

POLICIES AND PROCEDURES

AS AMENDED BY THE BOARD OF EDITORS,
JANUARY 30, 2019

INTRODUCTION

1. **Purpose** — The *Indiana Law Journal* is a general-interest legal academic journal published four times yearly by the Indiana University Maurer School of Law – Bloomington and the Board of Editors. It is the goal of the *Journal* to contribute to legal scholarship by publishing original and thought-provoking pieces. Accordingly, the *Journal*'s staff is to be professional, honest, and innovative at all times. All decisions and actions of *Journal* staff should reflect the strict ethics for which the legal and academic worlds strive.
2. **Staff** — The *Journal* staff consists of the Executive Team, the Board of Editors, 3L Staff, and the 2L Associates.
3. **Governing Body** — The Board of Editors is the governing body of the *Indiana Law Journal*. The Board of Editors establishes the policies of the *Journal* and entrusts the Executive Team with the power to manage day-to-day functions.
4. **Display** — Each year, the Editor-in-Chief shall give every new 2L Associate a copy of these *Policies and Procedures*. The Editor-in-Chief shall also have a copy of these *Policies and Procedures* in his or her office. This copy shall be available for reasonable inspection and copying by all members of the *Journal*.
5. **Discrepancies and Interpretation** — Any arguments about the exact wording of these *Policies and Procedures* shall be resolved by reference to the official copy of the Editor-in-Chief. Any arguments about the interpretation and application of these *Policies and Procedures* shall be resolved by a majority vote of the Executive Team.

SECTION I – EXECUTIVE TEAM

1. **Composition** — The Executive Team is comprised of the Editor-in-Chief, Senior Managing Editor, Executive Articles Editor, Executive Notes and Comments Editor, Executive Editor, and Executive Online Editor. The Executive Team serves from the end of spring finals to the publication of the final issue of its volume.
2. **Editor-in-Chief** — The Editor-in-Chief provides leadership and management to the *Indiana Law Journal*. He or she serves as both the external representative and the internal director of the *Journal*. In the absence of a directive from the Executive Team or Board of Editors, the Editor-in-Chief has the authority to act for the *Journal* with respect to day-to-day operations. The Editor-in-Chief is responsible for the reputation and product of the *Journal*.
3. **Senior Managing Editor** — The Senior Managing Editor commands all production operations and scheduling of tasks. Along with the Editor-in-Chief, he or she is responsible for the final product of the *Journal*. The Senior Managing Editor should utilize Managing Editors and 2L Associates in completing his or her tasks.
4. **Executive Articles Editor** — The Executive Articles Editor selects and edits articles and coordinates communications with authors. The Executive Articles Editor should utilize Articles Editors to complete his or her tasks.
5. **Executive Notes and Comments Editor** — The Executive Notes and Comments Editor evaluates written petitions for *Journal* membership, selects student notes, and edits student notes. The Executive Notes and Comments Editor should utilize Notes and Comments Editors to complete his or her tasks. To be eligible to run for the position of Executive Notes and Comments Editor, one must have his or her note conditionally or fully presumed as described in Section IV:2.
6. **Executive Editor** — The Executive Editor manages *Journal* formatting and proofreading. All staff members excluding the Executive Team must proofread as the Executive Editor requires.
7. **Executive Online Editor** — The Executive Online Editor manages the technical, developmental, and promotional aspects of the *Journal's* online *Supplement*. The Executive Online Editor is responsible for selecting, managing, and editing this content. The Executive Online Editor should utilize Online Articles Editors to complete his or her tasks.

8. **Executive Team** — The Executive Team shall meet no less than once a month to coordinate the *Journal's* functions. At any meeting of the entire Executive Team, the Team may act for the *Journal*. Each member of the Executive Team has great discretion in the methods he or she chooses to employ to fulfill his or her *Journal* duties. The Editor-in-Chief shall decide which issues require Executive Team approval and which fall within the discretion of each Executive Team member. He or she shall also decide what level of formality Executive Team meetings require.
9. **Monthly Update** — At the request of any member of the Board of Editors, the Executive Team must provide a monthly update as to the progress of volume activities. This update may be communicated to the entire Board in written, oral, or electronic form at the discretion of the Executive Team.
10. **Removal of Executive Team Member** — A member of the Executive Team may be removed only by a vote of two-thirds of the Board of Editors and only for grave misconduct such as embezzlement, extremely inappropriate behavior, or gross mismanagement. Any vacancies must be filled immediately following a vote to remove an Executive Team member. Only the Board of Editors may vote in replacement elections. Any Board member may stand to replace an Executive Team member. It is in the discretion of the new Executive Team as to what the masthead will reflect.
11. **Studying Abroad** — Executive Team members are not permitted to study abroad during their 3L year and must be enrolled at Indiana University Maurer School of Law – Bloomington during their 3L year.
12. **Moot Court Board** — Members of the Executive Team shall not serve on the Sherman Minton Moot Court Competition Executive Board.

