

Constitution of Carolina Mock Trial

ARTICLE I NAME

The name of the organization shall be Carolina Mock Trial.

ARTICLE II AFFILIATIONS

The organization shall be affiliated with the University of North Carolina-Chapel Hill (“UNC-Chapel Hill”) and shall also be affiliated with the American Mock Trial Association (“AMTA”) through the AMTA registration process.

ARTICLE III PURPOSE

3.1 Primary purpose. The organization shall allow its members to compete in mock trial competitions sponsored by the American Mock Trial Association.

3.2 Aspects of competition. The organization shall form teams, each of which will be composed of six to eight members and any number of alternates. Competing in mock trial competition involves members of teams preparing witness characters, direct and cross examinations, and opening and closing arguments.

3.3 Secondary purposes. To these ends, the organization shall prepare its members for competition, arrange for its members to attend competitions, and educate and train its members in legal principles, courtroom procedure, public speaking, and the like.

ARTICLE IV ADVISOR

4.1 Faculty advisor. The faculty advisor of the organization will complete all paperwork necessary for the organization to be officially recognized by UNC-Chapel Hill each year and registered with the American Mock Trial Association. Any further involvement in the organization is at the discretion of the faculty advisor, consistent with the provisions of this Constitution and the Bylaws.

4.2 Attorney coach. The attorney coach, should one be available, shall assist the organization in giving its members a greater understanding of the legal issues attached to any particular case problem. Any further involvement with the organization is at the discretion of the attorney coach, consistent with the provisions of this Constitution and the Bylaws.

ARTICLE V MEMBERS

5.1 Eligibility. Membership in the organization is open to all members of the University of North Carolina-Chapel Hill undergraduate student body. The organization does not discriminate

on the basis of race, color, religion, national origin, disability, age, veteran status, sexual orientation, or gender.

5.2 Try-out required. To become a member of Carolina Mock Trial, one must try-out and be selected by the current members of the organization.

5.3 Dues required. The organization may require members to pay dues on an annual basis. The amount of these dues will be set annually by the Executive Board.

5.4 Responsibilities of members. A member of the organization will be required to attend meetings of his or her designated team, at the discretion of that team's captains. The member will additionally be required to prepare for competition outside meetings by writing and practicing the elements of the case as described in §3.2 above.

5.5 Rights of members. A member of the organization has a right to vote in matters before the general membership and to petition the Executive Board for a redress of grievances. A member does not have the right to compete in any given tournament.

5.6 Termination of membership. An individual will cease to be a member of the organization if he or she is no longer a registered member of the UNC-Chapel Hill undergraduate student body. If a member otherwise wishes to terminate his membership with the organization, he or she must inform the Executive Board of his intention to quit the organization. In such an event, he or she forfeits all rights and privileges granted to him by his membership. The member will not receive any compensation for paid dues. A member who quits the organization in the middle of a given season will be required to try-out again at the beginning of a subsequent year should he or she wish to join the organization again.

(a) *Exception for Early Graduates:* A student member who graduates at the conclusion of a fall term may compete in the spring term, but only if the student has not matriculated in a graduate or professional school. [Note: This rule is based on Rule 3.6(3) of the AMTA Rulebook. Should AMTA change its policy regarding early graduates, the Executive Board must follow the new policy, so as not to be sanctioned by AMTA].

5.7 Removal of members. The unanimous agreement of the Executive Board and the captains of a member's team, will be sufficient to remove a member from the organization, following the procedure outlined in the organization's Bylaws. If the member in question is a captain or Executive Board member, he or she shall not receive a vote in the issue.

ARTICLE VI EXECUTIVE BOARD

6.1 Defined. The Executive Board will be the ruling body of the organization.

6.2 Election. The Executive Board shall be elected each year after the conclusion of the National Championship Tournament by the members of the organization as defined by the organization's Bylaws. Each member shall have four votes in this election, and no member may cast more than one vote for a single candidate.

6.3 Composition. The Executive Board shall be composed of the four members of the organization receiving the most votes in the election.

6.4 Duties and powers. The Executive Board shall select members through try-outs; place the members of the organization into teams; designate certain team members as alternates; appoint and remove team captains; remove members from a competing roster; remove members from the organization; manage the financial affairs of the organization; appoint members to the offices designated in Article VII of this Constitution; create temporary offices as needed and appoint members to these offices. The Executive Board shall mediate disputes among teams.

