

CARLETON UNIVERSITY STUDENTS' ASSOCIATION

APPEALS COMMITTEE

APPELLANT: CU Poker Club (Jerome Smith)

RESPONDENT: CUSA CLUBS OVERSIGHT COMMISSION (Maxwell Heroux)

Heard: Tuesday, May 26, 2026

Panel: J.H. McNair, Chair, Alex Simion, Caleb Raymond, Ben Maheral

DECISION

A. Background

1. This was an appeal by the CU Poker Club and its organizer, Mr. Jerome Smith (together, “the Appellant”) from the decision of the CUSA Clubs Oversight Commission (“COC”) denying the Appellant’s application for certification as an approved CUSA club. The appeal was heard virtually before the Appeals Committee (“the Committee”) on May 26, 2026.
2. For the reasons set out below, the appeal was dismissed.

B. The Application for Certification and Denial

3. The Appellant filed its application for certification in accordance with CUSA’s *Clubs Certification Procedure*. The mandate of the club was described in the application as follows:

“The CU Poker Club’s mandate is to provide a welcoming space for students to learn and enjoy poker responsibly. We aim to teach strategy, math and

psychology behind the game while promoting sportsmanship and community. Our goal is to build a strong, supportive poker community that fosters skill development, networking and personal growth.”
(Exhibit 1)

4. The Constitution of the Appellant poker club (**Exhibit 2**) was filed with its application. It described the mission of the club in the following terms:
 - educating its members about the *“strategies, mathematical and psychological aspects of poker;”*
 - providing a safe and responsible platform for students to enjoy poker recreationally and competitively; and
 - promoting *“critical thinking;”* sportsmanship and community-building through the game of poker.
5. The stated goals of the club included organizing regular poker nights, tournaments and workshops throughout the academic year, providing mentorship for players and encouraging *“responsible gaming practices and adherence to all relevant campus policies and legal regulations.”*
6. The COC delivered only sparse reasons in denying the Appellant’s application. The grounds for the decision were three-fold:
 - i. Based on CUSA’s insurance coverage and *“risk management assessment,”* the Appellant was considered *“high risk;”*
 - ii. A poker club would be *“heavily regulated”* and would require more oversight by the CUSA Clubs team than could be accommodated;

- iii. Carleton University's *Gambling Policy* had the effect of banning any game involving "the exchange of money, chips or system of score-keeping which constitutes or indicates gambling is occurring without a permit," even if such activity is non-financial in nature. **(Exhibit 3)**

C. The Position of the Parties on Appeal

Appellant's Evidence and Submissions

7. Mr. Smith urged that the COC was in error in adopting the pre-conceived notion that the Poker Club was engaged in gambling, making its activities "high-risk." In fact, he told the Committee, no money changed hands during club events. Chips were distributed free of charge. The club recognized that any poker wagering using money would be illegal. In the result, he argued, this was not a gambling club, as the COC apparently assumed.
8. While the non-monetary nature of the poker activities was not made explicit in the Constitution filed with the application for certification, Mr. Smith further explained, the Constitution was amended after the COC decision to make it clear that poker playing under the Appellant's auspices was "purely for fun," as he put it.
9. Almost all Ontario universities and many elite American schools like Harvard and Yale had poker clubs, the Appellant urged. This club's activities posed no more risk to CUSA than those of clubs like the rock-climbing, karate and archery clubs, all of which had been certified.

Respondent's Evidence and Submissions

10. On behalf of the COC, Mr. Heroux relied heavily on the language of Carleton's *Gambling Policy recited above*. The Respondent submitted

photos taken at an Appellant-organized poker event which showed poker chips clearly visible on the gaming table. Even if money were not being used, Mr. Heroux contended, the club's activity brought it within the banned practices under the *Gambling Policy*.

11. Moreover, the Respondent contended, the activities of the Appellant would require continuous monitoring and oversight by CUSA to ensure that gambling was not occurring, contrary to the University's strict policy. That extensive program of supervision would have the effect of stretching CUSA's resources too thinly, as the COC concluded.

D. Discussion and Analysis

12. CUSA's Appeals Policy prescribes a limited range of grounds for appealing the decision of a "*body of first instance*" like the COC. Under s.11 of that policy, such appeals are limited to circumstances wherein the body of the first instance . . .

a) makes a mistake of fact;

b) renders a decision that is unreasonable or disproportionate;

c) makes a mistake of law; or

d) makes a mistake of both fact and law.

13. Section 12 of the Appeals Policy adds emphasis to the above provision. No appeal is valid that fails to identify an error by the lower body "*and merely engages in forum-shopping or dissatisfaction with the decision.*"

14. It followed from the foregoing that the jurisdiction of the Committee did not extend to granting a reconsideration of the decision under review or substituting its own assessment of the application for

certification for that of the COC. Absent a finding of demonstrable error in the decision below, it was immaterial whether the Committee would have reached the same conclusion adopted by the COC.

15. The Committee was not persuaded that the evidence or submissions established any reviewable error on the part of the COC.
16. We were not entirely satisfied by the Respondent's submission that the Appellant's activities ran afoul of the *Gambling Policy* prohibition even if money was not wagered. The language of the *Gambling Policy* recited above does not indicate that the exchange of chips or a system of scorekeeping is deemed to be gambling rather, it prohibits such a practice if it "*constitutes or indicates gambling is occurring . . .*"
17. On the other hand, a fair reading of the Constitution submitted with the Appellant's application for certification left the impression that this was a full-fledged gaming club. Only that version of the Constitution, with its stated aim of promoting responsible gaming practices, was before the COC when it made the final decision under review.
18. Whether the *Gambling Policy* squarely applied to the activities of this club or not, we were satisfied that the COC had a reasonable basis to infer that such activities fell in an area subject to extensive regulation with elevated requirements for ensuring compliance. The COC on that basis assessed that there was a higher degree of institutional risk than it deemed acceptable. We heard no evidence to undermine that conclusion beyond the suggestion that poker clubs exist and operate on other campuses.

19. We also recognized that CUSA's *Clubs Certification Procedure* addresses one of the grounds relied upon by the COC for denying certification of the Appellant. The *Clubs Certification Procedure* provides that the COC should avoid certifying clubs "*which may stretch CUSA resources too thin.*" The COC apparently adjudged that the burden of verifying and monitoring poker activities by CUSA staff fell within that provision, since its decision adopted the same language. That was an assessment which the COC was entitled to make in our view. The Committee had no basis to second guess it.
20. In the result, we were satisfied that the COC considered and relied upon relevant factors in coming to its conclusion and made no demonstrable error of fact or law.
21. The appeal was accordingly dismissed.

John H. McNair
Chair
CUSA Appeals Committee
May 27, 2026