



Judgment of the USC Appeals Board in the matter of:

Western Punjabi Association v Clubs Governance Board, 2025:1 Clubs

Hearing Date: January 7, 2025

Judgment Released: January 13, 2025

Panel: William Fawcett (Chair), Ann Sony, Lydia Tzianias

Reasons: Fawcett (Sony, Tzianias)

PART I: INTRODUCTION

1. This is the second time in the course of twelve months that an appeal involving the Western Punjabi Association (the “WPA”) has come before this Board. The decision in the previous appeal is published as *Western Punjabi Association v Clubs Governance Board, 2024:1 Clubs*. In that decision, this Board upheld, with minor revisions, the decision of the Clubs Governance Board (the “CGB”) to place the WPA on probation for a period of one year, ending December 1, 2024. As part of that probation, the WPA was prohibited from holding any events involving alcohol.

2. The current appeal arises from the CGB’s decision on November 7, 2024 to de-ratify the WPA following an investigation into a complaint that the WPA had held an event involving alcohol. It is from this decision that the WPA appeals.

3. For the reasons detailed below, we find the CGB’s decision to de-ratify the WPA as a USC-club to be reasonable, and the appeal is dismissed.

PART II: FACTS

4. The facts leading to the WPA being placed on probation are detailed in *Western Punjabi Association v Clubs Governance Board*, 2024:1 Clubs. In short, the WPA had a history over several years of problems with club events involving alcohol. As result, the WPA was placed on probation until December 1, 2024, which included a prohibition against holding any events involving alcohol.

5. The notice of sanctions delivered to the WPA included a warning that “future complaints involving alcohol following the probation period may result in steps being taken towards de-ratification of the club under the *Clubs De-Ratification Procedure*” (*Western Punjabi Association v Clubs Governance Board*, 2024:1 Clubs, para 32).

6. On October 29, 2024, there was an event held at Lost Love Social, a local night club.¹ That event was named DARR N’ DAARU. The CGB advises that the name of the event translates from Hindi as something like ‘fear and alcohol’. This translation was not contested by the WPA.

7. The WPA has not challenged the assertion that the DARR N’ DAARU event involved alcohol. In addition to the name, the evidence before this Board is that the event was limited to patrons ages nineteen and over, the event was held at a nightclub, and the website where tickets could be purchased including in its description an invitation for participants to “Dm for bottle service & booths”.

¹ This sentence is deliberately written in the passive voice. As will be detailed below, the question of who held this event is a central issue on this appeal.

8. At issue on this appeal is whether the WPA held the DARR N' DAARU event. Promotional materials for the event read as follows.

OPA Presents

DARR N' DAARU

WPA x YPA

9. The references to OPA, WPA, and YPA are references to the Ontario Punjabi Association, the Western Punjabi Association, and the York Punjabi Association respectively.

10. On October 17, 2024, the CGB received a complaint of an alleged violation of the WPA's probation in connection with the DARR N' DAARU event. The CGB began to investigate this complaint under the *Club Hearings and Sanctions Procedure*. On October 24, 2024, the CGB sent an email to "punjabi.club@westernusc.ca" informing the WPA of the complaint and investigation and requesting a response from the WPA no later than October 31, 2024.²

11. The WPA did not reply until November 5, 2024. The WPA's president, M.D., who represented the WPA at this appeal, advises that she did not see the CGB's email until that date. In the responding email, the WPA took the position that DARR N' DAARU was not a WPA event but rather the "event was ran through OPA".

12. The CGB met on November 6, 2024 to consider the complaint. Although it had received the WPA's written response on November 5, 2024, it did not consider the WPA's response as part of its deliberations. This Board is advised that the materials for a meeting of the CGB are sent to participants several days in advance of a meeting, and the WPA's response was received after the materials had already been sent out.

² Section 4.4 of the *Clubs Hearings and Sanctions Procedure* provides that a club shall be given five days to submit a written response to a complaint, and section 4.4.1 provides that, if a response is not provided within five days, the CGB's investigation of the complaint will proceed without the club's submission.

