

# THE JOURNAL OF LAND USE & ENVIRONMENTAL LAW

Constitution

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**THE JOURNAL OF LAND USE & ENVIRONMENTAL LAW  
CONSTITUTION**

**ARTICLE I. NAME AND LOCATION**

The name of this organization shall be the *Journal of Land Use & Environmental Law* (hereinafter, the *Journal*). The *Journal* shall be located at, and affiliated with, the Florida State University College of Law at Tallahassee, Florida.

**ARTICLE II. ORGANIZATION**

The *Journal* shall be composed of the Editorial Board, the Staff Members, and the Faculty Advisor(s).

**ARTICLE III. ORGANIZATIONAL PURPOSE**

The *Journal* is formed exclusively for literary and educational purposes within the meaning of section 301(d)(3) of the Internal Revenue Code of 1954. The *Journal* shall not carry on any activities not permitted to be carried on by an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code or engage in any activities or exercise any powers that are not in furtherance of the purpose of the *Journal*.

**ARTICLE IV. PUBLICATION CHARACTER & MISSION STATEMENT**

**A. Publication Character**

The *Journal* shall publish, at least biannually, a scholarly legal publication intended to serve policymakers, legislators, and the legal and academic communities.

**B. Mission Statement**

1. The abbreviated mission statement shall be placed on all of the Journal's correspondence. The abbreviated mission statement is as follows: *Advancing contemporary jurisprudence of the land, air, and waters.*
2. The full mission statement is as follows:
  - To provide a forum for advancing contemporary jurisprudence of the land, air, and waters, we must:
  - Maintain the highest standards of analysis, accuracy, and timeliness in publishing the *Journal*;
  - Encourage leading legal educators and practitioners to publish their articles in the *Journal*;
  - Distinguish the College of Law as a leading institution, known for its support of scholarship and academic pursuit in the fields of environmental and land use law;
  - Attract the premier legal scholars interested in environmental and land use issues by encouraging independent legal thought, offering positions of responsibility and opportunities for publication, and maintaining a tradition of service to our college;
  - Inform our future profession about the compelling environmental and land use issues by providing a forum for legal educators, practitioners, and student scholars;
  - Offer our future profession a broad, diverse spectrum of articles balanced between the theoretical and the practical;

Promote esprit de corps among our membership and the College of Law at large; and Safeguard our institutional memory and tradition so that those who follow will benefit from our experience.

## **ARTICLE V. PUBLISHING SPECIFICATIONS**

### **A. Non-Student Pieces**

A piece is “publishable” when it meets those standards of quality, timelines, and novelty essential for publication in the *Journal* as determined by the Editor-in-Chief, with the advice of the Executive Board. Actual selection for publication is left to the Editor-in-Chief, with the advice of the Executive Board.

### **B. Student Pieces**

1. A student piece is “publishable” for purposes of actual publication when it meets those standards essential for actual publication in the *Journal* as set out in Article V, Section A of these Articles. A student piece is publishable for purposes of meeting the *Journal* writing requirement when it meets the standards of quality essential for publication; however, the elements of timelines and novelty are relaxed in determining “publishability” for purposes of the writing requirement.
2. The *Journal* may at its discretion publish a piece written by a student of any other college of law or graduate school subject to the established editorial process. Student pieces from students at the Florida State College of Law shall take priority over student pieces from other colleges of law or graduate schools.
3. Student pieces written by *Journal* staff shall take precedence over pieces written by students from outside the *Journal* staff, so long as both pieces are of approximately the same quality or the staff piece is of superior quality. This determination will be made by the Editor-in-Chief with the advice of the Executive Board.

## **ARTICLE VI. DISSOLUTION**

Upon the dissolution of the *Journal*, the Executive Board and Faculty Advisor(s) shall, after paying or making provision for all the liabilities of the *Journal*, dispose of all the assets of the *Journal* exclusively to the Florida State University Foundation, a 501 (c)(3) exempt organization. Any such assets not so disposed of shall be disposed of by the appropriate court having jurisdiction as said court shall determine.

## **ARTICLE VII. EXECUTIVE BOARD**

### **A. Membership**

The Executive Board shall be composed of the Editor-in-Chief, two (2) Executive Editors, the Senior Articles Editor, the Associate Editor, and the Administrative Editor. The Editor-in-Chief shall attempt to assign the Executive Editors categories of articles consistent with their interests and the needs of the *Journal*. For example, the editors could be divided between land use and environmental law or between national and Florida law. All members shall be limited to currently enrolled FSU students. The Executive Board is subject to the Non-Discrimination and Anti-Hazing provisions located in Article X, Section 8.

