

## The George Washington Journal of Energy and Environmental Law Constitution

### I. NONDISCRIMINATION POLICY

A. *The George Washington Journal of Energy and Environmental Law* shall not discriminate against any student on the basis of his or her political, ideological, or religious views, sexual orientation, race, or sex when selecting Members of JEEL, nor shall these attributes be considered in deciding to initiate, renew, or terminate subscriptions of any present or prospective subscriber.

### II. MEMBERSHIP

A. The membership of *The George Washington Journal of Energy and Environmental Law* shall consist of Members, Associates, and Editors. During their first year on *JEEL*, students will be designated as Members of *JEEL*. After completion of one year of membership on *JEEL* and satisfactory progress toward completion of their notewriting and production requirements, Members who do not become Editors shall become Associates of *JEEL*.

B. Members, Associates, and Editors must be enrolled at the law school and complete *JEEL*-related work for four semesters to be eligible to receive academic credit for participation on *JEEL*. Individuals who graduate early or fail to perform four semesters of work will receive a No Credit for each of the units they would otherwise be eligible.

1) LLMs are eligible for editor positions with *JEEL* without having served as Members. Academic credit received for LLM participation with *JEEL* should be negotiated with *JEEL*'s faculty advisor.

### III. EDITORIAL BOARD

A. Duties: The Editorial Board has the following powers and responsibilities:

- 1) To vote on any proposal concerning a matter of fundamental policy affecting *JEEL* as a whole. Any decision not so approved shall be void.
- 2) To formulate and approve *JEEL* policies for disbursements and acquisitions. These policies shall be implemented by the Editor-in-Chief unless the Board indicates otherwise.
- 3) To advise the Editor-in-Chief regarding matters concerning grammar, style, and form of *JEEL*.
- 4) To approve the procedures for, and participate in grading, the annual membership competition in cooperation with the school-wide program.
- 5) To establish procedures for selecting *JEEL* Members, to fix the number of Members to be selected, and to select these Members in accordance with Article III(E). The procedure for selecting Members shall be disseminated to all members of the student body who participate in the journal competition.
- 6) To establish the duties of Members and Associates and to provide formal evaluations of Associates' and Members' performance of their *JEEL* duties.

- 7) To act on any grievance complaint against the Editor-in-Chief, Editorial Board members, Associates, or Members in accordance with article VII.
  - 8) To fix the number of and select the succeeding editorial board.
  - 9) To award academic credit in accordance with Law School and Board policy.
  - 10) To make all decisions necessary and proper for carrying into execution the Board's powers and duties.
- B. Selection: Each spring, the outgoing Editorial Board shall select the new Editorial Board. The outgoing Board shall consider, among other things, progress and quality of the candidate's Note, quality of production work, attitude, dedication, and the results of the editorial competition.
- 1) At least one month before the editorial competition, the Editor-in-Chief shall call a meeting of Members to explain the procedures for selecting a new Editorial Board.
  - 2) At a date to be set by the Board, Members may file an application for editorial positions with the Board. The application shall be kept confidential.
  - 3) The Editorial Board shall conduct an editorial competition. The Board will use the results of this competition to assess the candidate's strengths and weaknesses for particular editorial positions. The competitions will be graded by members of the Editorial Board on an anonymous basis. The score of each competition shall remain confidential.
  - 4) Following the editorial competition, the Editorial Board shall interview each candidate individually.
  - 5) The Editorial Board shall announce the new Board of Editors at least one week before the new Board is to assume its responsibilities.
- C. Term of Office; Vacancies:
- 1) The members of the Editorial Board shall serve for one year.
  - 2) During the period between the announcement of the new Editorial Board and the beginning of their term, current Editors shall train the incoming Editorial Board. The Editor-In-Chief should sit in on each training session to fully acquaint themselves with all journal functions.
  - 3) Should a vacancy occur in any Editorial Board office, other than the Editor-in-Chief, the Editor-in-Chief shall nominate an Editor or an Associate for the position. The Editorial Board must confirm the nominee by a majority of the Editorial Board.
  - 4) Should the office of Editor-in-Chief become vacant, the Senior Managing Editor will call and preside at an Editorial Board meeting called solely for the purpose of selecting a new Editor-in-Chief. A majority of the Board must be present to begin the nomination process. Board members shall be nominated for the office. Those who accept nomination shall leave the meeting and

shall not be eligible to vote. The Board will vote on the nominees until one nominee receives the votes of a majority of those not nominated. That nominee will then immediately assume all the duties and responsibilities of the Editor-in-Chief. The resulting Editorial Board vacancy will be filled in accordance with article III(C)(3).

