

THE CONSTITUTION
OF THE UNDERGRADUATE MOCK TRIAL PROGRAM
AT THE OHIO STATE UNIVERSITY

Land Acknowledgement

We would like to acknowledge the land that The Ohio State University occupies is the ancestral and contemporary territory of the Shawnee, Potawatomi, Delaware, Miami, Peoria, Seneca, Wyandotte, Ojibwe, and Cherokee peoples. Specifically, the university resides on land ceded in the 1795 Treaty of Greenville and the forced removal of tribes through the Indian Removal Act of 1830. We want to honor the resiliency of these tribal nations and recognize the historical contexts that have and continue to affect the Indigenous peoples of this land.

Article I. Name and Affiliation

Section 1. The organization is to be known as the Undergraduate Mock Trial Program at The Ohio State University, or Mock Trial at Ohio State, hereafter referred to as “MT@OSU,” or “the program.”

Section 2. MT@OSU is registered under, and recognized as a member institution of the American Mock Trial Association, hereafter referred to as “AMTA.”

Section 3. MT@OSU will represent the Ohio State University, hereafter referred to as “OSU,” in collegiate mock trial competitions across the nation.

Section 4. MT@OSU is also affiliated with the Department of Political Science at OSU.

Article II. Purpose

The purpose of MT@OSU is to build the critical thinking, teamwork, advocacy, and communication skills of its members. The program will provide said members with the opportunity to compete in mock trial tournaments across the nation to build a better understanding of the practice of law and legal procedures.

Article III. Non-Discrimination Policy

Section 1. OSU's Policy: "The Ohio State University is committed to building and maintaining a diverse community to reflect human diversity and to improve opportunities for all. The university is committed to equal opportunity, affirmative action, and eliminating discrimination and harassment. This commitment is both a moral imperative consistent with an intellectual community that celebrates individual differences and diversity, as well as a matter of law." ([Source](#))

Section 2. MT@OSU's Policy: MT@OSU values diversity in all its forms and is committed to creating and maintaining an equitable, inclusive environment in which all people are treated with dignity and respect. We believe that our unique identities and experiences make us stronger as an organization. It is only by fostering this diversity that we can grow and excel as individuals and as a team. Thus, we seek to live out this principle in every action we take as an organization and as individuals.

Section 3. MT@OSU, along with OSU, does not tolerate discrimination or harassment of any kind against

individuals based on age, ancestry, color, disability, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law. In addition, MT@OSU does not discriminate on the basis of political beliefs or affiliations when considering membership eligibility.

Section 4. In accordance with Article III, Section 3 of this Constitution, acts of discrimination or harassment based on membership in a protected group will be subject to this non-discrimination policy. The following prohibited actions (refer to Clauses A through F of Article III, Section 4) will not be tolerated. This list of prohibited actions is not exhaustive, and other actions may be subject to this non-discrimination policy depending on the circumstances.

Clause A. Intimidation and implied or overt threats of physical violence motivated by membership in one or more of the protected groups.

Clause B. Physical acts of aggression or assault upon another, or damage to another's property that is motivated by membership in one or more of the protected groups.

Clause C. Depending on the circumstances and context, demeaning jokes, taunting, slurs and derogatory "nicknames," innuendos, or other negative or derogatory remarks of a hateful nature relevant to one or more of the protected groups. This includes nonverbal gestures or similar displays.

Clause D. Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting slurs or derogatory sentiments towards one or more of the protected groups.

Clause E. Depending on the circumstances and context, excluding a person or persons from participating in an activity or event based on membership in one or more of the protected groups.

Clause F. Criminal offenses directed at persons because of membership in one or more of the protected groups.

Section 5. MT@OSU will not in any instance tolerate bullying behavior. MT@OSU defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes: threatening, humiliating or intimidating behaviors; work interference/sabotage that prevents work from getting done; and verbal abuse. Such behavior violates Article III, Section II of this Constitution, which clearly states that all members will be treated with dignity and respect.

