



Judgment of the USC Appeals Board in the matter of:

***Western Women's Soccer Association v Clubs Governance Board, 2025:7 Clubs***

**Hearing Date:** April 3, 2025

**Judgment Released:** April 9, 2025

**Panel:** William Fawcett (Chair), Ann Sony, Anjali Kupchand

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

**PART I: INTRODUCTION**

1. Western Women's Soccer Association ("WWSA") applied for ratification during the March 2025 cycle of USC club ratification applications. The Clubs Governance Board (the "CGB") declined to ratify WWSA, and WWSA has appealed.

2. To clear from the outset, the issue on this appeal is not whether WWSA is deserving of ratification or whether it would enhance student life at Western University. Those are issues that lie outside the scope of the Appeals Board's purview, although all three Board members who heard this appeal were struck by the impact that WWSA intends to make.

3. Rather, the issue is whether the CGB's decision not to ratify was reasonable. Although we find that certain aspects of the CGB's decision were unreasonable, the overall decision not to ratify was reasonable. Our reasons are addressed below.

## PART II: FACTS

4. WWSA applied for ratification as a USC club. Its application package contained the usual materials, including a membership list and a draft constitution.
5. The membership list contained fifty-five names of students prepared to join WWSA if it was ratified. All of the students on the list identified their year of study (between years one and four). With the exception of one student, who identified her year of study as “hba1”, none of the students provided any indication as to whether they were enrolled as an undergraduate or graduate student.
6. Article 2 of WWSA’s draft constitution, the heading for which is “Club Mandate”, included the following.

The club’s mandate will be as follows:

1. WWSA’s objectives and goals include:  
[...]
2. Strategies for attaining objectives and goals:  
[...]
  - iii) Give back to the local London community through volunteering or fundraising, with the specific aim of helping girls play soccer and growing women’s sports  
[...]
3. WWSA’s vision statement  
  
“To create a safe environment for women, by women, that fosters inclusivity and community through a love of soccer, further contributing to the growth of the women’s game both locally and domestically.”

7. The CGB delivered its notice of ratification decision on March 7, 2025, citing three reasons for its decision to decline to ratify WWSA:

- a. an alleged violation of section 2.1.4 of the *Clubs Ratification Procedure* (the “*Procedure*”) on the basis that the membership list contained only undergraduate students and no graduate students;
  - b. an alleged violation of section 2.4.1 of the *Procedure* on the basis that WWSA’s mandate was to fundraise and/or support a specific charity; and
  - c. an alleged violation of section 2.4.4 of the *Procedure* on the basis that WWA’s mandate or purpose was to mobilise or recruit volunteers on behalf of any organization.
8. It is from this decision that WWSA appeals.

### **PART III: ISSUE**

9. The issue is whether the CGB’s decision not to ratify WWSA on any of the three grounds identified was reasonable.

### **PART IV: SUBMISSIONS**

10. Throughout its written and oral submissions, WWSA stressed the pressing need for a club on campus to provide a safe and hospitable environment for women to pursue their passion for soccer and to help to grow the game. WWSA advised that, because Western Soccer Association is male dominated, a woman who shows up to an event often finds that she is the only woman at the event and typically does not come back.

11. As for the specific reasons identified by the CGB in its decision to decline to ratify WWSA, the club makes the following submissions.

- a. Section 2.1.4 of the *Procedure* does not require the membership list to include both undergraduate and graduate students.
- b. WWSA's mandate is to create a safe and inclusive environment for women in soccer. Its mandate does not specify fundraising for a specific charity.
- c. WWSA's mandate is not to mobilise or recruit volunteers on behalf of any organization. It simply aims to grow women's soccer at Western and in the broader community.

12. The CGB's submissions may be summarized as follows.

- a. Section 2.1.4 of the *Procedure* mentions both undergraduate and graduate students, and so a club's membership list must contain both.
- b. As quoted above, article 2 of WWSA's constitution expressly refers to fundraising, which is contrary to section 2.4.1 of the *Procedure*.
- c. One of the events proposed by WWSA included volunteering for groups such as NorWest Soccer London or #FemaleForward, which is contrary to section 2.4.4 of the *Procedure*.

## **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 Value of WWSA***

16. We have heard WWSA's passionate account of the adversity faced by female soccer players and enthusiasts on campus. We were struck by the compelling arguments WWSA made

concerning the need that it intends to meet. However, as highlighted in the previous section, it is not for the Appeals Board to determine whether a prospective club deserves ratification.

17. As embodied in the Appeals Board's practices since its creation and as expressly specified at section 2.3 of the *Appeals Board Terms of Reference*, the Appeals Board reviews decisions of the CGB (and the Elections Governance Committee) on the standard of reasonableness. In this case, that means reviewing the reasons given by the CGB for denying ratification and evaluating whether those reasons are reasonable.

18. It is not for the Appeals Board to consider whether WWSA would make a positive and valuable contribution to Western student life. Indeed, the CGB spoke positively of the value that WWSA would create if ratified, and the Appeals Board has no reason to doubt this. However, this is not a factor for the Appeals Board to consider. On this appeal, the issue is whether the reasons given by the CGB for its decision not to ratify WWSA were transparent, justified, and intelligible, falling within a range of acceptable and defensible outcomes.