IV. Editorial Board Meetings:

- A. The Editor-in-Chief shall call and preside at regular meetings of the Editorial Board.
- B. A quorum shall consist of a majority of the members of the Editorial Board, except in grievance proceedings. In grievance proceedings, a quorum shall consist of two-thirds of the members of the Board.
- C. The Editorial Board shall act by a vote of the majority of the members of the Editorial Board present and voting, except as provided in article VII(D)(1).
- D. Proxy votes are permissible except in grievance proceedings.
- E. Minutes of the meetings shall be kept and will be made available for review by *JEEL* staff. Confidential information and any matters concerning staff selection, promotion, discipline, or termination shall not be made available for review.

V. Selection of Members:

- A. The Editorial Board will establish procedures for selecting *JEEL* Members, fix the number of Members to be selected, and select these Members consistent with the following provisions:
- B. All students who wish to be considered for *JEEL* membership must participate in the journal writing competition and fulfill all other requirements.
- C. Any student who wishes to be considered for *JEEL* membership may submit, at his or her option, an additional application provided by the Editorial Board for the purpose of increasing diversity on *JEEL* or to evince a particular interest in energy or environmental law.
  - 1) This separate application shall include a personal statement describing how the presence of the applicant on *JEEL* would enhance the diversity of the *JEEL* or
  - 2) This separate application shall include a personal statement describing the student's particular energy or environmental law interests.
  - 3) This separate application may be submitted at the same time as the mandatory writing competition or within two days after the deadline for the writing competition. The application may be mailed to the *JEEL*, but must be postmarked not later than two days after the deadline for the writing competition.

- 4) Any application submitted under this section shall remain confidential at all times and will not be considered or evaluated by the Editorial Board except as provided in Article III(E)(3).
- D. The Editorial Board shall consider personal statements under the following procedure:
- 1) The Editorial Board shall select five *JEEL* members to sit on the Diversity Plan Committee (Committee).
  - 2) The Editorial Board shall select two Board members to sit on the Final Selection Committee, along with the Senior Notes Editor. These Board members shall have the responsibility of making the final selection of *JEEL* members in the summer.
  - 3) Before the end of the spring semester, the Committee shall review and evaluate all personal statements with the object of expanding the diversity and interests of *JEEL* membership. The following factors will be considered in expanding the diversity of the membership:
    - a) (1) cultural background;
    - b) (2) nationality;
    - c) (3) personal adversity;
    - d) (4) physical handicap;
    - e) (5) prior experience;
    - f) (6) race and ethnicity; and
    - g) (7) other factors that the Editorial Board may deem to increase diversity.
- E. Before the end of the spring semester, the Committee shall review and evaluate all personal statements with the object of expanding subject matter interest among *JEEL* membership. The following factors will be considered in favoring subject matter interests among applicants:
- 1) (1) prior experience in the energy and environmental fields
- F. Any student, that has deferred his or her studies in accordance with all requirements of The George Washington University Law School, shall not be denied membership to *JEEL* upon returning to The George Washington University Law School if the following requirements are met:
- 1) The student has been duly selected for membership to *JEEL* in one of the preceding two years, and
    - a. The student's absence from The George Washington University Law School began in the academic year immediately following selection to *JEEL*.

VI. EDITOR-IN-CHIEF

- A. Duties: The EIC is ultimately responsible for the publication of *JEEL* and has the following duties:
- 1) To direct the publishability, content, and form of any Note, article, book review, or other material appearing in the *JEEL*. This includes questions of grammar, style, and citation.
  - 2) To supervise the administration of the *JEEL* in accordance with

Editorial Board policy and publication deadlines.

- 3) To delegate to and among members, associates, and editors such powers and duties as seem necessary and appropriate to achieve the purposes of JEEL in accordance with this Constitution.
- 4) To call and preside over meetings of the members, associates, and Editorial Board.
- 5) To veto, modify, or reverse the action of any member of the Editorial Board when that action concerns subject matter falling within article IV(A)1 of this Constitution.
- 6) To serve as liaison with the Administration, faculty, student body, and the general public.