13. On November 7, 2024, the CGB notified the WPA of its decision to de-ratify the club as a USC-club. Three reasons were given in the notice of de-ratification:

- a. the DARR N' DAARU event was a violation of the WPA's probation,
- b. the WPA violated section 2.1 of the *Clubs and Faculty Council Event Approval Procedure* by failing to submit an event proposal for the DARR N' DAARU event, and
- c. the WPA violated section 3.4 of the *Clubs Finance Procedure* by using a third-party portal for digital sales.

PART III: ISSUE

14. The issue on this appeal is whether the CGB's decision to de-ratify the WPA was reasonable.

PART IV: SUBMISSIONS

15. The WPA's submissions adopted the same position as was taken in its November 5, 2024 email: the WPA did not host the DARR N' DAARU event, which was an OPA event. The WPA also pointed to the efforts and changes it had made since it had been placed on probation, running events such as games nights, sports events, and a Valentine's Day event involving bracelet making and letter writing. The WPA suggested that, rather than de-ratification, this could be an opportunity to "refresh boundaries" between the WPA and OPA as part of the WPA's efforts to reduce the problems highlighted in *Western Punjabi Association v Clubs Governance Board*, 2024:1 Clubs and to continue a dialogue between the WPA and the CGB.

16. In its submissions, the CGB emphasized that a USC-club is first and foremost under the umbrella of the University Students' Council, not any parent organization. The CGB explained

that, in deciding to de-ratify the WPA, it had considered the club's history of violations leading up to it being placed on probation and the terms of that probation. The CGB submitted that ultimately the crux of the issue was that the WPA held the DARR N' DAARU event – not just promoted it – and the CGB relied upon this Board's decisions in *UWO Vegan Society Appeal*, February 9, 2016 and *Ski and Snowboard Club v Clubs Governance Board*, 2021:1 in support of this.

PART V: ANALYSIS

i. The Appeals Board is to Assess the Reasonableness of Sanctions Imposed, not to Assess Whether Other Sanctions Could have been Imposed

17. Section 2.3 of the *Appeals Board Terms of Reference* provides that this Board shall apply the reasonableness standard when reviewing all appeals. Therefore, in deciding appeals of a sanction imposed on a club by the CGB, this Board will ask whether the sanctions imposed are reasonable. In doing so, it may consider whether the sanctions imposed are unduly harsh, heavy handed, or strict, and it may also consider whether the sanctions are aimed at rectifying the problem giving rise to the sanction. This Board will not ask what decision it would have made in place of the CGB, nor will it seek to determine what it may consider to be the 'correct' sanction (*Western Punjabi Association v Clubs Governance Board*, 2024:1 Clubs, paras 26 – 27).

18. For this reason, the WPA's submissions that the CGB could have applied measures other than de-ratification are not persuasive. While the complaint regarding the DARR N' DAARU event could be a springboard for further discussions regarding the WPA's relationship with the CPA, it is not for this Board to weigh alternate sanctions or measures that could have been taken. The question to be decided is whether the CGB's decision to de-ratify the club was unreasonable.

ii. The WPA Held the DARR N' DAARU Event

19. Section 2.1 of the *Clubs and Faculty Event Approval Procedure* provides that all USC-clubs shall submit an event proposal for approval “before holding any event” (emphasis added).

20. This provision has been considered by this Board before in at least two cases: *UWO Vegan Society Appeal*, February 9, 2016 and *Ski and Snowboard Club v Clubs Governance Board*, 2021:1.³

21. In *UWO Vegan Society Appeal*, the club had participated in a protest outside of a local restaurant without first submitting an event proposal. That protest was not a club event, i.e., it was organized by another organization. At paragraph 3 of its decision, this Board held that “[p]articipation is sufficient to require an event proposal, even if the event was not organized by the club.” Participation in that case was grounded in the fact that the protest was advertised to club members on the club’s Facebook page and by a club executive member.

22. In *Ski and Snowboard Club*, the club’s president rented out a skating rink for club members. No event proposal was submitted, as the club took the position that it was not an event held by the club. At paragraph 77 of its decision, this Board concluded that the skating event was “an official club event simply because it was advertised through an official channel of communication and the target audience was current or prospect members” of the club.

23. “Holding” an event is not synonymous with “hosting” an event. Holding an event is a broader concept than hosting an event, as seen in the two decisions just addressed. A club may be

³ The Appeals Board Chair brought these two cases to the attention of the parties in an email dated December 5, 2024, and the parties were each invited to make submissions regarding what bearing, if any, these decisions may have upon this appeal.

considered to hold events that it does not plan or organize when it advertises that event to club members through official channels.

