

Loyola University New Orleans

School of Law

Faculty By-Laws

## I. FACULTY COMMITTEES; ORGANIZATION, MEMBERSHIP AND VOTING.

Generally: Faculty Committees are organs through which the Ordinary Faculty participates in the governance of the Law School. The Law School shall have the Standing Committees set forth below. The Law School may have such Ad Hoc Committees as the Dean, or the Ordinary Faculty by majority vote, may establish.

### Committee Appointments:

All Law School Committee appointments (with the exception of the Rank and Tenure and Faculty Professorships and Faculty Chairs Committees) are for a term of two years. **Faculty members**, including Committee Chairs, **may not serve more than two consecutive terms on any Committee**. The Ordinary Faculty shall meet in April of each year to choose all elected Law School and University Committee members, whose appointments shall commence on August 1. The Dean shall not serve as a voting member of any Committee.

### Admissions and Scholarships Committee

Responsibilities: The Admissions and Scholarships Committee shall be responsible for selecting applicants for admission to the Law School and for awarding scholarships to admitted applicants and matriculating students, in accordance with, written criteria approved by the Ordinary Faculty.

Membership: The Admissions and Scholarships Committee shall be comprised of seven members of the Ordinary Faculty: three selected by the Dean; four selected by majority vote of the Ordinary Faculty. The Committee shall elect its Chairperson.

The Associate Dean of Admissions shall serve as a nonvoting *ex officio* member of the Committee. The Clinic Faculty and Library Faculty shall each elect one member to serve as nonvoting *ex-officio* members of the Committee.

### Petitions and Re-Admissions Committee

Responsibilities: The Petitions and Re-Admissions Committee shall be responsible for disposing of all student petitions and requests for readmission to the Law School.

Membership: The Petitions and Re-Admissions Committee shall be comprised of five Ordinary Faculty members: two selected by the Dean, and three elected by majority vote of the Ordinary Faculty. The Committee shall elect its Chairperson.

### Faculty Appointments Committee

**Responsibilities:** The Faculty Appointments Committee shall be responsible for recommending candidates to the Ordinary Faculty for appointments of full-time tenure-track, visiting, and adjunct faculty. Prior to interviewing candidates, the Committee shall receive instructions from the Ordinary Faculty regarding its assessment of the needs to be addressed through any faculty appointments.

**Membership:** The Faculty Appointments Committee shall be comprised of five Ordinary Faculty members elected by majority vote of the Ordinary Faculty. The Committee shall elect its Chairperson.

### Budget and Strategic Planning Committee

**Responsibilities:** The Budget and Strategic Planning Committee shall be responsible for reviewing, and making recommendations to the Dean and the Ordinary Faculty regarding, the Law School annual budget and strategic and capital facilities planning. By November 30 of each year the Committee shall report to the faculty on the proposed budget for the following academic year, as well as on the final budget for the current academic year.

**Membership:** The Budget and Strategic Planning Committee shall be comprised of five members elected by majority vote of the Ordinary Faculty. The Committee shall elect its Chairperson. The Law School Budget Director shall serve as a nonvoting *ex officio* member of the Committee.

### Rank and Tenure Committee

**Responsibilities:** The Rank and Tenure Committee shall be responsible for evaluating the teaching, scholarship and service of members of the Ordinary Faculty in connection with rank upon initial appointment, retention, promotion, tenure, and termination decisions. The Committee shall evaluate annually the performance of each untenured Ordinary Faculty member and shall report its evaluation in writing to the Dean. The Committee shall also make written recommendations to the Dean regarding any application for tenure or promotion submitted by any untenured member of the Ordinary Faculty.

**Membership:** The Rank and Tenure Committee shall be comprised of all members of the Ordinary Faculty at the rank of Associate Professor or higher. The Ordinary Faculty shall elect one member of the Committee as Chairperson. Elections for chair shall take place no later than March I of the relevant year. Terms of Chairpersons shall be for two years.