### **B. Powers and Duties**

1. The Executive Board shall make policy decisions, advise the Editor-in-Chief, and determine the number of Articles and Notes Editors for each issue.
2. The outgoing Executive Board shall advise the incoming Executive Board regarding the appointment of Article and Notes Editors.
3. All Executive Board Editors must remain in Tallahassee during the fall and spring

semesters. During the Summer Term, the Editor-in-Chief must be available to perform the duties of office.

4. Executive Board Editors may be employed during the school year so long as they are able to carry out their *Journal* duties fully. If outside employment interferes with any *Journal* member fulfilling the requirements of any office, the removal provisions of Article VII, Section H shall apply.

### **C. Eligibility**

To be eligible for the positions of Editor-in-Chief or Executive Editor, a member must have (1) served as a Senior Articles Editor, Administrative Editor, or Associate Editor; or (2) served at least one (1) semester as an Articles and Notes Editor. To be eligible for the position of Senior Articles Editor, it is preferred that candidates have served as an Article Selection Editor for at least one (1) semester. Any member is eligible for the positions of Associate Editor or Administrative Editor. Any member is eligible for the positions of Associate Editor or Administrative Editor. This section (C) may be waived by the Editor-in-Chief if failure to do so would result in a vacancy on the Executive Board.

### **D. Term of Office**

1. All Executive Board Editors shall serve a term of one (1) year, beginning in May and ending the following April, or until the final issue of the current volume is completed, whichever is longer. This section (D) may be waived by the Editor-in-Chief if failure to do so would result in a vacancy on the Executive Board.
2. All members serving in any capacity on the Executive Board (including but not limited to Editor-in-Chief, Executive Editor(s), Administrative Editor, Associate Editor, or Senior Articles and Notes Editor) may take up to two (2) S/U class credits during each semester in which they serve. ONLY Executive Board members and Articles and Notes Editors are eligible for Journal class credit. General members are ineligible to take class credit.

### **E. Executive Board Pay**

Pursuant to the College of Law providing the funding, all Executive Board members shall receive stipends for their services during the fall and spring semesters as follows:

1. The Editor-in-Chief shall receive 30% of the allocated funds.
2. The Executive Editors shall receive 20% each of the allocated funds.
3. The Senior Articles Editor, Associate Editor and the Administrative Editor shall receive 10% each of the allocated funds.
  - i. If a Senior Articles Editor position remains unfilled, the allocated funds will be equally distributed amongst the Articles and Notes Editors.

### **F. Description of the Executive Board Positions**

1. **Editor-in-Chief.** The Editor-in-Chief shall
  - i. be the chief executive and administrative officer of the *Journal*;
  - ii. coordinate all *Journal* activities;
  - iii. have ultimate responsibility for the substantive, technical, and stylistic content of each issue;
  - iv. have ultimate authority over the running of the *Journal* operations,

including but not limited to final right of determination as to what material shall be published and which executive board positions must be filled for the subsequent year.

- v. act as liaison with the printer at all stages of production;
- vi. work with the Executive Editors to set deadlines for each publication stage;

If the Editor in Chief is unavailable to complete the duties of the position for a period of more than 10 days, any pending duties of a non-editorial nature may be handled by the Administrative Editor, and an Executive Editor shall be named to handle editorial duties.

**2. Executive Editors.** The Executive Editors shall

- i. have responsibility for and authority over all technical, substantive, and stylistic aspects of each piece assigned to them;
- ii. have responsibility for management of the mechanical processes of publishing the *Journal*, subject to the authority of the Editor in Chief, and the advice of the Executive Board;
- iii. assist the Editor in Chief in setting deadlines for each stage of publication;
- iv. make technical assignments to members and perform a complete technical edit of each piece assigned to them at all appropriate stages;
- v. shall assume such further duties and responsibilities as the Editor in Chief shall designate;
- vi. and, when appointed or as elected by the other members of the Executive Board, assume the duties of the Editor in Chief during any vacancy in that position.

When possible, the duties of the Executive Editors shall be tailored to their personal interests, skills, and backgrounds.