SECTION II – BOARD OF EDITORS

1. **Eligibility** — All 2L Associates in good standing with the Board of Editors shall be eligible for membership on the incoming Board.
2. **Deferral** — Board members pursuing joint degrees may defer board membership for one year or may, if they so choose, participate on the Board for two years, provided that they are on the Executive Team for only one year.
3. **Board Positions** — All members of the Board shall have a position. Editors are either: Managing Editors, Articles Editors, Notes and Comments Editors, Assistant Editors, Online Article Editors or Executive Team members.
4. **Managing Editors** — Managing Editors report to the Senior Managing Editor and manage groups of 2L Associates to gather article sources and complete citechecking assignments. The Senior Managing Editor and the Managing Editors collectively make up the “ME Staff.”
5. **Articles Editors** — Articles Editors report to the Executive Articles Editor and assist in selecting articles, editing articles, and author communication. The Executive Articles Editor and the non-executive Articles Editors collectively make up the “Articles Staff.”
6. **Notes and Comments Editors** — Notes and Comments Editors report to the Executive Notes and Comments Editor and judge student-written work and help prepare student-written work for publication. Notes and Comments Editors must have had their notes presumed or conditionally presumed for publication as described in Section IV:2. The Executive Notes and Comments Editor and the non-executive Notes and Comments Editors collectively make up the “NCE Staff.”
7. **Online Articles Editors** — Online Articles Editors report to the Executive Online Editor and assist in selecting articles, editing articles, communicating with authors, and maintaining the Web-based *Supplement*.
8. **Business Manager** — The Business Manager reports to the Editor-in-Chief and assists in monitoring the budget, making purchases, managing vendor relationships, and—as needed—monitoring interlibrary loans.
9. **Assistant Editors** — Assistant Editors report to the Editor-in-Chief and assist in proofreading.
10. **Meeting Process** — The Editor-in-Chief presides over meetings of the Board of Editors. In his or her absence, the Senior Managing Editor shall preside. The Editor-in-Chief shall call meetings of the Board of Editors at his or her discretion except that he or she must call a meeting to approve the next year’s membership on the Board of Editors and a separate meeting

to approve what positions those members shall fill. If no member of the Board of Editors objects, approval of the Associates' positions on next year's Board of Editor may be accomplished via an e-mail vote.

11. **Monthly Meetings** — The Editor-in-Chief must also call a monthly meeting of the Board of Editors to vote on any issues requested by one-third of the Board. If no such issue arises in a given month, no meeting need be called.
12. **Voting** — Two-thirds of the Board of Editors constitutes a quorum of the Board. The Board must always vote on by-law amendments, selection of the next year's Board members, and other major *Journal* decisions as the Editor-in-Chief decides or as required by Section II:11. A vote by a majority of the Board on any issue raised by the Editor-in-Chief shall bind the *Journal*. The Editor-in-Chief, or Senior Managing Editor, if he or she is presiding, shall only vote on an issue in the case of a tie.
13. **Privacy** — All meetings of the Board of Editors are private and confidential.
14. **Removal of Board Member** — Any member of the Board may be removed by a vote of two-thirds of the Board of Editors for failure to fulfill his or her duties or for behavior unbecoming of an Editor of the *Indiana Law Journal*. Non-Executive Team Board Members need not be replaced. It is within the discretion of the Executive Team as to what the masthead will reflect.
15. **Removal of Board Member by Executive Team** — Any member of the Board may also be removed by a unanimous vote of the Executive Team followed by a majority vote of the Board.
16. **Removal of Other Staff Members** — Any other staff member, including Associates and 3L Staff, may be removed by a majority vote of the Executive Team for failure to fulfill his or her duties or for behavior unbecoming of a staff member of the *Indiana Law Journal*. This removal power is subject to an override of two-thirds of the Board of Editors.
17. **Studying Abroad** — Board members may go abroad one semester of their 3L year, but Board members doing so will only be eligible for Board positions they can complete and train for while abroad. Eligibility for Board positions will ultimately be addressed on a case-by-case basis by the current Executive Team.
18. **Symposium Procedure**—The *Indiana Law Journal* will accept a symposium for publication in a future volume if:
 - a. a majority of the current Articles Team nominates the proposal for acceptance and
 - b. the current Executive Team unanimously agrees to accept the proposal and bind a future volume to publish the symposium.

