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# **GEORGE MASON UNIVERSITY CIVIL RIGHTS LAW JOURNAL CONSTITUTION**

## **ARTICLE I: NAME, LOCATION, AND GOVERNING AUTHORITY**

### SECTION 1. NAME

The name of this association shall be the George Mason University Civil Rights Law Journal (hereinafter "the Journal").

### SECTION 2. LOCATION

The principal office of the Journal shall be at 3301 North Fairfax Drive, Arlington, Virginia 22201-4498.

### SECTION 3. GOVERNING AUTHORITY

The Journal shall be governed by this Constitution.

## **ARTICLE II: MISSION AND PURPOSE**

### SECTION 1. MISSION STATEMENT

To publish thought-provoking, informative, and innovative commentary on civil rights issues that contributes to the legal community.

### SECTION 2. GENERAL PURPOSES

The general purposes of the Journal are:

- A. To furnish a forum for scholarly articles on current legal developments written by Antonin Scalia Law School at George Mason University students, members of the legal profession and professionals in law-related fields. Articles the journal publishes are intended to promote a greater understanding of the law, serve as a catalyst for the law's evolution, and provide the legal community a source of legal authority and analysis.
- B. To produce articles that relate both specifically and generally to Civil Rights issues. Civil Rights issues shall be defined as any topic, issue, or legal controversy that implicates the rights and privileges of any individual, group or organization both within the United States and abroad, as well as other constitutional issues.
- C. To reflect the high quality of legal scholarship at the Antonin Scalia Law School at George Mason University (hereinafter "ASLS").

### SECTION 3. SPECIFIC PURPOSES.

The specific purposes of the Journal are:

- A. To give advanced training to student members in legal writing, research and analysis techniques.
- B. To develop in members a desire for scholarship and excellence.
- C. To publish at least tri-annually a scholarly legal journal to be entitled the George Mason University Civil Rights Law Journal.
- D. To host annually a symposium on a significant and timely civil rights topic.
- E. To provide a forum in the law school community for the discussion of Civil Rights

issues.

### **ARTICLE III: AUTHORITY AND FACULTY ADVISORS**

#### **SECTION 1. DERIVATION OF AUTHORITY**

The Journal derives its authority to carry out the stated purposes in Article II of this Constitution from its membership, the Administration of ASLS, and George Mason University. The Journal relies upon George Mason University, subscriptions, and voluntary donations for fiscal resources.

#### **SECTION 2. DELEGATION OF AUTHORITY**

The responsibility for executing this Constitution shall be vested in the Board of Editors. The Board of Editors shall have the powers enumerated under Article IV of this Constitution. Unless specifically stated to the contrary, authority for specific functions can be delegated.

#### **SECTION 3. FACULTY ADVISOR(S)**

The Administration of ASLS executes its responsibility for supervising the Journal by providing one or more Faculty Advisors, who must be full-time ASLS faculty members. When requested, Faculty Advisors will counsel the Membership and provide advice and guidance. Faculty Advisors will make reports to the administration, as necessary, concerning the Journal's operations, any problems encountered, and any new policies. Faculty Advisors bear no responsibility or culpability for the Journal's actions nor are they Members of the Board of Editors.

### **ARTICLE IV: BOARD OF EDITORS**

#### **SECTION 1. AUTHORITY**

The Board of Editors shall have the exclusive authority to develop and articulate the Journal's policy, business, and management objectives. In Addition, the Board of Editors shall have the exclusive authority to select, edit, and publish submissions to the Journal, including, but not limited to, professional and student articles, comments, notes, book reviews, and other publishable material.

#### **SECTION 2. QUALIFICATIONS**

The Board of Editors shall be selected solely from students who have satisfactorily fulfilled all Candidate Member requirements as determined by the outgoing Board of Editors. Members of the Board of Editors must be registered as full or part-time students at ASLS during their tenure on the Board. Members of the Board of Editors shall maintain a cumulative grade point average that exceeds a 2.75 and fulfill all financial obligations to the Journal and ASLS.

