

# **Constitution**

## **Carleton Moot Team**



**Adopted on June 28, 2022**  
**Effective from June 28, 2022**

**Carleton Moot Team**

**First Constitution**

(Adopted June 28, 2022

Amended July 14, 2023)

**Index**

**Section I: Organization.....pg 2**

**Section II: Structure.....pg 2**

**Section III: Membership.....pg 3**

**Section IV: The Executive.....pg 4**

**Section V: Meetings.....pg 7**

**Section VI: Competitive Teams.....pg 8**

**Section VII: Executive Changeover and The Clubs Oversight Commission Process...pg 9**

**Section VIII: Impeachment and Vacancies.....pg 10**

**Section IX: Internal Conflict Dispute Resolution.....pg 11**

**Section X: Amending the Constitution.....pg 11**

**Section XI: Dissolution.....pg 12**

## **Section I: Organization**

### **1.1. Name and Foundation**

**1.1.1.** There is established a Club, known as the Carleton Moot Team, that hereinafter shall be referred to as the “Organization”

**1.1.2.** The Organization shall adopt such logos or other identifying marks as the executives of the Organization shall from time to time approve and disseminate.

### **1.2. Mandate**

**1.2.1.** The goal of the Organization is to enable members in developing their oral advocacy and legal argumentation skills by preparing for and participating in mooting tournaments.

**1.2.2.** To bring together students who have a common interest in law and provide them assistance and an avenue to express their concerns, goals, and interests in the pursuit of a career or education in the legal field.

**1.2.3.** To promote the understanding of the legal profession, the rule of law, the legal process, court procedures, court etiquette and the justice system.

**1.2.4.** To maintain and enhance the reputation and integrity of competitions and to excel at competitions related to law, and to prepare and select students for external competitions and establish selection criteria thereof.

**1.2.5.** The Organization continues this tradition of excellence in order to best prepare our members for further legal education and employment, as well as represent our school throughout the country in undergraduate tournaments.

## **2. Section II: Structure**

**2.1.** General Members shall be the legislative body of the Organization and shall compose of all members of the Organization.

2.2. The Executive shall be the administrative body and shall be composed of elected members.

### 3. Section III: Membership

3.1. Membership in the Organization shall be open to all full, part-time, or Special undergraduate students registered in any program at Carleton University.

3.2. A term of membership shall be from 1 September of the current academic year to 31 August of the following year.

3.3. Membership in the Organization shall be administered by the Executives of the Organization (as defined in Section III below) and shall be subject to the provisions of subsections 3.3 below. Membership in the Organization shall include, but not be limited to, the following classes:

**3.3.1. General Membership:** A General Member shall be any Carleton undergraduate student who pays a fee to the Organization. Moreover, General members must have paid the necessary fees to CUSA. The General membership class shall consist of two subclasses of participants;

3.3.1.1. **Competitive Team Member:** A competitive team member shall compete in at least, but not limited to two undergraduate moot competitions. This member is subject to a selection process outlined within Section 6, and;

3.3.1.2. **Casual Team Member:** A casual team member observes general meetings without any obligation to compete in competitive undergraduate moot tournaments. This includes, but is not limited to any general member not appointed to the competitive team, and;

**3.3.2. Executive Member:** Members of the Executive of the Organization (elected) shall be Members of the Organization. Executive members must have paid necessary fees to Carleton University Students' Association (CUSA)

3.4. A Member shall be deemed to be a "Member in Good Standing", provided that the Member:

- 3.4.1. (i) Pays any annual membership fee as set out by the Executive;
- 3.4.2. (ii) Respects the initiatives set forth by the Executive at the start of the year;
- 3.4.3. (iii) Upholds and observes the rules, policies and procedures appearing in this Constitution or as set by the Executive from time to time and;
- 3.4.4. (iv) Upholds and observes the Policies, Bylaws and Constitution of the Carleton University Students Association.

#### **4. Section IV: The Executive**

- 4.1. The general management of the Organization shall be vested in the Executive.
- 4.2. Members of the Executive shall be elected and shall consist of one Head-Captain and not more than three Co-Captains.
- 4.3. Members of the Executive shall serve a one-year term beginning May 1st of the given year. All Executive Members shall be eligible for re-election subject to the terms set out within section 6.1.

#### **4.4. Powers and Duties of the Executive**

- 4.4.1. The Executive has the power to conduct necessary and proper actions for the sustenance of the Organization and fulfillment of its objectives outlined within Section 1.
- 4.4.2. The Organization delegates its authority therein to the executive member class to manage and conduct meetings of the general members, including but not limited to; organizing and conducting mock court proceedings, ensuring preparation of competitive members for upcoming tournaments to continue the excellence of oral advocacy of the Organization's members.
- 4.4.3. The Executive shall conduct communication with the Organization members electronically and orally via platforms and methods, including but not limited to; email, social media platforms, posters, online-meeting platforms and in-person communication.