If a symposium is nominated by a majority of the current Articles Team and is not unanimously accepted by the Executive Team, any member of the Executive Team may call for a binding

vote of the Board of Editors. This vote by the full Board of Editors is governed by Section II:11.

19. **Publication of Lectures**—The *Indiana Law Journal* expects that invited lecturers presenting their work either at the Addison C. Harris Lecture, Jerome Hall Lecture, or William R. Stewart Lecture will publish that work with the Journal. The *Journal* may also offer publication to the guest featured in the George P. Smith Lecture if the *Indiana Journal of Global and Legal Studies* has exercised its right of first refusal.

SECTION III - ASSOCIATES

1. **General** — Every 2L member of the *Indiana Law Journal* is a 2L Associate. Associates have two requirements: a production requirement and a note requirement. If an Associate fails to satisfy either requirement, action may be taken under Section II:16 or Section V.
2. **Production Requirement** — Associates must complete sourcing and citechecking assignments as the Senior Managing Editor requires in a timely and accurate fashion. Associates must complete proofreading assignments as the Executive Editor requires in a timely and accurate fashion.
3. **Note Requirement** — Associates must complete and submit a piece of original legal scholarship for consideration by the NCE Staff. Each Associate must fulfill the note requirement in the first year during which he or she is a *Journal* member, regardless of his or her eventual graduation date.
4. **Selection of New Associates** — Every 2L Associate shall receive his or her invitation for membership to the *Journal* based solely upon: the applicant's academic performance during the first year of law school; the applicant's score from the Summer Writing Competition; or a weighted combination of the two. Each Spring, the incoming Executive Team determines the exact criteria for choosing the next year's 2L Associates with the following restrictions: (1) Every applicant whose 1L performance was in the top ten percent of the incoming 2L class (as determined by the Law School) must receive an invitation; and (2) at least one applicant must receive an invitation based solely on his or her submission to the Summer Writing Competition regardless of grades. Other than the restrictions in this paragraph, the incoming Executive Team may exercise its discretion in determining the method used to select Associates.
5. **Anti-discrimination** — The *Journal* will only use the methods in Section III:4 for selecting membership. The *Journal* will not discriminate based on sex, race, sexual orientation, or national origin or any other basis than merit.
6. **Transfer Students** — Transfer students can only be asked to join the *Journal* based on their submission to the Writing Competition.
7. **Part-time Students** — Part-time students can only be asked to join the *Journal* based on their submission to the Writing Competition.
8. **Term of Service** — Each member of the *Journal* serves for at least a two-year term. Only with the approval of the Board of Editors may a staff member get out of their commitment to the *Journal*. The Board will automatically give that approval to Associates, Assistant Editors and 3L Staff who choose to go abroad. Medical emergencies and other absences or leaves approved by the Dean of Students also warrant automatic Board approval for relief from *Journal* duties.

9. **Deferral**— Associates may defer membership on the *Indiana Law Journal* staff for one year for reasons the Board deems appropriate.

10. **Studying Abroad**— Associates are generally not permitted to study abroad the first semester of their 2L year but may study abroad the second semester of their 2L year if they are able to complete required tasks while abroad. Eligibility of Associates who study abroad for Board of Editor and Executive Team positions will ultimately be addressed on a case-by-case basis by the current Executive Team.

