

## AULSS Competitions Policy

### Part 1: Administration of the Competitions Policy

#### 1 — Definitions

- 1) In this Competitions Policy, unless the contrary intention appears –
  - a) clause headings are not binding and are merely interpretative;
  - b) the singular includes the plural and vice versa;
  - c) words denoting a gender include all genders; and
  - d) where a word or phrase is defined, its other grammatical forms have the same corresponding meaning.
  
- 2) All members of the AULSS Competitions Portfolio are bound by this Policy.
  
- 3) In this Policy, unless the contrary intention appears –

***academic semesters*** mean semester 1 and 2 of an academic year.

***approved test for Covid-19*** means a test approved by Australian Government Standards.

***approved virtual platform*** means any platform approved by the Director of Competitions, including but not limited to, Zoom, or Messenger Video.

***competition coordinator*** means a AULSS Competitions Representative delegated responsibility to coordinate a specific competition.

***coordinating team*** means the Director of Competitions and the Competitions Representatives allocated to a specific competition. It excludes all other Competitions Representatives.

***Director of Competitions*** means the AULSS Director of Competitions.

***external competition*** means a competition not run by the AULSS, but is open for AULSS students to enter in their capacity as AULSS members.

***participant*** means anyone involved in the AULSS Competitions Program, including the AULSS Competitions Portfolio, the competitors, the volunteers, and the judges.

***volunteer*** means the non-competitive student party in competitions which require one, including, but not limited to:

- (a) Witness Examination;

- (b) Client Interviewing; and
- (c) Family Law Mediation.

## **2 — Interpretation**

Interpretation of this Policy is within the jurisdiction of the competitions coordinators and the Director of Competitions.

## **3 — Delegation under this Policy**

The Director of Competitions may share or delegate any power conferred upon them by this Policy or the Competitions rules with the External and Intervarsity Competitions Representative, the Competitions Development Representative, or if the Director of Competitions deems it necessary, with a Competition Coordinator.

## **4 — Types of Breaches of the Competitions Policy**

There are three types of breach of this policy, in increasing order of severity –

### **1) General Breach;**

- a) Where a competitor breaches this policy, the Director of Competitions may, having regard to all relevant circumstances, impose a penalty by –
  - i) Placing that competitor on the AULSS Competitions Disciplinary Record;
  - or
  - ii) Imposing a penalty of up to three (3) marks for the round impacted.

### **2) Repeated Breach;**

- a) A repeated breach occurs where a Director of Competitions has found a participant committed a general breach of this policy three times or more.
- b) If the competitor is found to repeatedly breach this Policy, the Director of Competitions may impose a penalty for repeated breach of this policy by –
  - i) Competitors deemed to be repeatedly in breach of this policy may be given a penalty of up to seven (7) marks in their next round; or
  - ii) The Director of Competitions may place the competitor on the Competitions Disciplinary Record for a longer period of time than they would have if the conduct was a general breach at first instance.

### **3) Serious Breach;**

- a) A Serious Breach of this Policy occurs where a student has –
  - i) Three (3) breaches of this policy in consecutive rounds
  - ii) Four (4) breaches of this policy in the past three semesters
  - iii) One (1) breach of this policy, where the circumstances of that breach are of a serious nature

- b) The Director of Competitions, in consultation with the Competitions Coordinators, will have the responsibility of determining if the circumstances of competitor's breach are of a serious nature, having regard to –
  - i) the circumstances and foreseeable impact of the breach;
  - ii) The duration and intention of relevant conduct;
  - iii) Any other relevant external circumstances.
  
- c) If the Director of Competitions finds a serious breach of this policy occurred, they must –
  - i) immediately expel a competitor from their current involvement in the Competitions Program; and
  - ii) place the student on the Competitions Disciplinary Record for all future Competitions.
  
- d) The Director of Competitions, in consultation with the Competitions Representatives assigned to a competition, may expel a competitor from all future competitions should the severity of the circumstances warrant such a response.

## **5 — Appeals**

The Appeals Procedure outlined in the rules of each competition applies to appeals relating to penalties under this policy.

## **Part 2: AULSS Competitions Disciplinary Record Policy**

### **1 — Objects**

To disincentivise conduct which negatively impacts the experience of participants in AULSS Competitions, or the administration of the AULSS Competitions Portfolio.

### **2 — Establishment of an AULSS Competitions Disciplinary Record**

- 1) There shall be a Competitions Disciplinary Record;
- 2) The Director of Competitions may place a student on the Competitions Disciplinary Record where it is permitted by the relevant competition rules, or this Competitions Policy;
- 3) Students who have been placed on the Competitions Disciplinary Record will be placed on the waiting list for any competition for which they register, subject to Clause 3. Their registration in a competition will only be successful if there is availability in that competition by close of registrations.
- 4) The duration for which a student is placed on the Competitions Disciplinary Record will be determined by the Director of Competition, in consultation with the relevant competitions coordinator, with regard to the following:
  - a) The severity and predictable impact of the student's conduct;
  - b) The student's attitude and response to their conduct;
  - c) The nature of the competition and round; and
  - d) Any relevant circumstance the Director of Competitions deems relevant.

