

Constitution of the Varsity Mock Trial Undergraduate Student Team 2023-2024

ARTICLE ONE – *Name and Purpose*

- 1.1 The official name of the recognized student group is “Varsity Mock Trial Undergraduate Student Team”.
- 1.2 The official acronym of the group is “VMT” and/or “UofT Varsity Mock Trial”.
- 1.3 The purpose, objective, mission, and/or mandate of the organization is to provide a comprehensive, diverse, and law-focused learning experience that fosters a healthy, competitive team environment in Canadian, U.K., and U.S. mock trial (AMTA).
- 1.4 The “executive” shall henceforth be referencing the five later outlined positions of Managing Partners (3) and Senior Partners (2).
- 1.5 For all intents and purposes with regard to this Constitution and the provisions therein, a “team member” refers to any member of the Varsity Blues Mock Trial Team, including any members with executive portfolios.
 - (a) For all intents and purposes with regard to this Constitutions and the provisions therein, the terms “team member,” “group member,” “general member,” and their collective forms, e.g. “general membership,” are effectively synonymous with one another, and congruent with the foregoing definition.

ARTICLE TWO – *Membership*

- 2.1 The group shall maintain a list of group members.
- 2.2 Membership is open to all currently registered students of the University of Toronto.
- 2.3 All VMT graduated alumni are permitted to serve as VMT coaches except in the circumstance of a $\frac{2}{3}$ executive vote in opposition. Note attorney judges can be brought to provide team feedback, but will not serve as a “coach” in order to maintain the student-led nature of Varsity Mock Trial.

ARTICLE THREE – *Rights of Members*

- 3.1 All members have a right to attend and cast votes at all general meetings.
- 3.2 All members have a right to stand for election unless otherwise stated in this document.
- 3.3 All members have a right to propose and vote on amendments to this constitution.
- 3.4 All members have a right to receive and review any draft constitution created by the Executive at least 7 (seven) days in advance of its submission for a confirmatory vote by the general membership.
- 3.5 Prior to any vote confirming a new constitution, all members have a right to participate in an open caucus for deliberation surrounding the presented draft constitution.

The Executive is responsible for proactively inviting and accommodating this open forum. This caucus shall initially last for a maximum of 15 (fifteen) minutes. After the caucus timer elapses, the membership may elect by majority vote to extend the caucus by increments of 15 (fifteen) minutes, and nothing precludes the right of the membership to further extend an already extended caucus.

The membership may, at any point during the deliberative process, elect by majority vote to exhaust deliberations and enter voting procedure.

ARTICLE FOUR - *The Executive*

- 4.1** The term for all positions on the Executive shall be from May 1st to April 29th of the subsequent academic year.
- (a)** April 30th will be a “transitional day” where all relevant documents and information must be given to the new executive, if applicable.
- 4.2** All who fall under the purview of the Executive shall maintain one (1) equal vote in all matters of respective authority as outlined in Article 5, for a total of five (5) votes.

ARTICLE FIVE - *Executive Composition and Duties*¹

- 5.1** The Executive shall be composed of three Managing Partners and two Senior Partners, who shall share the common responsibilities of their respective designations, and certain distinct responsibilities as prescribed in Articles 5.3 and 5.5.
- (a)** While each Managing Partner and Senior Partner has certain discrete responsibilities, no single Partner shall cause to be established any hierarchy of authority over decision-making on any matter not otherwise prescribed within this Constitution. Any further delineation of duties must conform to a majority decision of the full Executive. No Partner shall, at any time, hold a unilateral veto over majority decisions.
- (b)** The vesting of Partner roles with decision-making power over particular domains shall not be interpreted as absolute and unabridged; while no Executive may unilaterally encroach upon the responsibilities of another without delegated authority to do so, the full Executive may take majority decisions affecting any matter under which a particular Partner is assigned decision-making power.
- 5.2** The common responsibilities of Managing Partners are as follows:
- (a)** The general management of the firm, particularly, ensuring that all firm members are fulfilling their obligations and completing all necessary work;
- (b)** Firm recruitment;
- (c)** Attending Captain’s Meetings at competitions, as necessary;
- (d)** Communicating and coordinating affairs, as appropriate with mock trial teams within and outside the VMT firm;
- (e)** Planning travel logistics for competitions; and
- (f)** Handling all administrative affairs with the University of Toronto.

