

**University Students' Council of the University of Western Ontario  
Clubs Policy**

**DE-RATIFICATION PROCEDURE**

Effective: September 1, 2009

Supercedes: July 23, 2009

**Committees of the University Students' Council (USC) Clubs Community include:**

Clubs Governance Committee (will be referred to as CGC)

Clubs Support Committee (will be referred to as CSC)

Clubs Policy Review Committee (will be referred to as CPRC)

**1.00 GENERAL:**

- 1.01 Any reference to 'day' or 'days' shall include any day or days of the week, except for Saturday, Sunday and statutory holidays, and the USC winter holiday closing period set by the USC.
- 1.02 Any reference to a 'person' shall include an individual, group of individuals or corporate entity.

**2.00 DE-RATIFICATION:**

2.01 Circumstances where de-ratification may be considered include:

- (1) lack of student interest and involvement based on the discretion of the CGC;
- (2) the club does not have twenty-five (25) members;
- (3) the ~~CGCEPC~~ deems the club to be dormant due to a lack of activity and/or programming, less than three (3) meetings are held per academic year, or less than one (1) club event is held per semester;
- (4) the club does not meet deadlines established by the USC, the ~~CGCEPC~~ or those with authority over the Clubs Community ~~clubs-system~~ on a consistent basis, whether or not due to lack of ability or effort;
- (5) the relationship between the club and it's external organization makes it impossible for the club to follow USC and University governing documents or USC Clubs Policy;
- (6) the club demonstrated an inability to maintain financial stability or a positive financial account balance;
- (7) the club consistently disregards requests for action or inaction made by the USC, the ~~CGCEPC~~ or those with authority over the clubs system;

- (8) the club engaged in egregious conduct as provided for in the Community Standards Policy, or the University's Code of Student Conduct;
- (9) the club committed a serious misuse or abuse of a USC service or privilege;
- (10) the club's actions or inactions has discredited the USC and its reputation;
- (11) the club consistently violated or has, at the **CGCEPC**'s sole discretion, committed a serious violation of USC policies, procedures and other governing documents;
- (12) the club was found in violation of a municipal, provincial or federal law or regulation; or,
- (13) the club consciously acted against, or refused to act in a manner that supported, the USC's objective or the club's mandate.

2.02 A club that has been de-ratified will have its account closed and any money in the account will become the property of the USC.

2.03 Any club assets or supplies in a locker or in office space will become property of the USC.

### **3.00 APPLYING FOR RE-RATIFICATION**

3.01 ~~A club that has been de-ratified for any of the reasons set forth in paragraphs i, ii, iii, and or iv above shall not be permitted to apply for ratification for a period of twelve (12) months from the date the club was de-ratified.~~

~~(1) A club that has been de-ratified for any other reason shall not be permitted to apply for ratification for a period of twenty four (24) months from the date the club was de-ratified.~~

3.02 At the time of de-ratification, the CGC can establish a probationary period of up to twelve (12) months during which a club with the same or similar mandate shall not be considered for re-ratification.

(1) The probationary period established by the CGC should reflect the considerations made at the time of de-ratification, discussed in section 8.01 of this document.

### **4.00 INITIATION OF DE-RATIFICATION PROCEEDINGS:**

4.01 The initiation of de-ratification proceedings occurs when the **CGCEPC**, during a meeting, decides that de-ratification is a potential sanction that it may impose upon a club upon further deliberation.

- (1) Where the CGCEPC decides that de-ratification is a potential sanction, it shall stand down the meeting to allow for the necessary notification requirements.

## **5.00 NOTICE:**

5.01 The Chair of the CGCEPC must provide a club with notice of potential de-ratification by one (1) email to the club's email account registered with the Student Organizations Advisors and the email account of the club President.

5.02 The notice must contain the following information:

- (1) the club's name;
- (2) the circumstances leading up to the allegations made against the club;
- (3) the allegation made against the club, citing the section of the Clubs Policy and any other relevant document that the club has or may have violated;
- (4) that the club may be de-ratified if found in violation of the Clubs Policy;
- (5) the date of the CGCEPC meeting, where scheduled;
- (6) that the club may submit a written response indicating why it should not be de-ratified and/or that the club may attend the meeting to provide its response, within the time period provided below; and,
- (7) that the club will receive the CGCEPC's decision once made.

5.03 The club must be provided with notice at least ten (10) ~~twelve (12)~~ days prior to the scheduled CGCEPC meeting.

5.04 Where a complaint has been issued against a club and unless the circumstances require otherwise, the club will be permitted to review the complaint documents subject to the following conditions:

- (1) Any information identifying the complainant will be blacked out. The Chair of the CGCEPC will determine what information will be blacked out;
- (2) Any current club member may view the complaint documents if given permission by the club Executive;
- (3) The club's executive members are responsible for ensuring that all club members are aware that the documents are confidential and that confidentiality must be maintained at all times;

- (4) The club will not be permitted to disclose the complaint documents to any person, other than a club member, without the written permission of the Chair of the CGCEPC; and,
- (5) The club will be held responsible for any disclosure of the complaint documents to any person other than a club member, whether intentional or not. The club may be sanctioned for such release.

#### **6.00 WRITTEN RESPONSE:**

- 6.01 The club must submit any written response within seven (7) ~~ten (10)~~ days after receipt of notice. The club will be deemed to have received notice on the day that such notice was provided in accordance with the notice provisions above.
- 6.02 The Chair of the CGCEPC must make the club's written response available to the CGCEPC at least one (1) day prior to the CGCEPC meeting together with the complaint document and any other information that the Chair deems relevant.