### **3 — Operation of the AULSS Competitions Disciplinary Record**

- 1) The Director of Competitions may place a student on the Competitions Disciplinary Record where that student's conduct negatively impacts another party involved in the competitions program.
- 2) Where the Director of Competitions determines a competitor should be placed on the Competitions Disciplinary Record.
  - a) The Director of Competitions must –
    - i) inform a student if their conduct places them on the Competitions Disciplinary Record; and
    - ii) provide them an opportunity to explain their conduct.
- 2) The assessment of what negatively impacts another party involved in the Competitions Program is the responsibility of the Director of Competitions. It includes:
  - i) A breach of any of the sections of this policy, or

- ii) A breach of the rules of the competition that student is involved in.
  - a) A student may be placed on the Competitions Disciplinary Record for conduct occurring before the first preliminary round begins, and for conduct occurring in external competitions.
- 3) The Order of the waiting list for each competition shall be as follows:
- a) Students who are not on the Competitions Disciplinary Record, who registered after the maximum number of registrations for that competition was filled, in the order they registered.
  - b) Students who are recorded on the Disciplinary Record to have a general breach
  - c) Students who are recorded on the Disciplinary Record to have a repeated breach
  - d) Students who are recorded to have a serious breach but have not been excluded from all future competitions.

### **Part 3: AULSS Competitions Code of Conduct Policy**

#### **1 — Objects**

To ensure all parties involved in the AULSS Competitions Portfolio feel safe and supported in their participation in Competitions.

#### **2 — Abiding by the rules**

Per clause 13 of the AULSS Constitution, competitors agree to abide by a good faith interpretation of the rules of each competition.

#### **3 — Respectful Conduct**

- 1) By registering in a competition, students agree to be respectful to all relevant parties in their conduct and communications including –
  - a) Competitions Representatives;
  - b) Judges;
  - c) Volunteers; and
  - d) Opposing teams.
- 2) The Director of Competitions may issue a penalty if they determine if a student's conduct is disrespectful, having regard to the context of the situation and the apparent intention of the actions.

#### **4 — Sexual Misconduct, Harassment, or Abuse**

The AULSS has zero tolerance for sexual misconduct, harassment, or abuse. A competitor who displays such behaviour will be deemed to seriously breach this policy.

#### **5 — Attending rounds**

- 1) By registering, competitors and volunteers agree to attend all of their rounds.
- 2) If something impacts a participant's ability to attend their round, or continue with the competition, that participant must communicate that reason to the Competitions Coordinator at their earliest convenience.
- 3) Where a competitor withdraws without reasonable justification in an unreasonably short timeframe before the competition, they must be placed on the Competitions Disciplinary Record.
  - a) The assessment of what constitutes a reasonable justification and unreasonably short timeframe is the responsibility of the Director of Competitions, having regard that it is a competitor's responsibility to –
    - i) aim to inform a Competitions Coordinator of their decision to withdraw one week before the next round of the competition, to allow adequate time for another competitor to fill their space;
    - ii) balance their personal schedule and register for a number of competitions they can feasibly balance; and
    - iii) maintain an honest, transparent, and continued dialogue with the competition team.

## **Part 4: AULSS Competitions Conflicts Policy**

### **1 – Purpose of this Policy**

The purpose of this policy is to ensure the fair and just administration of the AULSS Competitions Program.

### **2 – Interpretation**

- 1) Interpretation of this Policy is exclusively in the jurisdiction of the AULSS Director of Competitions and the relevant Competitions Coordinators.
- 2) In this Competitions Policy, unless inconsistent with the context –

***conflict of interest*** means a relationship which has the potential to increase a volunteer or judge's bias when participating in AULSS Competitions.

a) Relationships which may give rise to a conflict of interest include –

- i) A employee and employer;
- ii) Family members;
- iii) Friends; or
- iv) Former or current romantic partners.

b) It will not create a conflict of interest if both opposing teams has an equal relationship to the volunteer or judge, subject to the Competitions Portfolio's observations and discretion.

c) The Director of Competitions has discretion to determine a conflict of interest exists where they have reasonable grounds.

### **3 – Prevention of Conflicts of Interest**

- 1) The Director of Competitions is prohibited from competing in competitions.
  - a) If the Director of Competitions cannot, by reason of a conflict of interest, fulfil any of their duties by reason of conflict of interest, that role will be assumed–
    - i) the AULSS President; or
    - ii) the Competition Coordinator
  - b) The most appropriate of person will be delegated responsibility of the relevant duties.
- 2) Competitions Representatives are prohibited from competing in a competition which they are coordinating.

