



# Clubs Oversight Commission

CARLETON UNIVERSITY STUDENTS' ASSOCIATION

CLUBS OVERSIGHT COMMISSION

## WRITTEN DECISION

**CITATION:** *in re* Mika Argyle v. Carleton University Improv Association 2024 COC

(1) **JUDGEMENT RENDERED:** April 17th, 2024

**IN THE MATTER OF:** *in re* Mika Argyle v. Carleton University Improv Association 2024 COC

**Panel:** Whale, H, Chair; Breen, Logan; Rohacek, Aiden; Tucker, Zayn; Ariunbold, Burtesetsen; Yoon, Louis

## **PART I. Summary**

*Held:* CUSA Clubs do not have the authority to remove a member on the grounds of sexual harassment or sexual violence. The only governing body on campus that can prohibit a student's membership in a CUSA Club on the grounds of sexual violence or sexual harassment is the Carleton Sexual Violence Review Committee.

*Also held:* The membership removal of the Complainant was procedurally unfair.

*Also held:* The Clubs Oversight Commission will need to enhance their training for CUSA Club Executives on Sexual Harassment and Violence.

[1] CUSA Clubs are obligated to follow the Carleton Sexual Violence Policy. The policy outlines that the Carleton Sexual Violence Review Committee (SVRC) investigates complaints of sexual harassment and/or violence. The SVRC alone is permitted to remove members from participating in CUSA Clubs (temporarily or permanently) during their investigation.

[2] Per a unanimous Commission: the decision of the Carleton Improv executive to remove the Complainant from the Carleton Improv Association is declared null and void. Article V of the Carleton Improv Association Constitution will be required to be removed by the next CUSA Clubs recertification deadline in the Summer 2024. Additionally, the Carleton Improv Association will be required to immediately cease using Article V while they go through the process of amending their constitution.

[3] The Clubs Oversight Commission recognizes that gaps in the CUSA Clubs training for CUSA Club executives likely contributed to the escalation of this

incident. The Commission will enhance their training including more resources on the CUSA Clubs website, including the Sexual Violence and Prevention Policy in training initiatives (CUSA Club Executive Brightspace course and CUSA Club Presidents' Meeting.)

## **PART II. Facts and Jurisdictional History**

[4] On November 22nd, 2023, Ombudsperson Melanie Chapman contacted Student Groups Administrator Hannah Whale. During this conversation, Ombudsperson Chapman notified Student Groups Administrator Whale and Vice-President Internal Logan Breen of a complaint to the Ombuds Office that involved CUSA Club: the Carleton Improv Association. Mika Argyle had reached out to the Ombudsperson Office regarding an unfair removal from the Carleton Improv Association.

[5] Ombudsperson Chapman asked questions related to CUSA Clubs training. Student Groups Administrator Whale outlined that CUSA Clubs have two executives required to complete an online brightspace course that includes a module from EIC on Sexual Violence Prevention.

[6] Ombudsperson Chapman updated Student Groups Administrator Whale and Vice-President Internal Breen in a meeting that Ombudsperson Chapman had with the two executives from the Carleton Improv Association. Ombudsperson Chapman identified that Carleton Improv Association's method for removing Argyle had several instances of procedural unfairness that resulted in long-term negative effects for Argyle.

[7] After meeting with Student Groups Administrator Whale and Vice-President Internal Breen, Ombudsperson Chapman recommended that CUSA Clubs receive enhanced training, requiring all executives complete training. Ombudsperson Chapman also recommended that Mika Argyle submit a complaint to the CUSA Clubs Oversight Commission regarding their membership status being removed.

[8] On or about February 7th, 2024, Mika Argyle submitted a complaint to the Commission against the Carleton Improv Association on the grounds of wrongful removal of their membership under section 5.3(1) of the [CUSA Clubs Bylaw](#).

[9] The complaint outlined that on November 11th, 2023, they received an email from the Carleton Improv Association which detailed that the Complainant had been removed from the club. The Carleton Improv Association referenced that the removal was done through section 5.4 of the Carleton Improv Club Constitution. The Complainant found that they were removed from the discord server and blocked from social media accounts.

[10] The Complainant outlined concerns that rumours were spread to club members and the community members. This has had a very negative impact on the Complainant. The Complainant has expressed a desire for increased training for CUSA Club executives and an apology letter from the Carleton Improv Association.

[11] The Carleton Improv Association responded to the complaint on February 27th, 2024. The Respondents outlined their reasoning for removing the Complainant included having “sources” that were concerned about the Complainant’s past behaviour, concerns around the Complainant hosting a non-club event for members of the club, and an age difference in members.

[12] On November 10th, 2024, the Respondents decided to remove the Complainant from the club under Section V of the Carleton Improv Association Constitution. On November 11th, 2024 the Respondents sent an email to the Complainant and reported to email Dillon Brady about the situation. This information was shared with general membership at a meeting on November 12th.

### **PART III. Issues**

[13] The issues in this case are:

- A. Did the Carleton Improv Association executives have the authority to remove the Complainant as a general member of the club on the grounds of perceived sexual misconduct and harassment?
  - a. If the Carleton Improv Association executives do not have this authority, who has the authority to remove a general member from a club on the grounds of perceived sexual misconduct and harassment?
- B. Does the Complainant have the right to be returned to their membership role?