### Curriculum and Bar Examination Committee

Responsibilities: The Curriculum and Bar Examination Committee shall be responsible for making recommendations to the Ordinary Faculty regarding the academic program of the Law School, including requirements for graduation, approval of new courses and programs, and modification or termination of existing courses and programs. In addition, the Committee shall be responsible for monitoring and evaluating the performance of Loyola graduates on bar examinations, and for making recommendations designed to improve bar passage rates.

Membership: The Curriculum and Bar examination Committee shall consist of five members of the Ordinary Faculty; two selected by the Dean, and three elected by the Ordinary Faculty. The Committee shall elect its Chairperson. The Clinic Faculty and Library Faculty shall each elect one member to serve as nonvoting *ex-officio* members of the Committee.

### Library and Technology Committee

Responsibilities: The Library and Technology Committee shall be responsible for evaluating the policies, collection, and operations of the Law School Library and for making recommendations to the Director of the Law Library regarding acquisitions, operational changes, and other library related matters. In addition, the Committee shall monitor and assess the technological needs of the faculty, staff, administration and student body of the Law School, and make recommendations to the Budget and Strategic Planning Committee, the Faculty, and the Dean designed to improve access to technological resources.

Membership: The Library and Technology Committee shall be comprised of five members of the Ordinary Faculty selected by the Dean. The Director of the Law Library, a member of the Clinic Faculty and a member of the Library Faculty shall be appointed by the Dean to serve as nonvoting *ex officio* members of the Committee. The Chair of the Committee shall be appointed by the Dean from among the five Ordinary Faculty Members.

### Colloquia Committee

Responsibilities: The Colloquia Committee shall be responsible for planning and scheduling colloquia, workshops, symposia and speakers at the Law School.

Membership: The Colloquia Committee shall be comprised of three Ordinary Faculty Members selected by the Dean. The Dean shall designate one Committee member who is a member of the Ordinary Faculty as Chairperson. The Dean shall appoint a member of the Clinic Faculty and a member of the Library Faculty to serve as nonvoting *ex officio* members of the Committee.

### Clinic, Skills, and CLE Committee

Responsibilities: The Clinic, Skills, and CLE Committee shall be responsible for reviewing and making recommendations to the Ordinary Faculty and the Dean relating to the Law Clinic, the Skills Program, and the CLE Program.

Membership: The Clinic, Skills, and CLE Committee shall be comprised of five Ordinary Faculty Members selected by the Dean. The Directors of the Law Clinic, the Skills Program, and the CLE Program shall serve as nonvoting *ex officio* members of the Committee. The Dean shall designate one Committee member who is a member of the Ordinary Faculty as Chairperson. The Dean shall appoint a member of the Library Faculty, and a member of the Clinic Faculty to serve as nonvoting *ex officio* members of the Committee.

### Orientation, Special Admit, and Academic Support Committee

Responsibilities: The Orientation Committee shall be responsible for executing faculty policy and planning events in connection with the Special Admit Program, preparing entering students for the rigors of Law School, and providing academic support to those students needing it.

Membership: The Committee shall be comprised of five members of the Ordinary Faculty, selected by the Dean. The Dean shall select one member as Chairperson.

### Faculty Professorships and Faculty Chairs Committee

Responsibilities: The Faculty Professorships Committee shall review candidates for vacant faculty professorships and faculty chairs, in accordance with written criteria approved by the Ordinary Faculty, and shall make recommendations in writing to the Ordinary Faculty for approval. Upon the approval of the faculty the recommendations shall be forwarded to the Dean.

Membership: The Committee shall be comprised of all the Ordinary Faculty members holding an endowed professorship or an endowed chair at the Law School. In the event that a Committee member is a candidate for another professorship or chair, he or she shall not attend that portion of the meeting at which the vacancy is discussed and shall not be entitled to vote on any recommendation to fill that professorship or chair.

### Faculty Development Committee

Responsibilities: The Faculty Development Committee shall make recommendations to the Dean, based on criteria approved by the Ordinary Faculty, regarding scholarship and teaching incentive awards, summer research grants, student research

assistantships, and professional travel and conference attendance grants. In addition, the Committee shall coordinate the mentoring of untenured members of the Ordinary Faculty in an effort to encourage their development as teachers, scholars and community servants.

