

# **Constitution for Ohio State Technology Law Journal**

## **Preamble**

We, the members of the Ohio State University Michael E. Moritz College of Law Ohio State Technology Law Journal, in order to promote academic discourse, encourage the publication of interdisciplinary law and policy articles concerning technology, and provide a forum whereby current legal issues in technology may be discussed, do ordain and establish this constitution.

## **Article I – General Provisions**

1. NAME: The official name of the organization is “Ohio State Technology Law Journal”, hereinafter referred to as “OSTLJ”.
2. AFFILIATION: OSTLJ is a group constituted under the Ohio State University Michael E. Moritz College of Law, hereinafter referred to as “Moritz”, and is entitled to all rights and privileges granted to student journals by the Moritz administration and the Student Bar Association.
3. PURPOSE: OSTLJ is constituted by and with the consent of its members:
  - a. To publish academic materials concerning law and policy in the digital age;
  - b. To provide fora for scholars to discuss new issues of law and policy in the digital age;
  - c. To bring together individuals with interests in the confluence of law and technology; and
  - d. To help law students create literature of publishable quality within OSTLJ’s realm of competence, should students desire to do so.
4. AUTHORITY: All officers within this organization are representatives of its membership. Their authority derives from the members’ consent. The officers have the authority to transact all business herein enumerated on the membership’s behalf.
5. NON-DISCRIMINATION: OSTLJ does not discriminate on the basis of age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law, in its activities, programs, admission, and employment.
6. SUPREMACY & NONCONTRAVENTION: OSTLJ recognizes the supremacy of Moritz administration and applicable state and federal law. Nothing in this constitution shall be construed to conflict with Moritz administration policy or state or federal law. In all other cases, this constitution shall be the supreme governing document of OSTLJ.

## **Article II – Membership & Eligibility**

1. Except as otherwise provided in this Constitution and Bylaws, all persons currently enrolled at Moritz who hold the rank of second or third-year law student shall be eligible for membership.
2. Membership on the Journal shall preclude membership on all other law journals associated with Moritz.
3. Invitations for Journal membership shall be extended to eligible students who demonstrate quality writing and editing skills through a Write-On Process.
4. Transfer students shall be eligible for OSTLJ membership. Transfer students should, if possible, participate in the spring Write-On Process. Otherwise, OSTLJ membership may be granted and exceptions may be made at the discretion of the Executive Board.
5. Any student who would have been entitled to receive an OSTLJ invitation after their first year of law school will be entitled to receive such invitation upon return from military service. Any Journal member inducted into the armed forces will be entitled to resume OSTLJ membership in an appropriate position approved by the Executive Board upon their return.

## **Article III – Officers & The Executive Board**

1. EDITOR IN CHIEF: The executive authority of the organization is vested in the Editor in Chief, hereinafter referred to as “the EIC”. The EIC shall have the power:
  - a. To transact business on behalf of the membership;
  - b. To preside over any meeting of the OSTLJ membership and propose an agenda therefore;
  - c. To admit new members into the organization in conjunction with the Faculty Advisor;
  - d. To delegate authority to transact business on behalf of the membership to any member of OSTLJ;
  - e. To promulgate bylaws, subject to the consent of the Faculty Advisor;
  - f. To create an executive board;
  - g. To establish and abolish offices on the executive board as is in the EIC’s judgment proper, subject to the Faculty Advisor’s consent;
  - h. To appoint officers to the executive board;
  - i. To preside over any meetings of the executive board;
  - j. To establish *ad hoc* and standing committees as needed; and
  - k. To administer all elections authorized under this constitution and create regulations therefore.
2. FACULTY ADVISOR: The Faculty Advisor shall be appointed following the rules promulgated by the Moritz administration for that process and shall serve at the administration’s pleasure. The Faculty Advisor shall:
  - a. Provide insight and mentorship to any member of OSTLJ;
  - b. Meet regularly with members of the executive board *in toto* or individually to ensure that all organization goals are being met;
  - c. Accept or reject any changes to this organization’s bylaws; and
  - d. Exercise any other power which the Moritz administration has authorized the Faculty Advisor to do.