**3. Senior Articles Editor.** The Senior Articles Editor shall have responsibility for and authority over the coordination of the legal research activities of the *Journal*, subject to the authority of the Editor-in-Chief, and the advice of the Executive Board and Faculty Advisor(s);

- i. be responsible for the operations of the manuscript review committee, including the solicitation of new manuscripts by academic and professional authors;
- ii. read and evaluate pieces submitted for possible publication and the completion of the *Journal* writing requirement;
- iii. be responsible for the development of the website reviews;
- iv. maintain a centralized system for recording the subject matter selected for all pieces, as well as a set of abstracts for all pieces published by the *Journal*;
- v. maintain a file of current legal topics and decisions suitable for Notes or Comments through the active solicitation of faculty suggestions and communication with the Advisory Board;
- vi. supervise the operation of the *Journal* Library;
- vii. organize and supervise the Manuscript Review Committee;

- viii. be responsible for writing or soliciting someone to write the annual Recent Developments piece;
  - ix. and assume such further duties and responsibilities as designated by the Editor-in-Chief.
4. **Administrative Editor.** The Administrative Editor shall
- i. be responsible for the daily business operations of the *Journal* and shall serve as Treasurer of the organization;
  - ii. work with the Office Manager and other College staff to ensure that the financial and business matters of the *Journal* are well run;
  - iii. if necessary, assist the Office Manager in soliciting subscriptions, contributions, and advertising;
  - iv. be responsible for alumni association matters;
  - v. be responsible for updating the web page and Facebook page;
  - vi. work with the Editor in Chief in soliciting books and reviews for books;
  - vii. be responsible for the operations of the social/morale committee and organize all social events;
  - viii. and assume such further duties and responsibilities as designated by the Editor in Chief.
5. **Associate Editor.** The Associate Editor shall
- i. organize and supervise the Write-On Competition Committee and new member training;
  - ii. collaborate with Law Review and the Journal of Transnational Law and Policy in developing the write-on prompt if the journals are participating in a joint write-on competition
  - iii. solicit and invite eligible potential new members
  - iv. maintain current member roster with contact information of all members and ensure that new members are added to Blackboard;
  - v. conduct, coordinate and be responsible for all training and monitor successful completion of said training;
  - vi. administer the Blue Book and subciting exercises to candidates;
  - vii. if necessary, organize and manage the Distinguished Lecture Series;
  - viii. serve as the Secretary to the *Journal*;
  - ix. and assume such further duties and responsibilities as designated by the Editor-in-Chief.

#### G. Selection

1. Elections for Executive Board membership
  - i. shall be held as soon as is practical after the new members are admitted in the spring Semester;
  - ii. shall be by secret ballot;
  - iii. and shall require a simple majority of the members present for election of a candidate. Elections may be held by electronic voting so long as the voting remains anonymous, each member is only permitted to vote once, and a record of the tally of votes can be provided.
  
2. In the event that more than two candidates compete for a single position and no candidate receives a simple majority in the first round of voting, the two candidates receiving the most votes in the first round shall compete in a run-off election. Each

separate election for a position shall be preceded by broad questioning of the candidates by the *Journal* membership electorate. The Editor-in-Chief shall moderate member discussion on the candidates' behalf prior to casting votes. Notice of the election shall be posted in a prominent place at least three weeks before the election. Nominations will be accepted for a position until the Editor-in-Chief closes nominations immediately prior to that position being voted on by the *Journal* membership. Members of the outgoing executive board not running for the contested position shall count votes and supervise the election.

#### **H. Removal**

1. **Grounds.** An Executive Board Editor shall be subject to removal from office for refusing to perform the responsibilities of that office, for significant lack of diligence in performing said responsibilities, for substantial inability reasonably to perform same, or for the good cause which at least three (3) or more Editorial Board members or at least one-third (1/3) of the *Journal* membership may reasonably consider grounds for removal.
2. **Procedure.** The Editor-in-Chief shall call a meeting of the *Journal* membership upon the written petition of three (3) or more Editorial Board members or at least one-third (1/3) of the *Journal* membership. No meeting regarding removal of an Executive Board member may be held unless the respondent-editor has had at least one week's actual notice of said meeting and of the grounds for removal. The Executive Board shall announce individual grounds for removal at the meeting. The respondent-editor shall have an opportunity to be heard. Removal shall be had only upon a two-thirds (2/3) vote of the *Journal* membership present, the respondent-editor not voting.

#### **I. Vacancies**

When a vacancy occurs on the Executive Board, the Editor-in-Chief may appoint someone from the full membership, with the advice of the Executive Board.

