

## **OFFICIAL DRAFT**

# **MICHIGAN JOURNAL OF INTERNATIONAL LAW CONSTITUTION**

## **ARTICLE I. NAME**

The name of the organization shall be the Michigan Journal of International Law. The acronym of the Journal shall be MJIL.

## **ARTICLE II. PURPOSE**

The Michigan Journal of International Law is a student-run journal dedicated to publishing exceptional scholarly articles and student notes to further discourse in international, comparative, and foreign law. MJIL shall draw on submissions from scholars and practitioners, the expertise of the Michigan Law School faculty, and the diverse experiences of its editorial staff to ensure publication of the highest caliber scholarship.

## **ARTICLE III. MEMBERSHIP**

### *Section 1*

All law students who have completed their first year of legal education are eligible to apply for membership. MJIL is committed to a policy of equal opportunity for all persons and does not discriminate on the basis of race, color, national origin, age, marital status, sex, sexual orientation, gender identity, gender expression, disability, religion, height, weight, or veteran status in its membership or activities unless permitted by university policy for gender specific organizations. Upon joining the organization, all members agree not to undermine the purpose or mission of MJIL.

### *Section 2*

The editorial board selects new associate editors from the first-year class each year on the basis of writing ability, international interest and experience, and diversity of perspectives.

### *Section 3*

The editorial board may elect associate editors from the second-year class upon submission of exceptional publishable written work, taking writing ability, international interest and experience, and diversity of perspectives into consideration.

### *Section 4*

Removal of the membership shall be decided in accordance with the Bylaws. Final authority with regard to removal rests with the Editor in Chief or the Editorial Board in the case of the Editor in Chief, subject to meetings with the library staff and reconciliation proceedings.

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### **ARTICLE IV. EDITORIAL BOARD**

The Editorial Board shall be comprised of at least an Editor in Chief and a Managing Editor. The Editor in Chief and Managing Editor retain the ability to establish and select an Editorial Board as is necessary for publication of the Journal from the membership.

The Editorial Board shall be responsible for the timely publication of the Journal and for setting the policies of the Journal.

### **ARTICLE V. EXECUTIVE COMMITTEE**

The Editor in Chief and the Managing Editor retain the ability to institute an Executive Committee from the membership of the editorial board. This committee shall be responsible for implementing and interpreting the policies of the Journal. Final authority over decisions regarding implementing and interpreting the policies of the Journal rests with the Editor in Chief.

### **ARTICLE VI. FINANCES**

#### *Section 1*

MJIL is financed by the University of Michigan Law School.

#### *Section 2*

The Managing Editor is responsible for all finances of the organization.

### **ARTICLE VII. BYLAWS**

#### *Section 1*

In addition to the Constitution, MJIL will maintain Bylaws containing the internal policies of the Journal.

#### *Section 2*

Any member of the Editorial Board may propose an amendment to the Bylaws.

#### *Section 3*

Voting on the amendments to the Bylaws will be done at the convenience of the editorial board. Voting will be done by a show of hands following deliberation. At least two-thirds (2/3) of the Editorial Board must be present for the vote. An amendment will come into effect if a majority of those present at the time vote in its favor.

#### *Section 4*

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All interpretations of the Bylaws shall be made in a manner consistent with the letter and spirit of the Constitution.

### **ARTICLE VIII. AMENDMENTS**

#### *Section 1*

Amendments must be proposed in writing to the Editor in Chief. A general review of the Constitution shall be performed every three years.

#### *Section 2*

Any member of the editorial board may propose an amendment.

#### *Section 3*

Voting on amendments and ratification will be done at the convenience of the editorial board. Voting will be done by a show of hands following deliberation. At least three-fourths ( $3/4$ ) of the Editorial Board must be present in order to vote on Amendment. An amendment will come into effect if two-thirds ( $2/3$ ) of those present at the time vote in its favor.

