

**University Students' Council of the University of Western Ontario
Clubs Policy**

HEARING & SANCTIONING PROCEDURE

Effective: April 1, 2010

Supercedes: September 1, 2009

Committees of the University Students' Council (USC) Clubs Community include:

Clubs Governance Committee (will be referred to as CGC)

Clubs Support Committee (will be referred to as CSC)

Clubs Policy Review Committee (will be referred to as CPRC)

1.00 GENERAL:

- (1) Any reference to 'day' or 'days' shall include any day or days of the week, except for Saturday, Sunday and statutory holidays, and the USC winter holiday closing period set by the USC.
- (2) Any reference to a 'person' shall include an individual, group of individuals or corporate entity.

2.00 SUBMITTING A COMPLAINT:

- (1) The investigation of a club may be commenced as follows:
 - i. by the receipt of a complaint by the Clubs Governance Committee;
 - ii. by the receipt of a complaint from another club or club member to the Vice President Student Events;
 - iii. on the CGC's own initiative; or
 - iv. on the recommendation of the Vice-President Student Events and Clubs Coordinator or Clubs Governance Commissioner.
- (2) A complaint must specify the following:
 - i. the name of the club;
 - ii. the name of the complainant;
 - iii. the date or time period of the alleged violation;
 - iv. the circumstances leading to the alleged violation;

- v. the provision(s) of the policy or procedure the club is alleged to have violated; and,
 - vi. any other relevant information.
- (3) A complainant should keep in mind that any complaint submitted will be provided to the club; however, any identifying information about the complainant will be blacked out.
- (4) The complaint must be submitted to the Clubs Governance Commissioner. The Clubs Governance Commissioner shall ensure that the complaint contains all of the required content provided for in the above provision. Assistance by the Clubs Governance Commissioner does not ensure the quality of the complaint.
- (5) Any complaint can be submitted to the Clubs Governance Commissioner within thirty (30) days of the alleged violation or within thirty (30) days of when the alleged violation is discovered. A complaint is deemed submitted even if the requirements of paragraph (2) have not been fully complied with. It is at the sole discretion of the Clubs Governance Commissioner to determine whether or not a complaint has been filed.
- i. If requested, the complainant must be able to demonstrate when the alleged violation was discovered.
 - ii. A written request for an extension of time allotted for submitting a complaint may be submitted to the Clubs Governance Commissioner. An explanation as to why the complaint was not submitted within the allotted time must be provided.
 - iii. When determining whether to allow the complaint to be filed, the Clubs Governance Commissioner shall weigh the benefit of having the complaint heard against (1) the reasons for the delay and (2) any other implications that may result from having the complaint submitted. The Clubs Governance Commissioner will notify the individual seeking the extension of time and the CGCCPC of her decision.
- (6) It is the complainant's sole responsibility to ensure that the complaint was properly submitted in its entirety.

3.00 HEARING PROCEDURE:

- (1) Once the Clubs Governance Commissioner deems the complaint to be complete, the complaint shall be submitted to the Chair of the CGC.
- (2) Once a complaint is received by the Chair of the CGC, a meeting of the CGC shall be scheduled as early as is reasonably possible, having regard to any other requirements

that must be met within this Procedure and the Clubs Policy. Prior to scheduling any meeting, specific regard shall be had to the De-Ratification Procedure.

- (3) Within ten (10) days of the date that the Chair of the CGC received a complaint, the Executive members of the club alleged to have committed a violation shall be notified and provided with an opportunity to respond. Notification will be sent to the club's designated email account and the email account of the club President.
 - i. The Executive members of the club must be provided with the opportunity to submit a written response and must be permitted at least five (5) days to submit its written response.
- (4) Unless the circumstances require otherwise, a club will be permitted to review the complaint documents subject to the following conditions:
 - i. Any information identifying the complainant will be blacked out. The Chair of the CGC will determine what information will be blacked out;
 - ii. Any current club member may view the complaint documents if given permission by the Executive members of the club;
 - iii. The club's executive members are responsible for ensuring that all club members are aware that the documents are confidential and that confidentiality must be maintained at all times;
 - iv. The club will not be permitted to disclose the complaint documents to any person, other than a club member, without the written permission of the Chair of the CGC; and,
 - v. The club will be held responsible for any disclosure of the complaint documents to any person other than a club member, whether intentional or not. The club may be sanctioned for such release.
- (5) The CGC may seek out the assistance of resources available to it, including individuals with specific knowledge or expertise, to provide relevant information.
- (6) The CGC shall be guided by the Clubs Policy and any of its Procedures during its decision-making process.
- (7) The CGC shall determine whether or not the allegations made against a club are warranted. A complaint will be warranted for any of the following reasons:
 - i. the club breached any of the responsibilities outlined in the Clubs Policy: Clubs Operating Policy, or the club failed to follow any of the procedures outlined in Clubs Policy: General Club Procedures;

- ii. the club breached any of the USC's or The University of Western Ontario's governing documents;
- iii. the club does not meet deadlines for information submissions established or those with authority over the Clubs Community;
- iv. all members of the Executive as requested by the USC are not represented at Student Organizations' Training organized by the USC;
- v. the club repeatedly disregarded requests for compliance made by those with authority over the clubs system; or,
- vi. the club misused or abused a USC service or privilege.

