

# INDIANA HEALTH LAW REVIEW

## BYLAWS

Established and adopted September 26, 2003. As amended January 7, 2004, April 21, 2004, April 24, 2006, April 23, 2007, December 9, 2010, and February 28, 2012.

### Article 1 *Organization Name*

This organization shall be and hereby is named the Indiana Health Law Review.

### Article 2 *Purpose and Goals*

Section 1: **Purpose.** The purpose of the Indiana Health Law Review shall be to publish a scholarly review in order to further legal education with a focus on health care law and policy and its related topics.

Section 2: **Goals.** The goals of the Indiana Health Law Review shall be to promote excellence in writing, research, and analytical skills of its members and to provide a forum for legal commentary of interest to the academic and legal communities related to all encompassing areas of health care law and policy.

### Article 3 *Membership*

The membership of the Indiana Health Law Review shall consist of the Executive Editorial Board, Editorial Board, Associate Editors, and Note Candidates.

Section 1: **Eligibility.** A student eligible for selection to and retention of membership on the Review must possess the following qualifications:

- a) For selection, a student must have a minimum grade point average of 3.0 on a 4.0 scale.
- b) For retention, candidates must maintain good academic standing pursuant to current Indiana University School of Law – Indianapolis standards.
  1. Any active member placed on academic probation will also be placed on probation by the Review.
- c) An accurately and honestly completed application for membership must be on file with the Review.
  1. Fraud or misrepresentation contained within the application of any applicant is grounds for revocation of membership.

Section 2: **Application.** Except as provided in Section 4 of this Article, Candidates for each volume shall apply through the Joint Writing Competition held in May of each year. Candidates will be chosen according to policies adopted by the Board through a process that is administered by the Executive Notes Editor.

**Section 3: Requirements for Invitation to the Position of Student Note Candidate.** Except as provided in Section 4 of this Article, an application is required for invitation as a Student Note Candidate. Usually, full-time students are eligible at the end of their first year and part-time students are eligible at the end of their second year. The requirements of full-time students for potential membership as a Student Note Candidate are:

- a) the completion of at least thirty-one credit hours;
- b) has four remaining semesters of law school before completion;
- c) successful completion of LARC I and II; and
- d) attained a minimum cumulative GPA of 3.0 on a 4.0 scale.

The requirements of part-time students for potential membership as a Student Note Candidate are:

- a) the completion of at least forty-one credit hours;
- b) has at least two remaining semesters of law school before completion; and
- c) qualifies under subsections c and d as stated above.

At the discretion of the Executive Board, membership will be offered to part-time students. The total number of such members accepted will not be in excess of one third of the total number of Candidates selected for the Review. Factors that must be considered by the Executive Board when exercising its discretion to offer such membership include, but are not limited to:

- a) the number of issues intended to be published in that Board's Volume;
- b) the number of articles and Notes intended to be published in each issue;
- c) the substantive and editorial content of the articles committed for that Volume;
- d) the number of Editorial Board members;
- e) the number of new members needed or desired;
- f) the practical experience of the journal in the implementation of such membership; and
- g) all other academic criteria relevant to the operation of the Review and the scholarly and timely publication of that Volume.

At the Executive Board's discretion, part-time students transitioning to full-time status after their first year may be invited to the position of Student Note Candidate based on the following considerations:

- a) The student will graduate on time with the rest of the day students applying for membership
- b) The student submits as part of his/her application, a statement as to why the board should waive the credit hour requirements.
- c) The student meets all other requirements for participation.

Each student applying for membership as a Student Note Candidate to the Review, who is not eligible under Section 4 of this Article, must submit a memorandum certifying the above applicable requirements. Such memorandum will be supplied by the Review and must be submitted contemporaneously with the Joint Writing Competition memorandum as described in Article 3, Section 4.

**Section 4: Automatic Invitation.** Students who have met the applicable eligibility requirements as specified in Section 3 of this Article and who have attained a cumulative GPA sufficient to place them in the top ten percent (10%) of the class at the conclusion of the earliest spring semester which renders them eligible for law review will receive an automatic invitation onto the law review and are not required to apply for membership through the Joint Writing Competition. This provision does not apply to students with only one year remaining in law school; those students must still apply through the Joint Writing Competition.

**Section 5: Joint Writing Competition Guidelines.** All students desiring to apply for Student Note Candidate to the Review, and who are not eligible under Section 4 of this Article, must submit a writing sample and editing sample in compliance with the Joint Writing Competition held at the completion of finals in May.

- a) **Grading Criteria:** Each applicant will be graded on a scale of 100 points. The writing sample is worth 75 points: 20 points for legal analysis, 15 points for organization, 15 points for citation, 15 points for style and mechanics, and 10 points for overall impression. The editing sample is worth 25 points. The writing sample will be divided among the Editorial Board in such a manner that allows for each paper to be graded a total of three times. However, each writing sample must be graded by both the Editor-in-Chief and the Executive Notes Editor. The writing sample scores will then be added together and divided by three to determine the participant's writing sample score.
- b) **Number of Members:** The number of members extended invitations for membership is not fixed but remains flexible in order to serve the changing needs of the Review and to allow for any year-to-year variations in the quality of the writing competition entries. The Executive Board has complete discretion as to the number of the members it will accept.
- c) **Selection:** The writing competition will be organized and directed by the newly elected Executive Notes Editor with assistance from the incumbent Executive Notes Editor. A committee comprised of the entire Executive Board will decide selection of new members for the Review.
- d) **Procedure:** Because the new Executive Board does not begin its duties until spring graduation, it does not have authority to act until that time. Thus, the new Executive Board does not have the power to change any of the writing competition guidelines. However, the new Board may suggest changes to the incumbent Executive Board. If the incumbent Board agrees with such changes, it may amend the writing competition guidelines to incorporate the new changes. No changes to the writing competition will be accepted after the last day of the spring semester (defined as the last day of spring final exams as per the official law school academic calendar).

