



# University Students' Council of the University of Western Ontario CLUB HEARINGS AND SANCTIONS PROCEDURE

**EFFECTIVE:** 30 April 2015

**SUPERSEDES:** 2013

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**AUTHORITY:** Clubs Policy Review Committee    **RATIFIED BY:** Clubs Governance Committee  
30 April 2015

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**RELATED DOCUMENTS:**

- Clubs Operating Policy
- Clubs Ratification and De-Ratification Procedure

**PAGE | 1 of 6**

## 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 SUMMITTING 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 blacked out 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.



## University Students' Council of the University of Western Ontario **CLUB HEARINGS AND SANCTIONS PROCEDURE**

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PAGE | 2 of 6

(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 Clubs Policy Coordinator whether to extend the deadline.

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.

### **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 submit a written response to the complaint to the Chair of the Clubs Governance 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 blacked out 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.



## University Students' Council of the University of Western Ontario **CLUB HEARINGS AND SANCTIONS PROCEDURE**

---

PAGE | 3 of 6

- 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.

### **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 of the violation.
  - (5) The club's prior history of committing violations.
  - (6) The harm caused by the violation.
  - (7) The level of remorse 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:



## University Students' Council of the University of Western Ontario **CLUB HEARINGS AND SANCTIONS PROCEDURE**

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PAGE | 4 of 6

- (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 Club Ratification and De-Ratification Procedure.
- 4.06 De-Ratification:
- 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;



## University Students' Council of the University of Western Ontario **CLUB HEARINGS AND SANCTIONS PROCEDURE**

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PAGE | 5 of 6

- (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 Student Organizations Support Staff.

### **6.00 APPEALS**

- 6.01 An organization that has been sanctioned may appeal the decision of the Clubs Governance Committee.



University Students' Council of the University of Western Ontario  
**CLUB HEARINGS AND SANCTIONS PROCEDURE**

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PAGE | 6 of 6

- 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 appeal panel shall provide written reasons for its decision to the appellant organization and the chair of the Clubs Governance Committee.
- 6.04 Should the appeal panel fail to come to a decision, the decision of the Clubs Governance Committee shall be upheld.
- 6.05 The decision of the appeal panel shall be final.