

BRANDEIS UNIVERSITY MOCK TRIAL ASSOCIATION

Club Constitution, 2022-2023

(This version supersedes any previous versions.)

Article I: General

1. The official name of this group shall be the Brandeis University Mock Trial Association.
2. This group shall exist as a chartered club under the provisions set forth by the Brandeis University Student Union for the following purposes:
 - a. To participate in the competitions of the American Mock Trial Association (AMTA), including Invitational, Regional, ORCS and National Tournaments.
 - b. To improve the legal reasoning, public speaking, and acting skills of the members of the Club and the General Campus.

Article II: Membership

1. A Club Meeting is defined as a meeting open to the General Campus called by the Executive Board to discuss information relevant to Mock Trial.
2. There are three classifications of membership: Member, Voting Member and Inactive Member.
3. Membership is open to all students, staff, and faculty of Brandeis University without regard to race, religion, color, gender, national origin, disability, age, veteran status, creed, marital status, public assistance status, or sexual orientation.
4. Voting Membership is only open to students of Brandeis University. In order to be a voting member, students must:
 - a. Compete at one tournament during the course of the semester.
 - b. Participate in at least half of the fundraising events during the course of the current semester if any fundraisers have occurred.
 - c. If a tournament has not taken place during the current semester voting members from the prior semester will be considered voting members for the current semester.
 - d. The Executive board, by majority vote, can waive either of these requirements for any individual given extenuating circumstances.
5. Inactive Membership is for students who are not currently enrolled on the Brandeis campus, either due to Study Abroad, or other circumstances.
 - a. Provided the individual was a Club Member in good standing before they left Brandeis, they qualify for Inactive Membership and will retain their Membership upon their return to Brandeis.
 - b. Pursuant to Article III, Section 6. Inactive members who are abroad in the spring are entitled to run for election for the coming year provided they meet all of the requirements as outlined in Article III.
6. Team Membership
 - a. Team composition will be decided by the Executive Board, after a fair tryout process

approved by the Executive Board in advance.

- b. In order to construct any team, a committee composed of the Vice President of External Affairs, Vice President of Internal Affairs, and President must first draft a team construction proposal to submit to a majority vote by the Executive Board. If said proposal does not pass the majority vote, the committee will continue to draft new proposals for submission to the Executive Board until a proposal can pass the majority vote.
- c. Participation on a Team will be limited to the rules and policies of AMTA.
- d. All Team Members must be club members in good standing.
- e. The acceptance of position on a team mandates full consent to any re-assignment pursuant to Article IV, Section 4.
- f. In the instance, of last resort, that the stacking committee finds it necessary to construct a team that will not be slated for regional competition, the committee will first draft a distinct and comprehensive plan for that team's management and improvement. Prior to execution, the plan must be approved by the Executive Board. The plan must be ready for execution within three days of stacking.

Article III: Officers

1. The Organization will have an Executive Board consisted of the following Officers: President, Vice President of Internal Affairs, Vice President of External Affairs, two Tournament Directors, Treasurer, and Secretary.
2. Officers must be eligible to compete for Brandeis University using the AMTA guidelines for eligibility. Officers cannot hold more than one office. Officers must also be club members in good standing at the time of their election.
3. Except as provided for under this Constitution, all Officers will have equal say and equal vote in administrative matters, including, but not limited to: financial operations, tournament participation and general club policy.
4. Duties of Officers shall be as follows:
 - a. President
 - i. The President is ultimately responsible for the overall success of the Club.
 - ii. The President shall preside over all Executive Board Meetings and general Club Meetings.
 - iii. The President will be responsible for scheduling club meetings decided upon by the Executive Board.
 - iv. The President along with the Vice President of Internal Affairs and the Vice President of External Affairs, will be responsible for team composition and appointment of captains
 - v. The President will oversee the implementation of the events set up by the Fundraising Chair and the Secretary.