#### **SECTION 3. COMPOSITION**

The Board of Editors shall be constituted as follows:

- A. The Board of Editors shall consist of at least the following: (1) one Editor-in-Chief; (2) one Executive Editor; (3) one Managing Editor; (4) one Senior Articles Editor; (5) one Senior Notes Editor; (6) one Senior Research Editor; and (7) one Publications

- Editor. These seven individuals shall also comprise an Executive Committee that may meet without the entire Board of Editors as necessary.
- B. The incoming Board of Editors may be expanded or contracted by the outgoing Board of Editors. Decisions to expand or contract the incoming Board of Editors shall be guided by the best long-term interests and viability of the Journal and subject to majority vote.
  - C. The Editor-in-Chief, in consultation with the Executive Editor, may at his or her discretion or at the request of another Editor, appoint an Assistant Editor to serve any purpose appropriate to furthering the Journal's goals. Assistant Editors shall be designated from the Member membership.
  - D. The Board of Editors may approve two additional positions: (1) one Member Representative, and (2) one Candidate Member Representative. Each position may be approved by separate votes of the Board of Editors. If either position is approved, individuals to occupy such positions shall be selected and appointed by the Editor-in-Chief at his or her sole discretion. Once appointed, these representatives may only attend Board Meetings at the invitation of or with prior approval of the Editor-in-Chief. These representatives shall have no vote, may not make motions, may be excused from Board Meetings at the Editor-in-Chief's discretion, but may be heard upon recognition by the Editor-in-Chief while in attendance.

#### SECTION 4. RESPONSIBILITIES

The Board of Editors shall:

- A. Be individually and generally responsible for the Journal's effective operation, particularly the timely publication of all Volumes. Each Member of the Board of Editors shall have different responsibilities necessary to the Journal's effective operation and success. Responsibilities of each individual Editor shall be published as an addendum to this Constitution, updated annually (no later than August 1 of each year), and adopted by a majority vote of the Board of Editors. Failure to fulfill the articulated responsibilities of any Member of the Board of Editors is sanctionable conduct.
- B. Ensure each volume published consists primarily of professional articles. Student articles, transcripts, profiles, book reviews or other documents that relate to the legal community may also be published.

#### SECTION 5. ANNUAL EDITOR SELECTION

The outgoing Board of Editors shall have the exclusive power to choose the incoming Board of Editors.

- A. Application Process. Any Member may petition in writing and the Board of Editors may nominate candidates for Board of Editor positions. At its discretion, the Board of Editors may require that all applicants submit a formal application for membership on the Board of Editors and may require interviews with each applicant. Each Board of Editors shall have flexibility in choosing its successors and shall do so based upon their experiences and in the best long-term interests and viability of the Journal. The Application Process shall be clearly articulated to the Candidate Members at the earliest feasible time.
- B. Expected Responsibilities. The Board of Editors shall publish by August 1 of each year the responsibilities of each individual Member of the Board of Editors.
- C. Limitation. Students with a semester or less remaining, before graduation, are ineligible

to apply for membership on the Board of Editors.

#### SECTION 6. TRANSITION

- A. In the interest of preserving institutional knowledge, there shall be a period of transition between outgoing and incoming Boards of Editors. It is incumbent on the outgoing Board of Editors to provide any documentation, papers, systems, reference materials, or guides to the incoming Board of Editors. Each individual Member of the outgoing Board of Editors shall meet in person with the incoming individual who is expected to assume the same responsibilities.
- B. To further preservation of institutional knowledge, the outgoing Editor-in-Chief and Executive Editor shall serve as Ex-Officio Members of the Board of Editors. These Ex-Officio Members shall not vote, nor be required to attend any meetings but agree to assist the incumbent Board of Editors in any reasonable manner, appear when asked, and generally be available to provide guidance or feedback. Ex-Officio Members shall be noted on the Journal's masthead.

### **ARTICLE V: GENERAL MEMBERSHIP**

#### SECTION 1. MEMBERSHIP OF THE JOURNAL

The Membership of the Journal shall consist of (in addition to the Board of Editors) two categories of membership: Members and Candidate Members.

#### SECTION 2. QUALIFICATIONS

Unless otherwise expressly allowed for herein, each Journal Member shall be a student who is presently registered as full or part-time student at ASLS. All Members must remain in academic and financial good standing with the Journal and ASLS.

