



# Bond University Law Students' Association

## ELECTION BY-LAWS

Current as of: 16 May 2022

### **1. Definitions**

- 1.1. ESC means the Electoral Sub-Committee as defined by section 2.
- 1.2. Candidate means any individual contesting for a position in the Bond University Law Students' Association (LSA) elections.
- 1.3. Campaigning means any activity designed to promote Candidates, draw attention to the LSA elections or otherwise affect the outcome of the LSA elections as defined under section 8.
- 1.4. Candidate's Briefing refers to a meeting, in person or online, wherein Candidates will be provided with information about the elections and provided the opportunity to ask questions.
- 1.5. Member refers to any student currently enrolled in a course offered by the Faculty of Law as at 16 May 2022.
- 1.6. Independent refers to a Candidate who is not part of a Pod.
- 1.7. Pod refers to a group of candidates who campaign together as a part of one of the permitted Pod structures defined in section 5.
- 1.8. Voting Days refers to the days, as defined in section 7, in which Voting through the method designated in section 6 is permitted.

### **2. Election Sub-Committee**

- 2.1. The ESC will be the authoritative source of interpretation regarding these by-laws.
- 2.2. The ESC will consist of the current members of the LSA Executive positions, including:
  - 2.2.1. the President;
  - 2.2.2. the Deputy-President and Secretary;
  - 2.2.3. Vice-Presidents:
    - 2.2.3.1. Education; and
    - 2.2.3.2. Careers.
- 2.3. If any current members of the LSA Executive are also Candidates, the ESC must consist of either:
  - 2.3.1. At least three (3) members of the current LSA Executive who are not also Candidates; or
  - 2.3.2. If there are less than three (3) members of the current LSA Executive who are not also Candidates, those executive members must constitute the ESC, and the Candidate Executive members must be replaced by current LSA members who are not also Candidates at the selection of the current LSA Executive. The ESC must consist of no less than three (3) but no more than four (4) members.

- 2.4. Should there be a conflict of interest between a Candidate and a member of the ESC then that member of the ESC shall be replaced by a current LSA member, unless in exceptional circumstances.
  - 2.4.1. A conflict of interest is any relationship which may indicate a bias against or for a particular candidate.
  - 2.4.2. The following non-exhaustive list of relationships indicate a prima-facie conflict of interest:
    - 2.4.2.1. romantic involvement (e.g. boyfriend/girlfriend/partner/husband/wife);
    - 2.4.2.2. familial relationship (e.g. siblings, parents, cousins, aunts/uncles)
  - 2.4.3. Exceptional circumstances which would enable an ESC member to remain on the ESC with a conflict of interest include:
    - 2.4.3.1. the inability to find a replacement LSA member;
    - 2.4.3.2. the withdrawal of the Candidate before the commencement of Campaigning Days;
    - 2.4.3.3. the inability for that ESC member to influence the outcome of the elections.
      - 2.4.3.3.1. This is to be determined by written application to the Associate Dean (Students) to make an objective determination.

### **3. Decisions of the Election Sub-Committee**

- 3.1. The ESC will make decisions regarding the conduct of Candidates relating to their participation in the LSA Elections.
- 3.2. Decisions of the ESC will be binding on all Candidates and breaches may be sanctioned under section 4.
- 3.3. The ESC will, where possible, convey their decisions via email to relevant Candidates.
  - 3.3.1. If email communication is not reasonable in the circumstances, the ESC will convey their decision to relevant Candidates orally or by mobile.
- 3.4. The ESC may also make decisions regarding non-Candidates who interfere with the conduct of elections.
  - 3.4.1. Such interferences may include:
    - 3.4.1.1. Discussing or promoting a Candidate or Pod in an unreasonable manner; or
    - 3.4.1.2. Engaging in conduct that, if engaged in by a Candidate, would constitute a breach of these by-laws or a breach under section 7.
  - 3.4.2. If the ESC reasonably believes the offending non-Candidate is acting at the request of a Candidate, the ESC may sanction the Candidate pursuant to section 4.

### **4. Infringement of By-laws or ESC Decisions**

- 4.1. The ESC can make any order relating to conduct that infringes these by-laws or ESC decisions.
- 4.2. These orders may include:
  - 4.2.1. issuance of a public notice;
  - 4.2.2. direction to delete online content as deemed appropriate by the ESC;
  - 4.2.3. suspending a Candidate or Candidates from online campaigning activities, including but not limited to posting content, for a period of time deemed appropriate by the ESC;
  - 4.2.4. exclusion of a Candidate or Candidates from participating in the LSA Elections; and/or

- 4.2.5. anything the ESC deems a reasonable response to an infringement of these by-laws.
- 4.3. Where reasonable, an oral or email warning will be issued to individuals concerned prior to issuing an order under section 4.2.