#### **7.00 CLUB ATTENDANCE AT MEETING:**

- 7.01 A club may be permitted to attend the CGCEPC meeting under the following circumstances:
  - (1) As opposed to or in addition to a written response, the Chair of the CGCEPC may, at her sole discretion, permit the club to attend the CGCEPC meeting to explain to the CGCEPC why the club should not be de-ratified; or,
    - i. Where a written response is not required, the club shall be provided with the complaint documents at least five (5) days prior to the relevant CGCEPC meeting. The provision of those documents must be done in accordance with this Policy.
  - (2) The CGCEPC may, during the meeting, decide to stand down the meeting to permit the club to attend a further CGCEPC meeting to explain to the CGCEPC why the club should not be de-ratified.
- 7.02 The Chair of the CGCEPC shall set the length of time that the club may attend the meeting. A club shall be permitted at least fifteen (15) minutes to address the CGCEPC. The Chair may extend the time period beyond fifteen (15) minutes.
- 7.03 Once the club has addressed the CGCEPC, the club shall leave the meeting to permit the CPC to discuss the matter at hand.
- 7.04 Where a club has been permitted to attend the CGCEPC meeting, the club shall designate one (1) or two (2) individuals to attend the meeting on behalf of the club.

7.05 The CGCEPE may ask the representatives questions for further clarification.

## **8.00 CPC DECISION:**

8.01 When deciding whether to de-ratify a club, the CPC must ensure that de-ratification is in proportion to the infraction, taking into consideration, amongst other things, the following:

- (1) the type of violation;
- (2) the club's level of blameworthiness, including any action taken by the club with the intent to avoid or mitigate against a violation;
- (3) the blameworthiness of third parties, if any, and whether or not it mitigates against the club's blameworthiness;
- (4) the club's intent prior to and while committing the violation;
- (5) the circumstances or events preceding the violation;
- (6) the persistence of the violation;
- (7) the club's past history of committing violations;
- (8) the number of violations before the CGCEPE at that time;
- (9) the harm caused by or resulting from the violation;
- (10) the club's actions or behaviour subsequent to the violation, including any restitutionary action taken by the club; and,
- (11) the level of remorse demonstrated by the club.

8.02 The CGCEPE must notify the complainant and the club of its decision within five (5) days of the date the decision was made. Notification of its decision must be:

- (1) sent to the club's designated email account and the email account of the club President;
- (2) posted outside of the USC Office;
- (3) posted on the USC website; and,
- (4) communicated to the Student Organizations Advisors for circulation to the USC departments.

- 8.03 The [CGCEPC](#)'s notice of its decision must specify:
- (1) the [CGCEPC](#)'s decision;
  - (2) its reasons for the decision;
  - (3) the sanction(s) imposed, if any; and,
  - (4) where the club has been de-ratified, that the club has a right of appeal to the Appeal Panel and the time in which an appeal must be made.

## **9.00 APPEAL**

- 9.01 The Appeal Panel shall be composed of:
- (1) USC President, as chairperson;
  - (2) USC Vice-President University Affairs, voting;
  - (3) USC Vice-President Finance, voting; and,
  - (4) USC Communications Officer, voting.
- 9.02 ~~The Appeal Board may permit the General Counsel to sit in on the appeal hearing for advisory purposes.~~ The Chair of the Appeal Panel may extend invitations to USC Staff who could offer supplementary information or advice relevant to the decisions made by the panel.
- 9.03 A right of appeal is only permitted where the [CGCEPC](#) de-ratifies the club.
- (1) No person shall be entitled to appeal the [CGCEPC](#)'s decision to not de-ratify a club.
- 9.04 A club shall have two (2) days from the date on which notice of the [CGCEPC](#)'s decision was provided to the club to file an appeal.
- (1) A written appeal must be submitted to the USC President.
- 9.05 Where an appeal has been filed, the [CGCEPC](#)'s decision to de-ratify the club shall take effect at least until the decision of the Appeal Panel has been issued.
- 9.06 The Appeal Panel may hear an appeal for the following reasons:
- (1) the organization wishes the [CGCEPC](#)'s decision to be reviewed for procedural concerns, and/or,

- (2) the organization wishes the CGCEPE's decision to be reviewed for substantive concerns. The Appeal Panel will consider the expertise and experience of the CGCEPE when making its decision.
- 9.07 Subject to the provisions of this section, the Appeal Panel must recognize a club's right to be heard by way of an appeal.
- 9.08 The Chair of CGCEPE shall provide the Appeal Panel with the appropriate documentation.
- (1) The Appeal Panel may not consider any new information or documentation that was not brought before the CGCEPE.
- 9.09 The Appeal Panel shall only consider all of the material that was brought before the CGCEPE, any written reasons provided to the club, the club's written statement stating its reasons for the appeal, and the minutes from the CGCEPE meeting.
- 9.10 The Appeal Panel may uphold or overturn the CGCEPE's decision to de-ratify. Where the Appeal Panel overturns the CGCEPE's decision to de-ratify, the Appeal Panel shall refer the matter back to the CGCEPE to determine the appropriate sanction(s) given the Appeal Panel's decision.
- 9.11 Were the Appeal Panel is unable to reach a decision, the decision of the CGCEPE shall be upheld.
- 9.12 The Appeal Panel shall provide written reasons for its decision to the club and to the Chair of the CGCEPE by way of email. The written decision of the Appeal Panel is not a confidential document.
- 9.13 Any meetings of the Appeal Panel are confidential meetings.
- 9.14 The decision of the Appeal Panel shall be final.