#### SECTION 3. DUTIES OF THE MEMBERSHIP

All Journal members, notwithstanding other additional duties required by their status as an editor or candidate, shall on a continuing basis provide whatever reasonable services necessary to insure the Journal's successful operation. This includes, but is not limited to, editing and spading any publishable material, maintaining office hours as appropriate, fundraising, attending events or meetings, soliciting articles, and performing other various duties as necessary. All duties or tasks shall be completed in a timely fashion, including meeting any stated deadlines, and in an accurate manner to the best of the member's ability. All Members are subject to removal for sanctionable conduct as provided under Article VI of this Constitution.

#### SECTION 4. MEMBERS

Members, if they have fully fulfilled their duty to the Journal, may represent such status to the legal and professional community. Member status is obtained when a majority of the editors on the Board determine that the Candidate Member satisfactorily meets all membership requirements and the Candidate Member accepts an offer to become a Member.

#### SECTION 5. CANDIDATE MEMBERS

- A. Candidate Member Eligibility. Any student who is listed with the Registrar of ASLS with a full year remaining before graduation and maintains a 2.75 grade point average may apply to become a Member of the Journal. Any student who applies after his or her first year must write a personal statement explaining why he or she did not apply after the first year. The Board of Editors shall, each April, publish and make available to the student body the minimum qualifications expected of the upcoming candidate class. The Board of Editors may further restrict applicants based upon their year or academic standing, including but not limited to their class rank or cumulative grade point average.
- B. Candidate Members Selection. The Board of Editors shall select Candidate Members in the following ways:
1. Weighted Score: The Board of Editors shall select Candidate Member's from a pool of eligible applicants based on their weighted scores. Each applicants weight score shall be calculated in the following way:
    - i. Writing Competition. Each Candidate Member applicant must participate in a writing competition. In consultation with the Editor-in-Chief and Executive Editor, the Senior Notes Editor shall establish the procedures and conditions for the writing competition, including a uniform scoring system, with input from the Board of Editors. Performance in the writing competition shall compose 45 percent of each applicant's weighted score.
    - ii. Grade Point Average. Each Candidate Member applicant must sign a waiver releasing his or her grade point average for consideration in selection. Grade point average shall compose 45 percent of each applicants weighted score.
    - iii. Bluebook Exam. Each Candidate Member applicant must complete a Bluebook Exam as part of the writing competition. In consultation with the Editor-in-Chief and Executive Editor, the Senior Research Editor shall establish the procedures and conditions for the Bluebook Exam. Performance on the Bluebook Exam shall compose 10 percent of each applicant's weighted score.
  2. Board of Editors' Discretion. The Board of Editors reserves the right to select up to 10 percent of the incoming Candidate Member class based solely on an applicant's writing competition submission. Applicants considered for member under this section shall be nominated by the Editor-in-Chief, Executive Editor, or Senior Notes Editor and must be approved by a three-quarter vote by the Board of Editors.
  3. Note or Comment Writing Opportunity. The Board of Editors shall have discretion to offer qualified students the opportunity to submit a note or comment to be considered for Candidate Membership. In consultation with the Editor-in-Chief and Executive Editor, the Senior Notes Editor shall establish the procedures or chair a committee that will review submissions for adequacy under the publishable quality standard and make recommendations to the Board of Editors on whether to extend offers of candidacy.
  4. Transfer Students. Transfer students must compete in a transfer student writing

competition to be considered for membership to the Journal. Applicant selection shall be determined based solely on their writing competition submission. Transfer students with a semester or less remaining before graduation are ineligible to apply for membership.

