



Judgment of the USC Appeals Board in the matter of:

Maghrebi African Student Association v Clubs Governance Board, 2025:6 Clubs

Hearing Date: February 21, 2025 (in writing)

Judgment Released: February 26, 2025

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

Reasons: Fawcett (Zhao, Kupchand)

PART I: INTRODUCTION

1. The Maghrebi African Student Association (the “**Club**”) applied for ratification during the January 2025 cycle of USC club ratification applications. The Clubs Governance Board (the “**CGB**”) declined to ratify the Club, and the Club has appealed that decision.
2. For the reasons addressed below, that appeal is dismissed.

PART II: FACTS

3. The Club applied for ratification. Its application package contained the usual materials. Of note, for the purposes of this appeal, these materials included the Club’s proposed budget, list of executive members, and membership list.
4. The proposed budget adopted the template provided to the Club by the student community manager. It indicated revenues of \$250 and expenses of \$420, with the result that the Club projected a deficit of \$170.

5. The executive list was provided on the online form. Four individuals were identified with respect to the four mandatory executive positions. Western email addresses were not provided for these four individuals where they were listed on the online form.

6. However, the four individuals referred to in the previous paragraph were included as part of the membership list. Their Western email addresses were included there.

7. On January 15, 2025, the CGB informed the Club that it had not been ratified. Three alleged reasons were identified:

- a. Contrary to section 2.1.2 of the *Clubs Ratification Procedure* (the “***Procedure***”), the Club did not provide a list of individuals to fill the four mandatory executive positions, as well as their Western email addresses;
- b. Contrary to section 2.1.5 of the *Procedure*, the Club failed to submit a clear, detailed budget covering all sources of revenue and expenditures; and
- c. Contrary to section 2.5.1 of the *Procedure*, the Club failed to demonstrate it had a feasible model of operations because the Club was projected to be in a deficit.

8. It is from this decision that the Club appeals.

PART III: ISSUE

9. The issue is whether the CGB’s decision not to ratify the Club was reasonable.

PART IV: SUBMISSIONS

10. At the request of the parties, this appeal was decided on written submissions alone.

11. The Club made the following submissions:
 - a. the CGB's interpretation of the *Procedure* was unreasonable and inconsistent with past decisions of this Board because the CGB failed to assess the Clubs' application based on its unique role in representing a marginalized cultural community;
 - b. the CGB applied arbitrary standards regarding budget feasibility because it followed the template provided by the student community manager and the CGB failed to point out any financial errors beyond the claim that the club was projected to be in a deficit;
 - c. the executives' Western email addresses were contained in the membership list; and
 - d. the CGB did not provide an opportunity to the Club to clarify or remedy perceived issues.

12. The CGB's submissions may be summarized as follows:
 - a. the Club's budget had numerous deficiencies, and, because it projected the club would be in a deficit position, it showed the Club did not have a feasible model of operations;
 - b. the requirement for Western email addresses to be provided is mandated by the *Procedure*, and these email addresses must be part of the executive list, not simply part of the membership list; and

- c. the denial of a club's ratification is not an opportunity to edit and resubmit an application for re-evaluation.

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).

ii. The CGB's Decision to Deny Ratification Based on Section 2.1.2 of the Procedure was Unreasonable

16. Section 2.1.2 of the *Procedure* provides as follows.

2.1. To be considered for ratification, a club must submit an application package consisting of the following:

[...]

2.1.2. Executive List: A list of students to fill the President, VP Events, VP Finance, and VP Communications roles of the club, as well as their Western University-provided email.

17. The wording of this section is ambiguous. It could be read such a club is required to submit a list that includes two sets of information: the names of students to fill the four required executive roles and their Western email addresses. It could also be read such that a club is required to submit a list of the names of students to fill the four required executive roles and the club is also required to submit those individuals' Western email addresses.

18. The Club had no role in drafting the *Procedure*. The ambiguity in section 2.1.2 should not be resolved against it. Accordingly, the CGB's decision to deny the Club's ratification based on section 2.1.2 of the *Procedure* was unreasonable.

19. The instructions contained on the online application form for the list of executives reads as follows.

Please list your executives and their positions. Note that you must have ONE of each position: President, VP Finance, VP Events, VP Communications. You are free to add any positions and names for those positions as you like[.]

20. The CGB could have made clear in these instructions that it wished for the executives' Western email addresses to be included with this part of the application. It did not do so. Given

the ambiguity in section 2.1.2 of the *Procedure* and given that the CGB's instructions for completing the online application form did not expressly indicate that the executives' Western email addresses must be included with the response to this part of the form, it was sufficient for the Club to include the executives' Western email addresses as part of its membership list.

iii. The CGB's Decision to Deny Ratification Based on Section 2.5.1 of the Procedure was Reasonable

21. Section 2.5.1 of the *Procedure* provides that a club applying for ratification "must be able to demonstrate that it has a feasible model of operations."

22. There is no dispute that the Club's budget projected that it would be in a deficit position at the end of its first year. While the student community manager provided the budget template to the Club, the Club is solely responsible for the content it provided when filling out the template. The Club is responsible for providing a budget that projected a deficit.

