

AUSTRALIAN LAW STUDENTS' ASSOCIATION

ADVOCACY GUIDE



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Introduction

Law students are advocates in training. We are learning how to locate the law, to critique it, and to change it. After graduation, many will go on to shape the law through service in the judiciary, as Members of Parliament, or through various reform and advocacy bodies. It thus comes as no surprise whatsoever that prior to admission, law students seem to have an enhanced sensitivity to injustice.

At times, this may place student law society/association executives in a difficult position. Their primary role should be to serve the interests of their members. However, this may put them in a situation of conflict, where there may be pressure from the law school or university generally. It can be difficult to reconcile the competing interests at play, especially where running various initiatives and events for members relies upon the support of the faculty or the university. A student law society/association therefore must exercise caution when choosing to advocate on behalf of its members.

Despite the potential risks, there are benefits to engaging in advocacy on behalf of members. If successful, advocacy efforts can improve the experience of students during their time at law school. Furthermore, a productive dialogue with faculty may promote a strong relationship during the long-term, where staff seek the society/association's input into key decisions affecting students.

This Guide draws upon the expertise of numerous Australian law societies and associations to recommend how to proceed when an issue arises. This Guide consists of insights from boutique, medium, and large student societies/associations. We recognise that the dynamic between some law schools and societies/associations may vary, and that some situations will call for different strategies. In response, we have put together a toolbox of strategies for you to draw upon in times of need. Thank you to the various contributors to this Guide, your experiences and insights were invaluable.

The Advocacy Guide begins with a description of circumstances where it may or may not be appropriate to advocate, leading into a toolbox of strategies available where the law society/association should advocate, followed by how to react when it may be inappropriate to use these tools. Finally, the Guide concludes with some 'dos and don'ts' of advocacy and resources that may assist.

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Part I: When should I advocate?

Like many questions in law, the answer often begins with ‘it depends’. Some law student societies/associations have limited resources to begin with, and may lack the capacity to provide any meaningful response. Others may have historically difficult relationships with their university and/or law school, which makes it harder to raise tricky issues. In most cases, you should consider the following criteria:

- the capacity and resources of the law society/association;
- availability of other forums and resources;
- actions already taken;
- all of the relevant stakeholders, including sponsors, and the relationships between them;
- the number of students affected;
- whether other law student associations/societies have faced similar problems in the past; and
- the consequences of advocating.

Regardless of how big or small the issue is, it is worth discussing it with other members, where appropriate. Always try to consult, and be sure to approach this discussion from the perspective that you or the complainant may be wrong. For example, it would be prudent to discuss the issue with the Board/Executive Committee, as well as previous office bearers. Note that when you do this, you should ensure that you are respecting the privacy of any individuals. Be aware that you may have received confidential information, which carries certain obligations relating to disclosure. If you're not sure, double check with the complainant about how much information you are able to share with others and on what terms.

Part II: How should I advocate?

Advocacy may involve a range of different strategies, and they may be deployed both before and after an issue arises.

Before an issue arises

Law student societies/associations can use several strategies, which operate prior to a student approaching the Executive for assistance. These include establishing a framework for raising problems with the law school and/or university, attending regular meetings with the law school and/or university, creating a particular role on your society/association or constitutional responsibility for advocacy, and creating guides to university life.

a) Establishing a framework for raising problems with the law school and/or university

As soon as the new Executive body commences their roles, the President, Secretary/Vice President (Administration) and Vice President (Education) or equivalent should make efforts to introduce themselves to the Dean of the Law School and any relevant university staff. During these conversations, it is a good idea to ask the law school and university representatives about how they address complaints and how they prefer you raise issues with them.