Membership: The Faculty Development Committee shall be comprised of five members elected by majority vote of the Ordinary Faculty. The committee shall elect its Chairperson. In the event that a member of the Committee is an applicant for an award, grant, or student assistantship, he or she shall not attend that portion of the meeting at which the application is discussed, and shall not be entitled to vote on any recommendation regarding his or her application.

#### Student-Faculty Relations Committee

Responsibilities: The Student-Faculty Relations Committee shall make recommendations to the Dean and Ordinary Faculty regarding matters of concern to the student body.

Membership: The Committee shall be comprised of three members of the Ordinary Faculty, selected by the Dean; the President of the Loyola Student Bar Association; and two additional students selected by the Dean. The Dean shall ensure that minority students are represented on the Committee. The Dean shall select one member of the Ordinary Faculty as Chairperson

#### Foreign Summer Programs Committee

Responsibilities: The Foreign Summer Programs Committee shall make recommendations to the Dean and Ordinary Faculty regarding foreign summer programs. The Committee shall report to the Ordinary Faculty annually regarding the enrollment and course offerings of all Loyola foreign summer programs and shall make recommendations regarding the continued viability of each program.

Membership: The Committee shall be comprised of five members of the Ordinary Faculty, selected by the Dean, one of whom shall be the Director of Foreign Summer Programs. The Dean shall select one member of the Ordinary Faculty as Chairperson.

*Adopted October 12,2000.*

## **II. FACULTY MEETINGS.**

### **A. QUORUM.**

A majority of the Ordinary Faculty in residence must be present in order to conduct business at any faculty meeting.

## B. SCHEDULING OF MEETINGS; NOTICE.

### 1. Regular Meetings.

Meetings shall be held monthly during the academic year, ordinarily on the second Tuesday of the month. A schedule of meeting dates for the upcoming year shall be distributed by the Dean on or before August 1.

### 2. Special Meetings.

There is a strong presumption that matters for faculty determination will be considered at regular faculty meetings. Special Meetings shall be called only in extraordinary circumstances, by either the Dean or by a written notice of such meeting signed by 1/3 of the Ordinary Faculty in residence, exclusive of the Deans. Such meetings shall be called only upon five business days' notice, except that any Special Meeting called for hiring purposes is subject to a ten day notice requirement. Notice for such meetings shall be provided in writing, by e-mail, and by voice mail.

## C. PROPOSED AGENDA.

1. The Proposed Agenda for Regular Meetings shall be prepared by the Dean, who shall include all proposed agenda items forwarded to the Dean and the Faculty in writing by a faculty member no later than seven days prior to the meeting. The Proposed Agenda, along with the Minutes from the preceding meeting, shall be circulated by the Dean to the Faculty no later than five business days prior to the meeting. No item shall be added to the Proposed Agenda except by 2/3 vote of the Ordinary Faculty in attendance at a meeting or in the alternative by a majority of the Ordinary Faculty in residence, whichever is less.

2. Matters within the general competence of a Faculty Committee must come before the Faculty only after consideration by the Committee. A Committee shall meet with respect to a written proposal from a Faculty Member, including Clinic and Library Faculty, within thirty days of receipt of such request. Committee reports requiring Faculty action must come to the Faculty in written form, and must be distributed at the same time as the Proposed Agenda. Such reports come to the Faculty Meeting as motions that have been made and seconded. Committee reports not requiring Faculty action shall also, insofar as possible, be in writing.

## D. PROCEDURES.

1. Faculty meetings shall be governed by Roberts Rules of Order.
2. At the first Faculty Meeting of the year, the Ordinary Faculty shall elect a Parliamentarian. The Dean, pursuant to Article X, Section 58 of Roberts Rules of Order shall preside over all Faculty Meetings.
3. A 2/3 majority vote of the Ordinary Faculty in attendance at a meeting is required for the waiver of any procedural rule.

#### E. ORDER OF BUSINESS.

1. The order of business at all Regular Meetings shall be as follows:
  - a. determination of a quorum;
  - b. approval or modification of the agenda;
  - c. correction and approval of minutes;
  - d. report from the Dean;
  - e. reports of Standing Committees;
  - f. reports of Ad Hoc Committees;
  - g. consideration of unfinished business;
  - h. consideration of new business; and
  - i. adjournment.
2. The order of business at Special Faculty meetings shall be the determination of a quorum and discussion of the matters set forth in the notice of the meeting.

