

# SYRACUSE UNIVERSITY

## COLLEGE OF LAW

### *SYRACUSE JOURNAL OF SCIENCE AND TECHNOLOGY LAW*

#### **Bylaws**

(Revised April 6, 2013)

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#### **ARTICLE I DEFINITIONS**

- § 101 EXECUTIVE BOARD – Shall consist of the Editor-in-Chief, Managing Editor, Notes & Comments Editor, Lead Articles Editors, Form and Accuracy Editors, Computer Editor, Blog Editor and Executive Editors
- §102 EDITORIAL STAFF – Shall consist of those members who have not met the requirements of §202(a).
- §103 ASSOCIATE EDITORS – Shall consist of those members who have met the requirements if §202(a).
- §104 GENERAL MEETINGS – Those meetings that all members are expected to attend.
- §105 STANDING COMMITTEE – A committee formed by the Editor-in-Chief, and chaired by the Editor-in-Chief’s designee, which serves as a committee for the entire academic year.
- §106 SPECIAL COMMITTEE – A committee formed by the Editor-in-Chief, and by the Editor-in-Chief’s designee, to examine certain policy matters and is dissolved after final recommendations are made to the Editor-in-Chief.

**ARTICLE II**  
**MEMBERSHIP DETERMINATION**

§201 The *Syracuse Journal of Science and Technology Law* shall consist of the Executive Board, Associate Editors and the Editorial Staff.

§202 (a) A member of the Editorial Staff will be elevated to an Associate Editor only if the following is fulfilled:

1. Completion of the course requirement;
2. Completion of satisfactory editorial work as per §608;
3. Completion of all assigned office hours as per §608;
4. Completion of a Note or Book Reviews, as described in §609(a)(iv), of publishable quality;
5. Participating and complying as a member of the *Syracuse Journal of Science and Technology Law* under each and every article of these Bylaws;
6. Being a member in good standing of the *Syracuse Journal of Science and Technology Law*.

a. **Good Standing is defined as:**

- i. **Owing no more than 4 office hours;**
- ii. **Meeting all note deadlines set by the Notes and Comments Editor;  
and**
- iii. **Performing all other duties as required by the *Syracuse Science & Technology Law Reporter*.**

b. The Editor-in-Chief, in consultation with the Executive Board, will determine which members of the Editorial Staff will be elevated to an Associate Editor according to the elevation criteria of §202(a). Those members who have not been elevated will not receive any academic credit and their names shall be immediately removed from the membership list.

- §203 Once elected, the Editor-in-Chief, in consultation with the new Executive Board, shall do all of the following:
1. Determine the approximate number of Editorial staff positions available;
  2. Plan an anonymous spring writing competition to be implemented by the Notes and Comments Editor;
  3. Set forth the procedures and criteria for selecting new Editorial Staff members.
- §204 Full-time students at the College of Law shall be eligible to participate in the spring writing competition during the spring semester of their first year of law school.
- §205 Upon completion of twenty-four hours of academic credit (based on the records maintained in the College of Law Registrar's office) part time students shall be eligible to participate in the writing competition.
- §206 The Editor-in-Chief shall seek to inform students who have transferred into the College of Law of membership opportunities in *JOST*. The Editor-in-Chief shall determine their eligibility for participation in a supplemental writing competition.
- §207 All members of the student body who wish to participate in the first writing competition must participate in the first writing competition scheduled after they become eligible for possible membership. All members of the student body are limited to participate in only one writing competition.
- §208 Membership decisions under this Article are made at the discretion of the Editor-in-Chief in consultation with the Executive Board.
- §209 Any four-year joint degree student selected for membership pursuant to this Article must file a written petition with the Editor-in-Chief by the first day of classes after notification of membership for deferral of their participation as an Editorial Staff member for one academic year.