SECTION IV – NOTES AND COMMENTS

1. **Quantity of Student-Written Material** — In the fall of each year, all members of the sitting Executive Board shall establish the number of student-written pieces it expects to publish in the volume one year beyond that Board's volume (i.e., the Volume 89 Executive Board shall decide the total to be included in Volume 90). The Executive Notes & Comments Editor will further decide how that total shall be subdivided between 2L Notes and 3L Comments.
2. **Selection of Student-Written Material** — The Executive Notes & Comments Editor will establish the procedures for selecting Notes, select those Notes, and establish procedures for soliciting and selecting Comments. The Executive Notes & Comments Editor may select less student work than the Executive Board has planned for, but may never select more than the Executive Board's maximum.
3. **Note Evaluation Process** — The Executive Notes and Comments Editor shall decide how to evaluate the submissions provided that presumption decisions are made prior to the election of the next year's Executive Notes and Comments Editor.
4. **Note Presumption** — The Executive Notes and Comments Editor shall fully presume, conditionally presume, or deny for publication each 2L Note. Fully presumed notes are notes that need minimal changes to be ready for publication. Conditionally presumed notes are notes that will only be published if significant changes to the note are made. Notes that are denied for publication may be resubmitted to the next year's Executive Notes and Comments Editor for reconsideration.
5. **Comments** — The Board of Editors will welcome the submission of comments. Comments are scholarly pieces written by students other than notes submitted by 2L Associates. Comments will be evaluated after the first round of notes has been presumed.
6. **Solicitation of Comments** — Solicitation of comments is limited to 2L and 3L students at the Indiana University Maurer School of Law, but comments submitted by students from other law schools shall be considered.
7. **Preference for Comments** — The Executive Notes and Comments Editor shall use the same criteria for the selection of notes as comments. No preference shall be given to resubmitted notes over comments. Preference shall be given to comments submitted by Indiana University Maurer School of Law students over comments submitted by students from other schools.
8. **Selection of Comments** — The actual selection of a 3L Comment will be done by the incoming Executive Notes & Comments Editor, but in accordance with the procedures and limits established by the previous Executive Notes & Comments Editor and Executive Board.

9. **Editing of Notes and Comments** — The Executive Notes and Comments Editor shall, with the Notes and Comments Editors, edit comments for publication.
10. **Student-Written Material Presumed for Publication in the Supplement** — The ENCE may conditionally presume additional student-written pieces, beyond the limits set by the Executive Board, for inclusion in the online *Supplement*. The Executive Online Editor has full discretion as to whether or not any student work is ultimately accepted and published in the online *Supplement*.
11. **Plagiarism Policy** — The *Indiana Law Journal* unequivocally adheres to the rules prohibiting plagiarism as defined by the *Journal's* Plagiarism Policy which may be found in Appendix A. Plagiarism is of particular concern in the Law School because it not only infringes on academic freedom and violates the trust of the scholarly community, but also violates the canons of ethical behavior to which all legal professionals are subject.
12. **Dismissal for Plagiarism** — When instances of plagiarism are suspected, they will be brought to the attention of the Editor-in-Chief. The Editor-in-Chief shall report instances of suspected plagiarism to the designated faculty advisor for the *Journal*. The Board of Editors will not be responsible for dismissing a member for plagiarism. Any member of the staff will be expected to cooperate with the School of Law in enforcing the *Uniform Policy on Plagiarism in Student Work in Law Journals*. Actual plagiarism will result in dismissal from membership from the *Indiana Law Journal* or disqualification from consideration for membership.

SECTION V – DISCIPLINE

1. **Duties** — All members of the *Indiana Law Journal* must fulfill their duties to the best of their abilities. The Editor-in-Chief and Senior Managing Editor shall exclusively deal with all issues of discipline short of dismissal.
2. **Process for Dismissal** — A charge or charges based on grounds for dismissal shall be brought to the attention of the Editor-in-Chief. The Editor-in-Chief shall act at his or her discretion, in accordance with Section I:10; Sections II:14–16; and Section III:1. The Editor-in-Chief may entrust a committee to make a recommendation to the Board of Editors or may do so himself or herself. He or she may also make no recommendation to the Board of Editors. If the charges are against the Editor-in-Chief, the Senior Managing Editor shall act at his or her discretion in bringing the charges to the Board of Editors with the same tools that the Editor-in-Chief has at his or her disposal.