- a) If the competition coordinator cannot, by reason of a conflict of interest, fulfil any of their duties by reason of conflict of interest that role will be assumed by –
  - i) the Director of Competitions, or
  - ii) a different Competitions Representative.
- 3) Members of the Competitions Subcommittee are prohibited from competing in competitions which they are scheduled to volunteer for.
- 4) Competitions Representatives and Members of the subcommittee are not prohibited from participating in AULSS Competitions they have no involvement in.
  - a) Member of the Competitions Portfolio are prohibited from accessing, or seeking access to any materials which would provide them with a competitive advantage in a competition they are competing in.
- 5) Members of the Competitions Subcommittee must not act as a client for a team where they have a conflict of interest with that team.
- 6) If the AULSS President cannot, by reason of a conflict of interest, fulfil any of his or her roles under these Rules, that role will be assumed by the AULSS Vice President.
  - a) The President and Vice President of the AULSS must ensure to the greatest extent reasonably possible that they are not both simultaneously conflicted from fulfilling the President's roles under these Rules.
- 7) Judges and volunteers must inform the Competitions Coordinator where they have been allocated to a room with a team with whom they have a conflict of interest.



## **PART 4: AULSS COMPETITIONS COVID-19 POLICY**

### **1 — Objects**

1) The objects of this policy are as follows:

- a) To provide a safe environment for all parties involved in the AULSS Competitions Program
- b) To reduce the risk of participants being exposed to Covid-19 during an AULSS Competition

### **2 — Interpretation**

Interpretation of this Policy is within the jurisdiction of the AULSS Competitions Portfolio.

### **3 — Testing for Covid-19**

- 1) Where there is indication that a participant may have been exposed to Covid-19, they have an obligation to undertake an approved test for Covid-19 in good faith.
- 2) A participant has no obligations resulting from a negative test result
- 3) A Competitor who receives a positive test result must:
  - a) Inform the Director of Competitions and the relevant Competitions Coordinator;
  - b) Request to compete virtually; and
  - c) No participant may attend a round while positive for Covid-19.
- 4) A Judge or Volunteer who receives a positive test result must:
  - a) Inform the Director of Competitions and the relevant Competitions Coordinator of:
    - i) Their result; and
    - ii) If they are willing to source a replacement for themselves; or
    - iii) If they are willing to participate virtually.
  - b) Where a replacement cannot be sourced, the Director of Competitions will act as the judge or volunteer.
- 5) A member of the Competitions Portfolio who receives a positive test result must:
  - a) Not attend the round for that week; and
  - b) Inform the remainder of the Coordinating Team for their relevant competition.

### **4 — Breach of this policy**

In considering of the significant potential impacts of Covid-19, the Director of Competitions has discretion to find a breach of this Covid-19 Policy a serious breach of the Competitions Policy, having regard to the clear impacts, intent ,and forethought of that breach.

## **PART 5: AULSS COMPETITIONS POLICY ON VIRTUALLY COMPETING**

### **1 — Object**

To ensure the fair administration of virtual rounds of AULSS Competitions.

### **2 — Requests to compete virtually**

- 1) Competitors can only compete virtually upon request, unless otherwise indicated by Competition Rules.
- 2) Where the competitor knows of the cause for the request before 4:00pm of the night of the relevant round, they must issue the request before that time.
- 3) The Director of Competitions will consider each request and its compatibility with:
  - a) The Portfolio's preference that each competition round to be held in person to maximise the benefit and experience each competitor can gain;
  - b) The importance of ensuring competitions are systemically accessible to all students; and
  - c) The fairness to the other competitors in the competition.
- 4) A virtual round is available to a competitor through the use of an approved virtual platform, where the circumstances:
  - a) Are beyond that competitor's control; and
  - b) Where the student competing in person would negatively impact the other individuals scheduled to be in the room.

#### **Example –**

Cl 2(3) may include, but is not limited to, the following circumstances –

- i) Receipt of a positive Covid-19 result from an authorised test for Covid-19;
  - ii) Injury which prevents a student attending campus; or
  - iii) Compassionate circumstances.
- 5) Approval of a request for a virtual round –
    - a) lasts for that round only, unless otherwise indicated by the Director of Competitions
    - b) is only applicable to the competitor who issued the request.

### 3 — Procedure

- 1) The Competitor's Team-member, or opposition in the case of individual competitions, must provide their laptop for the student to compete.
  - a) Should the team-member be unable to provide a laptop for the student to compete, another student competing in the will be expected to provide their laptop.
  - b) Should no student competing in the room have access to a laptop, the Competitions Portfolio will provide one.
- 2) The process of the Competition will continue as if the competitor was competing in the room.
- 3) The competitor will be scored as if they were in the room.
  - a) A competitor competing virtually is not to be marked down for unavoidable issues which would not have occurred had the competitor not been competing virtually.
  - b) Accommodations will be made for issues that would not have occurred but for the student competing virtually.