5. **Supplementary Means.** Upon a three-quarters vote by the Board of Editors and only after the proposal has been published to the General Membership and a reasonable period of time for comments allowed, any other procedure different from, or in addition to, the above may be instituted to select candidates.
- C. **Candidate Member Requirements.** Once selected, all Candidate Members shall be required to write a note or comment on a topic previously approved by the Senior Notes Editor. The note or comment shall adhere to a schedule established by the Board of Editors. A copy of the schedule shall be provided to each Candidate Member. To be considered for selection as a Member, each Candidate Member must have fully fulfilled his or her duty to the Journal, including the timely completion of any and all tasks, including spading. In addition, the Board of Editors must determine that the Candidate Member's note or comment is of publishable quality.
- D. **Publication of Candidate Member Notes or Comments.** In consultation with the Editor-in-Chief and Executive Editor shall, in consultation with the Senior Notes Editor, Senior Articles Editor, or any other Editor within their discretion, establish the procedures or chair a committee that will review the Candidate Member notes and comments and make selections for offers to publish in the Journal.

## **ARTICLE VI: DISCIPLINARY ACTION**

### **SECTION 1. ACADEMIC PROBATION**

Any Member of the Board of Editors, Member, or Candidate Member who is placed on academic probation, according to the provisions of ASLS, shall report his or her probation to the Editor-in-Chief and may be dismissed from the Journal, notwithstanding Section 3 of this Article, by a three-quarter vote of the Board of Editors. In lieu of dismissal from the Journal, the Editor-in-Chief may take additional or alternative actions including, but not limited to, granting the individual a leave of absence or relief from his or her Editor responsibilities.

### **SECTION 2. HONOR CODE VIOLATION**

Any Member of the Board of Editors, Member, or Candidate Member who is found guilty of any violation of the Honor Code of ASLS (after all appeals allowed for under the Honor Code have been exhausted) shall report the nature of the violation to the Editor-in-Chief and may be dismissed from the Journal, notwithstanding Section 3 of this Article, by a three-quarter vote of the Board of Editors. In lieu of dismissal from the Journal, the Editor-in-Chief may take additional or alternative actions including, but not limited to, asking for the Member's resignation or demotion from his or her Editor responsibilities.

### **SECTION 3. SANCTION SYSTEM**

- A. **Dismissal.** Any Member of the Board of Editors, Member, or Candidate Member who fails to perform his or her duty to the Journal may be sanctioned and ultimately dismissed

from the Journal by a three-quarters vote of the Board of Editors. The Board of Editors shall consider the totality of the circumstances, including the issuance of strikes, before making any decision to dismiss a Member. Any other reasonable sanction, including but not limited to demotion, probation, or additional/special tasks may be levied for sanctionable conduct.

- B. Sanctionable Conduct. Any improper conduct, to include misfeasance, malfeasance, or nonfeasance may be sanctioned. The following is a non-exhaustive list of conduct that may qualify for a sanction: failure to meet a Journal deadline; failure to produce a comparably high-quality work product; failure to attend office hours without an excused absence; failure to attend a mandatory meeting without an excused absence.
- C. Referral. Any Member may refer a matter for sanction to any Member of the Board of Editors. The decision to issue a sanction is within the Board of Editor's sole purview and by Majority vote.
- D. 3 Strike System. While any Member may be dismissed from the Journal for any egregious conduct, the Board of Editors should generally adhere to the following system before dismissing a Member. Strikes will be cumulative for each Member's career with the Journal. Strikes may be considered by the Board of Editors in making any determination or decision, including decisions to dismiss, decisions to offer Board of Editor positions, decisions to publish student articles, etc. This system does not create any rights; Membership on the Journal is voluntary and a privilege.
  - 1. Within a reasonable time after being notified of a Member's first infraction, a Member of the Board of Editors shall issue to the offending Member notification of one strike by sending that Member an electronic message. The offending Member shall be required to respond and confirm receipt. The electronic message will advise the Member that he or she is being sanctioned, subject to his or her first strike and the reason for the strike. First strikes shall have no detrimental impact on the Member's status whatsoever.

Example: Candidate Member X fails to provide the Research Editor the corrected footnotes for an article until more than 24 hours after the deadline has passed.
  - 2. Within a reasonable time after being notified of a Member's second infraction, the Executive Editor shall issue to the offending Member notification of a second strike by sending that Member an electronic message. The offending Member shall be required to respond and confirm receipt. The electronic message will advise the Member that he or she is being sanctioned again, briefly review the first strike, describe the reason for the second strike and warn that a third strike may well result in his or her dismissal from the Journal.