SECTION VI – SELECTION TO THE BOARD OF EDITORS

1. ***Fulfillment of Requirements*** — As stated in Sections III:1–3, each Associate is required to fulfill both the production requirement and the note requirement.
2. ***Senior Managing Editor Recommendation*** — Prior to the meeting to approve the following year’s membership on the Board of Editors, the Senior Managing Editor shall give the Editor-in-Chief a positive or negative recommendation for each Associate regarding his or her membership on the following year’s Board of Editors. For any negative recommendation, the Senior Managing Editor must prepare sufficient materials to support his or her recommendation.
3. ***Executive Notes and Comments Editor Recommendation*** — Prior to the meeting to approve the following year’s membership on the Board of Editors, the Executive Notes and Comments Editor shall give the Editor-in-Chief a positive or negative recommendation for each Associate regarding his or her membership on the following year’s Board of Editors. For any negative recommendation, the Executive Notes and Comments Editor must prepare sufficient materials to support his or her recommendation.
4. ***Procedure for Two Positive Recommendations*** — All Associates receiving a positive recommendation from both the Senior Managing Editor and the Executive Notes and Comments Editor shall be a member of the following year’s Board of Editors.
5. ***Procedure for Any Negative Recommendation*** — The current Board of Editors shall vote on whether to give membership on the following year’s Board of Editors for each anonymous Associate who received a negative recommendation from the Senior Managing Editor and/or the Executive Notes and Comments Editor. Neither the Senior Managing Editor’s nor the Executive Notes and Comments Editor’s recommendation is dispositive.
6. ***Board of Editors Composition*** — The following year’s Board of Editors will comprise (1) all Associates who received a positive recommendation from both the Senior Managing Editor and the Executive Notes and Comments Editor and (2) all Associates to whom the current Board of Editors voted to give membership on the following year’s Board of Editors.

SECTION VII – ELECTIONS AND TRANSITION

1. ***Election Schedule*** — In the early spring semester, the Executive Team shall distribute a schedule for the election of the next year’s Executive Team.
2. ***Selection of the New Board of Editors*** — Before the election of any Executive Team member, the Executive Team shall recommend to the Board of Editors a list of the next year’s Board of Editors. A majority vote of the Board of Editors will make the selection official.
3. ***Eligibility for Standing for Election*** — Only those Associates chosen to be on the Board of Editors may stand for election for the Executive Team. The Executive Team will decide specifically who is eligible to run for each position except that the Executive Team must allow at least two people to run for each position provided that more than one person wants to run for a position.
4. ***Written Notification of Selection to Associates*** — Within twenty-four hours of the vote of the Board of Editors under Section VII:2, the Editor-in-Chief shall send written notification to every Associate of the results of the vote. The written notification to Associates not selected for the incoming Board must be sent immediately and shall include a brief explanation of the opportunity to appeal the decision afforded under Section VII:5, including the timeliness requirements for filing an appeal.
5. ***Right to Appeal Selection of the New Board of Editors*** — Every Associate who is not selected for the incoming Board of Editors shall be afforded the opportunity to appeal the decision. Appeal must be made in writing to the Editor-in-Chief. If the Editor-in-Chief receives no appeals within seventy-two hours of sending notification under Section VII:4, then the following year’s Board of Editors will be final and not subject to appeal. The Elections under Section VII:8–10 shall proceed as scheduled notwithstanding the ongoing appeals process. An Associate who is not selected for the incoming Board of Editors under Section VII:2 will not be allowed to participate in either election unless and until he or she is instated to the Board of Editors by a re-vote under Section VII:7.
6. ***Appeals Committee***—If the Editor-in-Chief receives any appeals under Section VII:5, he or she shall assemble an ad hoc Appeals Committee. The Appeals Committee shall be composed of five (5) members of the Board of Editors, but may not include the Editor-in-Chief. The Appeals Committee shall be randomly selected except that it must include one (1) member of the Executive Team; two (2) Managing Editors; one (1) Notes and Comments Editor who, if possible, did not review the note of the appealing Associate; and one (1) at-large selection from the remaining members of the Board of Editors. Participation on the Appeals Committee will be mandatory for those selected. The Editor-in-Chief shall select replacements, at random, for those selected if and only if exigent circumstances prevent participation by those selected.