- vi. The President is responsible for delegating all necessary tasks that are not specifically enumerated in the Constitution. The President will ensure the smooth operation of the club and present, at a minimum, monthly progress reports to the Membership.
 - vii. The President is responsible for collaborating with E-Board to delegate the task of organizing and scheduling any Workshops that are open to the General Campus with the purpose of improving the skills of individuals as those skills relate to Mock Trial.
 - viii. The president is responsible for scheduling and running any social events for the club, including the annual banquet.
- b. Vice President of External Affairs
- i. The Vice President of External Affairs shall be responsible for scheduling try-outs, creating the annual audition/try-out packet, and organizing Team selection meetings.
 - ii. The Vice President of External Affairs along with the Vice President of Internal Affairs and President, will be responsible for team composition and appointment of captains.
 - iii. The Vice President of External Affairs shall be responsible for communications with AMTA and arranging accommodations and transportation for competitions off campus.
 - iv. The Vice President of External Affairs shall be responsible for creating the competitive schedules and tournament locations for each of the teams.
 - v. Vice President of External Affairs shall be the designated 'Official Contact Person' for the Brandeis University Mock Trial Association in accordance with AMTA Regulations.
 - vi. Vice President of External Affairs shall strive to foster, develop and maintain cordial relationships between the Brandeis University Mock Trial Association and other Mock Trial programs.
- c. Vice President of Internal Affairs
- i. The Vice President of Internal Affairs shall preside over the Club Meetings if the President cannot attend
 - ii. The Vice President of Internal Affairs shall be responsible for finding and scheduling professional attorney/staff coaches.
 - iii. The Vice President of Internal Affairs will work with the Vice President of External Affairs and President on team compilation and captain selection.
 - iv. Once teams are set, the Vice President of Internal Affairs shall keep all Team Captains informed of current competitive information.
 - v. The Vice President of Internal Affairs will also be in charge of ensuring that all teams are running smoothly and on schedule.
 - vi. The Vice President of Internal Affairs is in charge of coordinating the

- procurement of any office supplies needed by the Club, including folders, binders, boxes and legal pads to be used as case materials.
- vii. The Vice President of Internal Affairs is in charge of knowing the whereabouts of all case materials, and is in charge of procuring storage for all case materials over any and all breaks.
- viii. The Vice President of Internal Affairs is in charge of the enforcement of Article IV 6a, making sure that regular captain's meetings occur at least once a month.
- ix. The Vice President of Internal Affairs is responsible for preparing a workshop for all prospective captains prior to composing teams.
- d. Tournament Directors:
 - i. The Tournament Directors are responsible for organizing any Tournaments held on campus, including inviting other schools, arranging facilities, and securing judges.
 - ii. The Tournament Directors are the primary point of contact with other schools and local attorneys to serve as judges.
 - iii. The Tournament Directors are responsible for scheduling and administering the Mock-mock Trials, and any inter- Brandeis scrimmages.
 - iv. The Tournament Directors cannot compete at any Invitational Tournaments he/she is in charge of. The Tournament Directors may compete at any Tournaments off-campus.
 - v. The Tournament Directors are responsible for organizing and running fundraising efforts throughout the year.
 - vi. The Tournament Directors shall maintain a list of all members who have participated in any official fundraising event.
- e. Treasurer
 - i. The Treasurer shall be responsible for the financial operations of the Organization.
 - ii. The Treasurer will keep accurate records of incoming and outgoing funds, present quarterly financial reports, and make financial records available to the Membership upon request.
 - iii. The Treasurer will be in charge of keeping track of all bank records and statements from the Club checking account.
 - iv. The Treasurer is in charge of securing money from the Student Union Finance Board and the Brandeis Administration.
- f. Secretary
 - i. The Secretary shall be responsible for the communication within the Organization.
 - ii. The Secretary is responsible for all external communications. The Secretary shall therefore be responsible for maintaining the Club website, blog, and any other social media accounts.
 - iii. The Secretary shall take and catalogue the minutes of meetings (both club and executive), schedule rooms and locations, and communicate meeting announcements and other

information to the Membership.

- iv. The Secretary shall be responsible for maintaining and updating all Organization email lists, and keeping a list of who is a member in good standing and is a voting member.
- v. The Secretary is in charge of publicity both on and off campus.
- vi. The Secretary is responsible for organizing the Activities Fair booth and putting up any necessary fliers.
- vii. The Secretary is responsible for new Member recruitment.
- viii. The Secretary shall be responsible for making any changes to this Constitution after amendments have been approved pursuant to Article IX and post an updated copy of the Constitution both to the mybrandeis.edu Club Space and the Brandeis University Mock Trial Association website.

g. Officer of Diversity Equity and Inclusion (DEI)