(a) *Limitation as to “stacking.”* “Stacking” refers to rearranging the composition of teams in a manner to make one team overall stronger than another. After invitationals, the Executive Board may rearrange teams in such a fashion for the regional tournament. Once the final regional has concluded, however, they shall not be rearranged for the rest of the year.

(b) *Funds.* All generated funds and funds obtained through fundraising will be conducted through the Student Activities Fund Office and shall be used at the discretion of the Executive Board.

6.5 Term. The term of office will begin on the day of the election and end in the election of a new Executive Board in the next year.

6.6 President of the organization. The President of the organization shall be elected in a separate election by the general membership. The Executive Board member receiving the most votes in that election shall be the President. Only elected members of the Executive Board are eligible for this office.

(a) *Duties and powers of the President.* The President shall

1. act as the spokesperson of the organization.
2. preside over meetings of the Executive Board, of the Executive Council, and of the general membership.
3. in the event of a tie in a vote of the Executive Board, cast the tie-breaking vote.
4. delegate administrative responsibilities among the members of the Executive Board, including authoring an agenda for each meeting.

6.7 Voting. Each member of the Executive Board shall receive one vote in its decisions. Votes shall be cast by roll call. A simple majority of the board shall be sufficient to pass any resolution. In the event of a tie, the President shall cast the tie-breaking vote. In an open meeting, the vote of each member of the Executive Board shall be published in the minutes of the meeting.

(a) *Proxy.* In the event that a member of the Executive Board cannot be present for a meeting, he or she shall proxy her vote to another member of the Executive Board for every vote on the agenda. Any vote not on the agenda will be tabled until a time when the entire Executive Board can meet.

(b) *Quorum.* Three members of the Executive Board must be present for a vote to be taken. The fourth member must have proxied his or her vote.

6.8 Open Meetings. The Executive Board will conduct at least one open meeting per month. The Executive Board may elect to hold additional open meetings at its discretion.

(a) *Defined.* An open meeting may be attended by any member of the organization. The Executive Board will allow time for questions and comments from the general membership during its open meetings.

6.9 Closed Meetings. The Executive Board shall close a meeting or a portion thereof to discuss a member’s financial situation; to redress a particular member’s grievance; to discuss the removal of a member from a competing roster or the organization; to select members; to select or rearrange teams; or to address other extenuating circumstances not here enumerated.

(a) *Defined.* A closed meeting is a meeting in which only the Executive Board is present for voting, and where the Executive Board may determine by its discretion who else may be present for the meeting proper. The Executive Board may be required to allow certain parties to be present to discuss issues involving them, as discussed in the Bylaws, including assembling the Executive Council for any matter concerning team composition.

(b) *Voting in closed meetings.* In a closed meeting, any vote of the Executive Board will take place with no other members present. The margin of decision of the vote will not be disclosed to any other member. An Executive Board member may disclose his or her own vote to any party directly involved with the issue that the Board has decided.

6.10 Removal from office. If the three members of the Executive Board unanimously approve a resolution that the remaining member of their Board should be removed from office, or, alternatively, if a petition to remove an Executive Board member signed by one fourth of the membership of the organization is presented to the Executive Board, the matter will come before the general membership of the organization. If a two-thirds majority of the organization votes to approve the resolution, the individual shall be removed from office.

6.11 Remedy to vacancy. If a vacancy occurs in the office of Executive Board member, the Executive Board will immediately call a special election to replace that member. In the brief period before a new member of the Executive Board is elected, the current Executive Board may continue to pass resolutions by a simple majority, but may not vote on the removal of a member from competition or the organization, nor redress grievances.

ARTICLE VII APPOINTED OFFICERS

7.1 Eligibility. Any member of the organization may be appointed to an office enumerated in this article, regardless of whether that member is a team captain, Executive Board member, or already appointed to another of the offices enumerated herein.

7.2 Method of selection for appointment. The Executive Board shall make an announcement to the membership of the organization when an appointed position is open. Interested parties shall make their interest known to the Executive Board in writing. All interested parties shall receive consideration by the Executive Board. The Executive Board will discuss its appointments in a closed meeting. The appointment will occur when the Executive Board passes a resolution to appoint a certain individual to the position. If no member expresses interest in a particular position, the President must appoint a member of the Board to that office.

7.3 Term. The term of appointed officers will begin with the appointment of the Executive Board and end with the election of a new Executive Board.