VII. MEMBERSHIP MEETINGS

- A. The Editor-in-Chief may call meetings of the entire membership of JEEL or any segment thereof.
  - 1) *JEEL* members may request the Editor-in-Chief to call either a Board meeting or a membership meeting, or may require the Editor-in-Chief to do so by presenting a petition signed by at least fifteen *JEEL* staff members or at least four Board members. The Editor-in-Chief shall hold the meeting within two weeks of receipt of such a petition.
  - 2) The Editor-in-Chief shall provide at least twenty-four hours notice of any meeting.
- B. Recommendations by the membership:
- C. Any *JEEL* staff member may make a recommendation on any *JEEL* matter at a *JEEL* meeting.
  - 1) Any recommendation approved by a simple majority of those present and voting shall be submitted to the Editorial Board for action at an Editorial Board meeting to be held within two weeks of the membership vote.

VIII. WRITING PROGRAM

- A. Every Member shall write a student Note (or Project).
- B. The Editorial Board shall determine the scope of and the procedures for the writing program.
- C. Members who fulfill the notewriting requirements and deadlines as set forth by the Editorial Board shall receive full writing credit.
- D. A Member or Associate may be subject to grievance proceedings for failure to fulfill any part of the writing requirement. Any Member who does not complete a first draft by the deadline will automatically be referred to formal proceedings in accordance with article VII(C).
- E. Copyright:
  - 1) (1) *The George Washington University Law School Journal of Energy and Environmental Law* owns the copyright to all student Notes, as works for hire intended as contributions to a compilation.
  - 2) (2) As a general rule, the Editorial Board will assign the copyright of a student Note that has not been published by *The*

*George Washington Law School Journal of Energy and Environmental Law* to the student author of that Note when all issues of the student author's volume have been filled.

- 3) (3) Upon determination by a two-thirds vote that extraordinary circumstances exist, the Editorial Board of a student's volume may retain the copyright beyond the time when all issues of that volume have been filled, but no longer than the end of the calendar year in which the decision to retain the copyright was made. The decision of the Board shall be final.
- 4) (4) The student author of a Note may request the Editorial Board to assign the copyright to that Note to the student author at any time prior to the date when all issues of the student author's volume have been filled. The Board's decision to assign the copyright must be by a majority vote. Its decision on such a request shall be in its sole discretion.

#### IX. GRIEVANCE PROCEDURE

A. Grounds: Informal grievance proceedings may be instituted against any *JEEL* staff member for failure to perform his or her duties or for failure to perform those duties in an adequate manner and formal grievance proceedings shall be taken in cases of alleged plagiarism, dishonesty, or other dishonorable conduct.

B. Informal Procedure:

- 1) *JEEL* staff will provide each other constructive feedback about the performance of their duties.
- 2) Any person on *JEEL* may lodge a complaint against any other staff member. The complaint shall be typed and shall specify the grounds for grievance proceedings.
  - a) Complaints by Members should be filed with the complainant's Supervising Editor or, if the complaint is against an Editor or an Associate, the Editor-in-Chief.
  - b) Complaints against Members shall be filed with that Member's Supervising Editor .
  - c) Complaints against an Editor or an Associate should be lodged with the Editor-in-Chief or a Senior Editor.
  - d) Complaints against the Editor-in-Chief should be lodged with a Senior Editor.
- 3) Except in cases of plagiarism, dishonesty, or other dishonorable conduct, upon a lodging of a complaint, the Supervising Editor or the Editor-in-Chief, whichever is appropriate, shall meet with the individual who is the subject of the complaint and, at the discretion of the Supervising Editor or the Editor-in-Chief, whichever is appropriate, attempt to arrange a remedial plan or settle the dispute.
- 4) If a Member or an Associate has failed to keep his or her Note deadlines, except as provided in article VI(D), his or her Notes Editor may arrange a remedial plan or may institute formal

grievance proceedings.

C. Formal Procedure 1. Initiation of Complaint

- 1) If informal procedures fail to resolve the basis of the grievance, formal grievance proceedings may be initiated by that person's Supervising Editor, that person's Notes Editor, or the Editor-in-Chief. If the above Editors do not initiate formal proceedings within a reasonable period of time, any Editor may initiate formal proceedings. *Formal grievance proceedings against the Editor-in-Chief may be initiated by any Editor.*
- 2) Upon suspicion of plagiarism, dishonesty, or other dishonorable conduct, a referral shall be made to the law school's Academic Integrity Committee or other similar body. A formal grievance proceeding may be initiated, but if such a proceeding is initiated, the Editor-in-Chief shall have the discretion to stay such a proceeding pending final resolution of the referral by the Academic Integrity Committee.
- 3) No formal proceedings action may be taken during any examination period or initiated during the two weeks immediately preceding an examination period.
- 4) A *JEEL* Member, Associate, or Editor given notice that a complaint has been filed against him or her is on notice that his or her work shall be subject to strict scrutiny and that failure to perform adequately may be grounds for dismissal from the *JEEL*.