### **ARTICLE VIII. EDITORIAL BOARD**

#### **A. Membership**

1. The Editorial Board shall be composed of the members of the Executive Board, the Articles and Notes Editors, and the Articles Selection Editors.
2. The number of Articles and Notes (A&N) Editors shall be based on the number of full length pieces anticipated for publication in the First issue of the new volume of the *Journal*. The number of A&N Editors shall be determined by the Editor-in-Chief with the advice of the Executive Board.
3. The number of Articles Selection Editors shall be based on the number of members on the Articles Review Committee. Each Articles Selection Editor shall manage a small team of Articles Review Committee members, the size of which team shall be determined by the Editor-in-Chief. The number of Articles Selection Editors shall be determined by the Editor-in-Chief with the advice of the Executive Board.

#### **B. Powers and Duties**

The Editorial Board shall be responsible for the production of the publication, and shall assume such further duties and responsibilities as the Editor-in-Chief shall designate.

### **C. Eligibility**

To be eligible for Editorial Board membership a staff member must have fulfilled all requirements of the new member training program, and be able to serve the whole term of office prescribed for the office sought.

### **D. Term of Office**

1. All A&N and Articles Selection Editors shall serve on the Editorial Board for one (1) issue of the *Journal*. Past A&N or Articles Selection Editors may request to be considered for an additional issue.
2. All Articles and Notes Editors serving on the Editorial Board may take up to two (2) S/U class credits during the semester(s) in which they serve. ONLY Articles and Notes Editors and Executive Board members are eligible for Journal class credit. General members, including Article Selection Editors, are ineligible for class credit.

### **E. Description of Articles & Notes Editor Position**

The A&N Editors shall perform and be responsible for complete substantive, technical, and stylistic editing of each piece assigned to them for publication in the *Journal*, including professionally written pieces, student written pieces concerning areas of the law, and pieces concerning specific court decisions; and shall assume such further duties and responsibilities as the Editor-in-Chief shall designate.

### **F. Description of Articles Selection Editor Position**

The Articles Selection Editors shall be responsible for: (a) distributing articles received from the Senior Articles Editor to his or her respective Article Review Committee (“Committee”), (b) ensuring that his or her Committee reviews the articles in a timely manner, (c) when necessary, performing second-reads and forwarding articles to the Senior Articles Editor for further review, and (d) writing and sending, either by standard mail or e-mail, letters to authors whose articles were not chosen for publication. The Articles Selection Editors shall have broad discretion in managing their Committee, including but not limited to the discretion to distribute articles in a manner they deem most efficient. The Articles Selection Editors shall assume further duties and responsibilities as the Editor-in-Chief or Senior Articles Editor shall designate from time to time.

### **G. Selection**

1. After the Executive Board is elected, the Editor in Chief (Elect) shall begin accepting applications for Editorial Board positions. The application period for A&N positions shall begin at a time deemed appropriate by the Editor in Chief given the particular timeline for the issue, and no later than four weeks prior to the start of the semester. The application period shall remain open for no less than ten (10) days. Applicants shall be interviewed prior to appointment if feasible.
2. A&N Editors shall be selected by the Editor in Chief under whom they will serve, with the advice of the Executive Board as needed. If many qualified applicants apply for an A&N position, the Executive Board may vote and those

applicants who receive a 2/3 vote of the Executive Board will be selected.

3. The Editor in Chief shall consult with the Executive Editors in deciding who to select for the available A&N Editor positions.
4. Applicants who have successfully completed their writing requirement shall be given priority for Editorial Board positions over applicants who have not completed this requirement.
5. New A&N Editors may be appointed by the incoming Executive Board prior to the summer term if articles for the upcoming issue have been selected and are ready to be edited.
6. The application period for Articles Selection Editors (ASE) shall be at the discretion of the Senior Articles Editor, with the approval or direction of the Editor in Chief, but shall begin no later than three (3) weeks after the start of the semester and shall remain open for at least ten (10) days. The ASE shall be nominated by the Senior Articles Editor under whom they will serve, and must be approved by the Editor in Chief.
7. Articles Selection Editors shall be waived from the subciting requirement for the semester which they serve, if practicable, at the discretion of the Editor-in-Chief.