One of the law societies/associations interviewed described how this conversation led to the Vice President (Education) learning that there were two designated academics at the law school responsible for addressing particular complaints. When law students subsequently made complaints about how a law subject was being administered, the society was able to immediately direct their concerns to these staff members. This may be important where there are time sensitive issues.

b) Attending regular meetings with the law school and/or university

Some law student societies/associations interviewed said that they faced difficulties advocating with the law school and/or university due to incidents from the past, which had damaged the relationship. One way of building this relationship up may involve regular contact between the society/association and the law school and/or the university. During these discussions, you could update the law school on the initiatives that the society/association is running, as well as flag any problems that may arise. Other societies/associations suggested inviting the Dean of the Law School to Executive Council or Committee meetings, where appropriate.

c) Creating a particular role or constitutional responsibility for advocacy

Another strategy involves integrating the responsibility for advocacy into various roles. This may be a logical extension of the President and/or Secretary/Vice President (Administration) role. Depending on the size of your leadership team and their existing workloads, you may also consider implementing an Advocacy-specific role. By establishing this responsibility or role, it becomes clear who is responsible for addressing these concerns, and where any complaints should be directed. You could also consider creating policies for common complaints (e.g. regarding a particular subject, general university policies, exam policies, etc.) for responding to student requests and issues.

d) Creating guides to university life

Some law societies reported that they created First Year Survival Guides. These guides were a useful way to engage new members early on in their degrees, and often included information about the support services available at university, such as where to find free and confidential counselling on campus, the best places to study on campus, and frequently asked questions. This will make it much easier for students to find support services that already exist and are the more appropriate way of addressing their concerns.

After an issue arises

Once a student approaches the society/association with a problem, there is a range of strategies available to resolve the issue. You could use the framework established at the commencement of your term, develop a proposal to present to the law school and/or university, and/or involve other organisations.

a) Using the framework

You have the option of either informing the student of the framework available within the law school and/or university for making complaints, or, with the student's permission, you may approach the law school on their behalf. This decision should be made with the input of multiple executive members, as the latter option may put the law society/association in an uncomfortable position.

b) Developing an Executive Council/Board/Cabinet proposal

Another society reported success through drafting proposals regarding their position on various issues. These proposals were typically concise documents of less than three pages, which set out the competing arguments for and against particular solutions. The main advantage of this was that it enabled the input of multiple people with different backgrounds and opinions. Depending on the size of your team and the sensitivity of the matter, you may consider limiting the amount of input accordingly.

c) Involving other organisations

Other societies

In some instances, the problem may extend beyond the law school into other areas of the university. For example, several law student societies/associations discussed issues regarding the changes to the library opening hours. If other student societies/associations are facing similar problems, it may be appropriate to engage with them on the issue.

This serves two purposes: firstly, it enables you to gather further information on the extent of the problem. One law society/association reported that when they encountered difficulties with the university administration, they consulted other societies to see if they were having similar problems. This information was useful in reaching a solution. Secondly, if appropriate, multiple student societies/associations can collectively advocate on behalf of students. This action is likely to have more strength than all of the groups advocating individually.

ALSA

Finally, ALSA may be able to assist in three different ways: through knowledge sharing, further investigation, and drafting a statement, where appropriate.

Knowledge sharing

ALSA runs knowledge sharing sessions at Council and Conference each year. This is a useful opportunity to discuss issues you have faced. If your team is struggling with an issue, then it is likely that someone else may have encountered something similar.

Further investigation

ALSA Bylaw 008 clarifies the process involved in referral of educational issues. The ALSA Education Team can be referred matters of concern to work on as projects during their term.

Statement

Where appropriate, ALSA may approve a position statement made on behalf of all Australian law student societies/associations. At September 2017 Council, the room unanimously voted that ALSA should take a stance regarding Marriage Equality. This was useful as it led into further discussion regarding how other law student societies/associations can address the issue.



d) **Remember to take care of yourself**

Whether advocacy is successful or not, there is a chance it will take an emotional toll on you. You may need to deal with difficult people, who are not prepared to admit that they are wrong. In certain cases, you may receive information that is incredibly disturbing. Being conscious of your obligations to protect privacy and confidential information, it can be a good idea to discuss how you're coping with trusted friends, family members, or if need be, qualified medical practitioners. Don't be afraid to ask for help when you need it. Not only is it important for your own physical and psychological wellbeing, but you want to make sure you do not compromise your capacity to help others and serve your members.

Part III: What if I can't advocate?

