

College of Law Bylaws

Approved by Provost 5/1/23

ARTICLE 1. MISSION, OBJECTIVES, AND AUTHORITY

1.1. Name.

The name of the college shall be the College of Law.

1.2. Mission.

The mission of the University of Idaho College of Law is to:

1. Provide access across all cultures and ideologies to the highest quality of legal education;
2. Lead the region in promoting civil discourse on concerns of policy and law and in providing legal service to underserved populations; and
3. Contribute to the local, regional, national, and international scholarly dialogue on issues of critical importance in our time.

1.3. Objectives.

The College of Law will carry out its mission by implementing the strategic plans of the College of Law and the University of Idaho, consistent with the policies of the Regents and of the University of Idaho.

1.4. Authority of the Faculty.

As contemplated by the University of Idaho Faculty Constitution (FSH [1520.4.A](#)) and Standard 201(b) of the American Bar Association's standards for law school accreditation, the College of Law Faculty is authorized to establish and to effect its own educational objectives, including matters of student admission and curriculum, and to participate in the selection of its own dean, other executive officers, and faculty members, subject only to the general rules and regulations of the university faculty and the authority of the president and the regents. Subject to the same qualifications, the Faculty shall be informed of, and to the extent practicable, be consulted about decisions made by members of the College administration significantly affecting the authority described in the prior sentence. Together with the Dean, the Faculty shall recommend the selection, retention, promotion, and tenure (or granting of security of position) of members of the Faculty.

ARTICLE 2. MEMBERSHIP

2.1. Voting Members.

The voting members of the College of Law Faculty shall be those who qualify as "university faculty" as defined in the Constitution of the University Faculty found in the Faculty Staff Handbook (FSH). College

of Law librarians are recognized as constituent faculty members of the College of Law and “university faculty” in conformance with the policies and practices of the Faculty-Staff Handbook.

2.2. Non-Voting Members.

From time to time, the Dean may appoint adjunct faculty members and affiliate faculty members as provided in the FSH. Such faculty members are not voting members of the Faculty.

ARTICLE 3. ADMINISTRATION

3.1. Dean.

The College of Law’s chief administrator is the Dean.

3.1.1. Responsibilities.

The responsibilities of the Dean are as described in FSH [1420](#) D-2, consistent with the rules prescribed by the College of Law’s accreditor.

3.1.2. Appointment.

3.1.2.1. The Faculty shall be consulted with respect to the appointment of a dean.

3.1.2.2. Pursuant to FSH [1420](#) D-1.b, the College shall select a pool of Faculty member candidates to present to the provost from which pool the provost makes appointments to the search committee. The pool shall be established by a vote of the Faculty and full-time staff of the College of Law, after nominations and self-nominations are received. The candidate pool presented to the Provost shall contain Faculty member candidates from both Boise and Moscow. Faculty member candidates shall be added to the candidate pool in proportion to the number of Faculty members at each location, and the candidate pool shall be presented to the provost with an expression of the College’s expectation that the Faculty representatives appointed to the search committee will reflect a similar locational proportionality.

3.1.2.3. Review. Review of the Dean is governed by FSH [3320](#) C.

3.2. Associate Deans

3.2.1. Responsibilities of the Associate Deans. An Associate Dean shall assume such administrative duties as the Dean shall prescribe. If an Associate Dean has teaching responsibilities, such responsibilities may be reduced to accommodate assigned administrative responsibilities.

3.2.2. Appointment of the Associate Deans.

3.2.2.1. One or more Associate Deans may be appointed by the Dean. No one shall be appointed as an Associate Dean of Faculty Development or Associate Dean of Experiential Learning who does not serve on the Faculty at the time of appointment or

who has not been approved for faculty membership under 10.1. One or more Associate Deans of Students may be appointed by the Dean.

3.2.2.2. An Associate Dean shall serve at the pleasure of the Dean. Associate Deans of Faculty Development and Associate Deans of Experiential Learning shall return to the Faculty after service with the faculty rank and tenure earned at the time of such return. Associate Deans of Students who are members of the faculty may return to the faculty after service depending on the faculty member's contractual agreement with the University.

3.2.2.3. An Associate Dean who is a tenure-track faculty member shall be considered for tenure and promotion by the same process and according to the same standards as applicable to other members of the Faculty. An Associate Dean who is a clinical faculty member shall be evaluated and promoted by the same process and according to the same standards as applicable to other clinical faculty.

3.2.2.4. Before appointing an Associate Dean, the Dean will consider the recommendations of the Associate Dean Search Committee, which is described in 6.3.2.8.