## **H. Removal**

1. **Grounds.** An Articles and Notes Editor shall be subject to removal from office for failing to perform the editorial responsibilities of that office in a timely fashion, for significant lack of diligence in performing said responsibilities, for substantial inability reasonably to perform same, or for the good cause which at least two (2) or more Executive Board members or at least one-third (1/3) of the *Journal* membership may reasonably consider grounds for removal.
2. **Procedure.** The Editor-in-Chief shall call a meeting of the Executive Board upon the written petition of two (2) or more Executive Board members or at least one-third (1/3) of the *Journal* membership. No meeting regarding removal of an editor may be held unless the respondent-editor has had at least one week's actual notice of said meeting and of the grounds for removal. The Executive Board shall announce individual grounds for removal at the meeting. The respondent-editor shall have an opportunity to be heard, and to confront any evidence offered. Removal shall be had only upon a three-fourths (3/4) vote of the Executive Board.

## **I. Vacancies**

When a vacancy occurs on the Editorial Board, the Editor-in-Chief shall fill the position, with the advice of the Executive Board.

## ARTICLE IX. COMMITTEES

The following are standing committees under the direct supervision of the designated chair, who is a member of the Executive Board, and with the ultimate and immediate responsibility to the Editor-in-Chief:

1. **Manuscript Review Committee:** The Manuscript Review Committee shall be responsible for systematically evaluating the “publishability” of papers submitted to the *Journal* for publication, including all student papers submitted by staff members to fulfill the *Journal* writing requirement. The ultimate responsibility of the Manuscript Review Committee is to provide the Editor-in-Chief with a reasoned recommendation as to whether a piece should be published. The term of commitment to this committee is one semester. The members will consist of the new invitees and any other members who wish to serve, provided all other committee positions are reasonably filled. The Editor-in-Chief shall have the discretion to assign a new member to a different committee in lieu of the Manuscript Review Committee. The Senior Articles Editor shall chair this committee.
2. **Write-On Competition Committee:** The Associate Editor shall chair this committee. There shall be one Write-on Competition Committee for each write-on competition that is held. If necessary, the Write-On Competition Committee shall research, and select the topics for, and prepare the writing competition. The Write-on Competition Committee shall determine the judging procedure and criteria for selection, notify the student body of such before the Write-On competition, and administer the Write-On competition annually, in accordance with guidelines approved by the Executive Board. The Write-on Competition Committee chair should consult with the Committee chairs of *Florida State University Law Review* and the *Journal of Transnational Law & Policy* during their semester of service to determine the guidelines for the write-on competition and notify the student body of such before the Write-on Competition. All Write-on Competition Committee members shall be responsible for evaluating entries in the competition during their semester of service. The selection of individuals to whom candidacy may be extended shall be decided by the members of the current write-on committee. It shall be the goal of this committee to choose and notify new invitees prior to the beginning of the upcoming semester. Members shall also assist in accounting for completion of training assignments and shall assist with such other duties and responsibilities, relating to training, as designated by the Associate Editor.
3. **Other Committees:** Any other committees may be established as necessary by the Editor-in-Chief, with the advice of the Editorial Board.

## ARTICLE X. STAFF

### A. Membership

The staff shall consist of those students who are selected in accordance with Article X, Section D, and who complete the new-member training program requirements to the satisfaction of the Executive Board.

### B. Duties and Responsibilities

1. Each Staff Member shall be responsible for completing all assignments thoughtfully, accurately, thoroughly, and promptly; shall attend all announced staff meetings, and the Distinguished Lecturer series, and other mandatory events the Editor in Chief may establish.
2. Each candidate for membership must have a 3.15 average or higher to be considered for membership on the *Journal* as either a grade-on or a write-on candidate. All *Journal* members must maintain a cumulative GPA of 3.15. If a member's GPA drops below 3.15, the member shall be given one semester to bring the GPA back up to a 3.15. If the member's cumulative GPA is below a 3.15 for two (2) consecutive semesters, the member shall be removed from the *Journal*.
3. All provisions, obligations, and responsibilities imposed upon staff members by these Articles will be equally binding on all staff members regardless of method of selection for membership.
4. Members who are continuing students, but will not be present at the College of Law for either a fall or spring semester must notify the Editor-in-Chief in writing no later than the Friday of the first full week of the semester that the student will be unavailable to the *Journal*.

### **C. Eligibility**

Any student of the College of Law shall be eligible to be considered for membership on the *Journal* staff who will be a FSU Law student and *Journal* member for at least three full semesters, excluding the Summer Term, following the granting of *Journal* candidacy membership. Additionally, grade requirements detailed in section B.3 must be met.