#### F. ATTENDANCE.

All Ordinary Faculty Members, Visiting Faculty, Deans, Library Faculty, Clinic Faculty, and a Recording Secretary are invited to attend Faculty Meetings.

#### G: VOTING.

- I. Only members of the Ordinary Faculty may vote.
2. Voting by mail ballot, telephone ballot, e-mail, or any other method outside the context of properly convened Faculty or Committee Meetings, is prohibited.
3. Proxy voting is not permitted at regular Faculty Meetings, except that persons who are in attendance at a faculty meeting may leave a proxy at 1:45. Proxies will be permitted at Special Meetings, provided that they are in writing, and are delivered to the Recording Secretary at the beginning of the meeting. Neither the Dean nor the Associate Dean for Academic Affairs may accept or vote proxies.
4. Voting shall occur by secret ballot upon the request of any member of the Ordinary Faculty.
5. Written ballots shall be orally announced and counted by the Recording Secretary.
6. Faculty members on sabbatical shall retain all voting rights. Faculty members

on leaves of absence, however, may not vote, either in person or by proxy.

H. There shall be no Faculty Meetings called on any University holiday. During the period between May 15 and August 15, Special Faculty Meetings shall be called only on account of an emergency situation, and may not consider admissions, curriculum or tenure-track hiring. Such meetings are subject to the quorum requirement in Section A.

*Adopted November 16,2000*

### **III. PROTOCOL FOR DECANAL APPOINTMENTS**

1. Whenever a vacancy exists or is anticipated in the office of Dean of the School of Law, Decanal Search Committee shall be constituted.
2. A Decanal Search Committee (hereinafter referred to as the "Committee") shall consist of nine voting and two non-voting members.
  - a. The President of Loyola University shall appoint one member to the Committee who is a graduate of Loyola University School of Law or a member of the Law School Visiting Committee.
  - b. Six members shall be elected by majority vote of the full-time tenure-track faculty of the School of Law (excluding those faculty members on leave and sabbatical) from among their number, at a meeting called for this purpose and attended by not less than two-thirds of the persons eligible to vote. Election shall be by secret ballot. Nominations will be taken from the floor. Election to the Committee requires a majority of those eligible to vote. On the initial ballot, each faculty member is to vote for six of the nominees. Those receiving the required number of votes will be declared elected, with the balloting on the remaining nominees to continue until a total of six members are elected. The names of the six members so elected shall be forwarded to the Provost.
  - c. One member shall be elected by the Law Clinic Faculty from among their number. The name of the member so elected shall be forwarded to the Provost.
  - d. One member shall be elected by the Law Library Faculty from among their number. The name of the member so elected shall be forwarded to the Provost.
  - e. Except in rare cases and for compelling reasons expressed in writing by the Provost, the above persons shall constitute the voting members of the Committee. If the

Provost objects to the service of any committee member, the initial procedure followed for that position shall be repeated until that position is filled.

- f. Two non-voting members shall be named by the Dean or Interim Dean from among current students of the School of Law.
  - g. The above selections should reflect a high degree of diversity so that the composition of the Committee will further a wide-ranging decanal search.
3. Vacancies on the Committee shall be filled in accordance with the same procedures applicable to the original selections.
  4. The Chair of the Committee will be elected by the voting members from among the Committee members who are full-time tenure track faculty members of the School of Law. The Chair shall vote as an ordinary member of the Committee. Decisions of the Committee require the affirmative vote of a majority of the voting members.
  5. Members of the Committee are ineligible for consideration as Dean during their term of service on the Committee.
  6. The Committee shall announce its search for a Dean in legal periodicals, electronic and other appropriate media, and by letter to the deans of other law schools in such a manner as will bring the search to the notice of the greatest possible number of likely candidates. Sufficient time shall be allowed for candidates to communicate their desire to be considered and to deliver their credentials and references to the Chairman of the Committee.
  7. The Committee shall compile a list of candidates who possess the qualifications required for appointment as professor of law as detailed in Chapter 4 of the Loyola University Faculty Handbook for consideration under the following paragraph.
  8. From its list of qualified candidates the Committee shall select those persons, not fewer than three in number, whom it deems best qualified to fulfill the office of Dean. In making this determination the Committee shall consider the following criteria:
    - a. the ability of each candidate to exercise leadership in pursuit of the objectives of the University and of the School of Law;
    - b. the candidate's qualities of character and personality relevant to the functions of administrator, teacher, scholar, fund-raiser and public relations person for the Law School;
    - c. the candidate's achievements as a widely respected scholar in the legal profession in general, and in legal education in particular; and