**Section 6: Transfer Students.** Transfer students who, but for their enrollment after completion of the writing competition, would otherwise be eligible for membership on the Review may be allowed, subject to the discretion of the Executive Board, to apply for membership on the Review by:

- a) submitting a satisfactory writing sample from the student's legal writing class, consisting of six to eight pages, along with a resume and transcript in accordance with the time line set by the Executive Notes Editor; and

- b) meeting the certification and other requirements contained in these Bylaws for Student Note Candidate membership.

The Executive Board is not required to extend invitations for membership to the Review to any transfer student. If the Executive Board decides to extend offers for membership, the number of transfer students accepted for membership to the Review will be left to the discretion of the Executive Board. The Executive Board will base acceptance of a transfer student for membership on the Review on an evaluation of the transfer student's writing sample, resume, and transcript.

#### **Section 7: Privileges and Responsibilities of Student Note Candidates.**

- a) Each Student Note Candidate shall choose a topic on which to write a scholarly Note. The Student Note Candidate's assigned Student Note Development Editor and the Executive Notes Editor must approve the topic.
- b) Each Student Note Candidate must complete the Note deadlines, comply with all assignment criteria, and perform a good faith effort.
- c) Each Student Note Candidate shall be eligible to submit his or her finished paper to the Publication Selection Committee for consideration for publication as a student Note in any issue deemed appropriate by the Executive Board.
- d) Each Candidate's Note will be submitted to the Review's Faculty Advisor for consideration as fulfillment of the Law School's senior writing requirement.
- e) Each Student Note Candidate shall perform all editorial duties as assigned by members of the Editorial Board in a thorough and timely manner sufficient to constitute a good faith effort.
- f) Each Student Note Candidate shall receive two graded credits for the fall (Candidacy I) semester, which shall not be assigned until the Note is completed and turned in, in publishable quality, by the assigned date (usually March). Each Student Note Candidate shall receive one non-graded (pass/fail) credit for the spring (Candidacy II) semester. Failure to complete the Note may have implications on the Student Note Candidate's fall and spring grades and credits.
- g) Each Student Note Candidate shall be entitled to all other benefits and privileges, and subject to all duties and responsibilities, accorded to all other members of the Review unless specifically excepted by these Bylaws.

**Section 8: Registration.** The number of graded or ungraded credit hours per semester that all members must register for are:

- a) Student Note Candidates shall receive two hours of graded credit for the fall semester and one hour of ungraded credit for the spring semester.
- b) Editorial Board Members shall receive one hour of graded credit for each semester of their final year on the Review.
- c) Associate Editors shall receive one hour of ungraded credit for each semester during their last year on the Review.

#### Article 4

#### *The Editorial Board and the Executive Board*

Section 1: **Editorial Board.** The Editorial Board of each volume of the Indiana Health Law Review shall consist of the Executive Board, Note Development Editors, and Articles Editors.

Section 2: **Executive Board.** The Executive Board of each volume of the Indiana Health Law Review shall consist of an Editor-in-Chief, an Executive Managing Editor, an Executive Editor, an Executive Notes Editor, two Executive Articles Editors, two Executive Production Editors, and an Executive Business Editor.

Section 3: **Executive Powers.** All executive powers of the Indiana Health Law Review shall be vested in the Executive Board, with such exceptions as are specified in these Bylaws. The Executive Board shall exercise its powers pursuant to the Policies adopted by the Executive Board, provided that such Policies may not conflict with these Bylaws. Each member of the Indiana Health Law Review shall be provided with his or her own copy of the Policies, and a copy shall be kept on file in the Indiana Health Law Review offices for inspection by any member of the Indiana Health Law Review. The Policies represent standards to which all Indiana Health Law Review members are held.

Section 4: **Legislative and Judicial Powers.** All legislative and judicial powers of the Indiana Health Law Review shall be vested in the Editorial Board, with such exceptions as are specified in these Bylaws. The Editorial board shall:

- a) have full charge of all property of the Indiana Health Law Review;
- b) set policies and general procedures of the Indiana Health Law Review; and
- c) make all disciplinary decisions, excluding decisions to issue reprimands, unless the Editor-in-Chief directs the Editorial Board to do so.

Section 5: **Term of the Editorial Board.** The term of office of an Editorial Board member shall be one year, beginning on the date of the spring commencement immediately following the election of the Editorial Board.

## Article 5

### *Editorial Board Responsibilities*

Section 1: The **Editor-in-Chief**, who will preside at meetings of the Board, shall act in the best interest of the Indiana Health Law Review and in a fair and equitable manner. All executive power of the Indiana Health Law Review shall be vested in the Editor-in-Chief, including, but not limited to, the following powers:

- a) planning, organizing, and coordinating the work of the Indiana Health Law Review;
- b) interpreting and enforcing the Policies of the Editorial Board;
- c) calling meetings of the Editorial Board and the Executive Board, setting agendas, and presiding over such meetings;
- d) representing the Indiana Health Law Review to authors, to the general public, and to the Indiana University School of Law—Indianapolis administration, faculty, and students;
- e) selecting, with the Executive Articles Editors, lead articles for publication;
- f) selecting, with the Executive Notes Editor, student Notes for publication;

- g) giving final approval for the publication of all Articles, Notes, and other manuscripts;
- h) reviewing and editing drafts in camera-ready form for final publication;
- i) supervising and evaluating the performance of the members of the Indiana Health Law Review and advising the Faculty Advisor(s) in regard to members' grades and credits;
- j) creating committees and appointing chairpersons and members to such committees; and
- k) issuing reprimands to any member.