### **D. Selection of Candidates for Membership**

*Journal* membership is available to eligible law students in either of the following three (3) ways:

1. **Grade-on.** First-year students may obtain membership based on the grade received in Legal Research and Writing. Each semester the *Journal* shall extend an offer of membership to the persons in each legal research class (when an instructor teaches more than one section of legal writing but uses a single curve for all sections, "class" refers to all sections subjected to the same curve) who have received the one (1) highest numerical grades. In addition, an offer of membership shall be extended to the person, providing that such person has at least two (2) semesters remaining prior to graduation, receiving the highest grade in Environmental Law, Land Use Regulation, Administrative Law, Natural Resources Law, Natural Resources Law and Policy Seminar, Admiralty Law, Advanced Legal Research in Administrative Law, Animal Law, Climate Change Law Policy and Science, Coastal and Ocean Law, Commercial Real Estate Transactions, Condominium and Community Housing Law, Energy Law and Policy, Environmental Legal Research, Florida Administrative Practice, Negotiation, Oil and Gas Law, Practical Skills in Land Use, Practicing Environmental Law in Florida, Real Estate Finance, State and Local Government, Topics in Environmental and Natural Resource Law, Water Resources Law and Policy, and any other course that may be added to the Environmental Law Certificate. Upon a 2/3 vote of the Executive Board,

membership may be extended to a student with an exceptional Environmental Law performance.

2. **Writing Competition.** First-year students may be chosen through an annual Summer Write-On Competition covering a topic designated by the Write-on Committee. Second year students may be chosen through an annual Winter Write-On Competition covering topics designated by the Write-On Committee. Each year the Executive Board will decide whether or not the Winter Write-On is to be open to First Year Students, and should consult with the *Journal of Transnational Law and Policy* and *Law Review* to determine what course of action those journals are planning to take.
3. **Paper Submission.** Any second-year law student may become a member by submitting an article on a land use or environmental law topic to the Manuscript Review Committee before the spring Term of the second year. The Manuscript Review Committee may recommend articles for acceptance to the Editor-in-Chief, who may then grant membership with the advice of the Executive Board. Articles must meet the requirements of Article V, and each candidate must complete the new-member training program. Once a member, the student shall be subject to staff member duties and responsibilities as set forth in these Articles of Association.
4. **Transfer Students.** Transfer students shall be offered membership on a showing that: a) the student participated in a first year legal research and writing course at his or her previous institution which reasonably assesses writing and research skills and is substantially equivalent to the Legal Research and Writing course offered at Florida State College of Law; b) the student received the highest or second highest grade in the course and that grade is the equivalent of an A; and c) the student can provide sufficient documentation of the above. If the transfer student earned the highest grade in his or her legal research and writing equivalent and that grade was lower than an A, the Executive Board may vote on whether or not to extend membership to this student. Transfer students also must have a 77 GPA (or a 2.77 or C+) and have at least three (3) semesters remaining prior to graduation.

#### **E. Discrimination and Hazing**

Recognized student organizations shall be limited to currently enrolled FSU students. No hazing or discrimination will be used as a condition of membership in this organization. However, faculty and staff are considered associate or ex-officio members. These groups have no voting rights—only active members (in other words, students) do. Information regarding hazing can be found at <http://hazing.fsu.edu/>.

No university student may be denied membership on the basis of race, creed, color, sex, religion, national origin, age, disability, veterans' or marital status, sexual orientation, gender identity, gender expression, or any other protected group status.

#### **F. Term of Membership**

Staff Members shall serve on the *Journal* for the remainder of their law school careers.

## G. Grievance, Removal, and Appeals Procedure

1. **Intent:** The *Journal of Land Use and Environmental Law* maintains high standards as a top-quality publication at the FSU College of Law. To continue to achieve these standards, the *Journal* requires each member to adhere to a certain standard of active participation and work product quality. General membership requirements include: attendance at all mandatory meetings, attendance at all mandatory speakers-lecturers, involvement in one committee group per year, and high quality work in all subciting assignments (approx. 2-3 per year). This grievance procedure standardizes actions taken when members fall below this minimal level of work quality and participation.
2. **Initial Violation:** Depending on the severity of the violation, the Editor in Chief shall have discretion to issue an appropriate reprimand. Such actions might include: adding an additional subciting assignment, adding an additional committee membership requirement, or other increased *Journal* participation on a need basis, but may not include removal from membership.
3. **Second or Recurrent Pattern of Violations:** The member shall come before the Executive Board with at least a 72-hour notice given to the member that a disciplinary hearing is to take place. If the Board determines that a physical meeting is impracticable then the Board may, in its discretion, allow the member to instead submit a written statement of explanation, to be reviewed by the Board prior to a vote. The Board shall make a decision after hearing the member's case as to whether the member may continue his or her membership with the *Journal*. If removal is recommended by the Board it shall require either a two-thirds majority vote of the Board, or a vote from the Editor-in-Chief, the Executive Board Editor in charge of supervising the member in the duty they have neglected, and the Associate Editor.