## **ARTICLE III MEETINGS**

### §301 General Meetings

1. General meetings must take place at least twice **per semester** during the fall and spring semesters.
2. Notice of all general meetings must be posted on all *JOST* bulletin boards at least one week before a meeting is to occur. The Managing Editor is to maintain an email listserv for all *JOST* members for general announcements.
3. Notice shall comprise of a statement of the time, date and location of the meeting.
4. The Editor-in-Chief shall preside over all general meetings and determine the agenda for each general meeting.
5. If the Editor-in-Chief is either unable to attend a meeting or temporarily gives up the chair, the Managing Editor shall assume all responsibilities of the Editor-in-Chief.
6. The presence of more than one-half of all journal members is required at a general meeting to constitute a quorum.
7. The quorum requirements may not be waived. No official action may be taken in any general meeting without quorum.
8. Attendance by members of *JOST* at general meetings is mandatory.
  - a. The Editor-in-Chief or the Managing Editor may excuse a journal member from attendance at a general meeting if the member provides a reasonable excuse to the Managing Editor, in writing at least twenty-four (24) hours prior to the meeting.
  - b. Members absent from a general meeting without excuses are subject to sanctions in accordance with Article IV.
  - c. Attendance of Associate Editors is mandatory at all meetings.
9. Should a debatable issue arise, the Editor-in-Chief may implement Roberts Rules of Order, which include the following:
  - a. No member may hold the floor more than five minutes at a time;
  - b. A simple majority vote of all members present is required to approve a motion;
  - c. The Editor-in-Chief shall vote **ONLY** to break any tie that exists;
  - d. Each member of the *SSTLR* will have a single vote to cast on each motion considered in a meeting;

- e. Votes are taken by hands unless otherwise stated in these Bylaws or, if not so state, a simple majority of those present at the meeting may approve an alternate procedure;
- f. The following motions shall require a two-thirds vote of those present and voting:
  - i. Motion to amend a motion currently on the floor;
  - ii. Motion to adjourn; and
  - iii. Motion to amend the Bylaws.
- g. The Editor-in-Chief shall be the final arbiter of Bylaws for resolution of procedural questions; and
- h. The Managing Editor shall maintain a record of these minutes of the meetings.

§302 Special Meetings may be called by Editor-in-Chief and the Managing Editor throughout the academic year. Attendance at these meetings shall comport with §301(h) above.

§303 Meetings of the Executive Board

The Executive Board shall meet as necessary. All other aspects of the Executive Board meetings are at the discretion of the Editor-in-Chief.

§304 Committee Meetings

Except as otherwise stated in the Bylaws, all aspects of the committee meetings are at the discretion of the committee chairperson in consultation with the Editor-in-Chief.

## **ARTICLE IV SANCTIONS**

### §401 Sanctions Committee

1. The committee will be a Standing Committee
2. The committee will consist of the following:
  - a. Executive Board
  - b. Two members from the Editorial Staff.
3. The Editorial Staff members shall be elected by members of the Editorial Staff during orientation.
4. If a member of the Sanctions Committee is the subject of a complaint, that member, for the purpose of that complaint only, shall be removed from the committee.
5. If a member of the Sanctions Committee has a conflict of interest concerning the subject of a complaint, that member may recuse himself or herself for the purposes of that complaint only.
6. All files and proceedings of the Sanctions Committee shall be confidential. Any breach of this subsection shall constitute a gross dereliction of duty pursuant to §406(b)(ii).

### §402 Sanctionable Conduct

1. A member of the *Syracuse Journal of Science and Technology Law* may be subject to sanctions if the member has:
  - a. Failed to strictly comply with these Bylaws;
  - b. Failed to attend mandatory meetings without excuse per §301(h)(1);
  - c. Failed to meet any deadlines set by any member of the Executive Board, including deadlines on all editorial work, and all Note or equivalent writing deadlines;
  - d. Failed to complete form and accuracy work to the satisfaction of the Form and Accuracy Editor;
  - e. Failed to complete office hours to the satisfaction of the Managing Editor; or
  - f. Been found by the Syracuse University Judicial System or any other appropriate adjudicative body, while a student of the College of Law (whether or not currently

registered), to have violated any Code of Student Conduct applicable to such member in force at the time of the alleged violation.