3. EXECUTIVE BOARD: The offices and duties of the executive board shall be promulgated in the organization's bylaws.

## **Article IV – Meetings**

1. MEETINGS: Unless otherwise provided for in this constitution and its bylaws, the membership shall meet at the discretion of the EIC or upon petition of 20 per centum of the membership, which shall state in their petition the reason for the meeting. The EIC shall provide 72 hours' notice to the membership of any meeting.
2. QUORUM: For any meeting for which sufficient notice has been given, the members present shall constitute a quorum.
3. RULES: All meetings shall be governed by this constitution, its bylaws, and, where the two are silent, the latest edition of *Robert's Rules of Order, Newly Revised*, respectively. Any act or resolution adopted contrary to these authorities is void *ab initio*. Where the authorities conflict, the higher authority shall be given preference.

## **Article V – Elections, Appointments, and Tenure of Officers**

1. ELECTIONS: Elections for the position of EIC shall be conducted in the following manner:
  - a. QUALIFICATIONS: Any member of OSTLJ is qualified to run for office so long as the member is enrolled at Mortiz for the term of office.
  - b. TIMING: Not after the second Monday of February of each year, the EIC shall issue a writ of election to determine who the successor will be. The writ of election shall notify the membership of the date of the election, instructions on how to file as a candidate for the election, election rules and regulations, and any other relevant material.
  - c. FILING: A candidate may file to run by informing the EIC of the candidate's intention to do so in writing and by writing a position paper which shall be published one week prior to the election.
  - d. MEETING: The membership shall meet the week before the election so that candidates may speak on their own behalf.
  - e. ELECTIONS: Voting shall be conducted anonymously in a manner prescribed by this organization's bylaws. To be elected, a candidate must receive an absolute majority of all votes cast.
  - f. RUN-OFF ELECTION: If, after the first vote, no candidate has an absolute majority, the two candidates with the highest vote count from the initial election shall have a run-off election.
  - g. CERTIFICATION: The executive board must certify by absolute majority the electoral results for validation. The board may certify the results at its discretion but must consider certification prior to the end of the academic year when the election occurred.
2. APPOINTMENTS: The EIC may appoint members to the executive board and to other officer positions within the organization at his discretion; however, the EIC must ensure

that all appointment processes are open and fair.

3. **TENURE:** Following certification, the new EIC shall assume the office of EIC-elect, transitioning to the office of EIC upon the completion of the spring semester and shall serve in the position until the next EIC assumes the office. Upon the installation of the new EIC, other officers of the executive board may serve in an interim capacity (not to exceed the beginning of the next academic year) until the EIC replaces them or abolishes the office.

## **Article VI - Referenda**

1. **RULES SUBJECT TO REFERENDUM:** Any changes to this organization's by-laws shall be subject to a referendum by the membership.
2. **PROCEDURE:** A referendum on any change to the by-laws made by the EIC and Faculty Advisor shall be done in the following manner:
  - a. **PETITION:** Upon the petition of 20 per centum of the membership, the EIC shall convene a meeting for a referendum on the change.
  - b. **MEETING:** All members of the organization shall have the right to discuss the policy change; however, debate over the change shall not exceed 90 minutes.
  - c. **VOTING:** Every member present shall be entitled to vote. Voting shall be anonymous.
  - d. **MAJORITY:** An absolute majority of the membership is needed to invalidate any change enacted by the EIC and Faculty Advisor.
3. **PRECLUSION:** If a referendum fails, no other referendum made against the same change shall be in order.

## **Article VII – Removal of a Member**

1. **GROUND FOR REMOVAL:** Recognizing that no list can properly foresee all grounds for expulsion, any member within the organization, with the exception of the Faculty Advisor, may be removed for the following reasons:
  - a. Failure to perform duties as required by this constitution and its by-laws;
  - b. Violation of the Moritz Honor Code;
  - c. Failure to maintain enrollment at Moritz; or
  - d. Moral turpitude
2. **REMOVAL OF ANY MEMBER BESIDES THE EIC:** The EIC may remove any member from the organization with the consent of the executive board and consent of the Faculty Advisor.
3. **REMOVAL OF THE EIC:** The EIC may be removed upon petition by a three-fourths majority of the executive board and the consent of the Faculty Advisor.
4. **RIGHT TO APPEAL FROM THE REMOVAL OF ANY MEMBER BESIDES THE EIC:** A member may appeal from the decision of his removal in the following manner:
  - a. The member shall first inform the EIC of the intent to appeal.
  - b. The EIC and the removed member shall set the time for a meeting so that the membership may consider the appropriateness of the board's decision.
  - c. The member shall have not more than ten minutes to present a case to the