The decision or action of the Editor-in-Chief shall be final, provided such decision or action is not contrary to the Bylaws or established Policies of the Indiana Health Law Review.

The Editor-in-Chief retains in all matters an executive veto of decisions of the Executive Board. Consensus building being desirable for the operation of the Indiana Health Law Review, the Editor-in-Chief shall veto an action of the Executive Board, if and only if, the Editor-in-Chief reasonably believes that the interests of the Indiana Health Law Review would be substantially harmed by not so acting.

The Editor-in-Chief shall have a swing vote in addition to his/her regular vote, on any issue in which there has been a tie. This rule applies to votes taken by the Executive Board, votes taken by the Editorial Board, and votes taken by all members, on any issue.

The Editor-in-Chief shall delegate duties as necessary to Executive Board members with reasonable consideration taken of whether the task relates to his/her enumerated duties.

Section 2: The **Executive Managing Editor** and **Executive Editor** are responsible for the editorial content and finished appearance of all Notes, Articles, and other manuscripts to be submitted to the Editor-in-Chief for final review before being sent to the publisher. The **Executive Editor** position will expire at the conclusion of the 2012-2013 academic year unless the Executive Board votes to retain such position. The Executive Managing Editor and **Executive Editor** have the following duties:

- a) planning and scheduling the editorial process, including the following duties associated with *editing*:
  1. creating the editing assignments, which may be distributed either solely to the Articles Editors or collectively to the Note Candidates, Articles Editors, and Associate Editors;
  2. setting deadlines for all editing assignments (including deadlines for the Articles Editors to return graded feedback form to the Note Candidates);
  3. reviewing the completed editorial work of the Articles Editors (or any other delegated authority);
  4. editing all Articles, outside submissions, and student Notes after the preliminary (Note Candidates), secondary (Articles Editors and Associate Editors), and tertiary (Executive Production Editors) editorial processes have been completed;
- b) planning and scheduling the *source pull* editorial process, including the following duties:
  1. organizing the manner in which source pull assignments will be distributed;

2. distributing such assignments either solely to the Articles Editors or to the Note Candidates, Articles Editors, and Associate Editors collectively;
  3. setting deadlines for all source pull assignments;
  4. ensuring that the Articles Editors or any other delegated authority acquire all necessary sources for cite-checking from the “original” source *when reasonable* based on the following guidelines:
    - i. obtaining locally or electronically available sources through IUCAT, which may include obtaining sources directly from the IU School of Law-Indianapolis, the IU Medical School-Indianapolis, the main IUPUI library, or a commercial electronic database such as LEXIS or WESTLAW; and
    - ii. obtaining sources that are otherwise unavailable from IUPUI libraries or electronic databases through interlibrary loan services or by phoning the publisher and requesting a copy of the document for purposes of proper citation;
  5. ensuring that the Note Candidates selected for publication compile their sources shortly after their selection for publication and further ensuring the following:
    - i. that such Candidates assist the EME or any other delegated authority in obtaining any other needed “original” sources throughout the editing process; and
    - ii. that such Candidates are available to meet with the EME or any other delegated authority concerning general revisions, cite checking, and final proofing of their Note;
- c) planning and scheduling the *production phases* and *final proofing* of each issue, in consultation with the Editor-in-Chief, including the following duties:
1. setting deadlines and goals for the planned production of each issue;
  2. providing guidance to the Executive Production Editors concerning camera-ready, including stylistic choices that may affect grammar, etc.
  3. determining how to delegate editorial work to the Executive Production Editors potentially based on their preferences;
  4. completing manuscript edits and page proofs of each Article and Note once they are in camera-ready form, along with the Editor-in-Chief and Executive Production Editors; and
- d) meeting with the Executive Production Editors on a regular basis to work collectively on both editing and obtaining proper sources;
- e) organizing meetings and/or instruction sessions to improve the quality of Note Candidates’ cite-checking skills and proper use of the Bluebook.
- f) staying current with health law topics and events to assist authors in improving the quality and substance of their Notes and Articles;
- g) performing all other duties specifically requested by the Editor-in-Chief, although such duties may not be specifically enumerated herein.

Section 3: The **Executive Notes Editor** is responsible for the administration of the joint writing competition in conjunction with the Executive Notes Editors from the Indiana Law Review and the Indiana International and Comparative Law Review. Specifically, the Executive Notes Editor is responsible for coordinating, with the Editor-in-Chief, the Candidate selection and

Note-writing processes. The Executive Notes Editor also acts as the primary liaison between the Executive Board and the Student Note Candidates. The Executive Notes Editor has the following duties:

- a) recruiting first and second year students to participate in the writing competition;
- b) overseeing the entire writing competition process, including receipt and grading of applications, Candidate selection and notification, and signature of Candidate contracts;
- c) recruiting, assigning, and coordinating practitioner advisors;
- d) approving all Note topics;
- e) managing the editorial and tutorial work of the Note Development Editors;
- f) overseeing and managing all aspects of the Student Note Candidate Note-writing process;
- g) reviewing and critiquing all drafts of the Candidates' Notes; and
- h) performing all other duties specifically requested by the Editor-in-Chief, although such duties may not be specifically enumerated herein.