**Example** – Such unavoidable issues include, but are not limited to:

- i) A competitor who needs to sit down to present so they are in frame of the computer cannot be marked down for manner and expression for sitting down.
- ii) If the competitor or the room experiences technological difficulties, such as the wifi disconnecting, which need to be resolved when a competitor is presenting, the competitor will be granted an extension of time of the same length that it took to resolve the issue.
- iii) If a third party accidentally walks into the room the competitor is virtually competing from, their time will be considered paused until the competitor resolves the issue as soon as practicable. (For the purposes of this example, 'third party' includes animals.)

## **PART 6: Competitions Subcommittee**

### **1 – Establishment of a Competitions Subcommittee**

There shall be a Competitions Subcommittee.

### **2 – Purpose**

The Competitions Subcommittee shall have the purpose of sourcing volunteering for, and assisting the administration of, the AULSS Competitions Program.

### **3 – Term**

The term for all members of this subcommittee shall correspond with the AULSS Committee's term under the AULSS Constitution.

### **4 – Chair of the Subcommittee**

- 1) The Chair of the Subcommittee shall be the Director of Competitions.
- 2) The Chair of the Subcommittee shall have power to:
  - a) Assign members to assist in each competition;
  - b) Task Subcommittee members with responsibilities;
  - c) Direct the Competitions Representatives and Subcommittee members
  - d) Oversee the fair allocation of responsibilities to both Competitions Coordinators and Subcommittee Members;
  - e) Ensure each competition receives necessary and proportionate resources and support from the subcommittee.

### **5 – Deputy Chairs of the Subcommittee**

- 1) The Competitions Representatives shall be the Co-Deputy Chairs of the Subcommittee.
- 2) The Deputy Chairs of the Subcommittee shall have power to:
  - a) Assign members to assist in each competition;
  - b) Task Subcommittee members with responsibilities;
  - c) Direct the Subcommittee members.

### **6 – Members of the General Subcommittee**

- 1) The General Members of the Competitions Subcommittee shall consist of any individual who has signed up through a method approved by the Director of Competitions.
- 2) This subcommittee is not limited to AULSS Members. However, any member of this subcommittee must be enrolled in an LLB in South Australia.
- 3) There shall not be a size limit to this subcommittee.

## **7 – Member Obligations**

- 1) Members of the Competitions Subcommittee will be required to:
  - a) Act in the AULSS Competitions which require a Volunteer;
  - b) Print Judging Packages;
  - c) Assist in scanning scoresheets at the end of round nights;
  - d) Propose improvements to problem questions; and
  - e) Act at the general direction of the Director of Competitions and the Competition Coordinators.
  
- 2) Members must ensure they are generally available for week nights from 6:00pm to complete their obligations for at least one competition per week during preliminary rounds.

## **8 – Conduct of Members**

- 1) All members agree to:
  - a) reflect the standards of conduct expected upon the Competitions Portfolio and its competitors; and
  - b) promote the integrity of the Competitions Program.
  
- 2) The standards of conduct expected of members reflect the values of:
  - a) Confidentiality of competitor's scores and information;
  - b) Respect for all parties in the Competitions Program;
  - c) Providing Quality Competitions which aim to help students develop their practical legal skills
  
- 3) For the purposes of this policy, the integrity of the Competitions Program includes a requirement for all parties to the Competitions Program to ensure, to their best of their ability, that:
  - a) The content of problem questions is confidential before the information is given to competitors
  - b) Competitors do not gain an unfair competitive advantage
  - c) Competitors are placed in situations where they can be marked equally

## **9 – Resignation**

A member must tender a formal letter of resignation to the Director of Competitions should they wish to resign from the subcommittee.

## **PART 7: EXTERNAL COMPETITIONS POLICY**

### **1 – Purpose**

To mitigate the administrative and financial impact of a team's late withdrawal from external competitions on the AULSS.

### **2 – Applicable Policies**

- 1) Competitors agree to abide by the Competitions Policy in their participation in external competition.
- 2) Competitors are subject to the same penalties in their participation in external competitions as they are in internal competitions.
- 3) Students competing in external competitions agree to follow the rules of the external competition they register in.

### **3 – Payment of Registration Fees**

- 1) Within reason, and subject to its financial ability, the AULSS will pay any registration fees associated with external competitions for AULSS competitors, should those fees not surpass the value of \$200.
- 2) Should a team or competitor withdraw after the cut-off date, then that team or competitor must re-imburse the AULSS for the cost of that registration fee.