There may be situations where it is inappropriate for the law society/association to advocate for an individual. For example, the issue may be too insignificant or specific to one person, or there may be a conflict of interest involved. It is okay to admit that you are unable to assist, but you must do so carefully. Be conscious of how you phrase any communication. You do not want to leave the person without any support at all. Below you can find some strategies that the individual may benefit from:

a) Contacting relevant law school staff

Your law school may already have a framework in place to resolve complaints. For example, a particular academic may have this responsibility, and it may be best to refer them directly to them. If appropriate, you could also consider doing a ‘warm transfer’, i.e. contacting the academic personally to let them know that the law society/association has been approached by this person, and letting them know that you have put them in touch.

b) Student advocacy services

Most universities offer a student advocacy support service, who specialise in the university’s policies and procedures, especially for grade appeals. As university bodies, they also have more experience liaising with relevant departments that may be able to assist. Depending on the university, state, and the nature of the issue, the student could also consider contacting the relevant Ombudsman to assist with reviewing the problem.

c) Helplines

Universities also often have particular helplines available to contact, especially in the event of an emergency. Some are more generic, whereas others address specific issues, such as sexual assault and harassment (1800 RESPECT). Given that these helplines are staffed by trained professionals, this may be the more appropriate action to recommend, especially when the issue is urgent. It may be worth including these numbers in your guide to university life for ease of reference.

Part IV: Dos and don'ts

Do

- **Empathise with the person** – Try to put yourself in their shoes. Listen to them and try to understand why they are feeling that particular way. You may not necessarily need to take significant action for them, perhaps they just need someone to listen and validate how they are feeling.
- **Manage expectations** – There will inevitably be some issues that you cannot resolve for the student. Try to manage their expectations from the outset by telling them exactly what steps you intend to take, when they will hear from you, and any potential outcomes.
- **Manage the relationships at play** – It's important to remember that once the issue has been resolved, you will likely have further interactions with the parties involved. Exercise caution in any advocacy undertaken.
- **Consider putting together your own guide for easy reference** – Each university should offer a range of support services, covering academic assistance, counselling and wellbeing services, and various other initiatives. For new students who are trying to navigate a whole new university, fit 100+ pages of readings in, and to figure out the nuances of the Australian Guide to Legal Citation, they may not realise the range of services available. Creating a short guide may make it easier for them to realise where they can go to receive the particular type of assistance that they need.



Don't

- **Profess to be able to resolve every issue** – If a student made the effort to approach their law society/association for help, they may have a mix of problems. The problem may also be merely a symptom of other deeper issues at play. Be aware of what other services may also be required, such as the counselling services from the university.
- **Be unnecessarily aggressive** – Pick your battles. If the issue could possibly be resolved with a conversation to clarify the issues, that's probably a better start than actions such as writing a hard-hitting article for the student magazine, sending an abusive email, or posting an angry rant on Facebook. Remember, the person on the other side is, at the end of the day, another person, who has feelings.
- **Go in without a plan and the information you need** – Before advocating, you want to know the facts as best as you can ascertain. Advocacy demands some degree of planning and preparation. Consult the other Vice Presidents/Directors, where appropriate. Decide what possible outcomes are most likely to result from various actions, and which you would prefer.
- **Underestimate the impact that a law student society/association can have** – If you are an elected or appointed representative, you have the chance to make a difference to the experiences of your colleagues, provided that you handle the situation appropriately.



Part V: Resources

Template emails and tips

a) Emailing the law school/university to introduce yourself

Dear <name>,

My name is <your name>, and I am the <position> on <law society/association>. My role involves <brief description>.

I would welcome the opportunity to collaborate with your team. Are you available for a meeting?

Thank you for your time. I look forward to your response.

Kind regards,
<your name>

b) Emailing someone who seems to dislike you

Dear <name>,

I hope this email finds you well.

I was hoping to organise a meeting to discuss <xyz> with you. What time is most convenient for you?

Thank you for your time. I look forward to your response.

Kind regards,
<your name>

Tips

- Keep the emails brief and to the point.
- Always be careful with email communication. Be particularly careful with your tone and wording as this will be recorded and can be easily passed on.
- If you are unsure about an email and how the tone may come across, leave the email in your drafts folder for a day and come back to it later, perhaps after taking a walk around the block.

Relevant bodies

- Australian Law Students' Association
- Law Society of New South Wales
- Law Institute of Victoria
- Law Society of Western Australia
- Law Society of South Australia
- The Law Society of the ACT
- Queensland Law Society
- Law Society Northern Territory
- Law Society of Tasmania



