
UNSW Law Society

**Competitions Misconduct and
Withdrawal Policy**



Passed by Cabinet on 02-03-2015

1. Purpose

- 1.1. To inform Competitors of their responsibilities and commitments upon registration for a Competition held by the UNSW Law Society;
- 1.2. To provide a set of guidelines on the conduct of Competitors in order to maintain and further develop the reputation of Competitions and the UNSW Law Society in the legal community;
- 1.3. To inform Competitors of their obligations of compulsory attendance and giving reasonable notice of cancellations and/or requests to change their competition times for the competitions duration; and
- 1.4. To outline the consequences of engaging in unsatisfactory conduct and serious misconduct in the course of competing in Competitions.

2. Scope

- 2.1. This document covers applies to all members of the UNSW Law Society that register for a Law Society competition held under the Skills Competitions or Mooting Portfolios.

3. Definitions

- 3.1. **Competition** – for the purpose of this document, ‘Competition’ means any competition that is organised under the Skills and Mooting Portfolios, including Mooting, Client Interviewing, Negotiations and Witness Examination Competitions.
- 3.2. **Competitor** – for the purpose of this document, a ‘Competitor’ includes one or more members of the Law Society who have registered as an individual or team to compete in Competitions.
- 3.3. **Duration of the Competition** – for this purpose of this document, the “Duration of the Competition” shall be the period commencing upon registration and concluding on the day of the grandfinal.
- 3.4. **Law Society** – for the purpose of this document, ‘Law Society’ means the UNSW Law Society.
- 3.5. **Mooting Competition** – for the purposes of this document, a ‘Mooting Competition’ is any competition falling within the UNSW Law Society Competitions (Mooting) Portfolio.
- 3.6. **Skills Competition** – for the purposes of this document, a ‘Skills Competition’ is any competition falling within the UNSW Law Society Competitions (Skills) Portfolio.
- 3.7. **The Directors** – for the purposes of this document, ‘the Directors’ refer to the appointed executive members of the Law Society whose primary function is to organise a Law Society Competition.

- 3.8. **The relevant year** – for the purpose of this document, ‘the relevant year’ is the academic year in which a competitor’s unsatisfactory conduct or serious misconduct has occurred.
- 3.9. **Valid Reason** – for the purpose of this document, a ‘Valid Reason’ includes, but is not limited to, situations where a Competitor is unable to attend their scheduled Competition time for reasons beyond their control.

4. Enforcement

- 4.1. The Vice-President (Mooting) and Vice-President (Skills) shall operate a database for the purposes of enforcing this policy.
- 4.2. The Directors shall have the power to enter Competitors into the database in accordance with this document.

5. Changing scheduled times for qualifiers, rounds and finals

- 5.1. The Directors shall take all reasonable steps to ensure that scheduled times are based on preferences provided by Competitors upon registration.
- 5.2. In the event that a Competitor is unable to attend their scheduled Competition time, the Competitor must provide reasonable notice of the need to cancel and/or attempt to change their scheduled Competition time. If a Competitor does not seek a new Competition time, the Competitor is still required to give reasonable notice of any cancellation.
- 5.2.1. For any Mooting Competition, reasonable notice is deemed to be effective if received any time prior to 5:00pm on the day the problem is designated to be sent to the Competitor.
- 5.2.2. For any Skills Competition, reasonable notice is deemed to be effective if received prior to 5:00pm seven (7) days prior to the scheduled date of the Competition.
- 5.2.3. If the above is unable to be complied with, a Competitor must still inform the respective Directors of any cancellation as soon as possible.
- 5.3. All requests to change scheduled Competition times must be sent to the respective Directors’ formal Law Society email addresses.
- 5.3.1. The respective Directors’ shall acknowledge receipt of all requests within 24 hours.
- 5.4. In the event that reasonable notice is not given to the Directors, and the Directors are unable to reschedule the Competition time, the competitor shall be disqualified from that round of the Competition.
- 5.4.1. A disqualified competitor may not progress to the next round but may compete in subsequent preliminary rounds.

6. Providing a valid reason for a cancellation without reasonable notice

- 6.1. In order to demonstrate a Valid Reason for a cancellation without reasonable notice, Competitors must:
- 6.1.1. Contact the Directors as soon as possible;
- 6.1.2. Provide a reason for the cancellation; and
- 6.1.3. Where appropriate, render supporting documentation.

6.2. Subject to cl 6.2.1, whether or not a valid reason exists shall be determined by the Directors and the Vice-President (Mooting) or Vice-President (Skills).

6.2.1.If the matter is confidential or sensitive, the Competitor may contact the Vice President (Mooting) or Vice President (Skills) presiding over the relevant Competition.

6.3. If a valid reason is provided, the cancellation without reasonable notice shall not be deemed unsatisfactory conduct.

7. Additional participants in a competition

7.1. It is the responsibility of Competitors to provide a volunteer client or witness in the Client Interviewing and Witness Examination Competitions respectively. Competitors must inform the Directors of the name and contact details of their client or witness before a deadline, as set and communicated by the Directors.

7.2. In the event that a Competitor cannot find a client or witness, the Competitor must inform the Directors at least four (4) days before the set deadline.

7.2.1.The Directors will endeavour to assist a Competitor to find a volunteer client or witness if they are informed at least four (4) days before the set deadline.

7.2.2.However, the Directors are not obliged to find a Competitor a volunteer client or witness.

7.3. If a Competitor fails to provide a client or witness for the competition before the deadline specified by the Directors, the Directors may disqualify the competitor.

