



Judgment of the USC Appeals Board in the matter of:

**Western Coptic Orthodox Association v USC Clubs Governance Committee, 2016: 4,
De-ratification – March 30 2016**

Judgment date: March 30, 2016

Panel: Tamara Kljakic, Laura Lepine (Deputy Chair), Jenny Ryu

Reasons for Judgment: The Board

Facts

1. On November 5th, 2015, the Clubs Governance Committee (CGC) sent a Sanction Notice to the Western Coptic Orthodox Association (WCOA). This sanction notified the club that their membership numbers were too low to continue to be a ratified club at Western.
2. According to the USC Club Executive Terms of Reference, Section 3.01 (11), clubs must maintain a membership of a least twenty-five (25) members, not including the Executive. At the time, the WCOA had 10 members. The sanction informed the WCOA that a review would occur in January 2016 to determine if progress had been made in regards to increasing membership. If the club had not made any significant increases, the club could face de-ratification.
3. On January 8th, 2016, the USC Clubs team sent an email to all clubs at Western that did not have the required 25 members. The email presented an invite to a 'Clubs Day' on January 22nd in an attempt to increase membership. The Western Coptic Orthodox Association did not attend this 'Clubs Day' and did not increase their membership.
4. On February 5th, 2016, the CGC met to deliberate on the potential de-ratification for clubs who had less than the 25 member minimum. Two motions were unanimously passed. The first motion moved to keep all clubs with over 20 members. The second motion moved to de-ratify all clubs with fewer than 20 members unless they participated in 'Clubs Day'.
5. Since the WCOA did not participate in 'Clubs Day' and had fewer than 20 members, their club was given a notice of de-ratification on February 8th, 2016, under the power of Section 4.04 of the Club Hearings and Sanctions Procedure, which reads in part:

The Clubs Governance Committee may, at its sole discretion, sanction a club. Sanctions may include, but are not limited to the following:

(6) De-ratification of the club.

The committee decided that the WCOA had been given sufficient time and opportunity to increase membership.

6. On appeal, the WCOA argued that the CGC had altered the required membership provision of the Club Executive Terms of Reference, Section 3.01 (11) by choosing not to deratify clubs with at least 20 members or clubs that participated in Clubs Day. The WCOA argued that it would have attended Clubs Day had it known how the CGC would consider the event when sanctioning noncompliant clubs.

Issues

7. There are two issues on this appeal. First, did the CGC's decision to permit the continued existence of clubs with at least 20 members or clubs that attended Clubs Day amount to an alteration of Section 3.01 (11) of the Club Executive Terms of Reference? Second, was the CGC reasonable in its decision to de-ratify the WCOA for failing to meet the minimum number of members and failing to attend Clubs Day?

Analysis

8. The CGC's decision to permit the continued existence of clubs with at least 20 members or clubs that attended Clubs Day was not an alteration of Section 3.01 (11) of the Club Executive Terms of Reference. Nowhere in the CGC's decision was this intent made explicit, nor was it reasonably implied. Rather, the CGC's decision was to not enforce sanctions against clubs with at least 20 members or clubs that attended Clubs Day.

9. Under Section 4.04 of the Club Hearings and Sanctions Procedure, the CGC has sole discretion in sanctioning a club. This discretion includes choosing not to sanction clubs in reasonable circumstances. The CGC exercised discretion when choosing not to sanction clubs that it felt had properly made an effort to achieve the membership minimum.

10. The discretion of the CGC extends to determining reasonable limits to the staying of their sanctioning power. It was reasonable for the CGC to sanction the WCOA for failing to meet the existing criteria found in Section 3.01 (11) of the Club Executive Terms of Reference. The WCOA cannot rely on the CGC's exercise of discretionary power in favour of other clubs to force similar treatment for the WCOA.

11. The WCOA has argued that knowledge of the lower minimum standards would have resulted in a decision by the club to attend Clubs Day, and as such, the club should be presented with other opportunities to increase membership. However, the CGC made known to the WCOA that Clubs Day would be an opportunity to increase membership. Insufficient membership was the reason given for WCOA's initial Sanction Notice. As such, the WCOA's decision not to participate in Clubs Day was made with the knowledge that Clubs Day could be used to prevent further sanctioning of the club. Though the exact threshold numbers were unknown to WCOA, the club made no attempt to increase membership at all.

12. The Board is sympathetic to the position of the WCOA, which represents a minority religious group at the University. As well, by permitting clubs with more than 20 members or who attended Clubs Day to escape sanction, the CGC has taken a more nuanced approach to clubs serving such small or minority groups. However, the WCOA has declined all opportunities to increase or attempt to increase membership. It is reasonable in these circumstances for the CGC to de-ratify the WCOA.

Held

13. *The appeal is thereby dismissed.*