Section 6. In accordance with Article III, Section 5 of this Constitution, acts of bullying - including those which are NOT based on membership in a protected group - will also be subject to this non-discrimination policy. The following prohibited actions (refer to Clauses A through D of Article III, Section 6) will not be tolerated. This list of prohibited actions is not exhaustive, and other actions may be subject to this non-discrimination policy depending on the circumstances.

Clause A. Verbal bullying, which we define as: slandering, ridiculing or maligning a person or their loved ones; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; and abusive and offensive remarks.

Clause B. Physical bullying, which we define as: pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, and damage to a person's property.

Clause C. Gesture bullying, which we define as: nonverbal gestures that can convey threatening messages.

Clause D. Exclusion, which we define as: socially or physically excluding or disregarding a person in program-related activities. Of course, this definition does not prevent members from spending time together individually or as a small group outside of program-related activities, as this would be an unreasonable and unfair expectation.

Section 7. The aforementioned acts (refer to Article III, Section 4) are prohibited in all situations involving MT@OSU, including: MT@OSU messaging channels, MT@OSU meetings, MT@OSU-sponsored events, MT@OSU social media accounts, and all other platforms involving MT@OSU. They are also prohibited in all interactions with members, coaches, advisors, and others who are associated with MT@OSU or with other AMTA programs. Finally, they are prohibited in all situations in which members of MT@OSU are serving as representatives of the program, whether in an official or an unofficial capacity.

Section 8. Additionally, the MT@OSU Executive Board, hereafter referred to as the “E-Board,” and the program’s coaches reserve the right to determine if any outside activities by MT@OSU members may breach this non-discrimination policy and are grounds for an investigation. MT@OSU members are strictly forbidden from engaging in any prohibited activities (refer to Article III, Section 4), even in a personal or professional capacity. That includes “retweeting” or otherwise sharing statements from outside sources which violate this policy; this refers to the content of the “retweet” itself, not the person or group being “retweeted”. This non-discrimination policy is retroactive for public or private incidents involving MT@OSU members on a case-by-case basis.

Section 9. Any member who wishes to report an instance of discrimination or harassment by another member may do so by contacting the Vice President of Diversity & Inclusion (refer to Article V, Section 9). They may also contact another member of the E-Board or a coach, if needed. The MT@OSU member does not have to be the intended target of a harassment or discrimination incident in order to report it.

Section 10. The exact process for reporting, investigating, debating, and taking action to address claims of harassment or discrimination will be outlined in a separate document known as the Anti-Harassment, Discrimination, & Bullying Policy. This policy will be created by the E-Board. If the policy has already been created, then the E-Board must review and update the policy every year as needed. In either case, the Anti-Harassment, Discrimination, & Bullying Policy must be finalized before tryouts for that year take place, although it can be updated throughout the year when appropriate.

Article IV. Membership

Section 1. All members of MT@OSU shall be undergraduate students of OSU, enrolled in the fall semester of the season, and be in good standing with the university.

Section 2. Initial membership is based upon performance at a pre-season tryout and an interview. The MT@OSU E-Board and the program's coaches will be present at tryouts and at interviews. The final membership decisions will be made by the program's Head Coach.

Section 3. Membership conditions must also meet the guidelines set forth in Chapter 3, Rule 3.6 of the AMTA rulebook.

Section 4. The Head Coach, with input from the Assistant Coaches and the E-Board, will place each member into teams before the start of the competitive season. The Head Coach may move members between teams at any time during the competitive season. The Head Coach and the Assistant Coaches have the authority to change role assignments throughout the season as they see fit.

Section 5. MT@OSU will charge an annual membership fee of \$150.00 towards the beginning of the competitive season. Each member will be held responsible for the payment of this fee. The amount may be changed before the start of the competitive season, by a majority E-Board vote. Additional funds may be levied from the membership by a unanimous vote of the E-Board.

Article V. Organization Leadership

Section 1. The MT@OSU leadership shall be divided into two parts: competitive and administrative. The Head Coach and the Assistant Coaches will be responsible for all competitive decisions such as team and role placements and the revocation of membership. The E-Board will be in charge of all administrative aspects of the program, such as communication with OSU, outreach, public relations, finances, travel and tournament organization.