Ratified on October 28, 2017

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# **MICHIGAN JOURNAL OF INTERNATIONAL LAW BYLAWS**

## **Chapter 1. Disciplinary Policy**

### Part I. Disciplinary Policy, Generally.

#### *Section 1. Removal, Generally*

Members of the Michigan Journal of International Law may be removed for failure to adequately fulfill their responsibilities in a timely manner or for otherwise obstructing the publication of the Journal. Failing to fulfill one's responsibilities or otherwise obstructing the publication of the Journal may result in a strike. Final authority in issuing strikes rests with the Editor in Chief after he/she has consulted with the Executive Committee. Failure to fulfill one's responsibilities may include, but is not limited to, failing to turn in an assignment or turning an assignment past its due date. Any member who has been issued two strikes shall be removed from the Journal.

#### *Section 2. Disciplinary Action Against the Editor in Chief*

If the Editor in Chief fails to fulfill his or her responsibilities, he or she may be removed from the Journal. Any member of the Executive Committee can introduce a motion to remove the Editor in Chief. If three- fourths of the Executive Committee, excluding the Editor in Chief, moves to remove the Editor in Chief, the matter shall be referred to the Editorial Board as a whole. After debate, if two-thirds of the Editorial Board approve the removal, the Editor in Chief shall be removed, pending a meeting with Barbara Garavaglia, the library administrator.

#### *Section 3. Consequences of Removal*

Removal from the Journal may result in the removal of one's name from the masthead of any issue that has not yet published, even if the member has contributed work to that issue.

Removal from a Journal is confidential. The Journal will not notify or contact a member's employer regarding removal from the Journal. The journal is also not permitted to threaten such action. Finally, if a member resigns or is removed, the decision about consequences, including whether and to what extent a member may include journal membership on his or her resume is made based on an exit interview with the Editor- in-Chief, Managing Editor, the student, and Barbara Garavaglia, the library administrator, as advisor. In terms of the masthead, whether and to what extent a removed student is included on the masthead is based on the extent of the contributions made before resignation or removal and that's decided in the meeting with Barbara Garavaglia, the library administrator.

### Part II. Resignation

Once a student has accepted membership on the Journal, he/she may voluntarily withdraw from the Journal only under extenuating circumstances. Any proposed resignations

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shall be submitted to the Editor in Chief, who has final authority over the matter after he/she has consulted with the Executive Committee and with the library staff.

### Part III. Confidentiality

#### *Section 1. Generally*

The Executive Committee shall keep the content of discussions and materials relied on by them in a disciplinary action confidential.

#### *Section 2. Records*

The Managing Editor shall maintain a confidential record of all disciplinary actions.

## **Chapter 2. Editorial Board Membership Requirements**

### Part I. Composition

#### *Section 1. Proposal of Structure*

Pursuant to Article IV of the Constitution, the Editor in Chief and Managing Editor shall propose the structure, including the offices and numbers of positions within each office, of the next Volume's Editorial Board to the current Editorial Board no later than November 1.

#### *Section 2. Editorial Board Ratification of Structure; Failure to Ratify*

The current Editorial Board will consider and approve the proposed structure by a majority of those voting no later than November 15. If the Editorial Board fails to approve a structure by November 15, the structure of the next Volume's Editorial Board shall be determined by the Editor in Chief and Managing Editor pursuant to Article IV.

#### *Section 3. Contributing and Associate Editors*

Contributing Editors and Associate Editors are not considered members of the Editorial Board.

### Part II. Academic Requirements

#### *Section 1. Generally*

MJIL does not have any particular academic requirements for serving on the Editorial Board.

#### *Section 2. International Law Courses*

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Having taken an International Law course is not required to serve on the Editorial Board. The Board, however, may take international law courses into consideration when selecting the membership of the Editorial Board.

### **Part III. Geographic Requirement**

#### *Section 1. Positions Affected by Geography*

The Editor in Chief, Managing Editor, all other Official Members of the Executive Committee, and the Business and Development Editor (should such a position exist) cannot study abroad during their tenure in office.