**4.4.4.** The Executive shall determine which outside competitions to send teams.

**4.4.5.** The Executive shall organize all internal selection for competitive team members.

**4.4.6.** The Executive is responsible for conducting scheduled competitions or events, standardization of rules and scoring systems, setting up of criteria for selection of teams, and funding and/or training of teams.

**4.4.7.** The Executive Members shall manage the day to day operations of the organization. The Executive shall work closely and meet periodically with the Carleton Law and Legal Studies Society. The Executive shall conduct business, address matters, and decide issues consistent with this article.

**4.4.8.** The Executive may collaborate with external organizations to conduct competitions and events.

#### **4.5. Power and Duties of the Captains**

**4.5.1.** Duties of the Captain Regarding Competition.

**4.5.1.1.** Each Captain must serve as a judge in any intramural or mock tournaments run by the Executive as necessary.

**4.5.1.2.** In each full academic year of membership on the executive, each Captain member must:

4.5.1.2.1. Compete in at least one approved competitive tournament,  
or;

4.5.1.2.2. Serve in some other position designated by the Executive as sufficient to fulfill the member's duties to the Organization.

**4.5.1.3.** Executive members shall at all times maintain absolute confidentiality regarding the status and scores of competitors and the proceedings of the election meeting. Furthermore, Executive members shall not violate any trust given them in their capacity as

Executive members.

#### **4.5.2. The Head Captain**

**4.5.2.1.** As the chief of the Organization, the Head Captain shall preside at all meetings of the Organization and its Executive Committee and has ultimate responsibility for all Organization functions.

**4.5.2.2.** The Head Captain shall oversee the preparation of all teams representing Carleton University and the Organization in interscholastic moot court tournaments.

**4.5.2.3.** The Head Captain shall provide any support necessary to Co-Captains and members; this duty includes, but is not limited to, assisting in or overseeing the preparation of teams' briefing and mooting schedules; and reviewing tournament rules to determine how teams can most effectively compete in their respective competitions.

**4.5.2.4.** The position of the Head Captain is elected by the entire membership of the Organizations previous Executive team as described in Section 5.

**4.5.2.5.** This position may be held by only one (1) person.

#### **4.5.3. The Co-Captain (s)**

**4.5.3.1.** The Co-Captain (s) are responsible for upholding the duties outlined in section 3.6.1

**4.5.3.2.** The Co-Captain (s) shall oversee the preparation of all teams representing Carleton University and the Organization in interscholastic moot court tournaments.

**4.5.3.3.** The Co-Captains shall provide any support necessary to members; this duty includes, but is not limited to, assisting in or overseeing the preparation of teams' briefing and mooting schedules; and reviewing tournament rules to determine how teams can most

effectively compete in their respective competitions.

**4.5.3.4.** The Co-Captain(s) duties include, but are not limited to, notifying the membership of all general and Executive Committee meetings, maintaining and updating the Organization's means of communication and outreach.

**4.5.3.5.** A Co-Captain shall serve as the Finance Officer if there is a vacancy that is not yet filled.

**4.5.3.6.** This position may be held by a total of (3) persons or less

#### **4.5.4. Finance Officer**

**4.5.4.1.** The Finance Officer shall oversee all financial matters relating to the Organization

**4.5.4.2.** The Finance Officer shall collect membership fees from General Members.

**4.5.4.3.** The Finance Officer shall prepare an annual budget for the Organization not later than the Fall term Application Period for CUSA funding.

### **5. Section V: Meetings**

**5.1.** The Organization conducts three types of meetings: general, competitor, and executive , selection, and election meetings:

#### **General Meetings**

**5.2.** General members shall meet, not less than once every month, to discuss with the Executives the plans and recommendations for the Organization.

**5.2.1.** The Executive shall meet with the general members from time to time to conduct business such as: discuss upcoming competitions, the expectations of the general members, learning and training opportunities, mock moot panels and/or try-outs.



**5.2.2.** The Executive shall conduct a separate selection meeting in the Fall and Winter semesters to discuss the available interscholastic competitions, the process for selecting the Competitive teams, and the expectations of members selected for the Competitive team.

**5.2.3.** The Executive shall conduct an election meeting following the final round of the final interscholastic moot competition of the year.

### **Competitor Meetings**

**5.3.** General Members who are Competitive Team Members may at least once before every competition.

**5.3.1.** The Competitive Team Members shall meet to discuss the imminent competition and any required information in order to prepare for that competition.

### **Executive Meetings**

**5.4.** The Executive shall meet from time to time to carry out the business of the Organization and discuss proposals for general operations of the Organization.

**5.5.** The Head-Captain shall preside over these meetings.

**5.6.** Meetings of the Executive are closed to General members, except where the Executive members may invite a General member to discuss relevant matters.

## **6. Section VI: Competitive Teams**

### **6.1. Selection**

**6.1.1.** Any interested member of the organization may seek to represent the Organization and Carleton University as a participant within an interscholastic moot court competition. Participation is open to all members.