Section 4: The **Executive Articles Editors** solicit and select, with the Editor-in-Chief, articles for each issue, and are responsible for the content of each issue. The Executive Articles Editors have the following duties:

- a) reading and critiquing outside articles for publication;
  1. Soliciting articles:
    - i. improving and increasing the amount of non-solicited submissions IHLR receives on an annual basis;
    - ii. maintaining the number of non-solicited submissions at a reasonable level comparable to other health law reviews around the country;
    - iii. updating the master list of names and addresses each spring;
    - iv. adding names and addresses to the master list from any new available source; and
    - v. conducting mail and other forms of article solicitations for all issues.
  2. Selecting articles:
    - i. immediately upon receipt of an article, notifying the author to acknowledge receipt and give an approximate date for a decision;
    - ii. reading the article and determining if additional reading by another member of the Editorial Board is necessary;
    - iii. sending acceptance letters and copyright and publication agreements to authors whose articles are selected;
    - iv. sending rejection letters to authors whose articles were not selected; and
    - v. making a file for all articles and completing a data profile sheet for each article.
- b) recommending articles to the Editorial Board for publication;

- c) The Executive Articles Editors are ultimately responsible for accepting or rejecting all articles submitted for publication:
  - 1. The review process should take no longer than two weeks.
  - 2. If an article is accepted, the author must be contacted and offered publication.
  - 3. If the author accepts the offer of publication, the Executive Articles Editors are responsible for executing a copyright and publication agreement with the author.
  - 4. If the Executive Articles Editors cannot agree whether to accept or reject an article, the Editor-in-Chief will then make the final determination.
- d) providing the selected outside articles to the Executive Managing Editor for distribution to the Articles Editors for editing; and
- e) performing all other duties specifically requested by the Editor-in-Chief, although such duties may not be specifically enumerated herein.

Section 5: The **Executive Production Editors** are responsible for overseeing, in coordination with the Executive Managing Editor and Executive Editor, the process of editing Articles and Notes. The Executive Production Editor is responsible for the following duties:

- a) assisting the Executive Managing Editor and Executive Editor in managing the editing process of all Student Notes and Articles;
- b) ensuring that the selected Student Notes and Articles appear in finished form from the Articles Editors before they are submitted to the Executive Managing Editor, Executive Editor, and/or the Editor-in-Chief;
- c) assisting the Executive Managing Editor and Executive Editor in the production and planning of each issue;
- d) obtaining short biographies and/or a photograph from each Article author;
- e) placing each Article and Student Note into camera-ready format and performing a technical edit of all camera-ready drafts, which will proceed in the following general order, unless otherwise decided by the Executive Managing Editor;
  - a. distributing a hard copy of the camera-ready “first drafts” to the Executive Managing Editor, Executive Editor, and Editor-in-Chief for final editing proofing;
  - b. collecting any agreed upon revisions between the Executive Managing Editor, the Executive Editor, and the Editor-in-Chief concerning the “first draft;”
  - c. incorporating any such revisions into the camera-ready format to create a “second draft” in camera-ready format;
  - d. distributing a hard copy of the camera-ready “second draft” to the author for final review;
  - e. communicating with the author in a timely fashion concerning any final changes to the “second draft” of the camera-ready version;
  - f. incorporating any necessary editorial corrections into camera-ready based on consultation with the author;
  - g. returning this camera-ready “third draft” to the Executive Managing Editor, the Executive Editor, and the Editor-in-Chief for the final edit and proof.

- f) overseeing the process of pulling sources with the aid of the Executive Managing Editor and Executive Editor as described in Section 2;
- g) communicating with library staff regarding logistics such as Interlibrary Loan and also communicating with publishers or authors when necessary to assist the Executive Managing Editor and Executive Editor in obtaining original sources;
- h) maintaining an effective system for use of the Review's copy card/s for use both inside and outside of the law library;
- i) acting as a liaison between the selected authors and the Indiana Health Law Review as needed, under the direction of the Executive Managing Editor and Executive Editor;
- j) assisting the Articles Editors in carrying out their duties as needed;
- k) sending the Articles, Notes, and other manuscripts in final form to the publisher in a timely fashion; and
- l) performing all other duties specifically requested by the Editor-in-Chief, although such duties may not be specifically enumerated herein.

Section 6: The **Executive Business Editor** is responsible for subscriptions, marketing, event planning, copyrights, and the budget of the Review. Specifically, the Executive Business Editor is responsible for the following duties:

- a) ensuring that each member of the Review has a copy of the Review's Bylaws and providing all members with any Amendments made to the Bylaws;
- b) maintaining billing, subscription, marketing, and copyright duties of the Review;
- c) creating and maintaining the Review's budget;
- d) maintaining current and accurate records of all business transactions of the Review;
- e) keeping the Editor-in-Chief informed of the financial status of the Review via the submission of a regular written report;
- f) marketing and increasing the subscription base of the Review;
- g) organizing and publicizing general meetings and serving as a second liaison between the Executive Board and the Student Note Candidates;
- h) planning, organizing, and serving as the Review's primary contact for the Review's live symposium, in the event the Executive Board chooses to hold such an event;
- i) organizing the annual Spring Banquet and any other social events during the year that the Review may have;
- j) communicating with the publishing company in regard to the billing status and list of the Review's subscribers; and
- k) performing all other duties specifically requested by the Editor-in-Chief, although such duties may not be specifically enumerated herein.

Section 7: **Articles Editors** shall have the following duties:

- a) meeting with their designated Articles Editing Group to discuss and instruct on the process of editing;

- b) distributing editing assignments to Associate Editors and Candidates in conformance with the editorial process as established by the Executive Managing Editor and Executive Editor;
- c) incorporating the editorial changes made by the Note Candidates and the Associate Editors to the Articles and Student Notes to which they are assigned;
- d) critically reviewing the edits before returning them to the Executive Managing Editor and Executive Editor;
- e) providing editorial feedback to the Candidates and Associate Editors regarding their editing assignments;
- f) assisting the Executive Managing Editor, Executive Editor, and Executive Production Editor in editing and source pulling as needed; and
- g) evaluating Candidates and recommending that a candidate for whom the Articles Editor has responsibility be issued a reprimand.