7.3.1.If the Competitor has informed the Directors of their inability to find a client or witness in accordance with cl 7.2, this disqualification shall be deemed a cancellation with reasonable notice and no penalty shall be incurred.

8. Lateness

8.1. It is the responsibility of a Competitor to know their scheduled starting time and the location of their round.

8.2. Competitors should arrive fifteen (15) minutes before their scheduled start time.

8.3. In the event that a Competitor arrives more than fifteen (15) minutes after their scheduled starting time, the judge/s may, at their discretion, disqualify that Competitor from the Competition. However, the judge/s shall take into consideration:

8.3.1.the reason for the lateness; and

8.3.2.whether the judge/s and the Directors were notified of the latness prior to the round commencing.

8.4. A disqualification on the basis of lateness may be deemed a cancellation without reasonable notice. However, the Direcrors shall take into consideration:

8.4.1.the reason for the lateness;

8.4.2.whether the Directors were notified of the lateness prior to the round commencing; and

8.4.3.any other factors that the Directors deem relevant.

9. Unsatisfactory conduct

- 9.1. A Competitor who has cancelled their scheduled Competition time in any Law Society Competition without providing a valid reason, reasonable notice or making suitable arrangements with the Directors, shall be deemed to have engaged in unsatisfactory conduct.
- 9.2. A Competitor who has engaged in unsatisfactory conduct shall be entered into the database.
- 9.2.1. A Competitor who has been entered into the database for unsatisfactory conduct twice in one academic year may, at the discretion of the Vice-President (Mooting) or Vice-President (Skills) be prohibited from competing in any Law Society competitions in the relevant year and in the following year.
- 9.2.2. A Competitor who has been entered into the database for unsatisfactory conduct three times in one academic year may, at the discretion of the Vice-President (Mooting) or Vice-President (Skills) be prohibited from participating in any Law Society funded external competitions in relevant year and in the subsequent year.
- 9.2.2.1. If the Competitor is permitted to apply, the competitor's unsatisfactory conduct shall be a relevant consideration in any applications for Law Society funded external competitions.
- 9.2.3. A Competitor who has been entered into the database for unsatisfactory conduct four or more times in one academic year shall have such conduct considered in all Law Society applications in the relevant year and in the following year.
- 9.3. At the end of the academic year, all competitors who have been entered into the database for unsatisfactory conduct less than three times shall be removed.

10. Serious misconduct

- 10.1. A Competitor who has:
- 10.1.1. Revealed, disseminated and/or distributed sensitive competition materials to other Competitors;
- 10.1.2. Procured Competition materials that were not meant to be in their possession that bestowed an unfair advantage to them as a Competitor;
- 10.1.3. Received any other assistance from any individual that bestowed an unfair advantage to them as a Competitor;
- 10.1.4. Colluded with a non-teammate Competitor/s; or
- 10.1.5. Plagiarised another's work
- has engaged in serious misconduct.
- 10.2. A Competitor who has engaged in serious misconduct shall be entered into the database. The following information must be included:
- 10.2.1. the Competitor's details;
- 10.2.2. a description of the misconduct;
- 10.2.3. an assessment of the severity of the conduct by the Directors and/or the Vice-President (Mooting) or Vice-President (Skills); and
- 10.2.4. details of disciplinary action taken, if any.
- 10.3. A Competitor who has been entered into the database for serious misconduct shall, unless there are exceptional circumstances, be:

- 10.3.1. disqualified from competing in any Law Society Competitions in the relevant year and in the following year; and
- 10.3.2. prohibited from participating in any Law Society funded external competition in the relevant year and in the following year.
- 10.4. A Competitor's serious misconduct shall also be a relevant consideration in all Law Society applications in the relevant year and in the following year.
- 10.5. The information in cl 9.2 may, at the discretion of the Vice-President (Mooting) or Vice-President (Skills), be forwarded to the Law Faculty for consideration in applications for Law Faculty funded external competitions.

11. Appeals Procedure

- 11.1. In the event that a Competitor has been placed in the database for unsatisfactory conduct or serious misconduct, the aggrieved person has a right to appeal.
- 11.2. The Appeal Panel shall consist of three members: the Vice President (Mooting), the Vice President (Skills) and one of the Co-Presidents of the Law Society.
- 11.3. The Appeal Panel shall consider the circumstances *de novo* and reach a determination.
- 11.4. Each member of the Appeal Panel shall reach a conclusion and provide reasons for their respective decisions.
- 11.5. In order to remove an entry from the database, the Appeal Panel must reach a majority decision in favour of the aggrieved person.

12. Communication

- 12.1. A Competitor is required to:
 - 12.1.1. Check their supplied contact email on a daily basis for the duration of the Competition;
 - 12.1.2. Reply to emails received from the respective Directors within twenty four (24) hours; and
 - 12.1.3. Return phone calls received from the Directors within twenty four (24) hours.
- 12.2. A Competitor is deemed to be aware of the contents of an email sent by respective Directors within twenty four (24) hours of the email being sent unless there are exceptional circumstances.
- 12.3. A Competitor should not contact the Directors through informal channels of communication as it may be disregarded.

13. Evaluation

- 13.1. This policy will be reviewed by Cabinet as appropriate.

Version	Date	Author	Approval	Sections amended	Details of amendments
[1.0]	14/02/14	Co-Presidents	Cabinet	All	New Policy
[2.0]	02/03/15	Vice-President (Mooting)	Cabinet	All	Creation of two categories of misconduct – ‘unsatisfactory conduct’ and ‘serious misconduct’.