D. Formal Grievance Proceedings:

- 1) The Supervising Editor, Notes Editor, Editor-in-Chief, or Senior Editor, whichever is appropriate (see VII(B)(2)), shall notify the staff member in writing of the initiation of formal grievance proceedings. This notice may be made to the staff member by e-mail at the most recent address on file at the *JEEL* or by placing the letter in his or her *Review* mailbox. Oral notice shall also be given if possible.
- 2) No later than fourteen days after the staff member has been notified that formal grievance proceedings have been initiated, the Editor-in-Chief shall call a meeting of the Editorial Board to discuss what actions are to be taken against the staff member. Grievance proceedings may be conducted at regularly scheduled meetings of the Editorial Board.
- 3) A minimum of two-thirds of the Editorial Board must be present to discuss or vote upon formal grievance proceedings.
- 4) The staff member who is the subject of the formal grievance proceeding has the opportunity to address the Editorial Board at this meeting and may present witnesses in his or her behalf.
- 5) All votes on grievance action shall be by roll-call vote. Proxy votes may not be cast regardless of the circumstances.

E. Actions

- 1) A majority of the Editorial Board shall be required to approve

any action against a Member, an Associate, or an Editor.

- 2) Any sanction deemed reasonable by the Editorial Board may be imposed by those present at a meeting of the Editorial Board at which grievance action is taken, including, among other things, demotion from Editor to Associate status, completion of extra *JEEL* duties as determined at the meeting, or removal from the *JEEL*. Any vote to remove a staff member from the *JEEL* shall take effect immediately.
- 3) The Editor-in-Chief shall report to the Academic Dean any dismissal based upon a finding of plagiarism, dishonesty, or other dishonorable conduct.

X. ADOPTION

- A. The Editor-in-Chief shall set a date for the vote on the adoption of this Constitution.
- B. At least one week prior to the vote, every *JEEL* staff member shall be provided with a copy of the text adopted by the Constitution Committee.
- C. Every *JEEL* staff member shall be entitled to vote to adopt or to reject the Constitution as adopted by the Constitution Committee.
- D. Voting shall take place by secret ballot.
- E. This Constitution shall become effective upon receipt of the affirmative vote of two-thirds of those voting.
- F. If the Constitution is not approved by a two-thirds vote, it shall be sent back to the Constitution Committee for rehearing, redrafting, and resubmission.

XI. AMENDMENT OF THE CONSTITUTION

- A. No vote on any amendment to this Constitution shall take place except during the academic year.
- B. Any *JEEL* staff member may propose an amendment to the Constitution by submitting to the Editorial Board the proposed amendment in writing with the signatures of at least fifteen *JEEL* staff members.
- C. Such proposed amendment shall be voted upon by the Editorial Board within two weeks of its receipt. A simple majority vote is required to pass the amendment on for ratification by the entire *JEEL* membership. Upon passage by the Board, the Editor-in-Chief shall call a meeting of the entire *JEEL* staff to be held within the following two weeks.
- D. Once passed, the proposed amendment shall be distributed in writing to each member of the *JEEL* at least one week prior to a *JEEL* membership meeting.
- E. Voting for ratification shall take place by secret ballot.
- F. The proposed amendment shall become effective upon receipt of the affirmative vote of two-thirds of the entire *JEEL* membership.

XII. RESIGNATION UPON SUSPICION OF DISHONESTY

- A. Upon suspicion of dishonesty, a member, associate, or editor shall be permitted to resign from the *JEEL* but such resignation will result in a denial of all credit for journal work and a transcript notation of the denial of credit. Further, the circumstances surrounding the resignation shall be



**Matter for Vote 1/28/2015**

deemed material for purposes of the law school's academic integrity code and thus must be reported to any employer or potential employer with whom the resignee is still in employment negotiations. Circumstances surrounding resignation shall include but shall not be limited to allegation or admission of plagiarism, dishonesty, or other dishonorable conduct.