Section 8: **Note Development Editors** shall have the following duties:

- a) checking topics for pre-emption issues;
- b) meeting regularly with Student Note Candidates in regard to the writing process of their Notes;
- c) providing timely and relevant feedback to the Student Note Candidates regarding their Note topic memorandums, annotated outlines, and rough drafts; and
- d) reporting regularly to the Executive Notes Editor and apprising him/her as to the status of the Student Note Candidates' progress in writing their Notes.

Section 9: Any Executive Board member, in consultation with and with approval from the Editor-in-Chief, may alter the responsibilities of any other Editorial Board member and/or the editing and production processes, as outlined in this Article, as necessary to ensure efficient operation of the Review.

## Article 6

### *Meetings of the Editorial Board*

Section 1: **Calling Meetings.** Meetings of the Editorial Board shall be called by the Editor-in-Chief or when requested in writing by a majority of the Editorial Board members.

Section 2: **Notice of Meetings.** Sufficient written notice of any Editorial Board meeting shall be given to all Editorial Board members at least 48 hours prior to the start of the meeting. Notwithstanding the preceding, a meeting called for the purpose of considering an amendment to these Bylaws requires at least one-week notice prior to such meeting. Written notice shall be deemed sufficient if left for each Editorial Board member at a place where other correspondence for such Editorial Board member is usually kept, or if sent via electronic mail to an address provided by the Board member.

Section 3: **Quorum.** No business shall be transacted at an Editorial Board meeting unless a quorum is present. The presence of one-half of the Editorial Board members shall constitute a quorum. No Editorial Board member may attend by proxy for purposes of constituting a majority.

Section 4: **Note-Taking.** Prior to each Editorial Board meeting, the Editor-in-Chief, or a person designated by the Editor-in-Chief to act in his or her place, shall appoint an Editorial Board member to act as secretary for the meeting.

Section 5: **Voting Majority.** Unless otherwise provided in these Bylaws, a majority of those Editorial Board members present at a duly constituted Editorial Board meeting is sufficient to pass resolutions. No proxy votes shall be counted in determining such majority unless otherwise agreed upon by the Executive Board.

Section 6: **Meeting Conduct.** Editorial Board meetings shall, to the extent feasible, be governed by standard rules of parliamentary procedure.

Section 7: **Closed Meetings.** All Editorial Board meetings shall be closed, unless opened for a particular purpose by majority vote of the Executive Board.

#### Article 7

##### *Meetings of the Executive Board*

Section 1: **Calling Meetings.** Meetings of the Executive Board shall be called by the Editor-in-Chief when necessary.

Section 2: **Procedures.** Article 6 of these Bylaws shall not apply to meetings of the Executive Board.

Section 3: **Quorum and Voting Majority.** No business shall be transacted at an Executive Board meeting unless a quorum is present. Five of the seven members of the Executive Board must be present at a meeting to create a quorum. A majority of the Board or, if the entire Board is not present, a majority of the quorum must approve major decisions voted on by the Executive Board at an Executive Board meeting.

#### Article 8

##### *Associate Editors*

Section 1: **Eligibility.** The Associate Editors of each volume of the Indiana Health Law Review shall consist of those members who have been members for more than one year, are not Editorial Board members, and are in good standing. Good standing means:

- a) meeting work requirements for the first year;
- b) writing a publishable Note;
- c) meeting any other requirements set forth in policies adopted by the Editorial Board; and
- d) maintaining good academic standing pursuant to current Indiana University School of Law – Indianapolis standards.

Section 2: **Committees and Grievances.** Associate Editors shall serve on committees of the Indiana Health Law Review if appointed by the Editor-in-Chief and shall have the right to present grievances to the Editorial Board or to the Editor-in-Chief.

Section 3: **Responsibilities.** Associate Editors shall have the responsibility to complete all work and to fulfill all obligations in accordance with Policies adopted by the Executive Board. Associate Editors are required to serve in that capacity from the date of spring commencement after their appointment to the following date of spring commencement (a twelve-month period).

Article 9  
*Candidates*

Section 1: **Method of Selection.** Candidates for each volume of the Indiana Health Law Review shall consist of individuals chosen according to the policies adopted by the Editorial Board and through a process administered by the Executive Notes Editor.

Section 2: **Committees and Grievances.** Candidates shall serve on committees of the Indiana Health Law Review if appointed by the Editor-in-Chief and shall have the right to present grievances to the Editorial Board or to the Editor-in-Chief.

Section 3: **Obligations.** Candidates shall have the responsibility to complete all work and to fulfill all obligations, including the completion of a publishable Note, in accordance with Policies adopted by the Editorial Board. Candidates are required to work from the date of their selection until the date of their graduation from law school; or if a Candidate is enrolled in a four-year joint degree program, they must serve two complete years on the Review.

Article 10  
*Elections, Impeachment, Removal, and Resignation*

Section 1: **Election of Editorial Board.** The election by the current Executive Board of a successor Editorial Board shall be held annually in the spring semester on a date selected by the Executive Board, in accordance with the following guidelines:

- a) Only persons who have served as a Candidate and who are in good standing shall be eligible to serve on the Editorial Board. Good standing means meeting work requirements for the first year served on the Review, good academic standing, writing a publishable Note, and meeting any other requirements set forth in Policies adopted by the Editorial Board.
- b) Eligible Candidates shall receive, at least two weeks prior to the election, a form upon which they shall declare their interest in as many of the various positions as they choose, and upon which they shall provide additional information in support of their election.
- c) Copies of the forms shall be made available to all Executive Board members at least one week prior to the meeting for the election.
- d) The Board, prior to a vote, shall interview all members who declare an interest in being elected to one or more positions on the Executive Board. No Executive Board member shall cast a vote for any candidate running for a particular position if said Executive Board Member has not interviewed all candidates interested in that position.
- e) At the meeting to elect the new Editorial Board, the current Executive Board shall conduct a secret ballot vote to select the Editor-in-Chief first, followed by selection of the other Editorial Board positions. For Executive Board positions, secret ballot votes will be taken until a Candidate has received a majority of the eligible votes for the position being voted upon. In voting for Articles Editors and Note Development Editors, each Executive Board member in attendance shall have the same number of total votes as the number of positions available, but each may cast only one vote for any particular candidate. The candidates for each Articles Editor and Note Development

Editor position receiving the greatest number of secret ballot votes (up to the number of positions to be filled) shall be declared elected, and, if necessary, ties shall be broken by subsequent ballot votes. In the event a deadlock remains after several subsequent ballots, the Editor-in-Chief may exercise a tie-breaking vote.