- d. the relevant policies of the University, including its goals and commitments, as identified in Chapter I of the Faculty Handbook and other University documents.
9. The Committee may, at its discretion, solicit the assistance and advice of others, in confidence.
10. The Committee will meet with the Provost before it begins its work in order to discuss matters of mutual interest, including but not limited to: the information to be provided to applicants, the requirements of Affirmative Action policies, the availability of resources to support the search, the placement of position announcements, the writing and approval of position announcements, the mechanics of the search process, the expectations of the Provost and any and all matters which will enhance the search process. The committee will be expected to keep the Provost fully informed about the progress of the search and it will meet with the Provost whenever necessary to resolve issues or problems affecting the progress of the search.
11. The persons selected in accordance with section 8, supra, shall be invited to meet with the full-time tenure-track faculty of the School of Law. Candidates shall submit to the Law School Faculty and Provost, in advance of their meeting with the Law School Faculty, a comprehensive written statement discussing the reasons the candidate is interested in serving as Dean of the Law School, and detailing the specific goals the candidate hopes to accomplish, and the proposed means of accomplishing them. The full-time tenure-track faculty shall review this statement and their qualifications. In addition, and at the direction of the Provost, each person selected for an interview will meet with all appropriate University officials and personnel.
12. After all interviews have been completed, the full-time tenure-track faculty of the School of Law shall assemble at a meeting called for the purpose, and attended by not less than two-thirds of the persons eligible to vote, to determine by a majority vote of the full-time tenure-track faculty (excluding those faculty members on leave and sabbatical) its recommendation to the Provost. In taking this vote no proxy voting will be allowed.

***Voting will be conducted in two stages. First, the Faculty will nominate three or more candidates for the deanship. Following this vote, the Faculty will rank the nominees in order of preference. Both votes will be by secret ballot, with the tallies to be known only to the Chairman of the Search Committee and a poll-watcher to be elected by the Faculty.***

13. Three or more names shall be submitted to the Provost as a consequence of this voting procedure. Accompanying each submitted name will be a comprehensive written statement evaluating the strengths and weaknesses of each proposed name; this written statement shall also review the reasons why each recommended candidate was selected. After reviewing these evaluations and all other available information, the Provost will request a meeting with

the full-time tenure-track faculty of the School of Law to review each submission and to clarify issues or questions, if any, which may have arisen as a consequence of either the interview process or the review of the written evaluations accompanying each proposed name. Subsequent to meeting with the School of Law faculty, the Provost will present to the President the names, accompanying evaluations, and all other pertinent information, appropriate to each individual recommended by the full-time tenure-track faculty for the School of Law. If the President accepts the recommended nominees, then the Provost, with the approval of the President, will offer the position of Dean to one of these nominees for an initial term of three years, which may be renewed thereafter on an annual basis.

14. If the President does not accept three or more of the nominations, then the entire submission may be rejected. In the event that the submission is rejected, the Provost will inform the full-time tenure-track faculty, in writing, of the reasons for the rejection. The search process will resume only after the Provost and the full-time tenure-track faculty of the School of Law have thoroughly reviewed all pertinent issues, including but not limited to matters of process and procedure.

#### **IV. AMENDMENTS.**

1. Amendments to the By-laws must be approved by a majority of the ordinary faculty in residence. *(Adopted November 16, 2000.)*
2. *The faculty will reexamine these provisions in the Fall of 2004, and every five years thereafter.*