- g. Plagiarism is defined by Section F – Part 2(b) of the College of Law Code of Student Conduct. If sanctions are levied against a *JOST* member who has been found to have plagiarized according to the definition, then the Sanctions Committee may refer the matter to the College of Law Honor Code procedure.
2. The above list of sanctionable conduct is not exhaustive.

#### §403 Disciplinary Procedure

1. Written complaints referencing sanctionable conduct shall be submitted by a member of *JOST* to the Managing Editor. All complaints must be legibly signed by the accuser. The Managing Editor shall convene a Sanctions Committee meeting within a reasonable time so as to consider the complaint. The Chair of the Sanctions Committee is to then distribute a copy of the complaint to each member of the Sanctions Committee.
2. The accused shall be given notice of the complaint at least three (3) business days prior to the initial meeting of the Sanctions Committee regarding the complaint. The notice shall consist of the identity of the accuser and the reasons for the complaint. The accused may submit a written response to the Chairperson up to one (1) day before the initial meeting.
3. Any official action taken by the Sanctions Committee (except election of a chairperson and a vote for expulsion) shall require a two-thirds vote of the full committee and shall be accompanied by a written justification for such action signed by the chairperson of the committee.
4. A vote for expulsion must be by unanimous vote of the Sanctions Committee and must also be accompanied by a written justification for such action signed by the chairperson of the Committee.
5. Each written justification and complaint shall be kept in a Sanctions Committee file in the *JOST* office.

#### §404 Sanctions Available for Editorial Staff/Associate Editor members:

- a. Oral warning
- b. Written warning
- c. Additional service to the *Syracuse Science & Technology Law Reporter*
- d. Suspension from the *Syracuse Science & Technology Law Reporter*

- e. Loss of either one or two credit hours of academic credit
- f. Demotion of position
- g. Removal from consideration for Note publication
- h. Expulsion and removal from Masthead

§405 The following sanctions are not appealable:

- a. Oral warning
- b. Written Warning, or
- c. Additional service to the *Syracuse Journal of Science and Technology Law*.

§406 If not appealed or not reversed on appeal, sanctions are not reversible.

§407 Exception from Sanctions for Executive Board

- a. An Executive Board member is not subject to sanctions by the Sanctions Committee. The committee may, however, impeach such a member.
- b. Impeachment may only occur if the senior board member has:
  - i. Been found by the Syracuse University Judicial System or any other appropriate adjudicative body, while a student of the College of Law (whether or not currently registered), to have violated any Code of Student Conduct applicable to such member in force at the time of the alleged violation; or
  - ii. Committed a gross dereliction of duty.
- c. Written complaints referencing impeachable conduct shall be submitted by a member of *JOST* to the Managing Editor. All complaints must be legibly signed by the accuser. The Managing Editor shall notify the chairperson of the Sanctions Committee who shall convene a Sanctions Committee meeting within a reasonable time so as to consider the complaint.
- d. The accused shall be given notice of the complaint at least three (3) business days prior to the initial meeting of the Sanctions Committee regarding the complaint. The notice shall consist of the identity of the accuser and the reasons for the



complaint. At the initial meeting of the Sanctions Committee, the accused shall be given an opportunity to be heard as to why impeachment is not in order.

- e. Following the hearing, the Sanctions Committee shall vote on whether the impeachment is warranted. Impeachment requires a two-thirds vote of the Sanctions Committee.
- f. Should the Sanctions Committee vote to impeach an Executive Board member, the chairperson shall notify the impeached immediately. This decision is appealable pursuant to §408 of this article.
- g. An Executive Board member removed from office will be demoted to an Associate Editor. No other sanctions will be imposed on such member unless the Sanctions Committee elects to reconsider the actions of the member. Should that election take place, the Sanctions Committee may avail itself of the sanctions pursuant to §404 of this Article.
- h. Upon removal of the Executive Board member, a special election shall be called for the purpose of filling the vacant office. This procedure shall also be followed if an Executive Board member resigns from office.
  - i. At the discretion of the Editor-in-Chief, the Executive Board may appoint someone to fill the vacant office. The appointment shall be approved by all *JOST* members at that next general meeting by a majority vote.

