

UNIVERSITY OF NORTH DAKOTA
SCHOOL OF LAW

FACULTY BYLAWS

The School of Law's Dean and Faculty (defined as those individuals, not currently on leave, who hold tenured and tenure-eligible appointments) have adopted these bylaws in order to implement the Law School Governance Policy dated December 17, 2008. They rest on two key premises: (1) that the Dean and Faculty share responsibility for the academic program and for setting educational policies and (2) that the students and staff of the law school play an advisory role in those determinations. These bylaws are intended to be fair yet flexible and create no rights outside the Faculty for their enforcement. They should also be interpreted to facilitate the educational mission of the law school. In combination with the Law School Governance Policy dated December 17, 2008, these bylaws repeal and supersede the April 16, 1999, Faculty Governance Policy.

1. ***Time and Place of Faculty Meetings***

There shall be six regularly scheduled Faculty meetings each academic year in September, October, November, February, March, and April, respectively, generally on the second Friday of each month. Other meetings may be scheduled, as needed, by request of the Dean or by three Faculty members. All Faculty are expected to attend these meetings.

2. ***Faculty Meeting Agendas***

The Dean (or his/her designee) shall compile the Faculty meeting agenda for regularly scheduled meetings, and when appropriate, for as-needed Faculty meetings. Requests for agenda items shall be formally made to the Faculty at least a week before each faculty meeting. Those items should give fair notice of the subjects to be discussed. The agenda shall be distributed to the Faculty at least three business days before the meeting, along with any supporting documents concerning the items listed. Significant action items that do not appear on the agenda for any meeting may be deferred unless a majority of the Faculty in attendance wishes to act on the question(s) presented. Notwithstanding these requirements, emergency Faculty meetings may be conducted without an agenda, though reasonable efforts should be made to inform the Faculty, in advance of those meetings, of the subject(s) to be discussed or decided.

3. ***Voting Rights and Rules***

Only law school Faculty members may vote at Faculty meetings. No vote may be conducted in the absence of a quorum, which is a majority of the Faculty. Voting in absentia or by proxy is not permitted except for Faculty who substantially participated in the process or discussion leading to the vote (but in no case should a proxy vote count towards a quorum). Any Faculty member may act as proxy for another.

All formal votes shall be by secret ballot unless all present agree otherwise. Abstentions should be noted, and any individual's vote, at his or her request, may be noted as well. Faculty members may recuse themselves from voting on any matter where there may be a conflict of interest or the appearance of impropriety. The Faculty may proceed by consensus unless a formal vote is requested by one person. The act of a majority of the Faculty present (or by proxy) at any meeting shall be the act of the Faculty, unless specifically modified by the Faculty. The Faculty, by majority vote, may require greater than a majority of the Faculty for any measure to be adopted.

Presumptively, matters meriting Faculty review and approval should be raised at regularly or specially scheduled Faculty meetings. However, non-controversial or ministerial matters (to be determined in good faith by the approval-seeker) may be resolved without a face-to-face meeting (e.g., over e-mail) unless a single Faculty member objects. This method of Faculty approval should not be used to circumvent live Faculty discussion or input and should be reserved for more routine items, but in extraordinary circumstances, may be appropriate for any subject when face-to-face Faculty meetings are not feasible.

4. ***Faculty Meeting Procedures***

The Dean (or his/her designee) shall chair Faculty meetings. Robert's Rules of Order shall not govern, though they may be consulted as advisory if necessary. Instead, meetings should be conducted using the longstanding "motion, second, discussion, vote-on-the-motion" procedure. The maker of the motion may withdraw it. A motion may be tabled by majority vote of those present. A Faculty member, either by volunteering or by designation on a rotating basis, shall create minutes of each meeting (which should reflect the list of attendees, a description of motions passed, rejected or tabled, and the full text of any proposals or resolutions adopted). Those minutes should be distributed to the Faculty for review and comment before the next Faculty meeting and placed on that agenda for ultimate adoption.

5. ***The Law School Assembly/Referral of Staff and Student Matters***

The Dean shall call at least one school-wide Assembly each semester as a combined meeting of all faculty, staff, and students. All Faculty are expected to attend Assembly meetings. The Dean shall issue a formal call for agenda items from all three constituencies at least a week before the Assembly. Those items should be generated by

those constituencies in accordance with their respective procedures and, to the extent reasonably feasible, should give fair notice of the subjects to be discussed. The agenda shall be distributed to the Assembly at least three business days before the meeting, along with any supporting documents concerning the items listed.

Students and staff may refer matters to the Assembly in accordance with the procedures and practices they adopt for making such recommendations. In addition, matters can be formally presented to the Faculty at any time via written proposal to the Dean, who will add the proposal, if feasible and appropriate, to the agenda of the next Faculty meeting. Conversely, matters may be referred by the Faculty or any Faculty committee or working group to students or staff for their advice or input in accordance with the procedures adopted by each group, respectively.

6. *Faculty Committees or Working Groups*

The Dean shall appoint Faculty committee or working group members for the next academic year before the close of the current academic year, unless the need for a new committee or working group arises after the end of the current academic year. When feasible, faculty preferences should be honored and prior service considered. If at all possible, the Dean should consult with the Faculty before creation of new committees or working groups and before elimination of old committees or working groups (unless they naturally expire). In accordance with current practice, unless modified by the Faculty, any faculty committee or working group may act on the Faculty's behalf concerning the specific duties encompassed by that particular delegation of authority. In the absence of Faculty volunteers, when feasible, appointments to University committees and the University Senate should be equitably balanced among the Faculty, taking into consideration each Faculty member's law school and other service commitments.

*Adopted May 1, 2009
Effective August 15, 2009*