¹ The following outlined responsibilities are not exhaustive, but provide a overview of the primary duties of the Executive

5.3 The discrete responsibilities of each Managing Partner are as follows:

- (a) Managing Partner 1:
 - (i) Serving as Team Captain of the U.S. Team;
 - (ii) Assuming primary responsibility for the U.S. Team's case preparation, training and practice logistics;
 - (iii) Attending and observing Canadian Mock Trial team meetings on a semi-regular basis;
 - (iv) Coordinating participation at U.S. Mock Trial competitions; and
 - (v) Managing correspondence with the University of Toronto, the American Mock Trial Association, and other teams and coaches
- (b) Managing Partner 2:
 - (i) Serving as Assistant Team Captain of the U.S. Team;
 - (ii) Assuming secondary responsibility for the U.S. Team's case preparation, training and practice logistics;
 - (iii) Attending and observing Canadian Mock Trial team meetings on a semi-regular basis;
 - (iv) Coordinating participation at U.S. Mock Trial competitions; and
 - (v) Managing correspondence with the University of Toronto, the American Mock Trial Association, and other teams and coaches
- (c) Managing Partner 3:
 - (i) Serving as Team Captain of the Canadian Team;
 - (ii) Assuming primary responsibility for the Canadian Team's case preparation, training and practice logistics;
 - (iii) Attending and observing U.S. Team practices
 - (iv) Coordinating participation at Canadian Mock Trial competitions; and
 - (v) Managing correspondence with tournament organizers and other Canadian Mock Trial teams.

5.4 The common responsibilities of Senior Partners are delegated as follows:

- (a) Seeking and procuring sponsorships and organizing fundraising efforts; Managing the contact information of all members;
- (b) Managing and updating the firm website;
- (c) Assisting the Managing Partners in organizing travel logistics;
- (d) Organizing the Varsity Blues Bowl Mock Trial Tournament; and
- (e) Any other tasks as requested by the Managing Partners.

5.5 The discrete responsibilities of each Senior Partner are as follows:

- (a) Senior Partner 1:
 - (i) Managing, with decisional authority, the annual Varsity Blues Bowl Mock Trial Tournament; and

- (ii) Managing, with decisional authority, all firm social media channels;
- (b) Senior Partner 2:
 - (i) Managing, with decisional authority, all firm finances.

ARTICLE SIX – Elections

- 6.1** All voting positions on the Executive shall be filled through an annual election at the end of each academic year.
- 6.2** All currently enrolled University of Toronto students shall be eligible to vote or run for executive nominees for the upcoming academic year.
- 6.3** An individual can only be prohibited from running for the VMT executive if they have been removed from the team due to violations outlined in Article 9 or they are not a currently enrolled UofT student
- 6.4** The nominee winning the plurality of votes cast in the election for each position shall be deemed the winner.
 - (a)** The elections must be held in an unbiased manner. No individual who is seeking an election may participate in planning or administering the election.
- 6.5** Should an executive board member be unable or unwilling to continue in their position, existing members will be “promoted” as such:
 - (a)** If the Internal Managing Partner can no longer continue, the External Managing Partner assumes their position and the Senior Partner assumes the External Managing Partner position. An election in accordance with the above regulations will be held to determine a new Senior Partner.
 - (b)** If the External Managing Partner can no longer continue, the Senior Partner assumes their position. An election in accordance with the above regulations will be held to determine a new Senior Partner.
 - (c)** If the Senior Partner can no longer continue, an election with the above regulations will be held to determine a new Senior Partner.

ARTICLE SEVEN – Finances

- 7.1** The following executive partners have financial authority over bank matters: Internal Managing Partner and External Managing Partner (Co-Signer).
- 7.2** The Executive must approve all expenditures over \$100.00 through a majority vote at a meeting of the Executive.
- 7.3** The group will not provide services and goods at a profit when that profit is used for purposes other than those of the group.
- 7.4** The group will not pay salaries to any of its officers.