#### §408 Appeal Procedures

- a. A member of the *Syracuse Journal of Science and Technology Law* who is subject to an appealable sanction may appeal that decision in writing to the Chairperson of the Sanctions Committee within three (3) business days of the Sanctions Committee's determination.
- b. Such appeal shall contain the grounds for the appeal and a request for a special meeting of the full *JOST* membership within five (5) business days of the date of the filing of the written appeal. An appeal less than five (5) business days from the end of the semester shall be deemed to have been filed on the first class day of the next semester.
- c. An appeal shall be forwarded to the Editor-in-Chief who shall preside over the special meeting. In the event the Editor-in-Chief is the subject of impeachment proceedings the appeal shall be forwarded to the Managing Editor, who shall preside over the special meeting.
- d. At the special meeting, the member who is subject to the sanction may present reasons why discipline should not be imposed. The Chairperson of the Sanctions Committee shall present the case against the accused.
- e. Any sanction imposed by the Sanctions Committee may be lessened or reversed by a majority vote of the membership attending the special meeting. This vote shall be by

secret ballot and is final. Upon reversal, any reference to the claimed violation shall be removed from the Sanctions Committee file.

**ARTICLE V**  
**ELECTION PROCEDURES FOR EXECUTIVE BOARD POSITIONS**

§501 (a) Nomination to the Executive Board

1. Any member of *JOST* may nominate any Editorial Staff member for any Executive Board position. **Any Editorial Staff member not in good standing by the day of the election is ineligible.**
  - a. **Any member nominated for Computer Editor should have working knowledge of the Internet and Web site development.**
2. The opening of nominations shall be determined by the Managing Editor and shall be posted.
3. Upon being nominated and prior to the close of the nomination process, a candidate shall submit a written statement accepting the nomination.
4. Each election shall be mutually exclusive, having no bearing upon subsequent elections.
5. Nominees may run for more than one position, but may be elected to only one position.
6. **Nominations shall close when the meeting is called to order. In the event that no one is running for an Executive Board position, or in case of Lead Articles or Executive Editor when less persons are running than open positions available, nominations may be accepted by the Managing Editor, at his/her discretion during the election process.**

(a) The Election Process in General

- i. The Managing Editor shall be in charge of the voting process and shall solicit such help necessary.
- ii. As each position is presented to the electorate for voting, the candidates for that position shall leave the room and ballots shall be distributed to those members who are eligible to vote for that position. Only those members deemed in good standing by the Editor-in-Chief shall be allowed to vote during the election. There will be neither proxy nor absentee voting.
- iii. Voting shall proceed by secret ballot, and the Managing Editor or such designee shall collect and count ballots.

- (b) Voting for Editor-in-Chief
  - i. After all ballots are counted, if no candidate receives a simple majority of the votes, the two candidates with the highest votes shall have a run-off vote.
  - ii. One candidate must carry a simply majority of the votes in order to be elected.
- (c) Voting for All Other Positions except Editorial Staff Liaison
  - i. All candidates for a particular position shall be made known to the electorate.
  - ii. Considering the number of positions available, the positions shall be filed by those candidates with the most votes. **If only one position is available, the winning candidate must receive a majority of the votes cast.**
  - iii. In the event of a tie between two or more candidates for the last available position, a second ballot shall be cast for the tied candidates only. The candidate with the most votes shall be elected to that position.
- (d) Editorial Staff Liaison Election
  - i. Within the first month of the first Fall General Meeting, a member of the Editorial Staff must be elected by his or her peers to serve on the Executive Board.
- (e) The Election Hierarchy
  - i. Interviews and Elections for the Executive Board shall proceed in the following order:
    - 1. Editor-in-Chief
    - 2. Managing Editor
    - 3. Form & Accuracy Editors (2)
    - 4. Lead Articles Editors (2)
    - 5. Notes and Comments Editor
    - 6. Business Editor
    - 7. Computer Editor