7.4 Secretary. The Executive Board shall appoint a Secretary of the organization.

(a) *Duties and powers.* The Secretary shall

1. take and keep minutes of all open Executive Board meetings.
2. make these minutes available to any member at his or her request.
3. keep record of and manage the external correspondence of the organization.
4. manage correspondence with alumni of the organization.
5. attend to the publicizing of try-outs, competitions, and competition results, both on campus and elsewhere.

7.5 Treasurer. The Executive Board shall appoint a Treasurer of the organization.

- (a) *Duties and powers.* The Treasurer shall
1. become a certified treasurer according to the regulations of the UNC Student Government.
 2. manage the Student Activities Fund Office account of the organization.
 3. collect dues, receipts, and other monies from the members of the organization.
 4. prepare the budget and represent the organization in front of the Student Congress for the annual budget process.

7.6 Fundraising Coordinator. The Executive Board shall appoint a Fundraising Coordinator.

- (a) *Duties and powers.* The Fundraising Coordinator shall
1. organize all fundraising efforts of the organization, as directed by the Executive Board.
 2. contact businesses, alumni, and any other source to obtain donations.
 3. make record of which members participated in each fundraising activity.

7.7 Historian. The Executive Board shall appoint a Historian of the organization.

- (a) *Duties and powers.* The Historian shall
1. collect photographs, video, souvenirs, and other such memorabilia throughout the year.
 2. assemble these items at the end of the year into a scrapbook, to be presented to the Executive Board two weeks after the conclusion of the National Championship.

7.8 Webmaster. The Executive Board shall appoint a Webmaster of the organization.

- (a) *Duties and powers.* The Webmaster shall be responsible for the maintenance and upkeep of the Carolina Mock Trial website.

7.9 Removal from office. The Executive Board may dismiss any of the above appointed officers from office by passing a resolution that an individual in that office shall be removed from it. They shall appoint another member to take that member's place by the method detailed in §7.2 above.

ARTICLE VIII ADVISORY COMMITTEE

8.1 Composition. The Advisory Committee will include the captains of the teams, as appointed by the Executive Board, excluding any team captains already members of the Executive Board. The composition of this Board may change during the year if the Executive Board rearranges teams.

8.2 Executive Council. The Advisory Committee and the Executive Board in joint meeting will be called the Executive Council.

8.3 Term. The term of this office shall be from the time of appointment until the Executive Board assigns new team captains. Typically, the Executive Board will assign new teams after try-outs and after the invitational tournament, though rearrangements may occur more frequently than this. If a team competes in a regional tournament but does not qualify for a national tournament, the captains of that team will continue to be members of the Advisory Committee.

8.4 Duties. In addition to their responsibilities as captains, the Advisory Committee will advise the Executive Board in matters concerning their team, including the assignment of its members to new teams after invitationals and travel accommodations. The Advisory Committee shall

attend any open or closed meetings of the Executive Board where their presence is requested or required by this Constitution or the Bylaws.

8.5 Removal from office. A member of the Advisory Committee will be removed from office in the event he or she ceases to be captain of a team due to rearrangement of teams.

ARTICLE IX MEETINGS

9.1 Meetings of the general membership. A meeting of the general membership may be called by the Executive Board, for purposes including but not limited to group instruction or training, discussing administrative issues, and performing elections. Attendance at these meetings is mandatory for every member of the organization, with exceptions left to the discretion of the Executive Board. The date, time, and place of such a meeting must be announced one week before it.

9.2 Meetings of individual teams. A meeting of an individual team may be called by the captains of that team. Attendance at these meetings is mandatory for every member at the team, with exceptions left to the discretion of the team captains.

9.3 Scrimmages. Team captains may organize scrimmages between two teams in the organization as a practice exercise. Attendance at these meetings is mandatory for every member of each team, with exceptions left to the discretion of their respective captains.

9.4 Votes anonymous. All votes of the general membership shall be done by secret ballot.

ARTICLE X PARLIAMENTARY AUTHORITY

10.1 Ratification. This Constitution shall be ratified by the approval by two-thirds of the current membership of the organization in August 2004.

10.2 Amendment. An amendment to this Constitution must be first presented to the Executive Board. If the Executive Board gives its approval by a simple majority, the amendment shall be proposed in a meeting of the general membership. Each member shall have one vote. A two-thirds majority of the current membership of the organization shall be sufficient to amend the Constitution as proposed.