- membership.
  - d. The executive board may offer a rebuttal to defend their actions, not to exceed ten minutes.
  - e. The membership shall then vote anonymously. The removed member shall not vote in these deliberations.
  - f. An absolute majority of the membership shall be required to reverse the removal of a member.
5. **RIGHT TO APPEAL FROM THE REMOVAL OF THE EIC:** The EIC may appeal from the decision of removal in the following manner:
- a. The EIC shall first inform the Faculty Advisor of his intent to appeal.
  - b. The Faculty Advisor and the EIC shall set the time for a meeting so that the membership may consider the appropriateness of the board's removal. The Faculty Advisor shall designate a member to preside over this meeting.
  - c. The EIC shall have not more than ten minutes to present a case to the membership.
  - d. The executive board may offer a rebuttal to defend their actions, not to exceed ten minutes.
  - e. The membership shall then vote anonymously. The EIC shall not vote in these deliberations.
  - f. An absolute majority of the membership shall be required to reverse the removal of the EIC.
6. **DOUBLE JEOPARDY:** Should the membership reverse the decision concerning the removal of any member of this organization, the member may not be removed again for the conduct for which he was originally expelled.
7. **FORFEITURE OF ACADEMIC CREDIT:** Any member removed from this organization forfeits all academic credit to which he would otherwise have been entitled to for that academic year.

## **Article VIII– Amendment**

1. **AMENDMENTS ORIGINATING FROM THE EXECUTIVE BOARD:** The executive board as a whole may propose amendments to this constitution. Amendments from the executive board shall be ratified in the following manner:
- a. The executive board shall agree by majority whether to propose an amendment.
  - b. Upon the requisite majority of the board, the EIC shall convene a meeting to discuss the constitutional amendment, furnishing the membership with the text of the amendment at least 72 hours prior to the meeting.
  - c. The membership may then debate the amendment; however, debate for the amendment shall not exceed 90 minutes.
  - d. The membership shall vote anonymously to ratify or reject the amendment.
  - e. An amendment shall be ratified if three-fifths of the membership present at the meeting assent to it.
2. **AMENDMENTS ORIGINATING FROM THE MEMBERSHIP:** The membership may propose amendments to this constitution. Amendments from the membership shall be ratified in the following manner:
- a. A member shall draft the text of the amendment and circulate a petition to have the

- amendment considered by the executive board.
- b. Once 20 per centum of the membership has signed the petition, the executive board shall consider whether or not to recommend the passage of the amendment to the membership.
  - c. The EIC shall convene a meeting to discuss the constitutional amendment, furnishing the membership with the text of the amendment at least 72 hours prior to the meeting.
  - d. The EIC shall report the recommendation of the executive board to the membership at the beginning of the meeting.
  - e. The membership may then debate the amendment; however, debate for the amendment shall not exceed 90 minutes.
  - f. The membership shall vote anonymously to ratify or reject the amendment.
  - g. An amendment shall be ratified if three-fifths of the membership present at the meeting assent
3. EFFECT: Unless otherwise provided in the resolution ratifying the amendment, the new amendment shall take effect immediately.

## **Article IX – Ratification**

1. CONVENTION: The EIC shall arrange a convention for the membership to consider the amendment. The EIC shall provide not less than a week's notice of the date, time, and location of the convention and the text of this constitution.
2. DEBATE: The membership shall be afforded the opportunity to debate the ratification of this constitution.
3. RATIFICATION: The constitution shall be considered ratified if three-fifths of the convention assent to it.
4. EFFECT: Upon ratification, this constitution shall have immediate effect.
5. NON-RETROACTIVITY: The adoption of the constitution shall not affect the tenure of any officer currently serving in the organization.