ARTICLE 4. MEETINGS

4.1. Call of meetings.

4.1.1. The Faculty shall meet in regular session at least once each month during the academic year at dates and times to be fixed by the Dean in consultation with the Faculty. Special meetings shall be called when necessary by the Dean, or in the Dean's absence, by any Associate Dean, or in the absence of the Dean and the Associate Deans, by the senior member of the Faculty in point of service at the College, or when requested by two or more voting members of the Faculty. Two days' notice of meetings shall be given, but may be waived by majority vote of those Faculty members present at the meeting, provided a quorum is present.

4.1.2. The Dean shall preside at Faculty Meetings. In the Dean's absence, the Dean shall designate a member of the Faculty to preside. The presiding officer shall have the privilege of speaking to the merits of an issue without the necessity of temporarily relinquishing the chair and shall vote only when necessary to break a tie.

4.2. Quorum.

Except as otherwise provided in these Bylaws, a simple majority of the voting members of the Faculty shall constitute a quorum. Faculty members who are on Parenting Leave, Military Leave, Leave for Campaigning for or Service in Public Office, Administrative Leave, Family Medical Leave, Service Member Family and Medical Leave, Personal Extended Medical Leave, Leave for Professional Improvement, and Sabbatical Leave, as defined in FSH [3710](#) and [3720](#), are not counted for purposes of constituting a quorum.

4.3. Participation.

Only full-time members of the Faculty, staff members appointed to faculty committees, and presidents of the Student Bar Association are entitled to participate in faculty meetings. If the Dean designates a meeting as going into executive session, only voting members of the Faculty are entitled to participate in the executive session. The Dean may invite guests to participate in faculty meetings.

4.4. Agenda.

The Dean shall set the meeting agenda. The agenda shall accompany the meeting notice.

4.5. Secretary of the College of Law Faculty.

At the first meeting of the Faculty in each academic year, a faculty secretary shall be appointed by the Dean from among the voting members of the Faculty to serve until the first meeting of the following year and until a successor shall have been selected. The Faculty Secretary shall keep minutes of all actions of the Faculty. Such minutes shall be reproduced and distributed to all faculty members as soon as possible after each meeting and shall become a part of the permanent records of the Faculty and of the College.

4.6. Votes.

Except as otherwise provided in these Bylaws, decisions by a simple majority of the voting members present physically or electronically shall constitute the action of the Faculty. In order to be present electronically, a participant must attend a meeting through the use of any means of communication by which all participants may communicate with one another during the meeting.

4.7. Open meetings.

Faculty meetings are not open meetings. Only those entitled to participate, as described in 4.3, may attend.

ARTICLE 5. UNIVERSITY-LEVEL COUNCILS AND COMMITTEE POSITIONS

5.1. Faculty Senate. Procedures for nominating and electing a representative of the College of Law to the Faculty Senate shall be as follows:

5.1.1. Nominations

5.1.1.1. Nominations will be taken in the spring of the year that the College of Law's Faculty Senate representative's term expires.

5.1.1.2. Anyone wishing to make a nomination, including a self-nomination, may do so by sending an email to the Associate Deans for Faculty Development one full week before the April faculty meeting in said year, identifying the nominee.

5.1.1.3. Any faculty member is eligible to be nominated, including non-tenure-track faculty, untenured faculty, and faculty who have already served in the Faculty Senate.

5.1.1.4. The Associate Dean in the location of the nominee shall confirm with the nominee her or his willingness to serve if elected.

5.1.1.5. No less than two days before the April faculty meeting, the list of candidates – i.e., individuals nominated, who have confirmed their willingness to serve – will be circulated by the Associate Deans to the full faculty.

5.1.1.6. If there are no nominations, or if no one who is nominated has indicated a willingness to serve, this list of candidates will include only two names: the two most senior members of the Faculty who have not yet served in the Faculty Senate. This provision reflects the consensus of the Faculty that everyone on the Faculty owes a duty of service to the College and to the University, and should take an equal turn serving in the assignments no one otherwise desires.

5.1.2 Voting

5.1.2.1. At or before the April faculty meeting, any candidate who so desires will be given an opportunity to make a short statement about her or his candidacy.

5.1.2.2. If there are two or more candidates listed, at the April faculty meeting, a vote will be taken by secret ballot, with each faculty member indicating her or his first choice among the listed candidates.

5.1.2.2.1. If, after the ballots are counted, one candidate has a majority of the votes, that candidate will be deemed elected and will serve a three-year term in the Faculty Senate. If no candidate receives a majority of the votes cast, the candidate with the lowest non-zero number of votes (as well as any candidate who received zero votes) will be eliminated from consideration, and a new vote will be taken, again by secret ballot, on the candidates who remain.