**6.1.2.** If more members are interested in participating in a given competition than there are positions available, the Executive shall prescribe procedures for selecting teams from among the interested members. The Executives

shall choose a procedure that is both fair and appropriate for ensuring that the most qualified members are selected

**6.1.3.** The selection of competitive team members shall be extended to certain members of the General membership class by the Executive based upon a cumulative examination of various criteria such as but not limited to; tryout performance, participation in general member meetings, membership standing and oral advocacy skills.

## **6.2. Faculty and Alumni**

**6.2.1.** To the extent that neutral and fair judging of written and/or oral skills is necessary, panels of faculty and/or alumni may be enlisted to advise the Executive.

## **7. Section VII: Executive Changeover and The Clubs Oversight Commission Process**

### **7.1. General**

**7.1.1.** The Organization shall, wherever possible, apply to the CUSA Student Groups Administrator to conduct the leadership succession under an application-and-interview process. This will be the procedure followed for executive changeovers from year-to-year.

### **7.2 Application & Interview with the Clubs Oversight Commission**

**7.2.1.** If the Student Groups Administrator approves a club request to have an application & interview process rather than an election, the Student Groups Administrator will post the relevant positions on the CUSA Clubs or CUSA website to solicit applications, and have the posting up for at least two weeks

**7.2.2.** Applications from candidates will include a cover letter and resume

**7.2.3.** At the conclusion of two weeks, the Student Groups Administrator will collect the applications and ensure they are saved into similar formats in a Google Drive, and will facilitate a meeting with the outgoing club leadership who is not applying to the position to shortlist the candidates

- 7.2.4. An Interview Panel will be convened to interview the shortlisted candidates, and the panel should include at least one neutral member of the club, the outgoing executive officer for the position being interviewed, and a member of the Clubs Oversight Commission
- 7.2.5 Questions should be topical and situational where possible, taken from a question bank available from the Student Groups Administrator
- 7.2.6. The Interview Panel should try to arrive at consensus around which candidate deserves to be granted the position. If consensus cannot be reached, a majority vote is to be taken, the results of which are reported to the Clubs Oversight Commission.
- 7.2.7. Once a candidate has been selected, the Interview Panel will designate a member to inform the Student Groups Administrator of the decision, and the Student Groups Administrator will email the successful and unsuccessful candidates to inform them of the decision by the Interview Panel

## **8. Section VIII: Impeachment and Vacancies**

### **8.1. Impeachment**

- 8.1.1. If the Head-Captain determines, in their sole discretion, that a member of the Executive is not using best efforts to fulfill the duties and responsibilities of his or her office as set out in Section 3.4, then the Executive members, by way of majority vote, may issue that member of the Executive an official warning. Any member receiving more than two warnings during any single term of office shall be deemed to have vacated his or her office in accordance with Section 6.2.1.

### **8.2. Vacancies**

- 8.2.1. The office of a member of the Executive shall be automatically vacated:
  - 8.2.1.1. If a member of the Executive resigns his or her office by delivering a written resignation to the remaining Executive members of the Organization (resignation of a position is not effective until communicated to the appropriate officer).

**8.2.1.2.** If a member of the Executive becomes incapable of fulfilling, or refuses to fulfill, his or her proper duties and responsibilities

### **8.3. Filling Vacancies**

**8.3.1.** Should an Executive position become vacant, the current serving Executive members shall fill the position appropriately.

## **9. Section IX: Internal Conflict Dispute Resolution**

**9.1.** Any conflict or dispute that arises among General Members or Executive Members of the Organization shall be resolved internally within the Executive Committee or in a closed meeting, formal or informal, between the affected member and any member(s) of the Executive.

**9.1.1.** A Member who is in direct conflict with an Executive Member(s) shall then attempt to resolve the issue with an uninvolved/impartial Executive Member

**9.2.** Any resolution of the Executive shall be recorded and submitted .

## **10. Section X: Amending the Constitution**

**10.1.** This Constitution shall be amended only at a meeting run by the Organization, and shall be by way of a two thirds majority of Members in Good Standing voting on such amendment. Voting on any amendment shall be conducted by secret ballot.

**10.2.** Any amendment effected pursuant to subsection 8.1 above shall take effect on the conclusion of the general meeting at which it was passed.

**10.3.** Proposed amendments to this Constitution shall be announced to all Members of the Organization and circulated upon request, by electronic means or otherwise, not less than one week prior to the Meeting at which such amendments will be considered.

**10.4.** No amendments to this Constitution shall be considered which, in the sole determinations of the Executive, would constitute a violation of CUSA or Carleton University rules, policies, by-laws or constitutions.

**11. Section XI: Dissolution**

**11.1.** Upon dissolution of the organization, all permanent assets will be sold or given to CUSA and the proceeds from the sale, combined with the treasury of the Organization, shall be used to pay, in order:

**11.1.1.** all outstanding debts to third parties;

**11.1.2.** all outstanding debts to Executives and General Members who have not been reimbursed by the Organization;

**11.1.3.** all General Members' membership fees from the same year, or an amount proportionately more