- f) The newly elected Editorial Board shall assume office on the date of spring commencement, but may be called upon to perform duties of their office before that time.

**Section 2: Permanent Editorial Board Vacancy.** In the event a permanent vacancy in any Editorial Board position occurs for any reason, an Editorial Board meeting shall be called to elect, by majority vote, a replacement from those persons who express interest in writing and who would have been eligible for election to the Editorial Board at the time of the original election. The elected replacement shall serve until the end of the original Editorial Board member's term. An Editorial Board member elected to a vacated position must relinquish his/her original position, and a similar election must then be held to fill the resulting vacancy.

**Section 3: Impeachment.** The Editorial Board may impeach any member, including the Editor-in-Chief, for good cause by a secret ballot majority of the entire Editorial Board. Anyone impeached may be removed by a three-fourths vote of the entire membership, including Associate Editors and Candidates, voting by secret ballot.

- a) Exam Period: No formal disciplinary action may be taken during any examination period or initiated during the two weeks immediately preceding the first examination in any final examination period.
- b) Procedure: This section applies to any disciplinary proceeding taken against any student on the Review, except the Editor-in-Chief.
  1. Any Review member given notice by the Editor-in-Chief that a complaint has been filed against him or her is on notice that his or her work shall be subject to strict scrutiny and failure to perform adequately may be grounds for dismissal from the Review.
  2. The Editor-in-Chief must supply written notification to any member of the Review of formal disciplinary proceedings.
  3. No later than fourteen (14) days after the Editor-in-Chief has notified the member that formal disciplinary action has been initiated, the Editor-in-Chief shall call a meeting of the Executive Board to discuss such formal disciplinary action.
  4. All votes concerning disciplinary actions shall be by secret ballot.
  5. The member subject to the disciplinary proceeding shall have the opportunity to address the Executive Board at the aforementioned meeting in subsection 3.
  6. Executive Board members have a duty to maintain the confidentiality of all disciplinary matters.
  7. The Editor-in-Chief must inform the Faculty Advisor of any serious disciplinary actions taken by the Executive Board against any member of the Review.

**Section 4: Resignation.** Any member may resign from the Indiana Health Law Review by submitting, in person, a written resignation to the Editor-in-Chief. A member's resignation may have implications on the member's grades and credits, as determined by the Editor-in-Chief and the Faculty Advisor. The Editor-in-Chief and Faculty Advisor may take into consideration the reason for resignation, the timeliness and quality of the member's work, the completion of

assignments, and attendance at mandatory Law Review events. A member whose resignation has become effective may petition for reinstatement. Such former member may be reinstated only by majority vote at a Board meeting. A former Editorial Board member who has resigned and been replaced may only be reinstated as an Associate Editor. Notwithstanding the preceding sentence, a former Editorial Board member reinstated as an Associate Editor shall be eligible for election as a replacement Editorial Board member pursuant to Section 2 of this Article.

**Section 5: Grounds for revocation of membership, with appeal to the Executive Board.**

Pursuant to the following, revocation of membership may occur as a result of:

- a) fraudulent application for membership;
- b) academic misconduct, limited to discipline by the law school for cheating on examinations or plagiarism;
- c) submitting for publication or academic credit, Review work product including writing competition materials, Note or editing assignments, plagiarized in any part from another uncredited source, or completed in any part by another person; or
- d) failure to complete thoroughly and in a timely manner any work assigned by the Executive Board, the Student Note Editors or the Articles Editors. If such failure occurs, the following process is conducted:
  1. The member will receive one written warning.
  2. If the member still fails to complete the assignment after the first written warning, the said member will be brought into conference with the Executive Board to determine whether there is a legitimate reason for the failure to complete the assignment.
  3. If it is determined that a legitimate explanation does not exist for the failure to complete the assignment, the Executive Board will vote on whether to remove the member from the Review, effective immediately, and will promptly notify the Faculty Advisor of the situation.

The Editor-in-Chief has a duty to report immediately any plagiarism, suspected plagiarism, and termination based upon a finding of academic dishonesty or other dishonorable conduct to the Faculty Advisor and to the Associate Dean for Academic Affairs.

**Section 6: Grounds for revocation of membership, with appeal to the full Editorial Board.**

Conduct that is dishonest or could seriously jeopardize the integrity of the Review will be grounds for removal. If such a situation exists, there must be a vote in favor of removal by every member of the Executive Board. If the said student desires to appeal to the full Editorial Board, he or she must make such intentions known to the Editor-in-Chief within twenty-four hours of receiving written notice from the Editor-in-Chief of the disciplinary issue, whereupon the Editor-in-Chief will call a closed meeting of all members of the Editorial Board. For purposes of this section, a voting quorum shall consist of at least three-fourths of the number of Editorial Board members. The student will be allowed to rebut the charges. Upon a two-thirds majority vote in favor of removal by a quorum of the Editorial Board members, the student may be immediately removed from the Review. If, in the alternative, the members of the Editorial Board propose and vote by a two-thirds majority a lesser disciplinary action, the Editor-in-Chief and the Executive Board will be bound by such vote.