7. **Appeals Process**—The Appeals Committee shall conduct a thorough review of all the evidence relevant to the decision made to exclude the appealing Associate from the incoming Board. The appealing Associate shall be allowed to offer evidence for the Appeals Committee to consider. If the Appeals Committee finds that there was a substantial basis for the Board’s decision, then that decision shall be affirmed. Within four days of its formation, the Appeals Committee shall decide by majority vote whether to affirm or remand the Board’s decision.

If the Appeals Committee votes to affirm the Board’s decision, the selection of the incoming Board of Editors will be final and not appealable. If the Appeals Committee votes to remand, the Editor-in-Chief shall call a meeting of the Board of Editors within one week to review the recommendation of the Appeals Committee and re-vote on the selection of the incoming Board. The results of the re-vote will be final and not subject to further appeal. This finalizes the list of the incoming Board of Editors.

8. **Election for Editor-in-Chief** — The first election shall be the election of the Editor-in-Chief. The Editor-in-Chief shall be selected by a majority vote of all Associates. In the event of a tie vote, an immediate revote shall be taken. If the revote is tied, then the non-candidate Associates shall be given ten minutes to discuss the candidates while the candidates are not present. The discussion shall remain private and never be shared with the candidates. At the end of the ten minutes, another vote must be taken to resolve the tie.
9. **Selection of Candidates for Executive Team** — Not more than two weeks after the Editor-in-Chief-elect is selected, the Executive Team with the advice of the Editor-in-Chief-elect shall choose who may run for Senior Managing Editor, Executive Articles Editor, Executive Notes and Comments Editor, Executive Editor, and Executive Online Editor.
10. **Election for Executive Team** — All five positions shall then be selected by a majority vote of the Associates with the order of elections being determined by the current Editor-in-Chief. In the event of a tie vote, an immediate revote shall be taken. If the revote is tied, then the non-candidate Associates shall be given ten minutes to discuss the candidates while the candidates are not present. The discussion shall remain private and never be shared with the candidates. At the end of the ten minutes, another vote must be taken to resolve the tie.
11. **Secrecy of Ballots** — All ballots shall be secret. The outgoing Executive Team shall count the ballots and announce the winners; the Executive Team shall keep the tallies secret.
12. **Choosing Positions on Board of Editors** — Immediately following the election of the Executive Team and after the list of the incoming Board of Editors is finalized, the previous Board of Editors shall meet to place the next year’s Managing Editors, Articles Editors, Notes and Comments Editors, and Assistant Editors with the advice of the Editor-in-Chief-elect and Senior Managing Editor-elect. The Board shall then announce the new Board of Editors and post the next year’s masthead. The new Board of Editors takes office immediately after graduation.

13. **Board Transition** — During the transition period between the election of the new Executive Team and the spring graduation, the old Board of Editors is still the governing body of the *Journal*. After spring graduation the new Board takes control of the *Journal*; however, the old Board will still have obligations until the final issue of their volume is published. If the old Board has not published all four issues prior to spring graduation, the old Board shall be able to bind themselves as it pertains to publishing the remainder of the volume but not the *Journal* in general. During this time, the new and old Editors-in-Chief shall be responsible for coordinating between the two Boards.

SECTION VIII – MISCELLANEOUS

1. **Statement of University Compliance** — This organization shall comply with all Indiana University regulations, and local, state, and federal laws.
2. **Anti-Hazing Policy** — Hazing is strictly prohibited. Hazing shall be defined as any conduct which subjects another person, whether physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.
3. **Personal Gain Clause** — This organization, if raising funds, shall ethically raise and distribute profits from organizational functions to either the organization or to members who provide a service that directly benefits the organization. Individual members may not receive compensation directly from for-profit companies if acting as a representative of a student organization.

APPENDIX A – PLAGIARISM POLICY

I. Policies and Definitions

A. Definition

The Indiana University Code of Student Rights, Responsibilities, and Conduct defines plagiarism, in relevant part, as:

[P]resenting someone else’s work, including the work of other students, as one’s own. Any ideas or materials taken from another source for either written or oral use must be fully acknowledged

- a. A student must not adopt or reproduce ideas, opinions, theories, formulas, graphics, or pictures of another person without acknowledgment.
- b. A student must give credit to the originality of others and acknowledge an indebtedness whenever:
 1. Directly quoting another person’s actual words, whether oral or written;
 2. Using another person’s ideas, opinions, or theories;
 3. Paraphrasing the words, ideas, opinions, or theories of others, whether oral or written;
 4. Borrowing facts, statistics, or illustrative material; or
 5. Offering materials assembled or collected by others in the form of projects or collections without acknowledgment.¹