If removal is not recommended then the Board will institute an appropriate reprimand, taking into account the severity of both the first and second violations.

4. **Third Violation:** After coming before the Executive Board, if the member violates minimum standards again, the member is immediately dismissed if no valid excuse is presented. A disciplinary hearing prior to a vote is not required.  
\*\* Examples of a member's neglect of duty include: missed unexcused mandatory meeting(s) or lecturer(s); inadequate work product in subciting assignment(s); or failure to timely or thoroughly complete an assigned subciting assignment; failure to satisfactorily complete committee assignments; failure to timely respond to any request or direction given to a member by an Executive Board Member or any A&N or ASE; or failing to reasonably perform any other assignment or obligation as prescribed by the Executive Board or these bylaws.
5. **Appeals Process.** Any member whose membership is revoked shall have five (5) calendar days to appeal. The appeal must be submitted in writing to the Editor-in-Chief and the Executive Board and must include all relevant information. The Executive Board shall then render its recommendation to the Editor-in-Chief for a final ruling. In the event that the Editor-in-Chief is the party seeking an appeal, the Executive Board shall issue a final ruling by a two-thirds vote.

## **H. Resignation**

1. Resignation must be submitted in a formal writing to the Editor in Chief. Email may be used to alert the Editor in Chief to the resignation, but the resigning member must still submit a signed, formal resignation letter to the Editor in Chief.
2. The resignation letter must acknowledge that said resignation is irrevocable and that the member may no longer claim to be a member on their resume or otherwise.
3. Members who submit a resignation within seven (7) days prior to or after receiving their subciting assignment, must complete the assignment for ONLY that Round before they will be permitted to resign, unless otherwise arranged with the Editor in Chief. Failure to complete the assignment prior to resignation will be considered an Honor Code Violation and both the Faculty Advisor of the Journal as well as the supervising Dean will be notified of such violation.

Members who resign or are removed from the Journal will not be included on the Journal's masthead, will not be recognized as members at the Graduation ceremony, and may not claim themselves to be members on their resume or otherwise.

## **ARTICLE XI. FACULTY ADVISOR(S)**

### **A. Selection**

One or more Faculty Advisor(s) shall be appointed by the Editor-in-Chief and serve in an advisory role. One advisor shall be appointed Lead Faculty Advisor and be responsible for duties assigned in these Articles.

### **B. Removal and Replacement of Advisor**

The advisor will be notified in writing of the possible removal at least 72 hours prior to the vote and will be allowed to address the organization in order to relate to members any relevant defense prior to the voting for removal. Upon a 2/3-majority vote of eligible members the advisor will be removed from his/her duties. In the event that an advisor is removed or resigns, a new advisor shall be elected within 14 calendar days.

## **ARTICLE XII. ELIGIBILITY TO VOTE**

Any member of the *Journal* who is in good standing shall be eligible to cast a vote on any matter brought to a vote at meetings of the *Journal* membership. No member may vote by proxy.

## **ARTICLE XIII. MEETINGS**

### **A. Mandatory Meetings**

The entire *Journal* membership shall be called together to meet at least once each semester at a time determined by the Editor-in-Chief. Additional meetings may be called by the Editor-in-Chief or upon request of one-third (1/3) of the *Journal* membership or of one-third (1/3) of the Editorial Board.

**B. Meeting Notification**

All meetings of the Editorial Board and of all standing committees shall be open to every member of the *Journal*. Notification of each such meeting shall be given to all *Journal* members at least three (3) days prior to the meeting, except in emergency situations.

**ARTICLE XIV. AMENDMENTS**

**A. Posting**

Any proposed amendment to these Articles of Association shall be made available to all *Journal* members at least one (1) week prior to being voted upon.

**B. Presentation**

Any amendment posted as required above shall be presented at the next regularly-scheduled meeting or the next special meeting of the *Journal*.

