application (a) did not identify an important gap in the USC clubs community that needed to be filled; and (b) didn’t add something unique to the existing list of clubs.

12. This reason for rejection was not expressed in a way which is reasonable for the CARRM or the Appeals Board to fully understand. There does not seem to be specific information pointing to a pre-

existing regenerative medicine club at western, nor is there discussion of an over-saturation of medical clubs. In responses to other potential clubs rejected for overlapping mandate, the CGC often indicated what existing club(s) might be more appropriate for an applicant's members to join and/or work with. In this case, no such re-direction was included in the CGC's response.

13. It is also important to note that this rejection was not made on the basis of a lack of autonomy. While the CARRM would be a chapter of an external organization, it seems to have been distinguished by the CGC from the United Way and CNIB as its focus is not on donating chapter funds to an external charity and the organization is primarily student driven with chapters only at universities.

14. CARRM successfully addressed the specific concerns brought by the CGC in its re-application, but was again denied "based on the reasons provided previously". Based on the above observations, the Appeals Board finds this to have been made and communicated unreasonably.

Children's Health Community

15. Based on submitted materials, the Children's Health Community would be an affiliate of the Children's Health Foundation, associated with its London branch. In addition to sharing the external/structural issues of the other affiliate clubs being considered, their application was rejected as "many other USC clubs are involved with children volunteer activities".

16. The Appeals Board finds this decision reasonable. While the Children's Health Community claimed in their request for reconsideration that their focus is "novel within current USC Clubs" there was no support provided for this proposition. Knowing that this was considered by the CGC and absent evidence to the contrary, the Appeals Board must agree with the CGC's determination on this issue.

DISPOSITION SUMMARY:

All appeals with the exception of that of CARRM are dismissed.

The appeal of the CARRM is allowed in part: the CGC shall have an opportunity to apply for a hearing in order to better explain its reasoning for denial of reconsideration. In consideration of the ending of the current academic session, such a hearing would not take place until September 2015. The CARRM should be awarded USC club ratification status on a provisional basis so as to not be unfairly disadvantaged by the timing of this process. The CARRM's provisional club status shall become final for the 2015-2016 year in the event that (a) the CGC consents; or (b) the CGC does not apply for such a hearing by September 30, 2015.