- i. The Officer of DEI is responsible for ensuring no member experiences harassment or discrimination, overt or covert, on the basis of race, class, sex, gender, sexuality, ethnicity, legal citizenship status, nationality, religion, or ability
- ii. The Officer of DEI is responsible for ensuring minoritized groups are represented and supported within Brandeis University Mock Trial Association.
- iii. The Officer of DEI will create, manage, and regulate the social and educational atmosphere of Brandeis University Mock Trial Association, including E-board. They are tasked with cultivating and maintaining a caring, fun, supportive, and inclusive environment therein.
- iv. The Officer of DEI will, at the beginning of their term and no later than one month into their term, undergo training with the Office of Diversity Equity and Inclusion and/or PARC to better execute their responsibilities.
- v. The Officer of DEI will, at the beginning of their term, lead a general meeting to create community guidelines, created and agreed upon by all members of Brandeis University Mock Trial Association.
- vi. The Officer of DEI will, at the beginning of their term, lead part of an E-board meeting to create community guidelines, created and agreed upon by Brandeis University Mock Trial Association Executive Board members.
- vii. The Officer of DEI will make themselves known to, and familiar with, all members of Brandeis University Mock Trial Association to build trusting relationships in pursuit of the environment outlined in 3.
- viii. The Officer of DEI shall create initiatives at the start of their term to be completed by the end of their term which work towards reducing the associations implicit and/or explicit contribution to the perpetuation of systemic and systematic inequalities on the basis of race, class, sex, gender, sexuality, ethnicity, legal citizenship status, nationality, religion, or ability.
- ix. The Officer of DEI will hold group members accountable for any actions deemed to have caused harm to any other member, by having first an individual conversation with the transgressor, bringing forward the incident to the E-board, developing solutions towards

reconciliation, and if necessary, recommending and seeing through the involvement of Brandeis University supports including but not limited to the Office of Equal Opportunity and Office of Diversity Equity and Inclusion.

- x. The Officer of DEI will work with Tournament Directors to create and present bias training to judges at the Brandeis University Invitational Tournament.
- xi. The Officer of DEI is responsible for bringing to the attention of E-board any and all relevant political or institutional messaging, programs, or changes within the Brandeis community. In doing so, the ODEI shall ensure Brandeis University Mock Trial Association, as funded by Brandeis, holds the Brandeis University accountable for their actions in any feasible and appropriate capacity.
- xii. The Officer of DEI will help manage promotional efforts, included but not limited to social media, tabling, and involvement fairs.

h. Senior Competition Advisor

- i. Students can run for this position in their senior year and it will last for a full year.
- ii. The senior competition advisor will run a rules of evidence workshop at least once a semester and must be available for members to come to practice and write materials or to meet with them at other specified meeting times.
- iii. This position can be vacant if nobody chooses to run or is elected. This position will be elected in a special election spring semester.

5. Election Procedures:

- a. Officers will be elected by the Voting Members of the Organization at a time and place to be determined by the current Executive Board, and will be announced at least one week prior.
- b. Regular elections are held once annually at the end of the Fall semester. The existing Fall E-Board will stack teams for the Spring semester before elections. Amendments to the Constitution will be made before elections are held.
- c. All reasonable effort shall be made to ensure maximum attendance at the election proceedings.
- d. The procedure shall consist of nominations, followed by an optional short speech by each candidate.
- e. Candidates may decline a nomination.
- f. Officers shall be elected by majority vote, provided a quorum is present.
- g. Proxy voting is not allowed.
- h. The election shall proceed in the following order:
President, Vice President of External Affairs, Vice President of Internal Affairs, Tournament Director (1), Tournament Director (2), Treasurer, and Secretary
- i. The election will be based on a roll-down system, meaning that elections procedures will take place for each office in the aforementioned order and once that position is filled, the procedure will start again for the next position. Candidates from the previous position

may be nominated for any remaining positions as the elections roll-down.

- i. The election process cannot continue until each preceding seat is filled.
- j. All voting will be conducted using secret ballots.
- k. If 'Abstain' wins an election, the election for that position will start over, with calls for nominees. All individuals must be re-nominated.
 - i. If 'Abstain' wins the same election again after a re-do, the Executive Board will convene and by a majority vote put forth a solution of their choosing that will allow the position to be filled (even if temporarily) and the election to continue.
6. Members who are abroad in the Spring semester may run for positions for the following year by emailing the Secretary 48 hours prior to elections. Abroad Members must indicate which position(s) they would accept if nominated. In lieu of a speech, abroad members may write a short candidate statement to be read if nominated.
7. Newly elected Officers assume their position following Commencement.
8. Officers cannot study abroad during their term.

