

BYLAWS OF THE OLD KIVETT ADVOCACY COUNCIL

ARTICLE I. *Name and Organizational Structure*

§ 1: **Effective Date**

- (a) The following Articles and the provisions thereunder are to take effect immediately.

§ 2: **Name of Organization**

- (a) The name of this organization shall be the Old Kivett Advocacy Council (hereinafter "Council").

§ 3: **Basic Organizational Structure of the Council**

- (a) The Council is comprised of several members who are appointed in compliance with the provisions set forth in Article II of the bylaws.
- (b) The Council is to be comprised of the following positions:
 - (1) President;
 - (2) Moot Court Competition Chairperson;
 - (3) Client Counseling Competition Chairperson;
 - (4) Negotiations Competition Chairperson; and
 - (5) Assistant Chairpersons
- (c) The organizational structure of the Council may vary depending upon the number and size of competitions it is responsible for administering throughout the academic year. (See Article II). The faculty adviser may exercise its discretion in modifying the structure of the Council.

ARTICLE II. *Selection of Chairpersons and Other Council Members*

§ 4: **Timeframe for Appointments**

- (a) All appointments to the Council are to be made by the end of March each year.

§ 5: **Commencement of Duties**

- (a) Appointments become effective and the duties of those who are appointed commence on the day that follows the last day of the spring examination period.

§ 6: **The Application Process Generally**

- (a) Applications for appointment to the Council are to be prepared by the Council's incumbent members in conjunction with the law school faculty adviser.
- (b) An interest meeting shall be held and open to the rising 2L and 3L classes.
- (c) Applications are to be e-mailed to the student body by the end of the first week of March, depending on the Spring Break period for the given school year, to both the rising 2L and 3L classes.
- (d) Appointees are chosen from rising 2L and 3L students who timely and properly submit an application to the Council.
 - a. If an application is late, the Council shall consider the reason for it being late and must have a majority vote of those selecting that particular class membership to consider the application.

- (e) Rising 3L membership and Officer/Chairperson decisions will be made prior to any appointments of rising 2L members. Those who are appointed as rising 3L members will be included the decision-making process of the appointment of rising 2L members.
 - a. Prior to the final 3L membership and Officer/Chairperson decisions being made, the President shall email each chosen Officer/Chairperson to ensure their acceptance of said position. If the rising 3L declines the position for valid and acceptable reasons at the discretion of the Council and faculty adviser, the Council and faculty adviser must reconsider who will fill the position.

§ 7: Who May Submit an Application for Appointment

- (a) Any 2L in good standing with the law school, regardless of current membership on the Council may submit an application for appointment during their 3L year.
- (b) Any 1L in good standing with the law school may submit an application for appointment during their 2L year.

§ 8: Selection of the President of the Council

- (a) The law school faculty adviser reserves the right to make the ultimate appointment of the President.
- (b) Incumbent 3L members, in conjunction with faculty adviser, will vote to appoint subsequent President. Selection is effected by a majority vote. In the event of a tie, the decision rests with the vote of the incumbent President.

§ 9: Selection of Chairpersons and Assistant Chairpersons

- (a) The Council is to be comprised of a minimum of six 3L members (including the President), and a maximum of eight 3L members, and there are to be a minimum of six 2L members, and a maximum of eight 2L members.
- (b) These numbers are subject to change depending upon the number and size of competitions.
- (c) There is to be a chairperson for each competition held during the academic year for which the Council is obligated to administrate.
- (d) A competition chairperson may select an assistant chairperson to assist with the competition planning and preparation as they see fit, but are not required to select an assistant chairperson. The competition chairperson must get approval from the President for such appointment.
- (e) Once a member is chosen to serve on the Council, the incumbent President shall stress to the new members that the position is for the period of the entire school year for which they are to serve. This is a commitment, and it shall be stressed that the only means by which to be removed from the Council are by academic bad standing, or by a reason approved by the faculty adviser.
- (f) If a spot on Council shall become vacant for any reason during the course of the school year, or the President, using his or her discretion, believes a new member is necessary, the Council shall open up applications to the particular class where the vacancy is present. The Council shall vote by majority vote on the admission of the

chosen potential new member, and the member shall then be approved by the faculty adviser.

§ 10: Effect of Incumbency

- (a) Seniority on the council is to be a significant factor in determining subsequent appointment, however it is not determinative.
- (b) Additionally, the performance, reliability, and willingness to participate in competition preparation and planning of incumbent 2L Council members is to be a significant factor along with incumbency in determining subsequent appointment.