## **PART IV. Analysis**

### *A. First Issue: Authority to remove a member*

[14] In this first issue before the Commission, we must determine whether the Carleton Improv Association had the authority to remove the Complainant. The Clubs Oversight Commission reviewed the Carleton Improv Association Constitution, CUSA Club Bylaws and the Carleton University Sexual Violence Policy when reviewing this issue.

[15] It was found that the Carleton Improv Association followed their club constitution. However the Clubs Oversight Commission founds that Article V is problematic in the following ways: it is vague and does not adhere to the Carleton University Sexual Violence Policy. Article V outlines that “extraordinary” circumstances are grounds for its use, which could be interpreted in a multitude of ways. It is not fair to have this process and have the interpretation be so varied. The Clubs Oversight Commission requires that this article be removed to avoid future issues.

[16] The Carleton University Sexual Violence Policy outlines that the Carleton Sexual Violence Review Committee is the governing body that investigates complaints of sexual harassment and/or violence.

[17] Therefore, neither the Carleton Improv Association nor the Clubs Oversight Commission is responsible for investigating or making decisions associated with sexual harassment or violence. This means that CUSA Clubs are not permitted to remove club members on the grounds of complaints of sexual harassment or violence.

[18] While the Commission can understand that CUSA Clubs want to create a safe environment for club members, there is also a need for a fair due process. There is a complaint process through the Carleton University Sexual Violence Policy that is available to all Carleton students. This policy has a dedicated committee that conducts throughout investigations into complaints of sexual harassment and violence.

[19] As an officially recognized club at Carleton University, this requires the Carleton Improv Association to follow the Carleton University Sexual Violence Policy. The Carleton Improv

Association does not have the authority to enact their own club decisions related to sexual violence.

[20] The Clubs Oversight Commission understands that enhanced training about the expectations of CUSA Clubs and their role in responding to sexual violence concerns could minimize these incidents. The Clubs Oversight Commission recognizes its error in approving this constitution with this clause. The Clubs Oversight Commission will ensure that future constitutions have clear language included regarding the expectations of clubs and the Sexual Violence Policy.

### *B. Complainant's Membership Status*

[21] The second issue considers whether the Complainant's membership status merits being restored. The Clubs Oversight Commission has found that the Respondent's decision to remove the Complainant was null and void. Therefore, the Clubs Oversight Commission has come to the conclusion that if the Complainant wishes to have their membership reinstated, they can have this restored.

[22] Unfortunately, the decision by the Respondents to hold a meeting with the membership at large has likely made it impossible for the Complainant to return to being a member.

[23] The Respondents acted irresponsibly for not consulting the Carleton Equity and Inclusive Communities (EIC) or the Carleton University Policies. These policies were reviewed in CUSA Clubs training, available on the CUSA Clubs website, and Carleton University websites.

[24] The Respondents should take accountability for their actions, recognize the negative impact that these actions have had, and offer an apology to the Complainant.

## **PART VI. Policy Considerations**

[25] The Clubs Oversight Commission recognizes that an enhanced training is required to ensure that CUSA Club executives will be better equipped to know about the Sexual Violence Policy. This will result in the following revisions to the 2024-2025 CUSA Clubs Training:

1. The CUSA Clubs Presidents' Meeting will include a session that will directly address

expectations of CUSA Clubs when dealing with non-academic misconduct issues and sexual violence or harassment issues. The Clubs Oversight Commission has invited Equity & Inclusive Communities (EIC), the Carleton University Ombudsperson, and the Office of Student Affairs to support this training.

2. A flow chart will be available on the CUSA Clubs website to clearly outline the most appropriate department to reach concerns to.
3. Request to EIC discusses the Sexual Violence Prevention Policy in their brightspace training recording.
4. Requiring all CUSA Clubs to share their executive list and enrolling all executives into the online brightspace course. During the 2024-2025 year, the Commission will review the Ombudsperson's requirement to have all CUSA Club executives complete the online training. The amount of staff time and resources are limited and we want to ensure that there will be proper plans for implementation.
5. The Clubs Oversight Commission is committed to modifying our CUSA Clubs Constitution Template to better clarify that CUSA Clubs do not have the authority to remove a member from their club on the basis of perceived sexual violence or violation of the Student Rights and Responsibilities.

## **PART VIII. Conclusion**

[26] For these reasons, the Clubs Oversight Commission has decided to revise its training for all CUSA Club executives. It was identified that there were still confusion about CUSA Club Executives regarding their responsibilities with sexual violence and harassment.

[27] The Clubs Oversight Commission recommends that the Respondents take ownership for their actions and recognize the negative impact these actions have had. The Clubs Oversight Commission encourages the Respondents to reach out to the CUSA Clubs Office if they have further confusion about their responsibilities related to sexual violence and harassment. Additionally, the Clubs Oversight Commission recommends that the Respondents issues an apology to the Complainant for not complying with the confidentiality identified in the Carleton Sexual Violence Policy.