Article IV: Teams

1. A Team is defined as a group of Members who practice together. There are two kinds of Teams:
 - a. Competitive Teams, whose primary goal is success for Brandeis Mock Trial at competitions; and
 - b. Practice Teams, whose primary goal is to improve the skills of the individual members.
2. The number of Teams shall be decided by the Executive Board, based upon participation, number of returning Members, number of new Members, financial capabilities of the Club, and any other relevant criteria.
3. Team composition will be determined by the Executive Board in accordance with Article II, Section 6.
4. The Executive Board, by a majority vote, may alter Team composition as necessary based on objective data such as scores from competitions and subjective observations. Such alterations must be done with the goal of increasing the success of Brandeis Mock Trial at competitions.
5. Competitive Team Membership shall abide by current AMTA policy regarding eligibility, number of Members, and any other standards necessary for competition in AMTA.
6. Each Team will have two Captains appointed by the Executive Board.
 - a. Executive Board members (or a representative portion thereof) will meet with team captains in a collective meeting at least once a month.
7. Captains shall be responsible for the planning and scheduling of Team Meetings. These Meetings will take place at a time and place that reasonably accommodates the needs of the majority of the Team Members. Meetings should take place no less than once per week in the beginning of the school year, and then more frequently at a time determined by the Vice

President, and the team captains.

8. Captains have the authority to assign roles within their team; however, the Vice President of External Affairs, Vice President of Internal Affairs, and President, as a committee, have the ultimate veto power of all team decisions.
 - a. Captains must submit a copy of their team roster and assigned roles to the Vice President of External Affairs, Vice President of Internal Affairs and President and update them of any changes or reassignments.
 - b. Should the stacking committee of the Vice President of External Affairs, Vice President of Internal Affairs and President place any individual on a team with the specific intentions that that individual compete in a certain capacity (whether attorney or witness, or a specific role), the stacking committee is encouraged to communicate those intentions to the captains in a manner of their choosing prior to team roles being finalized.
9. Team captains shall be responsible for procuring necessary case materials from the vice president for their team, making copies of the case for their team, and assembling their team's case materials.
10. Each team captain shall be responsible for ensuring that their team's case materials remain complete and shall be responsible to know the whereabouts of all their team's case materials before, during and after competitions.
11. All due diligence shall be made to promote respect within and among each Team.
12. It is not a requirement that a Team compete at Regionals.

Article V: Removal

1. Removal of Officers:
 - a. An Officer may be removed from his/her office by a vote of the total number of Executive Board members minus two. If there are seven Executive Board members, five must vote for removal for it to be successful. After a successful vote by the Executive Board to remove an Officer, at the next Club Meeting when a quorum is present, the Voting Membership will vote on the removal of that Officer. A majority vote of the club is required for removal.
 - b. An Officer may also be removed from his/her office by a vote of the Voting Membership. At a Club Meeting, a Voting Member may make a motion for a vote to remove an Officer. At the next Club Meeting when a quorum is present, the Voting Membership will vote on the removal of that Officer. A three-quarters-majority vote is required for removal.
 - c. If an Officer is removed following the procedures in Article VI, resigns from Office, or is unable to perform the duties of his/her Office, at the next Club Meeting, a new election for that position will be held following the election procedures in Article III, Section 5, excluding Article III, Section 5, clause B detailing the timing of the

election. Current members of the Executive Board may run for the vacated position, and if successful, their position will be available for candidates at that same election.

2. Removal of Captains:

- a. A Captain may be removed from his/her role as Captain by a vote of the total number of Executive Board members minus two. If there are seven Executive Board members, five must vote for removal for it to be successful.
- b. A Captain may also be removed from his/her office by a vote of the Voting Membership. At a Club Meeting, a Voting Member may make a motion for a vote to remove a Captain. At the next Club Meeting, the Voting Membership will vote on the removal of that Captain. A two-thirds-majority vote is required for removal.
- c. If a Captain is removed following the procedures in Article VI, resigns his/her Captainship, or is unable to perform the duties of their Captainship, the Executive Board will appoint a new Captain from that team.

3. Reassignment of Team Members

- a. In accordance with the tradition of Brandeis University and the Brandeis University Mock Trial Association's history of non-exclusion, as outlined in Article II, no member of Brandeis University Mock Trial Association may be removed from the club by the Executive Board.
- b. Members may choose to remove themselves from the Brandeis University Mock Trial Association.
- c. Reassignment is reserved strictly as a punitive measure to protect the integrity and good name of the Brandeis University Mock Trial Association. Reassignment should only be used as a mode of last resort to prevent an individual from harming the external reputation of the Brandeis University Mock Trial Association.
- d. An individual's reassignment may only occur as a result of a majority vote of the Executive Board after official meetings with both the reassigned party and any individuals bringing forth the complaint.
- e. Individuals may be reassigned to a non-competitive 'timekeeper' role. They will retain their privilege to travel with their team.
- f. Individuals may be reassigned to a non-competitive, non-traveling 'observer' on the team. Such individuals will not be able to travel with their team to any tournaments, but will be expected to attend any and all team meetings on campus.