ARTICLE EIGHT – Meetings

- 8.1** The Executive shall meet weekly . The quorum for our three-member executive meetings shall be $\frac{2}{3}$ of the voting members of the Executive.
- 8.2** The executive can propose constitutional amendments as an on-need basis. If any general member has a proposed constitutional amendment, they can bring it forth on an as-need basis to the executive who will then call a general meeting.

ARTICLE NINE - *Termination of Membership*

- 9.1** The Executive may revoke the membership of any member who commits an act that negatively affects the interests of the club and its members, including non-disclosure of a significant or continuing conflict of interest or a failure to behave appropriately in meetings or interactions with other members
- 9.2** A vote to revoke membership must be held at a meeting of the Executive.
- 9.3** A $\frac{2}{3}$ majority of the Executive is required to approve any motion to revoke membership.
- 9.4** Any member facing removal shall have the right to appeal the decision of the Executive to the general membership. The process of appeal shall be as provisioned in Article Ten of this Constitution.
- 9.5** In the case of an appeal, a super majority ($\frac{2}{3}$) vote at a meeting of the general membership shall be required to overturn the revocation of membership.
- 9.6** Following termination of membership, the member will be removed from the club's membership and will lose any privileges associated with being a member of the club.
- 9.7** Executive members are subject to the same termination of membership process as general members.

ARTICLE TEN – *The Appeals Process*

- 10.1** For the purposes of this Article exclusively, the “appellant” shall refer to the appealing member who has been removed by the Executive under Article 9.3 of this Constitution, and the “Executive” shall refer to every executive member who elects to serve as party to the appeals process.
- 10.2** From the moment the appellant exercises their right to appeal their termination, there shall be no attempts from either party, directly or by proxy, to provide argumentation, refutation, positive or negative impression, or to otherwise attempt to prejudice any team member in advance of an appeal hearing.
- (a)** If, under the due process elucidated in Article 10.4(b)(i-v), either party is determined to have breached Article 10.2 of this Constitution, the offending party shall not receive the 15 (fifteen) minutes for argumentation as otherwise due under Article 10.7(c) or (f).
- (b)** Article 10.2 shall not be retroactively applied to any apparent breaches that may have occurred before Article 10 comes into constitutional force.

- 10.3** An appeal hearing shall follow no further than fourteen (14) days after the appellant invokes their right to an appeal. The appellant must communicate their intent to enter the appeals process by email no further than fourteen (14) days after the appellant is initially removed by the Executive.
- (a)** The particular date and time of the appeal hearing shall be set collectively between the Executive, appellant and all team members.
 - (b)** Concerning any appeal cases that predate Article 10's assent into constitutional force, the fourteen-day rule shall apply beginning on the day that Article 10 enters this Constitution.
- 10.4** Members may choose to vote for or against the motion to rescind the removal order. Members may also choose to abstain from the vote by indicating as such on their ballot. If a member abstains from the vote, their presence in voting still factors into quorum.
- 10.5** In the interest of safety, accessibility, and logistical uniformity, the appeal process shall be administered virtually.
- (a)** Votes in favour, against or abstaining from the vote shall be collected from team members by anonymous Zoom poll.
 - (b)** An in-person appeal process may only ensue after a unanimous affirmative vote of the team membership. In such an instance, the vote shall be held by secret paper ballot.
- 10.6** The general membership must agree to appoint a moderator, or moderating council, to oversee the appeal hearing.
- (a)** The moderator(s) shall, on the day of the appeal:
 - (i)** Announce the agenda of the appeal;
 - (ii)** Invite each party to tender their statements, organize questioning, and ensure compliance with all time limits, pursuant to Article 10.6;
 - (iii)** Determine quorum and count all votes; and
 - (iv)** Announce the results of the appeal.
 - (b)** The moderator(s) may be any individual(s) who:
 - (i)** Is either a current VMT team member or a VMT alumnus; and
 - (ii)** Maintains, or maintained, membership in good standing throughout their tenure of involvement with VMT (e.g. has never been placed on disciplinary probation, and has never been removed from VMT)
 - (c)** Any general member may, at any point in the appeals process, motion for a vote of no confidence in the moderator. If, by majority vote, the general membership declares no confidence in the moderator, the moderator shall step down and a new moderator shall be selected by the process elucidated in 10.7(a).
- 10.7** The appeal hearing shall proceed chronologically as follows:
- (a)** The first act of the appeal shall be a confirmatory vote for the appointed moderator. The moderator must be confirmed by a majority vote. If the chosen

moderator does not receive confirmation, any general member may stand for selection, and the same rules apply.