**C. Adoption**

Amendments to these Articles of Association shall become effective immediately upon their approval or at a time as approved by the *Journal* membership. Amendments may only be voted on at the *Journal's* general meetings or by electronic voting if such amendment can not possibly wait until the general meeting, provided that the voting remains anonymous, each member is only permitted to vote once, and a record of the tally of votes can be provided. Amendments are approved by a majority of the Executive Board and 2/3 of the *Journal* membership present at the general meeting.

The Executive Board shall have the discretion to make non-material changes to these Articles of Association with the approval of the Executive Board, without having to complete the formal *Journal* voting process. Examples of non-material changes include updating website links, correcting misspelling or grammatical errors within the bylaws.

**D. Emergency Powers**

In the event of an emergency situation that prevents a physical meeting of the members of journal, the Executive Board shall have discretion to make material changes on behalf of the membership without gathering the General Body of members.

**E. Maintaining the Articles of Association**

The *Journal* office manager will be responsible for modifying and maintaining the official version of this document.

**ARTICLE XV. AWARDS**

The *Journal* shall present the following awards in conformance with the purposes and procedures contained herein.

**A. Outstanding Subcitors**

Each semester the *Journal* shall recognize *Outstanding Subcitors* for the quality and diligence of their work. Each Article and Notes Editor shall select one subciter from his or her article as an *Outstanding Subciter*. These subcitors shall be recognized at the end of the semester in which they served through public notification and recognition at the General Meeting.

**B. Outstanding Article and Notes Editors**

Each semester the *Journal* shall recognize *Outstanding Article and Notes Editors* for the quality and diligence of their work.

Each Executive Editor shall consult with the Editor in Chief and select one Article and Notes Editor as an *Outstanding Article and Notes Editor*. These Article and Notes Editors shall be recognized at the end of the semester in which they served through public notification and recognition at the General Meeting.

**C. Subciter of the Year**

Each year the *Journal* shall recognize one *Subciter of the Year* for their outstanding contribution to the editing process.

A selection committee consisting of the Executive Editors and all available Article and Notes Editors shall select one *Subciter of the Year*. Each recipient of the *Outstanding Subciter* award shall be a nominee. The *Subciter of the Year* shall be recognized in the following volume of the *Journal* and shall receive a commemorative award at the spring Meeting.

**D. Article and Notes Editor of the Year**

Each year the *Journal* shall recognize one *Article and Notes Editor of the Year* for their outstanding contribution to the editing process.

The Executive Board shall select an *Article and Notes Editor of the Year*. Each recipient of the *Outstanding Article and Notes Editor* award shall be a nominee. The *Article and Notes Editor of the Year* shall be recognized in the following volume of the *Journal* and shall receive a commemorative award at the spring Meeting.

**E. Donna R. Christie Service Award**

Each year the *Journal* shall recognize one recipient of the *Donna R. Christie Service Award* for their outstanding contribution to the *Journal*.

Each member of the Executive Board shall nominate at least one *Journal* member. The list of nominees generated by the Executive Board shall consist of no less than two names. The list of nominees shall be compiled no less than three weeks before the spring Meeting, and shall be distributed to the general membership at the spring Meeting. The general membership will vote on the nominees at the spring Meeting. The Administrative Editor (if not nominated) shall tabulate the votes. If the Administrative Editor is among the nominees, another member of the Executive Board who has not been nominated will tabulate the votes. The recipient of the award shall be announced at the annual banquet.

The recipient of the *Donna R. Christie Service Award* shall be recognized in the following volume of the *Journal* and shall receive a commemorative award at the annual banquet.

Any other awards that the Editor in Chief deems warranted based on outstanding work and/or service provided to the journal by said member.

## **ARTICLE XVIII. FINANCES**

### **A. Membership Dues**

The *Journal* does not require dues as a condition of membership. Notwithstanding that, no university student may be denied membership due to inability to pay dues. If a member is seeking active voting membership status and is not able to pay dues, if any are instituted, then other arrangements will be made.

## **ARTICLE XIX. PUBLICATIONS**

### **A. Approval**

The Editor-in-Chief must approve all publications, shirts, flyers, etc. that use SGA allocated funds prior to duplication or distribution.

### **B. Compliance**

All advertisements of the organization must comply with the University Posting Policy. (<http://posting.fsu.edu/>).

## **ARTICLE XX: HISTORY OF CONSTITUTION**

Adopted: 22<sup>nd</sup> of September in the year of 2020.