4. Dropping from a Team

- a. Definition: As used in this article, Dropping is defined as quitting voluntarily or involuntarily, with or without cause, before a team's schedule of competition has been completed.
- b. Individuals have the right to drop from a team at any time.
- c. Individuals who choose to drop from a team without good cause shall forfeit competition rights for the remainder of the academic year.

- d. Individuals who choose to drop from a team without good cause shall forfeit their standing as voting members for the remainder of the academic year and shall be barred from any of the rights and privileges conferred onto voting members.
- e. Individuals who drop from a team with good cause shall be subject to Article V, Sections 4.c or 4.d based on a majority vote of the Executive Board as to whether or not to bar said member for competition and whether or not to strip said member of their voting privileges.

Article VI: Financial Matters

1. The Organization shall not provide for monetary gain, incidentally or otherwise to its directors or Membership. This does not restrict the payment of wages, salaries, or incentives by the Organization for services rendered, provided an accurate, itemized, and public record is made of any and all payments, and approved of by the Executive Board.
2. If an individual takes an action that results in Brandeis Mock Trial incurring a monetary fine--barring medical or familial emergency--the individual will be responsible for personally paying or fundraising the money to settle the fine. If there is an ambiguity in fault, the Executive Board will decide by a simple majority vote who the responsible party is. The party will be given 48 hours notice before the Executive Board votes and must be given the opportunity to make their case before voting.

Article VII: Bylaws

1. Bylaws may be proposed by the Membership, and may be adopted by a majority vote of Voting Members present at a Club Meeting, provided that a quorum is present.
2. No bylaws may be established that conflict with the Constitution.
3. Bylaws take effect from time of approval up until the end of the school year, and may be reintroduced at the beginning of the next school year for re-approval.

Article VIII: Amendments

1. Any Voting Member of the Organization may submit Amendments to this Constitution. These proposals should be made in writing, and submitted to the Executive Board. The Executive Board shall submit any and all proposed Amendments to the Membership at the next Club Meeting.
2. Duly proposed Amendments submitted to the Membership will be voted upon, provided a quorum is present. A two-thirds majority in favor of the Amendment is required for enactment.
3. Any new Amendments shall take effect 24 hours after passage.

Article IX: Interpretation of the Constitution

1. The Executive Board shall, by majority decision, have authority to interpret this Constitution

when a dispute should arise to its meaning. The interpretation shall be a textual one, adhering as closely as possible to the literal meaning of the text. Any Officer has the power to submit an area of dispute concerning interpretation to the Voting Membership during a Club Meeting. Provided that a quorum is present, the Voting Membership will have the power to override the Executive Board interpretation with a two-thirds vote in favor of the dissenting Officers interpretation. All written interpretations shall be recorded in the annals to be maintained by the Secretary, and made available to club members.

2. Areas of issue deemed not to be covered in this Constitution by a majority vote of the Executive Board shall be put to a vote of the Voting Membership. Such a vote will not be ratified as an Amendment unless the procedure in Article IX is followed.

Article X: Administrative Priority

1. The administration of the Organization shall be governed by the following order of priority:
 - a. Ensuring the occupation of all seats on the Executive Board
 - b. Amendments to the Constitution.
 - c. Proposed bylaws
 - d. Financial decisions
 - e. Other administrative decisions

Article XI: Definition of Terms

1. The following definitions shall apply during the interpretation of this Constitution:
 - a. Amendment: Any change made to the terms of this Constitution.
 - b. Club Meeting: A meeting open to the General Campus called by the Executive Board to discuss information relevant to Mock Trial.
 - c. Executive Board: The governing body of the organization, composed of the President, Vice President of External Affairs, Vice President of Internal Affairs, two Tournament Directors, Treasurer, and Secretary.
 - d. Officer: Any member of the Executive Board.
 - e. Mock-mock Trials: A series of scrimmages arranged by the Tournament Director between Brandeis Teams. Typically held before Regionals, but can be held at any time during the year.
 - f. Quorum: Fifteen Voting Members or two-thirds of active Voting Membership, whichever is fewer.
 - g. Senior-most Officer: Determined in the following order: President, Vice President of External Affairs, Vice President of Internal Affairs, two Tournament Directors, Treasurer, and Secretary.
 - h. Social Event: An event run by Mock Trial with the purpose of improving Club camaraderie and bonding.
 - i. Tournament: A Mock Trial tournament.

- j. Voting Member: Any Member of the Organization, including Officer, who has met and adhered to all the guidelines required for good standing as stated in Article II, Section 8.
- k. Workshop: Meetings that are open to the General Campus with the purpose of improving the skills of individuals as those skills relate to Mock Trial.