***iii. The CGB's Decision with Respect to Section 2.1.4 of the Procedure was Unreasonable***

19. Section 2.1 of the *Procedure* contains a list of what must be included in a club's application for ratification. This includes a membership list as specified in section 2.1.4.

2.1.4. Membership List: A membership list containing at least fifty (50) current undergraduate and graduate student names, signature, Western University provided email address, and year of study, for those prepared to join the organization once ratified. Digital signatures are acceptable.

20. The modern approach to statutory interpretation requires that the words of a statute or, in this case, the words of a procedure be read in their entire context and in their grammatical and ordinary sense.

21. The CGB's position is that, by referring to both undergraduate and graduate students, section 2.1.4 must be read so as to require both undergraduate and graduate students be included as part of the membership list.

22. With all due respect to the CGB, this reading strains the wording of section 2.1.4 of the *Procedure*. The natural reading of this section is that students signing a membership list may be either undergraduate or graduate students. This is mirrored, for example, in the language used in the *Clubs Operating Policy*, where section 5.1 specifies that "Members must be undergraduate or graduate students of Western University." In making reference to undergraduate and graduate students, the natural reading of section 2.1.4 of the *Procedure* is that this is simply a reference to those who are eligible to be members in a club.

23. We note further that it would be strange to require that a prospective club secure the support of at least one graduate student when there is no policy requiring an operating club to have at least one graduate student member. For example, the section on Membership of the *Clubs Operating Policy*, the most likely place that such a requirement would be found, provides no such requirement. Section 2.2 of the *Clubs De-Ratification Procedure*, which lays out grounds on which a club may be de-ratified, likewise makes no mention of a club failing to secure any graduate student members. It simply provides that a club may be considered for de-ratification if it has less than thirty members.

24. Accordingly, we find that section 2.1.4 of the *Procedure* does not require a prospective club to obtain signatures from both undergraduate and graduate students. Signatures from graduate students are permitted, but not required. The CGB's decision to deny ratification on this ground was unreasonable.

***iv. The CGB's Decision with Respect to Section 2.4.1 of the Procedure was Reasonable***

25. Section 2.4.1 of the *Procedure* provides that the CGB shall not ratify a prospective club if the “club’s mandate is to fundraise and/or support a specific charity.”

26. The wording of section 2.4.1 is disjunctive. A club’s mandate cannot be to fundraise. A club’s mandate cannot be to support a specific charity. There is no requirement that the fundraising be to support a specific charity. A club that has a mandate to fundraise is captured by section 2.4.1 whether that fundraising is for a specific charity or not.

27. WWSA urges the Appeals Board to take a holistic view of its mandate. Considered broadly, the aim of WWSA is to support women in soccer, as seen, for example, in the vision statement quoted at paragraph 6 above. WWSA acknowledges that the mandate section of its constitution mentions fundraising, but this is secondary to its mandate and is included only as part of its strategies for attaining its objectives and goals.

28. We are sympathetic to WWSA’s submissions on this point. However, the question before us is not whether we could read WWSA’s mandate in the manner in which it suggests, but rather the question before us is whether the CGB’s reading was reasonable. It is with some degree of reluctance that we accept that the CGB’s reading was reasonable; it fell within a range of acceptable and defensible outcomes.

29. Fundraising with the specific aim of helping girls play soccer and growing women’s sports is expressly included within the Club Mandate section in WWSA’s draft constitution. From the wording of this part of WWSA’s draft constitution, it was reasonable for the CGB to conclude that fundraising was part of WWSA’s mandate, notwithstanding the fact that it was framed as a strategy



for attaining the club’s objectives and goals. As the Appeals Board has previously found, “[t]he CGB is obligated to assess clubs based on their submitted materials. If the CGB’s reading of those materials is reasonable, a decision based on that reading is also reasonable, notwithstanding that a prospective club advocates a different reading” (*Memory League Western v Clubs Governance Board*, 2024:7 Clubs at paragraph 21).

**v. *The CGB’s Decision with Respect to Section 2.4.4 of the Procedure was Reasonable***

30. Having decided that the CGB’s decision with respect to section 2.4.1 of the *Procedure* was reasonable, it is not necessary to decide whether the decision with respect to section 2.4.4 was also reasonable.

31. However, for the sake of completeness, we find – again, with some degree of reluctance – that the CGB’s decision with respect to this section was also reasonable. It was reasonable for the CGB to read the description of the fourth event included as part of WWSA’s events list as evidence of a mandate to mobilize or recruit volunteers on behalf of an outside organization, even though this was not the only reading of the description of this event.

**PART VI: OUTCOME**

32. As will hopefully be seen at multiple points throughout these reasons, our decision is not reached lightly, as we are cognizant of the potential impact WWSA could have in contributing positively to Western’s student community. However, in order to ensure fairness to all parties that appear before the Appeals Board, we must ensure that all applicants are treated equally and evenly, no matter our opinions of the value that a prospective club could bring. Finding that the CGB’s

decision not to ratify was reasonable based on the application materials that were before it, we dismiss WWSA's appeal.

33. As the Appeals Board has noted in numerous other appeals, our decision is without prejudice to WWSA's ability to apply for ratification again next year, presumably after revising its materials to take into account the concerns raised by the CGB. As always, any future applications for ratification, if any, would need to be evaluated by the CGB on their own merits.

W. Fawcett

A. Sony

A. Kupchand