8. Executive Editors (6-10)

- (f) **Special elections may be called by the Managing Editor at his/her discretion when necessary.**

**ARTICLE VI**  
**DUTIES OF JOURNAL MEMBERS**

§601 Editor-in-Chief

- a. The Editor-in-Chief is *JOST's* chief executive. It is the Editor-in-Chief's duty to provide all the necessary leadership and coordination of *JOST*.
- b. The Editor-in-Chief shall ensure professional operation of *JOST* and timely publication with a high level of quality.
- c. The Editor-in-Chief shall make all executive decision regarding the management of *JOST*.
- d. The duties of the Editor-in-Chief include, but are not limited to:
  - i. Chair all meetings of the General Membership and the Executive Board;
  - ii. Make all final editorial decisions regarding the published articles;
  - iii. Represent *JOST* in all matters within and without the College of Law; and
  - iv. Perform all duties in the Editor-in-Chief enumerated elsewhere in these Bylaws.

§602 Managing Editor

- a. The Managing Editor, in conjunction with the Editor-in-Chief, shall ensure the professional operation and timely publication of *JOST* at a level of quality becoming a prestigious law periodical.
- b. The duties of the Managing Editor include, but are not limited to, the following:
  - i. Prepare the budget;
  - ii. Oversee the daily operations of the office;
  - iii. Supervise the attendance of journal members at office hours and general meetings; and
  - iv. Assist in other *JOST* matters as determined by these Bylaws or by the Editor-in-Chief.

§603 Form and Accuracy Editors

- a. The duties of the Form and Accuracy Editor include, but are not limited to, the following:
  - i. Assume primary responsibility for the form and accuracy of the final work product of the *Syracuse Journal of Science and Technology Law*;
  - ii. Work to insure proper blue book form of *JOST*; and
  - iii. Instruct the members of the Editorial Staff and Executive Editors as to proper form and accuracy of the final work product of *JOST*.

#### §604 Lead Articles Editors

- a. The duties of the Articles Editors include, but are not limited to, the following:
  - i. Work with authors who submit articles for publication in *JOST*;
  - ii. Work with Editor-in-Chief to establish the criteria for articles, technology commercialization papers, and book review selections including but not limited to reputation and publication history of the author, timeliness, originality and potential significance of the work, whether or not *JOST* has published similar material in the recent past;
  - iii. Draft and manage publication agreements with authors (including copyright provisions);
  - iv. Serve as a liaison between *JOST* and the authors; and
  - v. Additional editorial, administrative, and solicitation duties as assigned by the Editor-in-Chief.

#### §605 Notes & Comments Editor

- a. The duties of the Notes and Comments Editor include, but are not limited to, the following:
  - i. Administer the Spring Writing Competitions, including the establishment of a timetable in conjunction with the Editor-in-Chief;
  - ii. Assign Executive Editors to Editorial Editors on the preparation of student Notes;
  - iii. Supervise progress of the Note writing process, including the setting of deadlines;

- iv. Review all student Note topics and outlines and, in conjunction with the Executive Editors, provide feedback to the Editorial Staff; and
- v. Supervise selection of Student Notes for future publication.

§606 Computer Editor

- a. The duties of the Computer Editor include, but are not limited to, the following:
  - i. Maintain the *JOST* website;
  - ii. Assist the Editor-in-Chief, Managing Editor, and Form and Accuracy Editor in preparing articles and notes to be placed online; and
  - iii. Assist with any computer problems within *JOST*.