B. Policy of the *Indiana Law Journal*

The *Indiana Law Journal* hereby adopts the Indiana University definition of plagiarism, as described above, and adheres to the following policy:

Plagiarism is prohibited in all material prepared by students while participating on the *Indiana Law Journal*. Because of the serious nature of plagiarism and the unique responsibilities vested in the *Journal*, every member of the staff is responsible for guarding against plagiarism, which can include reporting any potential signs of plagiarism. Upon notice or signs of any form of plagiarism, staff members shall immediately notify the Editor-in-Chief of the *Journal*. The Editor-in-Chief shall follow the procedure described below in Part II and, as appropriate, consult with the *Journal*’s Executive Board. All incidents of reported or alleged plagiarism shall be kept confidential by the Editor-in-Chief and the Executive Board.

¹ *Plagiarism*, IND. CODE OF STUDENT RIGHTS, RESPONSIBILITIES, AND CONDUCT (Part II.G.3) (2010), <http://www.iu.edu/~code/code/responsibilities/academic/index.shtml> (last visited Feb. 28, 2012).

II. Procedure for Suspected Incidents of Plagiarism

A. The *Indiana Law Journal* Considers Plagiarism a Strict Liability Offense

Plagiarism can result from unintended negligence as well as intentional misrepresentation of another's work as one's own. The *Indiana Law Journal* does not consider carelessness to be a defense to plagiarism. While a small number of minor quotation or citation omissions throughout a substantial piece of scholarship are reasonable mistakes that may be corrected before publication, it is the author's sole responsibility to ensure that all material is properly credited to its original source.

B. Procedure for Suspected Plagiarism

1. For members of the *Indiana Law Journal*

Once the Editor-in-Chief has been notified of suspected plagiarism, he or she will thoroughly review the piece to determine whether any of the material has, in fact, been plagiarized, and if so, the scope of the violation. If the Editor-in-Chief believes that a violation has occurred, he or she will report the alleged plagiarism to the *Indiana Law Journal's* faculty advisor or the Dean of Students and/or call a meeting with the rest of the Executive Board to determine the appropriate course of action.

The Executive Board may consider any or all of the following remedies:

- a. Dismissal from the *Indiana Law Journal*
- b. [Reporting the alleged plagiarism to the *Indiana Law Journal's* faculty advisor and/or the Dean of Students]
- c. Revocation of any offer of publication that has been made by the *Indiana Law Journal*
- d. Requiring the Note or Comment to be rewritten as a condition of continued *Indiana Law Journal* membership
- e. Demotion of member from Board of Editor position to Editorial Staff and revocation of credits
- f. Prohibition from resubmitting any written work for publication consideration in future issues

2. For law students other than members of the *Indiana Law Journal*

For law students who are not members of the *Indiana Law Journal* who submit works that violate this policy, the Editor-in-Chief will follow the procedure above, and the Executive Board may consider any or all of the following remedies:

- a. Prohibition from competing in the Summer Write-on Competition and seeking *Indiana Law Journal* membership
- b. Reporting the alleged plagiarism to the Dean of Students

- c. Revocation of any offer of publication that has been made by the *Indiana Law Journal*
- d. Prohibition from resubmitting any written work for publication consideration in future issues

III. Common Forms of Plagiarism

Most incidents of plagiarism fall into four categories: (1) quoting without attribution; (2) paraphrasing without attribution; (3) using another’s ideas without attribution; or (4) mimicking another writer’s structure and organization without attribution. Each is illustrated below.

All examples are based upon the following passage from Abraham Lincoln, Gettysburg Address (Nov. 19, 1863): “Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived, and so dedicated, can long endure.”²

A. Quoting

All language taken directly from another source must be designated as such with quotation marks (or indentations to designate a block quote if over 50 words) and the source must be cited. If either the quotation marks or the source is omitted, use of the phrase constitutes plagiarism.

Plagiarism, example 1: Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

- This entire phrase should be in quotation marks, and the source should be cited.

Plagiarism, example 2: Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Abraham Lincoln, Gettysburg Address (Nov. 19, 1863).