Example: Candidate Member X, after being tardy with a spading assignment, and receiving his or her first strike, subsequently turns in a timely spading assignment on another article but in which it is clear that Candidate Member X did not engage in due diligence, and the corrected cites include numerous violations of the Bluebook, the Journal's Style Guide, spelling mistakes and transcription errors.
  - 3. Within a reasonable time after being notified of a Member's third infraction, the Editor-in-Chief shall issue to the offending Member notification of a third strike by sending that Member an electronic message. The offending Member shall be

required to respond and confirm receipt. A copy of the electronic message shall also be placed in the offending Member's student mailbox. The electronic message will advise the offending Member that he or she is being sanctioned again, briefly review the first and second strikes, describe the reason for the third strike and require the offending Member to appear at the next Board of Editor's meeting to discuss his or her continued status with the Journal. The electronic message shall include the time and place of the next meeting of the Board of Editors.

Example: Candidate Member X, after being tardy with a spading assignment, and subsequently turning in a spading assignment that was demonstrably sub-par, and being advised of both strikes, Candidate Member X is one week late in turning in the second draft of his or her casenote without communicating with the Notes Editor and obtaining an extension.

- E. Additional Strikes. Receipt of three strikes may be but is not automatic, cause for dismissal. Additional strikes may be issued in the same manner as the third strike.
- F. Appeal. Any Member may appeal the award of any strike by requesting a meeting with the Editor-in-Chief and Executive Editor. The Editor-in-Chief and Executive Editor may invite any Member of the Journal to attend the meeting, including any Members requested by the appealing Member. Regardless of his or her attendance, the Editor-in-Chief and Executive Editor shall make the Board of Editors aware of the appeal. Any Member who intends to seek appeal of a strike must do so within five days of when the notification message was sent. The Editor-in-Chief shall make the final determination of whether to grant the Member's appeal and may request any reasonable non-monetary restitutionary measure from an appellee to offset the issuance of a strike.
- G. Notification. Notification of a strike shall be issued via electronic message sent to the e-mail address the Member has on record with the Journal. It is the Member's responsibility to insure the electronic address is up to date.
- H. Special Procedures. Members of the Board of Editors are subject to the same disciplinary system as all Members, including, but not limited to, dismissal or demotion. If a Member of the Board of Editors has engaged in sanctionable conduct, the Editor-in-Chief shall personally handle the matter. If the Editor-in-Chief has engaged in sanctionable conduct, the Board of Editors shall vote on a single representative from the other Members of the Board of Editors who shall personally handle the matter. No Member of the Board of Editors shall have a vote in a matter involving himself or herself.

#### SECTION 4. CONFIDENTIALITY

All communications and actions pertaining in any way to discipline under any provisions of this Article shall be kept strictly confidential. Confidentiality is waived as to communications between Members of the Board of Editors only. In the event of any demotion or dismissal from the Journal, the demoted or dismissed member may however request the Board of Editors to provide a report with information about the general nature of the offense and of the disciplinary action taken.

#### SECTION 5. VACANCIES

The Board of Editors shall fill vacancies on the Board of Editors for the remainder of the Editor's unexpired term by a simple majority vote of the incumbent Board of Editors.

## SECTION 6. LEAVE OF ABSENCE

Candidate Members or Full Members who are in good standing with the Journal and who then take a leave of absence from ASLS shall retain their Member or Candidate Member status, provided, however, that such students, upon their return to ASLS, shall be able to fulfill their obligations under this Constitution. Members of the Board of Editors who are in good standing with the Journal and who then take a leave of absence from ASLS shall retain Member status upon their return to ASLS, but may only regain their Editor position upon a vote of the Board of Editors and the former Editor's ability to fulfill their obligations under this Constitution upon their return.

