



Judgment of the USC Appeals Board in the matter of:

UWO World Vision v Clubs Governance Board, 2024:3 Clubs

Hearing Date: February 7, 2024 (Written Submissions Only)

Judgment Released: February 13, 2024

Panel: William Fawcett (Chair), Stephen Warner, David Vallillee

Reasons: Fawcett (Warner, Vallillee)

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 UWO World Vision (the “**Club**”).
2. On the consent of the parties, this appeal was heard by written submissions only.
3. As the Club’s constitution, in the form submitted as part of the ratification application, was not drafted in accordance with the *Clubs Constitution Template*, the CGB’s decision to deny ratification was reasonable. Accordingly, this appeal is dismissed.

PART II: FACTS

4. The Club submitted an application for ratification as a USC club in accordance with the *Clubs Ratification Procedure* (the “**Procedure**”).

5. On January 15, 2024, the CGB provided the Club with its notice of ratification decision (the “**Notice**”), in which the CGB identified two reasons why the CGB found that the Club was not suited for ratification. Those reasons were as follows.

a. The club duplicated a service provided by the USC or Western University, contrary to section 2.4.6 of the *Procedure*.

b. The Club’s constitution was not drafted in accordance with the club constitution template, contrary to section 2.1.3 of the *Procedure*.

6. The Club appealed the Notice under section 5 of the *Procedure*.

PART III: ISSUE

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

PART IV: SUBMISSIONS

8. In its written submissions, the Club identified four reasons for its appeal: (i) the Club is focussed on public and political advocacy in addition to charity and philanthropy, (ii) the Club was originally ratified in 2016 and successfully organized numerous events prior to the pandemic, (iii) there is a national community of other World Vision campus clubs, and (iv) the Club had amended its constitution to address the deficiencies identified by the CGB.

9. In its written submissions, the CGB focussed on alleged duplication between the Club and other humanitarian clubs ratified by the USC, such as the UWO Humanitarian Society and UNICEF Western. The CGB also specified that the Club’s constitution as submitted was missing sub-articles 1, 2, 3, 4, and 7 of article 4, sub-article 3 of article 5, and articles 6 and 13 of the *Clubs Constitution Template*.

PART V: ANALYSIS

10. 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).

11. 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).

12. 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).

13. Based on the material before the CGB at the time of its decision, its decision was reasonable. The Club's proposed constitution was not in conformity with the *Clubs Constitution Template* and thus the Club's application did not meet the requirements of section 2.1.3 of the *Procedure*.

14. Section 2.1.3 of the *Procedure* requires that a club seeking ratification must include, as part of its ratification application, a proposed constitution that is “drafted in accordance with the Club Constitution Template”. The *Clubs Constitution Template* is a USC policy document, and it is available on the USC’s webpage devoted to clubs: <https://westernusc.ca/clubs/>.

15. There is no dispute that the proposed constitution submitted by the Club did not include various articles and sub-articles contained in the *Clubs Constitution Template*. These missing provisions would have required the Club to meet various requirements of importance to the USC or to the good governance of the Club. For example, the proposed constitution failed to include the requirement for Club executive members to include the annual clubs training mandated by the USC (sub-article 4.7). It also failed to require annual general meetings to provide members with specified information (article 6). These are only two examples, and the fact that others are not directly mentioned here in these reasons should not be interpreted as suggesting that the other missing provisions are of any less importance.

16. Having been informed that its proposed constitution was deficient, the Club has submitted a revised constitution as part of its appeal. Unfortunately, this does not assist the Club. The appeals process is not a mechanism by which a prospective club may attempt to rectify deficiencies in its application materials. If the application materials submitted to the CGB were deficient and the CGB’s decision not to ratify the prospective club was based on those deficiencies, the prospective club is not afforded an opportunity to submit revised application materials on its appeal. The issue on such an appeal is whether the CGB’s decision not to ratify was reasonable based on the materials that were before it at the time of its decision.

17. Under earlier versions of the *Procedure*, a prospective club was provided an opportunity to submit a request for reconsideration to the CGB. Specifically, under what was then section 5.01, a prospective club that had been denied ratification could appeal to the CGB for reconsideration within five days of receiving notice of the CGB's initial decision not to ratify. At times, the CGB permitted prospective clubs to revise their materials as part of the request for reconsideration process. See, for example, *Smiling over Sickness v Clubs Governance Committee*, 2019:5 and *Backpacks N' Care Packs v Clubs Governance Committee*, 2018:3, both of which were cases in which prospective clubs revised their draft constitutions as part of their requests for reconsideration.

18. However, the *Procedure* was significantly revised on August 24, 2023. With the removal of what was previously section 5.01 of the *Procedure*, there is no longer an opportunity for prospective clubs to revise their materials after the CGB has made a decision denying ratification. If a prospective club appeals a decision not to ratify, its appeal must be based on the materials as submitted to the CGB. A prospective club that recognizes that its application materials were deficient after the CGB issues a notice denying ratification has an opportunity to correct those deficiencies during the next ratification application cycle, should it decide to seek ratification again.

19. As the Club's application did not meet the requirements of section 2.1.3 of the *Procedure*, it is unnecessary to deal with the second ground on which the CGB denied ratification: the alleged duplication of services.

20. For the reasons detailed above, this appeal is dismissed.

W. Fawcett

S. Warner

D. Vallilee