**Section 7: Grounds for revocation of membership, with appeal to the Faculty Advisor and the Associate Dean of Academic Affairs.** If the Editorial Board votes to remove a student for dishonest or other such conduct that would cause harm to the reputation of the Review, the

student does have the right to appeal such decision to the Faculty Advisor and the Associate Dean of Academic Affairs. If the student so desires to appeal the Editorial Board decision to the Faculty Advisor and the Associate Dean of Academic Affairs, he or she must make such intentions known to the Editor-in-Chief within twenty-four hours of the Editorial Board's decision. The Editor-in-Chief must notify the Faculty Advisor and Associate Dean of Academic Affairs of any such situation within twenty-four hours of the student's notice of appeal. The Faculty Advisor and Associate Dean of Academic Affairs must then schedule a meeting within a reasonable period of time with the student and the Editor-in-Chief. Both the student and the Editor-in-Chief will be allowed to present their respective positions in regard to the disciplinary action. After hearing from the Editor-in-Chief and the student, the Faculty Advisor and the Associate Dean of Academic Affairs will then make the final determination of whether the student should be removed from the Review.

**Section 8: Executive Board Members.** The Editor-in-Chief may initiate proceedings to demote an Executive Board member for failure to complete duties. After the first occasion of failure to complete an assignment or duty, the member will receive a written warning and the opportunity to explain such failure to the Editor-in-Chief. Upon the second occasion of failure to complete an assignment or duty, the member will be subject to a disciplinary meeting with the Editor-in-Chief and the Faculty Advisor in which the Board member must explain the reasons for such failure to complete assignments and will be given a verbal warning at this time that upon failure to complete a third assignment, the Board member will be subject to demotion from his or her Executive position or removal from the Review. If after this meeting the Executive Board member fails to satisfactorily complete another duty or assignment (this being the third such episode), the member will be subject to demotion from the Executive Board or removal from the Review. Such proceedings require written notice to the member, and every member of the Executive Board must secretly vote on whether to demote or remove said member. The Executive Board must vote unanimously in favor of demotion or removal for the demotion or removal to occur. The vote of the member in question will not count in the matter, but he or she may address the Board.

**Section 9: Editor-in-Chief.** If the Editor-in-Chief has seriously neglected his or her duties, the members of the Executive Board must initiate a formal discussion with the Editor-in-Chief and inform such person of their concern regarding his or her dereliction of duties. Such discussion should include the presentation of a written, specific list of those duties that have been neglected. Two weeks after the formal discussion, the members of the Executive Board, not including the Editor-in-Chief, must determine if the Editor-in-Chief has rectified the situation. If not, the Executive Board must consult with the Faculty Advisor in order to determine what remedial action should be implemented. Such remedial action may include the impeachment of the Editor-in-Chief and appointing the Executive Managing Editor as acting Editor-in-Chief. For purposes of this section, "seriously neglected" and "dereliction of duties" must be construed narrowly and are likely limited to the failure to publish an issue of the Review.

## Article 11

### *Faculty Advisor(s)*

**Section 1: Duties.** The Faculty Advisor(s) shall have the following duties:

- a) approving graded credit to first semester Candidates, as determined by the Editor-in-Chief;

- b) assigning graded credit to Editorial Board members (with the Editor-in-Chief's advice); and
- c) assigning pass/fail credit to Associate Editors and second semester Candidates (with the Editor-in-Chief's advice).

**Section 2: Powers.** The Faculty Advisor(s) shall have the following powers:

- a) advising the Editorial Board on all matters brought to the Faculty Advisor(s); and
- b) attending meetings of the Editorial Board.

**Section 3: Voting Power.** The Faculty Advisor(s) shall not have the power or authority to vote at meetings of the Editorial Board or to override any decision of the Editorial Board or of an Executive Board Member, including, but not limited to, decisions regarding deadlines, disciplinary measures or reprimands to a member, or selection of an article or Note for publication.

**Section 4: Performance Review.** The Faculty Advisor(s) will be subject to review by a committee comprised of the Editor-in-Chief, the Dean, and the Associate Dean of Academic Affairs to assess his/her/their performance of duties and powers.

#### Article 12

##### *Practitioner Advisors*

**Section 1: Duties.** All Student Note Candidates will either select or be assigned to a Practitioner Advisor for advice and direction throughout the Note writing process. The Practitioner Advisors shall have the following duties:

- a) assisting his or her assigned Student Note Candidate with any research questions throughout the Note writing process;
- b) reviewing the Student Note Candidate's rough drafts and providing timely and relevant feedback to the Candidate; and
- c) reading the Student Note Candidate's finished Note and providing timely and relevant feedback to the Executive Notes Editor concerning the quality of the Candidate's Note.

#### Article 13

##### *Evaluation of Student Submissions for Publication*

**Section 1: Submission Criteria.** Each Student Note Candidate must submit a publishable work at least forty-five pages in length. Such work will effectively serve as each Candidate's senior writing requirement for graduation. If a Candidate does not meet a Note deadline or editing deadline, his or her Note may not be eligible for publication. Only if extreme, extenuating circumstances exist and at the discretion of the Editor-in-Chief, a Note Candidate may be granted an extension on a deadline.

Each student Note will be evaluated for publication based on four criteria: 1) timeliness; 2) substantive research; 3) adherence to the Bluebook; and 4) quality of writing. Each student Note submitted for evaluation for potential publication may also be randomly cite checked by the Editor-in-Chief, Executive Managing Editor, Executive Editor, or Executive Production Editors to determine the quality and accuracy of the sources and the proper adherence to the Bluebook.

**Section 2: Grading to be Authority of the Executive Board.** Members of the Executive Board, with input from the Note Development Editors, will assign grades to all Student Note Candidates.