4.00 SANCTIONING PROCEDURE:

- (1) A club found in violation of the Clubs Policy may be sanctioned where and as deemed appropriate by the CGC.
- (2) The CGC may sanction any club that has been referred to it by the Elections Committee for breach of By-Law #2.
- (3) Any sanction(s) imposed must be in proportion to the infraction taking into consideration, amongst other things, the following:
 - i. the type of violation;
 - ii. the club's level of blameworthiness, including any action taken by the club with the intent to avoid or mitigate against a violation;
 - iii. the blameworthiness of third parties, if any, and whether or not it mitigates against the club's blameworthiness;
 - iv. the club's intent prior to and while committing the violation;
 - v. the circumstances or events preceding the violation;
 - vi. the persistence of the violation;
 - vii. the club's past history of committing violations;
 - viii. the number of violations before the CGC at that time;
 - ix. the harm caused by or resulting from the violation;

- x. the club's actions or behaviour subsequent to the violation, including any restitutionary action taken by the club;
- xi. the level of remorse demonstrated by the club; and,
- xii. the level to which the club members, the USC, or the University was exposed to legal and/or financial liability.

(4) The CGC may sanction a club in any one or more of the following forms:

- i. Warning: a club will receive a written warning for minor violations, as decided at the CGC's sole discretion;
- ii. Prohibition: a club will be prohibited from exercising the privileges associated with the type of infraction committed. For example, a club that misuses or abuses a meeting room in the University Community Centre shall be prohibited from reserving space in the University Community Centre for a set period of time;
- iii. Probation: a period of time will be established where a club must demonstrate that it is capable and willing to adhere to club policy and procedures without error. When a club is placed on probation, it cannot violate any element of club policy or procedures (or prohibitions placed on the club by the CGC) for a duration of time stipulated by the CGC. Probation is to be applied to a club by the CGC where:
 - a. The activities of the club have exposed students, the USC, or the University to serious financial and/or legal liability;
 - b. The club has acquired repeated warnings or sanctions;
 - c. The club has seriously breached the USC's or the University's policies and/or procedures; or
 - d. The club has seriously misused or abused a USC service or privilege.

A club that violates its probation within the period of time set will be scheduled for further sanctioning by the CGC, which may include de-ratification. The CGC shall set the period of time during which the sanction is imposed; and,

- iv. De-ratification: a club will be de-ratified in accordance with the De-ratification Procedure.

5.00 FREEZING A CLUB'S FINANCIAL ACCOUNT:

- (1) Either the Vice-President Student Events or the USC Senior Manager, Finance may freeze a club's financial account under any of the following circumstances:

- i. the club is not represented at a mandatory USC meeting, including mandatory meetings for club presidents, and does not send a designated representative;
 - ii. the club's budget is not submitted by the designated date;
 - iii. spending or accounting irregularities are detected; or,
 - iv. other violations as deemed appropriate by Vice-President Student Events.
- (2) The USC Senior Manager, Finance must notify the Vice-President Student Events in writing immediately after freezing a club financial account;
- (3) The Vice-President Student Events must notify the CGC of any club account that has been frozen and the reasons for taking such action.

6.00 CGC'S DECISION

- (1) The Chair of the CGC must notify the complainant and the club of its decision in writing within five (5) business days of the date the decision was made. Written notification of the decision must be:
- i. sent to the club's designated email account and the email account of the club President; and,
 - ii. posted outside of the USC Office.
- (2) The CGC's notice of its decision must specify:
- i. the CGC's decision;
 - ii. the reasons for the decision;
 - iii. the sanction(s) imposed, if any; and,
 - iv. whether any right to appeal exists, and if so, the time in which an appeal must be made.
- (3) The decision of CGC is final, except that a club may appeal a decision to de-ratify to the Appeal Panel. The appeal process and the Appeal Panel are more fully addressed in the De-ratification Procedure.
- (4) The Chair of the CGC shall file all documents pertaining to a specific sanction to the Student Organizations Advisors to be kept on record for the USC. All sanctions shall be made available to future executive of each club by the Student Organizations Advisors or the Vice President Student Events.