5.1.2.2.2. Step 5.1.2.2.1. will be repeated until one candidate emerges with a majority of votes.

5.1.3. Vacancy

If any vacancy occurs for any reason, these procedures should be adapted to the circumstance and followed as closely as practicable, *mutatis mutandis*.

5.2. Research Council.

The Dean shall appoint the College's representative to the Research Council.

5.3. Other University Committee, Councils, and Bodies.

Except as provided in 5.1, the Dean shall appoint faculty members to serve on such University committees, councils, and other bodies as require or permit College of Law representation. Those faculty members shall serve until their successors have been appointed.

ARTICLE 6. COLLEGE COMMITTEES

6.1. Standing committees.

The Faculty shall carry out those of its functions hereinafter designated through the following standing committees:

- The Admissions Committee.
- The Curriculum Committee.
- The Library Committee.
- The Faculty Appointments Committee.
- The Technology Committee.
- The Diversity, Equity and Inclusion Committee.
- The Dean’s Advisory Committee.
- The Associate Dean Search Committee.

6.2. Special committees.

6.2.1.

The College of Law’s promotion and tenure committee(s) shall carry out the functions prescribed in FSH [3500 E-1](#).

6.2.2.

The Faculty may also establish special committees as needed through the passage of a resolution at a regular or special meeting.

6.3. Membership.

6.3.1. In General.

6.3.1.1.

Not less than two-thirds of the voting authority in each committee shall reside in the faculty members.

6.3.1.2.

The Dean may sit ex officio with all committees and has the privilege of the floor but not of voting, except to break a tie vote.

6.3.1.3.

In appointing faculty members to committees, the Dean or Dean's designee shall give due regard to preferences of the Faculty and to the desirability of a balance between rotation of membership and a retention of experience among membership in each year, and each committee shall have a chair and a vice-chair, one from each College of Law location whenever possible. For committees that includes students, the Dean shall appoint the students with due regard for individuals recommended by the President of the Student Bar Association. Together the student members of each these committee shall share one vote. The students' vote shall be decided by a majority of the students present; absent such a majority, the students' vote shall be treated as an abstention. The Dean shall appoint members of the staff where appropriate and in consultation with their immediate supervisor. Each staff member shall have one vote.

6.3.2. Specific Committee Membership

6.3.2.1. Admissions Committee

The membership of the Admissions Committee shall be established in accordance with 6.3.1.

6.3.2.2. Curriculum Committee

The membership of the Admissions Committee shall be established in accordance with 6.3.1.

6.3.2.3. Library Committee

The membership of the Library Committee shall be established in accordance with 6.3.1. It shall consist of at least three faculty members representing Moscow and Boise. It shall include two law students. The Law Library Director shall be the chair of the Committee.

6.3.2.4. Faculty Appointments Committee

The membership of the Faculty Appointments Committee shall be established in accordance with 6.3.1. The Dean or the Dean's designee may appoint multiple subcommittees within the committee to reflect the anticipated hiring for the following year, and may make new appointments to the committee if new positions are opened for hiring. Subcommittees should include representation from the classification of the open position. The chair and vice-chair of the committee shall act in a coordinating role, but may delegate duties to a faculty member designated as subcommittee lead.

6.3.2.5. The Technology Committee

The membership of the Technology Committee shall be established in accordance with 6.3.1. It shall include two law students.

6.3.2.6. The Diversity Equity and Inclusion Committee.

The membership of the Diversity, Equity and Inclusion Committee shall be established in accordance with 6.3.1. It shall include two law students.

6.3.2.7. Dean's Advisory Committee.

The Dean's Advisory Committee membership shall be composed of:

6.3.2.7.1. The chairs of the following standing committees: Diversity, Equity and Inclusion; Curriculum; and Technology

6.3.2.7.2. One member appointed by the Dean, on a rotating basis, from the full-time J.D. staff

6.3.2.7.3. Two members elected annually by the Faculty as a whole by ballot at the final faculty meeting of the academic year. One member shall be elected from the Boise faculty, and one member shall be elected from the Moscow faculty.

6.3.2.7.4. One at-large faculty member appointed by the Dean to assure the broadest faculty representation possible on the Advisory Committee in light of the other members of the Advisory Committee.

6.3.2.8. Associate Dean Search Committee

6.3.2.8.1. The Associate Dean Search Committee consists of three faculty members. Two are elected by the Faculty as provided in 4.6. One of these elected members must be based at the Moscow location, the other at the Boise location. The third member will be appointed by the Dean. In making that appointment, the Dean will, if possible, select a faculty member at the location where the next associate dean vacancy is anticipated.

6.3.2.8.2. Each member of this committee serves a one-year term that starts when the member is elected or appointed. If one of the elected members leaves the position before the term ends, the Faculty will elect a replacement to finish the term. If the appointed member leaves the position before the term ends, the Dean will appoint a replacement to finish the term.

