

ISDS Academic Forum

Election and Governance Policy for the Steering Committee

Consultation Draft, 8 May 2020
Proposed Revisions, 8 August 2023

I. Background

The Steering Committee for the ISDS Academic Forum was formed in October 2018 after expressions of interest and commenced formally on 1 January 2019. The Steering Committee was composed of 13 members, including a Chair and three Deputy Chairs. The content of an election policy for the Steering Committee was discussed at the Academic Forum meeting in Vienna (October 2018) and in New York (April 2019). There was a broad consensus that terms should not be too long and a rotation model could work, but there was no clear agreement as to process. Thereafter wider consultation took place in August and September 2019 regarding the election of the Steering Committee members during which a number of options were considered. This document provides a formal proposal for comment by members. Following an internal evaluation of this policy in the Academic Forum Steering Committee in 2021 and 2022, several amendments were proposed and sent to the membership for consultation in May 2023.

II. The Steering Committee – Membership and Functions:

1. The Steering Committee shall be composed of 15 members – 13 elected, and two representing the administering institutions (see VII). In no event shall it be less than 11 or more than 15. The Steering Committee shall have responsibility for the formal adoption of all policies of the Academic Forum, engage in discussions on the organization’s strategy, elect a Chair and Deputy Chairs, and be consulted by the Chair and Deputy Chairs on important strategic decisions and communication.
2. Membership of the Steering Committee shall be for four years unless otherwise provided below. Members of the Steering Committee are eligible for reelection, provided she/he has not served more than two consecutive terms.
3. For the founding Steering Committee members, four of the original members shall depart the Steering Committee every year (with the first to depart on 1 January 2021), and then five in the final departure (1 January 2024). The names of these departing members will be publicized 90 days before the end of each term. Departure is voluntary but if there are less than four that wish to depart, the Chair will choose the remainder. Elections will be held each time to fill these spots.
4. Elections shall be then held every second year to elect new members of the Steering Committee as the terms of elected members expire.
5. The Chair and Deputy Chairs of the Steering Committee will be appointed by the Steering Committee and shall serve a term of 2 years, renewable for one further term as Chair or Deputy Chair upon consent of the Steering Committee. The Chair and Deputy Chairs shall lead and coordinate the Academic Forum, prepare drafts of policies for adoption by the Steering Committee, arrange meetings of the Steering Committee and the entire Forum membership, and communicate regularly to Forum members and ensure that they have the opportunity to comment on draft policies. If the Chair or Deputy Chair is still serving their first term as officer upon departure from the Steering Committee, they may complete their term as an *ex officio* member of the Steering Committee.

6. Any current or former member of the Steering Committee, including Deputy Chairs, is eligible to stand for appointment as Chair. If a former member is appointed, they will also serve as an *ex officio* member of the Steering Committee.

III. Electoral Committee

1. The Electoral Committee shall consist of four of the departing Steering Committee members and one of the institutional members.
2. The Electoral Committee shall elect its Head, which shall not be the Chair of the Steering Committee.
3. The Electoral Committee shall receive nominations from all members of the Academic Forum.
 - a. Each member of the Academic Forum shall be entitled to put his/her name forward for election to the membership of the Steering Committee.
 - b. Each member is entitled also to nominate up to (4) nominees to the Steering Committee.
4. It shall be the responsibility of the Head of the Electoral Committee (or his/her designee) to contact the nominees for membership of the Steering Committee to determine their willingness to appear on the final ballot. It shall also be the Head's responsibility to notify the members of the Forum of the election results.
5. The Electoral Committee shall be responsible for overseeing the electoral processes of the Steering Committee, including soliciting and publicizing the nominations, organizing and counting the votes, and determining the results in adherence to the 'weighted voting' policy. See sections IV and V.
6. The Electoral Committee shall also address and respond to any questions by members of the Forum relative to the elections.

IV. Election Process

1. Within sixty days of the end of each two-year period of the Steering Committee, the Electoral Committee shall announce the call for nominations for vacant positions on the Steering Committee through email to the Academic Forum members. The announcement shall indicate the number of vacancies, their term, duties and responsibilities of nominees, and encourage nominations that ensure and improve diversity according to the institution's mandate.
2. Nominees shall be asked to send biographical information as required by the Electoral Committee and within the length limit and time limit set thereby.
3. Voting shall be done electronically.
4. Subject to the two-step counting procedure (see Section V below), candidates who receive the highest count of the votes cast shall be elected, and the Electoral Committee shall announce the names of the successful candidates and their term of office.
5. The successful candidate or appointee shall give a written undertaking to serve and fulfill the duties expected of the members of the Steering Committee.
6. Any casual vacancy that may arise in the Steering Committee shall be filled by the Steering Committee on a temporary basis. The Chair shall seek expressions of interest from members and the Steering Committee shall appoint the replacement, taking due consideration of the diversity criteria. The temporary member is eligible to stand at the election afterwards if they are amongst the departing four members. This replacement period does not count in determining when two consecutive terms come to an end as per Section II.2.

V. Two-step counting procedure

1. The counting of votes shall occur in a two-step process.
2. The candidates will be ranked first according to their total number of votes.

3. A “weighting” procedure will be applied secondly to maintain diversity:
 - a. If the four candidates with the highest number of votes are all of the same gender, the fourth-ranked candidate will be removed from the ranking. If the fifth-ranked candidate is of the same gender, they will also be removed and this procedure will be repeated until the fourth-ranked candidate is of a different gender.
 - b. If three of the four candidates with the highest number of votes are all from the same region (based on nationality and UN categories), the third ranked of these candidates will be removed. If the fourth-ranked candidate is also from the same region, they will also be removed and this procedure will be repeated until no region has more than two ranked candidates.

VI. Evaluation of the Election Process

Following the first two rounds of elections on the basis of the weighted voting, the Steering Committee together with the Electoral Committee shall consider whether the weighed voting policy achieved its aim in ensuring legitimacy and diversity in the representation of the Academic Forum membership.

VII. Direct Appointment to Membership of the Steering Committee:

By way of an exception from the election process, the Forum’s supporting administrative institutions (currently CIDS and PluriCourts) shall each always be represented by a member on the Steering Committee, who will be directly appointed, without regard to the Diversity Criteria or Termination criteria in Section II.2. Each institution can change at any time their representative.

VIII. Nominating Committee for Selection of Chair and Deputy Chairs

1. For the purposes of selecting its chair and deputy-chairs, the Steering Committee shall appoint a Nominating Committee. The previous Chair of the Academic Forum shall serve as Chair of the Nominating Committee. The current Chair of the Academic Forum shall recommend members of the Nominating Committee, subject to approval by the Steering Committee, ensuring diversity in its membership.
2. The Nominating Committee will solicit nominations, including self-nominations, from all Steering Committee members for the roles in the leadership team three months before the end of the current Chair or Deputy Chair's terms. Members of the Nominating Committee shall be ineligible for appointment as Deputy Chair or Chair in the current selection period.
3. The Nominating Committee must contact the nominees to determine their willingness to be considered.
4. The Nominating Committee shall propose to the Steering Committee a selection for the vacant roles in the leadership team two months before the end of the current Chair or Deputy Chair's terms. The Nominating Committee will take into account the need for diversity in the leadership team of the Chair and Deputy Chairs.
5. If the selection is approved by the Steering Committee, the Nominating Committee shall announce that the selected candidates have been appointed. If the selection is not approved, the Steering Committee shall request the Nominating Committee to nominate new candidates or hold an open election.