Section 2. All members of the MT@OSU leadership team will be responsible for fostering diversity, equity, and inclusion within the program. The Vice President of Diversity & Inclusion (refer to Article V, Section 9) does not carry the sole weight of this task, nor does the E-Board.

Both the E-Board and the coaches are obligated to cultivate an accessible and equitable program.

Section 3. The E-Board will be comprised of seven members of the organization. Each will fulfill a specific role. The roles are outlined in the following sections of Article V (Sections 4-9).

Section 4. The President shall be the Program liaison to other university student groups and committees, to the university administration, and to AMTA. The President is responsible for handling all AMTA-related business, registering with the university, obtaining advisor approval, registering for AMTA tournaments, reserving bids, communicating with the MT@OSU faculty advisor for excuse letters, handling the lease for the team's office in the Ohio Union, distributing case information to the teams, and handling general email correspondence in a prompt and timely fashion. The President shall be the primary coordinator of recruitment in the fall, handling registration for University-sanctioned Involvement Fairs and any other avenues for recruitment. The President also has primary responsibility for E-Board duties not assigned to another E-Board member by this Constitution or a majority vote of the E-Board.

Section 5. The Vice President of Finance (the Treasurer) is responsible for the management of the program's finances. The Treasurer shall maintain the bank account, reimburse individuals for organization expenses, collect dues and deposit checks. The Treasurer will also work with the Department of Political Science to acquire University funds. When necessary, the Treasurer will meet University leadership to determine the amount of support the program requires, then submit an invoice and the required legal forms to the appropriate staff members. Furthermore,

the Treasurer will work with the Vice President of Travel to write a budget for the entire academic year and ensure that travel and tournament expenses do not exceed that budget. The Treasurer will also seek additional sources of funding, work with the Undergraduate Student Government to acquire funding and pursue additional fundraising ideas. The Treasurer will be responsible for keeping a copy of all financial documents and records and will also be responsible for answering emails regarding matters under their position.

Section 6. The Vice President of Travel is responsible for travel arrangements for the program, including the booking of accommodations for tournaments. The VP of Travel will work with the Treasurer to write the travel budget for the entire academic year. The VP of Travel will be responsible for taking proactive steps to prevent foreseeable travel and accommodation problems, and respond to those problems as they occur. The VP of Travel is also responsible for printing out updated versions of the case materials for case boxes. The VP of Travel will also be responsible for answering emails regarding matters under their position.

Section 7. The Vice President of Public Relations is responsible for managing the program's website and any social media accounts affiliated with the program, as well as outreach to potential members and high school programs. The VP of Public Relations will update the website and social media accounts with news and relevant information regarding the involvement fair, recruitment sessions, tryouts, tournament updates and information, program updates and member bios. The VP of Public Relations must update the websites and social media accounts creatively and regularly. The VP of Public Relations will also be responsible for answering emails regarding matters under their position.

Section 8. The Vice President of Tournaments is responsible for organizing any tournaments MT@OSU hosts, including but not limited to the Scarlet and Gray Invitational and the Columbus Regional. Their job will involve the recruitment of judges for these tournaments, the signing up of competing teams, the reservation of the courthouse, the search for sponsors and the logistics for running these tournaments. The VP of Tournaments will also be responsible for answering emails regarding matters under their position. A separate election will be conducted to determine who will serve as the Deputy Vice President of Tournaments; if no candidate runs for this position, the newly-elected E-Board will appoint a person of their choosing to serve as the Deputy VP of Tournaments. Their role will be to primarily assist in judge recruitment, while also assisting the VP of Tournaments in any other responsibilities delegated to them by the constitution. Should the E-Board call a vote on any particular matter, the Deputy VP of Tournaments will also vote to prevent any ties from occurring. The Deputy VP of Tournaments will be considered a member of E-Board for the purposes of being present at tryouts and interviews, and for other general responsibilities held by the E-Board as well.