24. However, in this case the WPA went further than merely advertising the DARR N' DAARU event through official channels, although the screenshots of the WPA's Instagram account show that it certainly did promote the event in that manner. The following shows the WPA's active involvement in the DARR N' DAARU event.

- a. The WPA was identified on promotional materials by its initials, along with the OPA and the YPA.
- b. The WPA is identified as a collaborator with the OPA and the YPA on the Instagram posts.
- c. The WPA's comment on its October 29, 2024 Instagram post indicated that the DARR N' DAARU event was presented by the OPA "in collaboration with WPA and YPA".
- d. The WPA had the ability to edit and revise promotional materials in collaboration with the OPA.

25. Although the OPA may have been the official host of the DARR N' DAARU event, this Board finds that the CGB reasonably concluded that the WPA held the event. Not only did the WPA officially advertise the event, it was an active participant in the event. As a result, the CGB's

decision that the WPA violated the terms of its probation and also violated section 2.1 of the *Clubs and Faculty Council Event Approval Procedure* was reasonable.⁴

iii. *The CGB's Decision to De-ratify the WPA was Reasonable*

26. Section 2.2 of the *Clubs De-Ratification Procedure* enumerates a non-exhaustive list of circumstances in which de-ratification may be considered by the CGB. One of these circumstances is when a club has consistently violated USC policies and procedures.

27. In this case, the WPA has a multi-year history of significant problems at events involving alcohol (*Western Punjabi Association v Clubs Governance Board*, 2024:1 Clubs, paras 7 – 11). These problems resulted in the WPA being placed on probation, with the WPA being warned that future complaints involving alcohol could result in de-ratification of the club.

28. Despite being placed on probation and having received this warning, the WPA was an active participant in the DARR N' DAARU event, at which alcohol was served. The evidence before this Board is not sufficient for us to draw any conclusions as to whether the WPA was intentionally attempting to circumvent the terms of its probations by having the OPA host the DARR N' DAARU event, and we draw no conclusions in this regard.

29. However, as detailed above, we have concluded that the WPA was actively involved in the DARR N' DAARU event. It may not have been the host, it may not have been the only organization to hold the event, but the WPA held the event. Given that the WPA was on probation and prohibited from holding events involving alcohol, this should have engendered a significant

⁴ As this is sufficient to decide this appeal, it is not necessary to decide whether the WPA violated section 3.4 of the *Clubs Finance Procedure* by using a third-party portal for digital sales, and this Board declines to do so.

degree of caution on the part of the WPA, regardless of whether or not it was officially hosting the event. At the very least, it would reasonably have been expected that the WPA would have sought clarification from the CGB as to whether its involvement in the event would be considered a violation of its probationary terms.

30. The WPA had a history of problems with events involving alcohol. It was on probation and prohibited from holding any events involving alcohol. It was warned of the risk of de-ratification if there were future complaints involving alcohol. Despite this, it held the DARR N' DAARU event, which involved alcohol. It could have sought clarity from the CGB as to whether its involvement in the DARR N' DAARU event would be a breach of the terms of its probation, but it did not do so. In these circumstances, we find that de-ratification is not unduly harsh, heavy handed, or strict. The CGB's decision to de-ratify the WPA was reasonable.

iv. Regarding the Additional Submissions made at the Hearing

31. The WPA was represented at the hearing of this appeal by M.D. In the midst of her submissions, another individual, M.I.S.M., sought permission to speak. He identified himself as also holding a position with the WPA. This Board permitted him to make additional submissions on behalf of the WPA after M.D. completed her submissions.

32. In brief, M.I.S.M.'s submissions may be characterized as an attempt to throw M.D. under the bus and to pin blame for any problems with the WPA on her. His submissions were unhelpful and irrelevant. The Appeals Board is not a venue for intra-club disputes. We have not considered his submissions in reaching our decision.

33. While we have not granted the appeal, we found M.D. represented the WPA well before us. Her submissions were thoughtful and articulate, and showed care and concern for the WPA.

v. *Conclusion*

34. For the reasons outlined above, this appeal is dismissed.

W. Fawcett

A. Sony

L. Tzianan