



Judgment of the USC Appeals Board in the matter of:

***Ethiopian and Eritrean Student Association v Clubs Governance Board, 2025:5 Clubs***

**Hearing Date:** February 21, 2025

**Judgment Released:** February 26, 2025

**Panel:** William Fawcett (Chair), Anjali Kupchand, Paul Zhao

**Reasons:** Kupchand (Fawcett, Zhao)

**PART I: INTRODUCTION**

1. This is an appeal of a decision by the Clubs Governance Board (“CGB”) to deny the application for ratification submitted by the Ethiopian and Eritrean Student Association (“EESA”).
2. For the reasons detailed below, this appeal is denied, and the original decision of the CGB is upheld.

**PART II: FACTS**

3. The EESA submitted an application for ratification during the most recent application window.
4. As part of the application process, the EESA was required to submit a draft constitution.

5. Article 5 of the draft constitution submitted by the EESA reads as follows:

**Article 5 - Meetings**

1. The Executive Committee will meet weekly.

2. Annual General Meetings will be held once per semester.

a. Minutes of the Annual General Meeting must be recorded and uploaded to Western Link

3. The quorum for all meetings shall be fifteen (15) percent of the total membership

6. On January 15, 2024, the CGB informed the EESA that its application for ratification was denied. The CGB's decision was based on one alleged breach of the *Clubs Ratification Procedure* (the "***Procedure***"):

a. An alleged breach of section 2.1.3 of the *Procedure*, which requires the submission of a draft constitution that is formatted in accordance with the *Club Constitution Template*.

7. It is from this decision that the EESA appeals.

**PART III: ISSUE**

8. The issue on this appeal is whether the CGB's decision not to ratify the EESA based on section 2.1.3 of the *Procedure* was reasonable.

**PART IV: SUBMISSIONS**

9. With the consent of both parties, this appeal proceeded by way of written submissions alone.

10. The EESA submitted that while the formatting may differ slightly from the template, the content aligns with the requirements outlined in the Club Policy Manual, which allows for "same or similar" formatting and this flexibility "suggests room for interpretation."

11. The CGB submitted that the following elements were missing from the EESA's draft constitution:

- Article 6 - Annual General Meeting (AGM).

12. The CGB also submitted that while EESA's proposed constitution did reference an AGM under Article 5 - Meetings, it omitted several key requirements such as references to the information that club members are entitled to at the AGM, or the necessary activities that would take place during the AGM.

## **PART V: ANALYSIS**

### ***i. The Framework for Appeals Regarding Decisions not to Ratify***

13. The CGB has significant discretion with respect to the ratification of proposed student clubs (*AIM to Educate Western v Clubs Governance Board*, 2022:1, para 20).

14. In an appeal of a decision by the CGB not to ratify a club, the role of the Appeals Board is to ensure both the presence of fairness in the decision making process and the adherence to the relevant policies and by-laws. The discretionary power to determine whether a proposed club should or should not become a part of the USC community is ultimately within the purview of the CGB. The Appeals Board does not determine whether any proposed club deserves ratification, as this lies beyond the scope of an appeal to the Appeals Board (*Western Clay Club v Clubs Governance Board*, 2023:6 Clubs, para 14).

15. Regarding the merits of a decision by the CGB not to ratify a club, the Appeals Board will look to see whether the CGB's decision was reasonable based on the material that was before it at the time that the decision was reached (*AIM to Educate Western v Clubs Governance Board*, 2022:1, para 32). The Board must determine if the CGB's decision was transparent, justified, and intelligible and fell within a range of acceptable and defensible outcomes (*AIM to Educate Western v Clubs Governance Board*, 2022:1, para 25).

16. As highlighted in *UWO World Vision v Clubs Governance Board*, 2024:3 Clubs, a deficient draft club constitution is a reasonable ground on which the CGB may deny ratification. A club may not submit a revised constitution on an appeal before the Appeals Board (*UWO World Vision*, para 16). What is in issue on an appeal is whether there were deficiencies in the draft club constitution as originally submitted as part of the application for ratification.

***ii. The CGB's Decision to Deny Ratification Based on Section 2.1.3 of the Procedure was Reasonable***

17. There is no dispute that the proposed constitution submitted by the Club did not include Article 6 contained in the *Clubs Constitution Template*. The missing provision would have required the Club to meet various requirements of importance to the USC or to the good governance of the Club (*UWO World Vision*, para 15). For example, the proposed constitution failed to include the information that club members are entitled to at the AGM, or the necessary activities that would take place during the AGM.

18. As submitted by the CGB, a club may make changes to aesthetic elements of the club's constitution, such as typeface, spacing, indentation, or perhaps the inclusion of a club's logo. Content-based provisions, including the AGM requirements, must be followed in full. Thus, the

omission of Article 6 in EESA's constitution is not simply a formatting issue, but rather a substantive deficiency of a necessary part of the constitution.

19. Without those particulars, the EESA's draft constitution was incomplete. The CGB's decision to deny ratification based on a deficient draft constitution was reasonable, and for this reason the appeal is dismissed.

20. Having identified the deficiencies with the draft constitution, nothing prevents the EESA from correcting these deficiencies should it wish to reapply for ratification in the upcoming academic year. That said, it is during the next ratification cycle that such revisions are to be made, as neither the *Procedure* nor the *Appeals Board Terms of Reference* provide an opportunity for a club to be reconsidered for ratification based on revised documents submitted as part of an appeal (*Mustangs Bhangra Association v Clubs Governance Board*, 2024:12 Clubs, para 25).

## **PART VI: OUTCOME**

19. For the reasons outlined above, the CGB's decision not to ratify the EESA is upheld, and this appeal is dismissed.

A. Kupchand

W. Fawcett

P. Zhao