23. In *Western Cultural Dance Company v Clubs Governance Board*, 2024:4 Clubs, this Board held that the CGB may reasonably deny ratification of an applicant club if its budget is not feasible. In that case, the club assumed 100% of its membership would attend every event and pay the associated fees, which was required for the club to break even under its proposed budget. Such attendance is extremely rare among USC clubs. Moreover, the projected costs underestimated the likely costs based on extrinsic evidence. The CGB denied ratification in that case because the club would likely be in a deficit position, and this Board held that decision to be reasonable.

24. This case is even more straightforward, as the Club's own projections place it in a deficit position. It is not feasible for a club to have a model of operations that would place it in a deficit

position. Accordingly, the CGB's decision to deny ratification based on section 2.5.1 of the *Procedure* was reasonable.

iv. Additional Matters

25. Given our decision with respect to CGB's decision based on section 2.5.1 of the *Procedure*, it is unnecessary for us to decide whether the CGB's decision to deny ratification based on section 2.1.5 of the *Procedure* was reasonable, and we decline to do so.

26. As part of its written submissions on this appeal, the Club suggested that certain of this Board's past decisions should be interpreted such that its ratification was necessary. While those submissions were considered, they mischaracterized many of the past decisions the Club attempted to rely upon.

27. The Club submitted that this Board's decision in *Speak Western v Clubs Governance Board*, 2024:5 Clubs stands for the proposition that "a club cannot be denied ratification based on arbitrary interpretations of policy if their mandate is distinct and serves a unique student community."

28. That decision does not stand for such a proposition. Instead, this Board held that a club will not be found to be duplicative of a service already provided by the USC or Western (contrary to section 2.4.6 of the *Procedure*) if it is able to distinguish itself from its comparators in a meaningful way (*Speak Western v Clubs Governance Board*, 2024:5 Clubs, para 29).

29. Section 2.4.6 of the *Procedure* was not at issue in this appeal. There was no allegation that the Club was duplicative of services provided by the USC or Western. This case does not assist the Club on this appeal.

30. The Club submitted that this Board's decision in *Western Cultural Dance Company v Clubs Governance Board*, 2024:4 Clubs stands for the proposition that "clubs cannot be denied [ratification] based on speculative financial concerns if they have a reasonable budget structure."

31. That decision does not stand for such a proposition. As addressed above, this Board held in that case that the CGB reasonably decided not to ratify the applicant club because its budget overestimated income and underestimated expenditures such that the club was likely to be in a deficit position. This case supports the CGB's decision not to ratify the Club.

32. The Club submitted that this Board's decision in *Western Formula 1 v Clubs Governance Board*, 2024:9 Clubs stands for the proposition that the "CGB's financial feasibility assessments must be based on reasonable expectations, not overly restrictive interpretations."

33. That decision does not stand for such a proposition. In that case, this Board held that it was reasonable for the CGB to decide that the club had overestimated its revenue because its projected membership was higher than the number of students on its membership list, the projected number of event ticket sales was unrealistic for a first-time club, and the projected sponsorship revenue was not supported. This is another case where the applicant club's budget showed that it did not have a feasible model of operations, and this case supports the CGB's decision not to ratify the Club.

34. The Club submitted that this Board's decision in *Mustangs Bhangra Association v Clubs Governance Board*, 2024:12 Clubs stands for the propositions that "minor administrative errors (such as missing template details) cannot justify a full denial of ratification" and that "clubs should be given the opportunity to amend minor administrative errors."

35. That decision does not stand for such propositions. In that case, this Board held that a club whose application materials are deficient may reapply during the next application cycle to address those deficiencies (*Mustangs Bhangra Association v Clubs Governance Board*, 2024:12 Clubs, para 25).

36. Similarly, the Club submitted that this Board's decision in *Memory League Western v Clubs Governance Board*, 2024:7 Clubs stands for the proposition that "when ambiguity exists in an application, the CGB must allow clarification before outright denial."

37. That decision does not stand for such a proposition. In that case, the Board held that the club could seek to clarify any ambiguity in its application materials that application cycle if it reapplied during the next application cycle (*Memory League Western v Clubs Governance Board*, 2024:7 Clubs, para 24).

38. Neither of these two cases assist the Club. Rather, they highlight that the Club has the same opportunity as any other club denied ratification. If it wishes to seek ratification again, it may amend its application materials the next time it applies.

39. Although prior versions of the *Procedure* expressly provided a process by which a club that had been denied ratification could appeal to the CGB for reconsideration and the CGB, from time to time, allowed clubs to revise materials as part of that reconsideration process, the revisions to the *Procedure* in August 2023 eliminated that process. Clubs applying for ratification no longer have an opportunity to revise their application materials once submitted to address deficiencies identified by the CGB. Instead, a club's opportunity to correct any deficiencies with respect to its application comes during the next ratification application cycle, when the club may apply anew for ratification (*UWO World Vision v Clubs Governance Board*, 2024:3 Clubs, paras 17 – 18).

PART VI: OUTCOME

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

W. Fawcett

P. Zhao

A. Kupchand