## ARTICLE VII: PROCEDURES FOR MEETINGS

### SECTION 1. MEETINGS OF THE BOARD OF EDITORS

The Board of Editors, as the governing body of the Journal, shall meet as often as necessary to accomplish Journal business. Meetings of the Board of Editors shall be closed to the General Membership, except that the Board of Editors shall have the authority to announce open meetings or invite others as appropriate. Meetings of the Board of Editors shall be confidential. Meetings of the Board of Editors may be called by or at the request of the Editor-in-Chief, or by any three editors. The place of the meeting, unless otherwise specified by the Editor-in-Chief, shall be at the Arlington Campus of ASLS. The Editor-in-Chief shall chair the meetings unless absent, in which case the meeting shall be chaired by the Executive Editor. If both are absent, the Managing Editor shall be the chairperson.

### SECTION 2. NOTICE

The person or persons who have called a meeting of the Board of Editors shall provide written notice at least forty-eight hours in advance.

### SECTION 3. QUORUM

A Quorum is required to have a Board Meeting. A simple majority of the Board of Editors shall constitute a quorum. The Chairperson of the meeting shall be counted to determine if a quorum is present.

### SECTION 4. MAJORITY VOTE

Unless otherwise specified in this Constitution, all voting by the Board of Editors shall be by simple majority.

### SECTION 5. GENERAL MEMBERSHIP MEETINGS

Whenever necessary, and not less than once an academic semester, the Editor-in-Chief or three Editors shall convene a general meeting of all Board of Editors and General Membership. The person or persons convening the meeting shall provide at least five days notice of the meeting.

### SECTION 6. PROCEDURE FOR MEETINGS

The procedure governing meetings of the Board of Editors and General Membership

meetings shall be determined by Robert's Rules of Order.

## **ARTICLE VIII: AMENDMENT OF THIS CONSTITUTION**

### **SECTION 1. AMENDMENTS**

- A. Proposed Amendments. Any Candidate Member, Member, or Member of the Board of Editors may propose, in writing, amendments to this Constitution. Such proposals shall be submitted to the Editor-in-Chief who must make the Board of Editors aware of the proposal and act on the proposal pursuant to this Constitution. Any proposed Amendment shall be voted on by the Board of Editors within a reasonable period of time and the entire Membership shall be advised of the result of the vote.
- B. Provisional Amendments. Any Board of Editors may adopt amendments to this Constitution by a three-quarter vote of the Board of Editors. Such amendments shall bind all Members of the Journal and will become effective immediately. Provisional Amendments shall expire unless adopted by the incoming Board of Editors. Provisional Amendments shall be published in an addendum to this Constitution.
- C. Permanent Amendments. A Provisional Amendment shall become permanent upon its second consecutive adoption by a three-quarter vote of the Board of Editors and by a majority vote of the entire Membership. The Editor-in-Chief shall have the proxy of any non-voting Member. Upon adoption of a Permanent Amendment, this Constitution shall be modified accordingly and re-published. A copy and explanation of the change shall be timely provided to the Student Bar Association.
- D. Unanimity. Article IV, Section 3, may only be amended by a unanimous vote of the Board of Editors.

### **SECTION 2. INVALIDATION**

If at any time any portion of this Agreement is found to be invalid, the remainder thereof shall not be affected and shall remain in full force and effect.

## **ARTICLE IX: ACADEMIC CREDIT**

Membership on the Journal is not dependent on, nor work in exchange for, the receipt of academic credit from ASLS for journal activities. Pursuant to current academic regulations, members of the Journal may receive academic credit for Journal performance if allowed for pursuant to other authority.

## **ARTICLE X: SELECTION BASED ON MERIT**

Any and all selections that pertain to this organization shall be made on a merit basis and without regard to race, sex, color, religion, or national origin.

EXECUTED this 21st day of April, 2017, by the 2017-2018 Board of Editors of the George Mason University Civil Rights Law Journal.

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Lindsey Turok  
Editor-in-Chief

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Laura Saracina  
Executive Editor

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Phil Abruscatto  
Managing Editor

---

Steve Brantley  
Senior Articles Editor

---

Kyle Armstrong  
Articles Editor

---

Angela London  
Articles Editor

---

Abby McNelis  
Senior Notes Editor

---

Emily Nerino  
Notes Editor

---

Sarah Gentry  
Notes Editor

---

Hannah Wurl  
Senior Research Editor

---

Tom Armstrong  
Research Editor

---

Tae Aderman  
Research Editor

**ADDENDUM I: Provisional Amendments**