Section 9. The Vice President of Diversity & Inclusion is responsible for communicating and enforcing MT@OSU's non-discrimination policy. The VP of Diversity & Inclusion will work with the President to ensure that OSU students of all identities and backgrounds are able to try out for MT@OSU. After tryouts and interviews conclude, the VP of Diversity & Inclusion will give a presentation to teach members (new and returning) about the non-discrimination policy outlined in Article III, and will inform members throughout the year if there are any policy changes. They will investigate all allegations of members violating the non-discrimination policy, with assistance from the E-Board and coaches, and recommend action as appropriate. The VP of

Diversity & Inclusion will also organize program-wide events, including: workshops, speaker series, and other events related to diversity & inclusion education/discussion (at least one event per semester); as well as social events that are accessible and engaging for all members (at least one event per semester). Additionally, they will monitor current events, and provide education and support for members as appropriate. They will also provide recommendations as needed to the E-Board, coaches, and other members about how to be more inclusive as an organization and as individuals. Finally, the VP of Diversity & Inclusion will also be responsible for answering emails regarding matters under their position.

Clause A. While the VP of Diversity & Inclusion will serve as the point person on issues of diversity and inclusion, it is the responsibility of all members - especially the E-Board and the coaches - to develop and sustain a welcoming program.

Clause B. If a member wants to report an instance of discrimination or harassment, or raise any issues surrounding diversity/inclusion, they may bring these issues to the VP of Diversity & Inclusion (unless there is some reason that they cannot approach the person in this role, in which case they may contact another E-Board member or a coach).

Section 10. While each E-Board position is primarily responsible for executing the duties delegated to that position, the E-Board may vote to direct the actions of the position. In the event that an E-Board member is unable to fulfill the duties in a timely manner, that E-Board member may delegate the duty to another member of the program. If the E-Board member fails

to fulfill the duty or delegate to another member of the program, the other members of the E-Board may vote to assign the duty to another member of the program, including one of the E-Board members.

Article VI. Voting

In order for an action to be taken under the authority of the E-Board, a resolution must pass by affirmative vote of a majority of the E-Board officers unless otherwise noted. The President's vote will break a tie. In the event of a tie in which the President did not vote, the Head Coach will have the power to break a tie.

Article VII. Meetings

Section 1. The coaches will be responsible for scheduling practice times for each team.

Section 2. The Head Coach and the E-Board may call for all program meetings during any time when all members are scheduled to practice or at a time that is convenient for a majority of the members.

Article VIII. Advisors

MT@OSU must have at least one faculty advisor. The faculty advisor must be a full-time member of the University faculty or Administrative and Professional staff. The advisor shall be the program's primary contact within the University.

Article IX. Coaches

MT@OSU shall have one Head Coach that is responsible for competition-related decisions

and representation with AMTA. The E-Board shall select the Head Coach, and must vote on the Head Coach before the start of every competitive season. The Head Coach may also select Assistant Coaches to coach the program.

Article X. Coach Removal

Section 1. Any coach can be removed from the program if appropriate. A majority vote by the E-Board followed by a $\frac{3}{4}$ vote from all program members will trigger the removal of that coach. Any member wishing to remove a coach should make the request to the President (or the VP of Diversity & Inclusion, if appropriate).

Section 2. Coaches can be removed for any reason, such as: failing to fulfill their duties as a coach, violating the non-discrimination policy, behaving in a way that reflects poorly on the program, or so on.

Section 3. Coaches can request to remove one or more of their fellow coaches from the program. Coaches can also speak to the E-Board and/or the program before each removal vote takes place, in favor or opposition. However, coaches will not be permitted to participate in a removal vote. Furthermore, all coaches are strictly prohibited from influencing or attempting to influence a removal vote by offering rewards or threatening retaliation.

Section 4. The Head Coach of the program can also be removed from their position as Head Coach while remaining an Assistant Coach in the program. This will follow the same process that is laid out in the previous sections (Article X, Sections 1-3) for removing a coach from the

program. If the Head Coach is demoted from that role, or removed from the program entirely, then the E-Board will select a new Head Coach by an affirmative majority.