ARTICLE III: Duties and Roles of Members of the Council

§ 11: Duties of the President

- (a) The President shall have ultimate authority in making decisions regarding each competition held during his or her tenure.
- (b) The President also has the sole authority to create committees at his/her discretion and to appoint committee chairs as necessary.
- (c) The President shall make every reasonable effort to delegate as much authority as possible to his or her chairpersons and their assistant chairpersons.
- (d) The upcoming President shall work with chairpersons to create a proposed budget after the completion of the Spring exam period.
- (e) Prior to the first meeting, the President is to e-mail a copy of these Bylaws to each member of the Council.
- (f) The President shall call a meeting at the beginning of each semester and prior to each competition. These meetings may be combined, so the Fall semester meeting can also serve as the Moot Court Competition meeting, and the Spring semester meeting can also serve as the Negotiations Competition meeting, as the President sees fit.
 - a. If the Council is to plan an ABA competition at the law school, multiple meetings should be called with both the Council and the administration/faculty adviser.
 - b. The Council is not limited to this minimum number of meetings.
- (g) The President is to adequately train and prepare the incoming President prior to the end of the Spring Semester.

§ 12: President as Participant in Competitions

- (a) The President must not be a participant in the intramural competitions held during the time s/he is President.

§ 13: General Duties of Chairpersons

- (a) Chairpersons shall primarily administrate the competitions of which they are in charge.
- (b) The duties of a chairperson include, but are not limited to:
 - (1) Assuming a leadership role of the competition of which they are the chair, including the management of assistant chairpersons;
 - (2) Working with the President and faculty adviser to determine an adequate budget for the competition;

- (3) Communicating with the Student Life Administrator to coordinate notices to the student body and faculty;
- (4) Assigning each Council person a task for the competition;
- (5) Updating their competition manual, or if there is none, must create a competition manual, for rising competition chairpersons; and
- (6) Acting as a valve between the assistant chairpersons and the President.

§ 14: General Duties of Assistant Chairpersons

- (a) Assistant chairpersons' duties are subject to provisions set forth in §15 regarding concurrent participation in competitions.
- (b) The scope of the duties of assistant chairpersons is limited only by what is required to be accomplished in carrying out the duties of the Council as determined by the chairperson under which the assistant chairperson is serving.

§ 15: Council Members' Participation in Competitions

- (a) Chairpersons and Assistant Chairpersons may participate in the various competitions the Council administers, except council members shall not:
 - (1) Have any role in judging or scoring;
 - (2) Have any special knowledge regarding any competition in which they compete;
 - (3) Compete in the competition they are planning; nor
 - (4) Possess any advantage whatsoever because of their affiliation with the council.
- (b) Council members' participation in any competition the Council administers is subject to the control and discretion of the faculty adviser.
- (c) All council members are continually subject to the Campbell University School of Law Honor Code in this matter and in all other affairs with which the Council is engaged.
- (d) If you believe and have evidence of a Council member violating the Honor Code or violating the Bylaws with regard to their Council duties, approach the President of the Council. If you do not feel comfortable approaching the President, approach the faculty adviser.

§ 16: Disciplinary Authority of the Council

- (a) Any member of the Council who fails to attend one-half of the scheduled meetings without an approved excuse at the discretion of the President shall be subject to dismissal from the Council pursuant to a simple majority vote of the entire Council.
- (b) Any member of the Council who fails to fulfill their duties during each competition or who is absent from three competition days for which they were required to be in attendance, without an approved excuse at the discretion of the President, shall be subject to dismissal from the Council pursuant to a simple majority vote of the entire Council.
- (c) If a member is not fulfilling their duties, a complaint must be served to the President of the Council, who will discuss with the faculty adviser of how to handle the situation.

- (d) The ultimate decision maker in the removal of a Council member rests with the faculty adviser.

ARTICLE IV: *Council Decisions and Authority*

§ 17: Adoption of Policies and other Decisions

- (a) Any matter that is decided by the board, except with respect to personnel decisions, shall take effect upon a vote among the Council members. A simple majority is all that is required, except:
- (1) In the event of a tie, the tiebreaker shall be in favor of the President
- (b) Each member of the Council shall have equal voting status, except in the event of a tie, in which case the President holds the tie-breaking vote.

§ 18: Amendments to Bylaws

- (a) There must be an agreement of two-thirds of the Council, in addition to the approval of the faculty adviser and the Associate Dean for Academic Affairs in order to effect an amendment to these bylaws.

I have reviewed the above bylaws and certify that they are the current bylaws of the Old Kivett Advocacy Council.

/s/ Regan M. Gatlin
Regan M. Gatlin, *President*

03/02/2016
Date