§607 Blog Editor

- a. The duties of the Blog Editor include, but are not limited to, the following:
  - i. Assume primary responsibility for *Syracuse Journal of Science and Technology Law* blog;
  - ii. Work to insure proper blue book form of *JOST* blog;
  - iii. Maintain the *JOST* blog content; and
  - iv. Assist Computer Editor in preparing blogs to be placed on website.

§608 Executive Editors

- a. The duties of the Executive Editors include, but are not limited to, the following:
  - i. Supervise the progress of student Notes of their Editing Team;
  - ii. Assist the Notes and Comments Editor in selecting student Notes for publication; and
  - iii. Supervise the form and accuracy work of their Editing Team.



§609 Editorial Staff

- a. Editorial Staff duties include, but are not limited to, the following:
  - i. Complete all form and accuracy assignments to the satisfaction of their Executive Editor and the Form and Accuracy Editors;
  - ii. Complete two office hours every week in the *JOST* office under the direction of the Managing Editor or the Managing Editor's designee and serve two office hours for every unexcused absence from a scheduled office hour; and
    1. **All excused office hours will be doubled if not completed within three weeks.**
  - iii. **Conduct research and writing of an original scholarly paper of publishable quality to be complete within the timetable created by the Notes and Comments Editor; or**
  - iv. **Complete four book reviews with prior approval from the Notes and Comments Editor. This option does NOT fulfill the College of Law's writing requirement.**

§610 Editorial Staff Liaison

- a. The Editorial Staff Liaison's duties include, but are not limited to, the following:
  - ii. Attendance at all Executive Board Meetings as the representative of the Editorial Staff;
  - iii. Assist the Editor-in-Chief in planning *JOST* social events; and
  - iv. Assist in other *JOST* matters as determined by these Bylaws or by the Editor-in-Chief.

**ARTICLE VII  
CREDIT REQUIREMENTS**

§701 A third-year member of the *Syracuse Journal of Science and Technology Law* shall be eligible for one credit hour upon:

- a. Satisfactory completion of a course related to science and technology law during the second year of law school:
  - (1) Intellectual Property;
  - (2) Technology Transfers and Technology Transfer Center (two semester commitment);
  - (3) Computer Law;
  - (4) Bioethics;
  - (5) Internet Law;
  - (6) Genetics and the Law; or
  - (7) Disability Law
- b. Satisfactory completion of all requirements contained in these Bylaws;
- c. Signature of *JOST* faculty advisor;
- d. Signature of the Editor-in-Chief; and
- e. Determination by the Syracuse University College of Law administration that *Syracuse Journal of Science and Technology Law* members will be entitled to academic credit; and
- f. ***JOST* members who are also members of either the *Journal of International Law and Commerce* or *Law Review* will not receive credit unless that member writes separate notes for each journal.**

§702 A third-year member of the *Syracuse Journal of Science and Technology Law* **Executive Board** shall be eligible for a second academic credit hour upon:

- a. Satisfactory completion of all requirements contained in these Bylaws;
- b. Signature of *JOST's* faculty advisor;
- c. Signature of the Editor-in-Chief.

§703 A member of the *Syracuse Journal of Science and Technology Law* can satisfy the College of Law Writing Requirement at a minimum by:

(i) Completion a Student Note of publishable quality of a minimum of 25 pages of text, which demonstrates substantial depth of analysis, reflection and revision; and

(ii) Receipt of regular faculty supervision and feedback, including extensive written feedback on at least one substantial draft of the Note. The student must obtain the signature of the faculty advisor on the Advanced Permission Form available in the Registrar's Office to receive credit.

**ARTICLE VIII  
AMENDMENTS**

- §800 These Bylaws may be amended at any General Meeting of the *Syracuse Journal of Science and Technology Law* by a two-thirds vote of those present and voting provided that the proposed amendment has been distributed to each member of *JSOT* at least five (5) business days prior to the General Meeting at which the amendment is considered.
- §801 No vote of the general membership shall be required to amend typographical or grammatical errors in these Bylaws.