## **5. Nomination Procedure**

- 5.1. Candidates may nominate as an Independent or in a Pod.
- 5.2. Nominations shall open Monday 16 May and close Thursday 19 May at 5pm.
- 5.3. The following Pods are permitted:
  - 5.3.1. the Executive Pod;
  - 5.3.2. the Education Pod;
  - 5.3.3. the Finance and Events Pod;
  - 5.3.4. the Careers Pod;
- 5.4. The Executive Pod must consist of either:
  - 5.4.1. A President, Treasurer and Secretary; or,
  - 5.4.2. A President, Secretary, Vice President (Education), Vice President (Events) and Vice President (Careers).
- 5.5. The Education Pod must consist of either:
  - 5.5.1. A Vice President (Education), Postgraduate Director, Equity Director and First Year Director; or
  - 5.5.2. A Postgraduate Director, Equity Director and First Year Director.
- 5.6. The Finance and Events Pod must consist of either:
  - 5.6.1. A Vice President (Events), Social Director, Marketing Director and Communications Director; or,
  - 5.6.2. A Social Director, Marketing Director and Communications Director.
- 5.7. The Careers Pod must consist of either:
  - 5.7.1. A Vice President (Careers), Sponsorship Director, Competitions Director and Publications Director; or,
  - 5.7.2. A Sponsorship Director, Competitions Director and Publications Director.
- 5.8. No Candidate may be a member of two Pods. For the avoidance of doubt, no Vice President Candidate can be a member of both an Executive Pod and another Pod.
- 5.9. For a nomination to be accepted the Candidate must have contacted the incumbent member via email, phone call or Facebook message regarding the requirements of the role, otherwise their nomination may not be accepted.

## **6. Electoral voting system**

- 6.1. The voting system used in the 2022 LSA Elections will be optional-preferential instant-runoff voting.
- 6.2. All Law Students are eligible to vote. Each Member will be provided with a unique voting link via email no later than Monday 23 May 2021.
  - 6.2.1. The ESC may disregard votes cast by non-Members.

## **7. The Election Process**

- 7.1. Following nomination by Candidates and Pods, if a role has 1 or no nominations then it is at the discretion of the ESC to reopen nominations as per the Constitution.
- 7.2. Once nominations have closed and been finalised, Candidates must attend the Candidate's Briefing held by the ESC.
  - 7.2.1. The Candidate's Briefing will be held at a time to be determined by the Executive and communicated to candidates not with less than 24 hours' notice.
  - 7.2.2. If a Candidate is unable to attend, they must notify the ESC at [president@bondlsa.com](mailto:president@bondlsa.com) [secretary@bondlsa.com](mailto:secretary@bondlsa.com), detailing the reasons why.

- 7.3. After the Candidate's briefing, a list of Candidates and Pods shall be emailed out to all Law Students before the commencement of elections.
  - 7.3.1. At the discretion of the ESC, a profile for each Candidate may be provided in the Weekly LSA Newsletter on the week of elections.
    - 7.3.1.1. Candidates will be given a reasonable opportunity to provide their profiles to the ESC. Failure to provide their profile may mean the Candidate's details are not included in the Weekly LSA Newsletter.
- 7.4. Campaigning will begin at a time to be communicated by the ESC and candidates will be given no less than 24 hours' notice prior to campaigning commencing.
- 7.5. Voting shall open at a time to be decided by the ESC and communicated to candidates no less than 24 hours prior to voting opening.

## **8. Permissible Campaigning activities**

- 8.1. Candidates may undertake in-person campaigning activities at either specified times for campaigning, or during non-scheduled periods.
- 8.2. Any campaigning such that it may fall within the remit of student event approval processes cannot be conducted to the extent that it has not been planned in consultation with the ESC and with obtaining relevant approvals.
- 8.3. Candidates may promote their campaign on any social media platform, including Facebook and Instagram.
  - 8.3.1. Any campaigning that is deemed inappropriate may be subject to an order under section 4
    - 8.3.1.1. Inappropriate campaigning includes, but is not limited to, any content that disparages any other Candidate, any conduct that may constitute harassment or any conduct that is brought to the attention of the ESC which is deemed inappropriate.
- 8.4. Candidates may promote their campaign in law lectures on the condition that Candidates receive written permission of the relevant lecturer.
  - 8.4.1. Lecture promotion must be restricted to 2 minutes for a Pod and 30 seconds for an Independent.
  - 8.4.2. Conduct that disrupts a lecture, or results in a complaint to the ESC, will be dealt with per section 4.

## **9. Restrictions on Campaigning**

- 9.1. Candidates may not purport to have any type of sponsorship or endorsement from, or any association with, any organisation, business or other entity.
  - 9.1.1. This includes any form of endorsement by the current LSA Committee, any other FSA or any Bond Club.
  - 9.1.2. Endorsements on social media may only be made by individuals.

## **10. Professional Conduct**

- 10.1. All Candidates must conduct themselves in a professional and responsible manner in connection with activities relating to the LSA Elections.
- 10.2. No individual may harass or disturb another in connection with the LSA Election and must not impede the day-to-day activities of any other individual.
- 10.3. A breach of this by-law will be determined by the ESC with reference to section 4.

## **11. Appeal of ESC Decisions**

- 11.1. The only appeal available from a decision of the ESC is to the Associate Dean (Student Affairs and Service Quality) of the Faculty of Law.

- 11.2. The individual or individuals wishing to make such an appeal must present it in writing via email to the Associate Dean (Student Affairs and Service Quality).
- 11.3. The Associate Dean (Student Affairs and Service Quality) will have full discretion to respond to an appeal in any manner they deem appropriate.
- 11.4. The Associate Dean (Student Affairs and Service Quality) may uphold, overrule or modify any decision of the ESC in relation to an appeal.
- 11.5. There will be no appeal of a decision by the Associate Dean (Student Affairs and Service Quality).

## **12. Election By-Laws**

- 12.1. These by-laws are written pursuant to the LSA Constitution.
- 12.2. To the extent of any inconsistency with the LSA Constitution, the latter document will prevail.