#### *Section 2. Other Positions*

Although there is no formal requirement limiting the ability of other Editorial Board members to study abroad, when selecting the next Editorial Board, the outgoing Editorial Board may take into consideration particular limitations, including:

- a. Proximity to a law library
- b. Access to a reliable internet connection
- c. Ability to access academic search tools
- d. National censorship

### **Part IV. Temporal Requirements**

#### *Section 1. Generally*

Non-dual degree students may serve for a maximum of two years on the staff of the Journal. Dual degree students, however, may serve a maximum of three years on the staff of the Journal.

#### *Section 2. Associate Editors*

A member of MJIL generally serves as an Associate Editor during his or her first year of membership on the Journal.

#### *Section 3. Contributing Editors*

If a member of the Journal successfully completes his or her Associate Editor responsibilities, he or she may elect to remain on MJIL as a contributing editor unless he or she is selected to serve on the Editorial Board. A member may serve a maximum of one year as a contributing editor.

#### *Section 4. Dual Degree Students*

Staff members who are in four-year dual degree programs may serve up to three years as a member of the Journal. However, they may only serve as a member of the Editorial Board or as a contributing editor for one year.

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### *Section 5. Summer Starters*

Students graduating in December of their final year on the Journal are eligible for all positions on the Journal. However, any summer starter selected to serve as the Editor in Chief, Managing Editor, Production Editor (should such position exist), or Head of a Production Office (should such positions exist) must sign a binding contract with the Journal agreeing to fulfill his or her duties during the entire tenure of office and to not take the February Bar Examination immediately following their graduation.

## **Chapter 3. Executive Committee**

### Part I. Membership

#### *Section 1. Official Members*

The Executive Committee shall be composed of the Editor in Chief, the Managing Editor, the Production Editor (should such a position exist), and the Heads of the Production Offices (should such positions exist).

#### *Section 2. Invited Participation*

From time to time, the Editor in Chief or the Managing Editor may invite other members of the Editorial Board to participate in meetings of the Executive Committee. These invited members shall not be allowed to cast ballots in any vote held by the Executive Committee. No invited members may be present for disciplinary discussions held pursuant to Chapter 1 of these Bylaws.

## **Chapter 4. Transition**

### Part I. Application Process

The Managing Editor is responsible for assembling the Editorial Board Application Packet and distributing it to the eligible members of the MJIL staff.

### Part II. Editorial Board Selection

#### *Section 1. Generally*

Each February, the Editorial Board selects the next volume's Editorial Board from the Associate Editors and other eligible members who submit applications.

#### *Section 2. Responsibility of the Outgoing Editorial Board*

All members of the Editorial Board are required, absent compelling and extenuating circumstances, to read all of the applications for the Editorial Board and attend each round

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of Editorial Board selection. Failure to prepare or attend the meetings may be considered under MJIL's Disciplinary Policy.

### *Section 3. Selection Rounds*

The next Editorial Board is selected via a bifurcated process. In the first round, the Editorial Board shall select a new Editor in Chief and Managing Editor from the pool of applicants who have applied for those positions. In the second round, the Editorial Board and new Editor in Chief and Managing Editor select the remaining members of the Editorial Board from the pool of eligible applicants.

### *Section 4. Selection Process*

The positions of Editor in Chief and Managing Editor shall be interviewed by the Editorial Board and considered on an individual basis and selected by a two-thirds (2/3) vote of the Editorial Board members present at the selection meeting. The remainder of the next volume's Editorial Board will be selected after individual interviews, thorough deliberation, and a two-third (2/3) approval of a composite ballot by the Editorial Board and the new Editor in Chief and Managing Editor.

### *Section 5. Consideration for Positions for Which an Applicant Did Not Apply*

An applicant for the Editorial Board may amend the list of positions for which he or she is applying up until his or her interview with the Board. An applicant amending his or her Application to be considered for a position requiring a particular application element must complete that element.

## Part III. Training New Board

### *Section 1. Office Manuals*

The Editor in Chief, the Managing Editor, and each office shall maintain reference manuals explaining the responsibilities of the position.

### *Section 2. Post-Selection Training*

It shall be considered a responsibility of each member of the outgoing Editorial Board to provide assistance and training to the new Editorial Board.