- (b)** The moderator shall initiate a review process to determine if the no-argumentation rule, Article 10.2 of this Constitution, had been broken by either party. The review process shall proceed as follows:

 - (i)** Both parties to the appeal, including all members of the Executive team, shall vacate the forum until the moderator invites them to return for deliberations.
 - (ii)** The moderator shall inform all present team members of Article 10.2, of the sort of action that would breach the non-argumentation clause, and of the full process of determining a breach as per Article 10.7(b)(i-v). The moderator will then, by Zoom poll, ask if any present team members believe either party breached Article 10.2. The present members may vote “yes,” “no,” or “no response.”
 - (iii)** If the poll finds that any member present believes a breach had occurred, the moderator shall invite the said member to provide evidence and argumentation in support of their claim. If no members vote “yes,” the moderator shall invite both parties back into the forum and the appeal process shall continue unimpeded.
 - (iv)** After the evidence has been provided for all claims, the present membership shall vote whether or not each action is, in fact, a breach of Article 10.2. The threshold is a simple majority in favour, with abstentions counting towards quorum.
 - (v)** Where a breach is determined, the moderator shall duly assess the exact penalty provided under Article 10.2(a), invite both parties into the forum, and announce the determination of a breach, the affected party, and the penalty. If no breach is determined to have occurred, the moderator shall invite both parties back into the forum and the appeal process shall continue unimpeded.
- (c)** The appellant, except where duly penalized under Article 10.2(a), shall receive 15 (fifteen) minutes to present an argument for their reinstatement.
- (d)** The general membership may address questions to the appellant, for a total caucus time of 5 (five) minutes. The membership may, by majority vote, elect to extend the caucus timer a maximum of twice consecutively, in 5 (five) minute intervals.
- (e)** The process outlined in 10.7(c)-(d) shall not exceed thirty (30) minutes of caucus time.
- (f)** The Executive, except where duly penalized under Article 10.2(a), shall receive 15 (fifteen) minutes to present an argument to maintain the removal order.
- (g)** The general membership may address questions to the Executive, for a total caucus time of 5 (five) minutes. Only one Executive may fully address each

question. If a general member addresses one specific Executive to answer their question, said Executive must be the only respondent. The membership may, by majority vote, elect to extend the caucus timer a maximum of twice consecutively, in 5 (five) minute intervals.

- (h) The process outlined in 10.7(f)-(g) shall not exceed thirty (30) minutes of caucus time.
 - (i) The appellant shall receive 2 (two) minutes to present a rebuttal. The rebuttal may only respond to direct arguments made by the Executive during their speaking time.
 - (j) The moderator will invite the full membership to vote on whether or not to overturn the removal order.
- 10.8** A three-fifths majority (60%) of general members must vote in the appellant's favour for the removal order to be rescinded. At least two-thirds (66%) of all team members must be present at the appeal hearing for the appeal hearing to proceed.
- 10.9** Nothing in this Constitution should be interpreted as disenfranchising any member of their right to cast an individual vote due to their:
- (a) Holding an Executive office; or
 - (b) Serving as the appointed moderator of the appeal. (Nothing stops the Execs and the moderator from casting individual votes on the appeal question)

ARTICLE ELEVEN – Amendments

- 11.1** All voting members may propose and vote on amendments to the constitution.
- 11.2** All constitutional amendments shall require a majority vote to be passed.
- 11.3** The Executive shall submit the revised constitution to staff in the Division of Student Life at the University of Toronto.
- 11.4** Amendments to the constitution shall take effect once the revised constitution has been approved by staff in the Division of Student Life at the University of Toronto.