- a) Papers submitted after the deadline will be penalized for tardiness and will not be eligible for publication unless such circumstances existed where the Candidate was given express approval from the Editor-in-Chief to extend said deadline.
- b) Editing assignments will be considered when determining the Candidate's final grade.

**Section 3: Selection Committee and Conflict of Interest Provisions.** A committee comprised of the entire Executive Board will choose the Notes selected for publication.

- a) All members of the selection committee have the duty to report to the Editor-in-Chief any possible conflict of interest in scoring any Candidate's Note. For purposes of this section, a "conflict of interest" may be evidenced by any relation to the Candidate that might give rise to an impression of unfairness or lack of impartiality in the selection process. The Editor-in-Chief will have the authority to determine whether or not a conflict of interest exists and whether the committee member in question may assign a score to the Note.
- b) The selection process will be conducted anonymously with all Student Note Candidates receiving numbers to identify their Notes.

#### Article 14

##### *Non-discrimination*

The Indiana Health Law Review shall not discriminate in any matter, including membership invitations or publication decisions, on the basis of age, disability, ethnicity, gender, marital status, national origin, political affiliation, race, religion, sexual orientation, or veteran status.

#### Article 15

##### *Enactment, Publication, and Amendment of Bylaws*

**Section 1: Effective Date and Period.** These Bylaws are effective February 28, 2012, and will remain in effect until such time the Editorial Board decides to alter, modify or make amendment thereto, with the exception of Article 5, Section 2.

**Section 2: Publication.** Each member of the Indiana Health Law Review shall be provided with his or her own copy of these Bylaws. In addition, a copy shall be kept on file in the Indiana Health Law Review offices for inspection by any member of the Review.

**Section 3: Proposal to Amend.** Any Editorial Board member may propose an amendment to these Bylaws in writing. Such written proposal shall be distributed to each Editorial Board member according to the procedure for written notice of an Editorial Board meeting.

**Section 4: Amendment Process.** Following discussion at the subsequent Editorial Board meeting, a secret ballot shall be held. The proposed amendment shall be adopted by a two-thirds vote of the entire Editorial Board.

**Section 5: Non-Substantive Changes.** Changes which are non-substantive in nature (e.g., technical, grammatical, etc.) do not constitute amendments and therefore do not require compliance with this Article.

Section 6: **Prohibited Amendment Period.** No vote on any amendment shall take place during the period beginning the day following the last day of the spring semester (defined as the last day of spring final exams as per the official law school academic calendar) and ending the first day of the following fall semester (as per the official law school academic calendar).

## Article 16

### *Indiana Health Law Review Alumni Association*

Section 1: **Purpose.** The Indiana Health Law Review Alumni Association has been created for the purpose of providing a continuing dialogue between past and current members of the Review. We are hopeful that the Review will always benefit from the experience and generosity of the alumni.

Section 2: **Membership.** Each member of the Review becomes a member of the Alumni Association upon graduation from law school and the successful completion of the requirements of his or her position. Members will be given the opportunity to make an annual financial contribution to the Review, which contribution shall include the subscription fee for the Review.

Section 3: **Structure.** The organizational structure of the Association shall consist of one President and such other officers as the President shall appoint.

- a) The office of President shall be indefinite in duration; however, each outgoing Executive Board shall contact the current President to determine whether he or she wishes to continue as President.
- b) In the event of the resignation of the President, the Executive Board shall appoint one past or outgoing member to fill the vacancy.

Section 4: **Resignation and Discharge.** If a President resigns his or her office, the Executive Board shall take such steps as may be necessary to fill the office either on an interim or permanent basis. If a majority of the Executive Board feel that, under all the attendant circumstances, the President's conduct warrants his or her removal, then the Editor-in-Chief shall discuss such circumstances with the Faculty Advisor to determine appropriate remedial measures.

## Article 17

### *Membership Dues*

Section 1: **Purpose.** All members must contribute dues during the academic year of membership. The money will be used to offset refreshment and social costs incurred at meetings.

Section 2: **Operation.**

- a) Each student member shall contribute fifty dollars (\$50.00) at the beginning of each fall semester that he or she is a member of the Indiana Health Law Review to the Indiana Health Law Review expense account. Payments shall be submitted to the Executive Business Editor no later than the first day of fall semester classes.
- b) In the event a member is unable to contribute fifty dollars (\$50.00) by the first day of classes due to a financial hardship, he or she shall provide written notification and explanation of this to the Executive Business Editor prior to the first day of classes. Upon such notification by the member the Editor-in-Chief,

Executive Managing Editor, Executive Editor, and Executive Business Editor shall determine whether the member has established the existence of a financial hardship. If a financial hardship is determined, the Executive Business Editor shall develop a payment plan for the student member to enable that member to pay the balance by the date of the last fall semester final exam of that academic year.

- c) All funds shall be held in a private checking account under the name of the Indiana Health Law Review. The Editor-in-Chief and the Executive Business Editor shall each be named on the account as representatives of the Indiana Health Law Review authorized to conduct account transactions (i.e. withdrawals, deposits) on behalf of the IHLR for such use as approved by the IHLR Executive Board according to Paragraph 5 of this section. No personal funds will be held in this account and a minimum balance of fifty dollars (\$50.00) shall always be maintained (to cover checking account fees).
- d) Funds in this account may be used for, but not limited to, the following:
  - a. orientation materials;
  - b. refreshments at meetings held or sponsored by the IHLR;
  - c. law review social events;
  - d. offsetting the cost of the IHLR Spring Banquet.
- e) A majority of the IHLR Executive Board shall approve all uses of the funds in this account.
- f) The Executive Business Editor shall provide copies of each monthly bank statement to the Executive Board for review of funds in the account. The review of account funds is to ensure proper management of funds.
- g) The Editor-in-Chief and the Executive Business Editor shall both have access to the bank account by placing their names on the account at the beginning of the year.