## Part IV. Date of Transition

### *Section 1. Selection of Date*

The Editor in Chief, in consultation with the Managing Editor, shall select a date for the official transition between Editorial Boards before Editorial Board applications are released, but in any event no later than November 15. The selection of the transition date shall be done

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with due regard for adequately training the new Editorial Board, as well as meeting the production obligations of the Journal.

### *Section 2. Effect of Transition Date*

On the date of transition, the new Editorial Board assumes complete control and responsibility for the functioning of the Journal. The tenure of office for new Editorial Board members and Contributing Editors officially begins on this date.

## **Chapter 5. Journal Note Policies**

### Part I. Note Submission Policy

#### *Section 1. Eligibility to Submit*

It is the policy of the Journal to only consider Note submissions from current 2L and 3L staff members as well as former staff members of the Journal. Any exception to this policy must be approved by a majority of the Executive Committee, and in any event shall only be approved in extraordinary circumstances. As with all pieces published by the Journal, the final decision to accept a work for publication rests solely with the Editor in Chief.

#### *Section 2. Window for Acceptance of Submissions*

Eligible individuals must submit the Note for consideration and have it accepted for publication no later than two years from the date on which his or her service with the Journal ends. Final resolution of any dispute over this window shall rest with the Editor in Chief.

#### *Section 3. Loss of Eligibility to Submit*

Any former staff member of the Journal who wishes to submit a Note for consideration after his or her graduation shall lose the eligibility to publish a Note in the Journal if he or she has had any work published in any other academic publication. However, nothing in this section shall be construed to remove publication eligibility from Notes submitted for consideration while the author was still a current member of the Journal. Similarly, nothing in this section prevents an author who loses Note eligibility from submitting his or her work as an Article through the Journal's normal submission procedures.

#### *Section 4. Preference for Current Member Submissions*

Whenever practical, preference for publication acceptance shall be given to Notes submitted for consideration while the author is a current member of the Journal.

#### *Section 5. Definition of Submitted for Consideration*

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A Note shall be deemed submitted for consideration after the author has provided a substantially developed work to the Managing Notes Editor and the Managing Notes Editor has determined the work merits further development as a publishable Note. Initial collaboration with any Notes editor shall not be construed to mean the work has been submitted for consideration until the Managing Notes Editor has made the required determination.

### Part II. Associate Editor Note Writing Requirement

#### *Section 1. Setting the Requirement*

The Associate Editor Note writing requirement shall be proposed by the Managing Editor and the Managing Notes Editor and approved by a majority of the Executive Committee. The requirement shall be set before the Associate Editor applications are finalized in March.

#### *Section 2. Considerations in Setting the Requirement*

In setting the elements and timing of the Associate Editor Note writing requirement, due regard will be given to balancing the need of the Journal to foster the writing of publishable Notes with a recognition of the burden on Associate Editors.

## **Chapter 6. Write-On Policy**

### Part I. Eligibility

#### *Section 1. Class Status*

Pursuant to Article III of the Journal Constitution, the Editorial Board may elect Associate Editors from the second-year class upon submission of exceptional publishable written work. For the purposes of this Chapter only, “second-year class” shall be construed to include dual-degree and other students who have at least two semesters of study remaining before graduation following the August Journal orientation.

#### *Section 2. Date and Form of Submission; Agreement to Join*

To be eligible for membership through the write-on process, a student must submit his or her publishable work to the Editor in Chief no later than July 15. Accompanying the submission of the work, the author must also submit a résumé, a personal statement (of the same type required during the Associate Editor application process), and a signed certification that he or she will attend the August Journal orientation and that he or she agrees to serve as an Associate Editor if selected.

### Part II. Selection

#### *Section 1. Initial Consideration*

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The Editor in Chief will review the submitted work and determine if the quality meets the Journal's standards for an offer of publication. If the Editor in Chief believes the work is of publishable quality, he or she will forward it, along with the application package, to the Executive Committee. If the Editor in Chief judges the work to be below publishable quality, he or she will reject the write-on application.