Article XI. Officer Removal

Any E-Board member who fails to perform his or her duties as specified in this Constitution can be removed by a unanimous (minus that member) vote by the E-Board as well as a $\frac{3}{4}$ vote from all program members. Any member wishing to remove an E-Board member should make the request to the President or if the officer in question is the President, the request should be made to one of the other five E-Board members, or the Head Coach. Removal of an E-Board officer entails removal from the E-Board but not necessarily from the program.

Article XII. Member Removal

Program members can be removed for failure to represent MT@OSU or OSU in a proper way, refusal to pay team dues, or any conduct that is destructive to the functioning of the program. The E-Board can vote to dismiss the member by a $\frac{6}{7}$ vote. This $\frac{6}{7}$ vote shall be used as a recommendation to the Head Coach. The final decision to remove a member lies with the Head Coach. Any member who wishes to talk about the dismissal of another member shall approach the President with that request and they will take the request to the E-Board, and the Head Coach for consideration.

Article XIII. Elections

Section 1. Organizational elections for the following academic year must take place between the end of competition for the current year and the end of the current academic year.

Section 2. Any undergraduate student with at least one season of experience as a competing member of the Program is eligible to be elected to any E-Board position.

Section 3. E-Board officers will be elected by a majority of votes cast by current program members in a fair procedure, determined in advance by the current year's E-Board.

Section 4. Potential candidates must notify the E-Board in writing, in the manner specified by the E-Board, of their intention to run for a position, by whatever deadline mandated by the E-Board. A candidate may be nominated for a position by another member as well. If a candidate is nominated by another member, the candidate will then be asked to accept or reject the nomination.

Section 5. $\frac{2}{3}$ of the program must vote for the election to take place. Members are encouraged to vote in person, but may vote via absentee ballot.

Section 6. Each candidate will be given a set period of time to deliver a speech. Each candidate for a position will receive the same amount of time to speak, and the length of time shall be predetermined by the E-Board before the election.

Section 7. Each E-Board position will be voted on separately. Members will have the opportunity to rank all of the candidates for that position in order of preference. If a candidate wins a majority of first-preference votes, they will be declared the winner of that election. If no

candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes will be eliminated. First-preference votes cast for the failed candidate will be eliminated, lifting the second-preference choices indicated on those ballots. A new tally will be conducted to determine whether any candidate has won a majority of the adjusted votes. The process will be repeated until a candidate wins an outright majority. In the event of a tie between the final two candidates, another tally will be conducted, this time excluding the ballots of graduating seniors. If a majority is not reached after this tiebreaker, the current year's E-Board will vote between the remaining two candidates. ([Source](#))

Section 8. The E-Board must notify the program of the format of the elections, and these guidelines, prior to the election.

Article XIV. Interpretation

Organization leadership (E-Board and coaches) shall have the ultimate authority to interpret the provisions set forth in this document in accordance with the voting provisions set forth in Article VI.

Article XV. Amendments

Section 1. Amendments to the Constitution may be proposed by any member of the program, subject to approval by a majority of the E-Board.

Section 2. Potential amendments approved by the E-Board must then be approved by two thirds of the program membership.

Article XVI. Membership Affirmative Voting

Section 1. If the E-Board has committed itself to an issue that requires funds, and the membership of the organization disagrees with the item, it may veto that issue. The veto is successful if there is a unanimous veto vote of the membership, minus the E-Board.

Section 2. If the membership would like to do an activity that the E-Board refuses to hear, then the membership may bring the activity to the E-Board's table for discussion by a $\frac{2}{3}$ vote, minus the E-Board. If the E-Board then turns the activity down, the membership may then overrule them by a unanimous vote.

Article XVII. Hazing

Any violation of OSU or Ohio's anti-hazing laws shall be grounds for a conduct violation of a member whether within or outside of an MT@OSU sanctioned meeting. In addition there shall not be any type of pledgeship within MT@OSU.

Article XVIII. Ratification

There must be a majority vote of all program members for this Constitution to replace the current MT@OSU constitution.