- This entire phrase should be in quotation marks. It is not enough to merely cite the source.

Plagiarism, example 3: Many years ago our fathers created a new nation, conceived in Liberty and dedicated to the proposition that all men are created equal. Abraham Lincoln, Gettysburg Address (Nov. 19, 1863).

- Changing a few key words or grammatical signals does not make a sentence or phrase your own work. Even though this sentence has been slightly changed, it is

² Part III and the examples within are taken directly from the *UCLA Law Review Plagiarism Policy*, *supra* note 1, at 1-5.

still substantially similar to that of the original author, and should therefore be in quotation marks with brackets to indicate the changes or omissions.

Correctly credited text for example 3: “[Many] years ago our fathers . . . [created] a new nation, conceived in Liberty . . . and dedicated to the proposition that all men are created equal.” Abraham Lincoln, Gettysburg Address (Nov. 19, 1863).

B. Paraphrasing

Paraphrasing is rewriting a sentence or paragraph in your own words. If the language is completely your own, you may omit quotation marks, but you must always provide a pin cite to indicate the location of the original material within the source. Changing only a few words (or the verb tense of original words) is not paraphrasing, and you must cite the source and place the material in quotation marks as shown above.

Plagiarism, example 4: America was created under a new philosophy, namely that all people are equal. The American civil war tested this underpinning of our society, and forced our nation to truly examine whether it could survive as a nation of equals.

- Although this is rewritten and thus correctly paraphrased, this material must be cited, including a pin cite to indicate the location of the original text within the source if it is paginated.

Correctly cited text for example 4: America was created under a new philosophy, namely that all people are equal. The American civil war tested this underpinning of our society, and forced our nation to truly examine whether it could survive as a nation of equals. Abraham Lincoln, Gettysburg Address (Nov. 19, 1863).

It is often difficult to determine when you have sufficiently rewritten material to include it in your scholarship as a paraphrase rather than a quotation. If there is any doubt, it is likely that the material too closely resembles the original to not quote it. You should either rewrite the passage again, or quote the material used.

Plagiarism, example 5: America was conceived in Liberty, and to this day continues to dedicate itself to the proposition that all men are equal. When we engaged in the Civil War, we tested whether our nation, or any nation so conceived, and so dedicated, could long endure. Abraham Lincoln, Gettysburg Address (Nov. 19, 1863)

- This phrase is substantially similar to the original text, but the changes (including the verb tense changes) are not enough to make it your own words. Instead, the material should be placed in quotations with brackets to indicate the changes.

Correctly cited text for example 5: America was “conceived in Liberty,” and to this day continues to “dedicat[e] [itself] to the proposition that all men are . . . equal.” When we “engaged in . . . civil war, [we] test[ed] whether [our] nation, or any nation[] so conceived, and so dedicated, [could] long endure.” Abraham Lincoln, Gettysburg Address (Nov. 19, 1863).

- This presentation has quotation marks and numerous brackets. From a stylistic standpoint, this presentation may indicate to the reader that you lack a sufficient grasp of the material to present it in your own words.
- In such situations, you should entirely rewrite the material, performing additional research as necessary.

Sometimes it isn't practical to convey information without using language substantially similar or even identical to that of the original author. Lists and scientific or other technical information, for example, often must be conveyed verbatim or it will lose its proper meaning. The need to maintain the original language, however, does not excuse the requirement to give credit to the source. Both quotation marks and a full citation are still necessary.

C. Ideas

Ideas that are taken from another source must be credited to the original author even if you do not quote or paraphrase the original text. Ideas must be credited whether they are central to the thesis of your paper or simply help support a minor point.

Plagiarism, example 6: The Civil War challenged our nation to determine whether it truly wanted to be a society based on equality.

- This concept reflects the thoughts of the original author (as reflected in this passage and throughout the entire Gettysburg Address) and must be cited accordingly. You must attach the following footnote: See generally, Abraham Lincoln, Gettysburg Address (Nov. 19, 1863).

D. Structure

Copying the structure of the discussion in another source is also plagiarism, even if the material is cited. Avoid structural plagiarism by changing both the language and the structure of the language whenever you are paraphrasing. Do not directly mimic the order in which the ideas are conveyed, or allow your sentences to track the original.

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