### *Section 2. Final Consideration*

The Executive Committee will review the entire application package, including the submitted work. A unanimous vote of the Executive Committee is required to extend an invitation to the author join the Journal as an Associate Editor.

### *Section 3. Reconciliation with Note Submission Policy*

Nothing in this Chapter shall be construed to limit the discretion of the Executive Committee to approve exceptional consideration of a non-member Note pursuant to Chapter 5, Part I, Section 1 of these Bylaws. In other words, a Note submitted via the write-on policy may be considered for publication following a majority vote of the Executive Committee even if the Executive Committee does not extend to its author an invitation to join the Journal. However, there is a strong presumption in favor of having any student author serve the Journal as Associate Editor if his or her work is going to be published.

## **Part III. Duties, Responsibilities, and Privileges**

Any student who accepts an invitation to join the Journal as an Associate Editor via this write-on policy assumes the same duties, responsibilities, and privileges as any Associate Editor selected through the traditional application process including, but not limited to, cite checking, source gathering, and paying dues.

## **Chapter 7. Editorial Board Voting Procedures**

### **Part I. Absentee Voting for Constitutional and Bylaws Amendments**

#### *Section 1. Amendments Circulated Prior to Vote*

To be eligible for absentee voting, amendments to the Constitution and Bylaws must be circulated in writing to the entire Editorial Board not less than 72 hours prior to the beginning of the Editorial Board meeting called to consider the amendments.

#### *Section 2. Absentee Voting Procedures for Circulated Amendments*

Members of the Editorial Board may be considered Constitutionally "present" for purposes of quorum and cast votes for proposed Constitutional and Bylaws amendments circulated pursuant to Section 1 of this Part, if prior to the time designated for the start of the meeting to consider the amendments, the Editorial Board member affirms in writing to the Editor in Chief and Managing Editor that his or her physical attendance is impossible and

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clearly designates his or her vote for or against each proposed amendment. An Editorial Board member may not delegate a proxy to cast a vote on his or her behalf regarding any Constitutional or Bylaws amendment.

### *Section 3. Amendments Changed or Not Circulated Prior to Vote*

Amendments to the Constitution or Bylaws not circulated to the Editorial Board pursuant to Section 1 of this Part are not eligible for absentee voting. Similarly, if changes are made to previously circulated amendments during the meeting to consider them, any absentee ballots cast pursuant to Section 2 of this Part will be invalid, and not count towards the required quorums for Constitutional or Bylaws amendments.

## Part II. Voting Procedures in Other Situations

### *Section 1. New Editorial Board Selection*

No absentee or proxy voting is permitted during the selection of the new Editorial Board.

### *Section 2. Proxy Voting*

For any Editorial Board votes besides those concerning Constitutional or Bylaws Amendments or Editorial Board selection, an Editorial Board member may delegate his or her vote to a fellow member of the Editorial Board who will serve as proxy. The delegating Editorial Board member must inform the Editor in Chief and Managing Editor in writing of the person to whom he or she has delegated his or her vote. The delegating Editorial Board member is solely responsible for informing his or her proxy of any voting preferences.

### *Section 3. Quorum and Passage Requirements*

A quorum for conducting votes in the name of the Editorial Board shall be half of the members of the Board, inclusive of proxies appropriately assigned under Section 2. A majority of those casting votes in such circumstances shall be needed to pass any question. This Section shall not apply to votes concerning Constitutional or Bylaws amendments or Editorial Board selection.

### *Section 4. Balloting Procedures*

All ballots shall be cast by show of hands unless three members present object, in which case votes shall be cast by secret ballot. All votes will be read and recorded by the Managing Editor.

### *Section 5. Calling for Votes*

The Editor in Chief, the Managing Editor, or a majority of the Executive Committee has the sole authority to call for a vote of the Editorial Board. In the case of Constitutional or Bylaws amendments submitted by an Editorial Board member pursuant to the Constitution, the

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Editor in Chief shall call for a vote of the Editorial Board in a reasonable period of time, but in any event, not more than 6 weeks after the amendment was submitted.

**Last revised by the Editorial Board on October 28, 2017.**