6.4. Timing of Selection of Committee Members

6.4.1. The College of Law faculty delegate to the associate deans for faculty development the selection of the members of the tenure and promotion committee, to be made following the procedure set forth in FSH 3500 E-1.a. Elected members of the Dean's Advisory Committee shall be selected at the final faculty meeting of the academic year. Members of the Associate Dean for Faculty Development Search Committee shall be selected before a search for an associate dean for faculty development begins.

6.4.2. All other standing committee members shall be appointed prior to the final faculty meeting of the academic year.

6.5. Term of office.

All members of standing committees and special committees other than the Promotion and Tenure Committee shall serve for a period specified by the Dean. It is not anticipated that any faculty member would serve as chair of the same standing committee for longer than 3 consecutive years, unless the chair is so designated by virtue of position (e.g., Law Library Director).

6.6. Meetings

In all committee meetings, decisions by a simple majority of the voting members present physically or electronically shall constitute the action of the committee. In order to be present electronically, a participant must attend a meeting through the use of any means of communication by which all participants may simultaneously communicate with one another during the meeting.

6.7. Vacancies.

Any vacancies shall be filled in the same manner as the original selection.

6.8. Charge of Standing Committees.

6.8.1. The Admissions Committee.

The Admissions Committee, pursuant to any instruction given by the Faculty or the Dean, shall set criteria for admissibility of applicants, make admissions decisions consistent with set criteria in cooperation with the head of the Admissions office, set criteria for the use and award of scholarships, make all decisions regarding academic dismissal waiver petitions, and advise the head of the Admissions office regarding admissions and financial aid initiatives for the College.

6.8.2. The Curriculum Committee.

The Curriculum Committee shall lead curricular planning and development of proposals for curricular change, shall provide a forum for investigation and discussion of innovation in teaching, and shall consider any proposals for changes to the curriculum developed independently of the Committee.

6.8.3. The Library Committee.

The Library Committee, working in cooperation with the Law Library Director (serving as chair), shall establish the purchasing policies and priorities concerning the acquisition and cancellation of library materials, study practices to improve reader service, develop library rules and policies concerning reader use, and consider of improvements concerning library facilities.

6.8.4. The Faculty Appointments Committee.

The Faculty Appointments Committee, in consultation with the Faculty, shall administer the hiring process for faculty appointments.

6.8.5. The Technology Committee.

The Technology Committee shall assess the needs of the College of Law regarding technology, shall consider the options for meeting those needs, and shall recommend to the Law faculty specific

solutions for those needs. The committee process shall include coordination with the Curriculum Committee.

6.8.6. The Diversity, Equity and Inclusion Committee.

The Diversity, Equity, and Inclusion Committee shall fulfill the College of Law’s commitment to diversity and inclusiveness by fostering a community of mutual respect among our students, staff and faculty in order make a vibrant community of scholars, lawyers and professionals.

6.8.7. Dean’s Advisory Committee.

The Dean’s Advisory Committee shall advise the Dean on issues related to the mission, strategic plan, and program of education at the College of Law. The Dean shall serve as chair.

6.8.8. Associate Dean for Faculty Development Search Committee

The Associate Dean for Faculty Development Search Committee shall coordinate the search for an Associate Dean for Faculty Development and, in consultation with the Faculty, make a hiring recommendation to the Dean.

6.9. Special Assignments

The Dean shall appoint faculty members to hold special assignments except in those instances where a faculty advisor is selected by the students of the organization involved. In making such appointments, the Dean shall give due regard to the individual’s teaching load, committee assignments, and other comparable considerations.

ARTICLE 7. COLLEGE ADVISORY COUNCIL

7.1. Purpose

There shall be a College of Law Advisory Council with the following purposes: (1) to promote the College to a variety of constituencies, (2) to assist in identifying and acquiring additional resources and financial support for the College, (3) to serve as an advocate for the College, (4) to give advice on the College’s programs, (5) to help build working relationships with other colleges of the University of Idaho, and (6) to assist the College’s career development program.

7.2. Composition

There shall be not fewer than 15 nor more than 30 regular members of the Council, as determined from time to time by vote of the Council under rules and procedures adopted by the Council for its governance. The Council shall be composed of judges, lawyers, faculty members from other law schools, and other persons interested in the College. In addition, the Dean shall be an ex officio member. The Council shall not be limited to alumni of the College, nor to residents of the State of Idaho. The Council shall strive for diversity of experience and perspective in its membership.

ARTICLE 8. APPOINTMENT TO RANK, PROMOTION, TENURE, AND REVIEW

8.1. In General.

The standards for promotion and tenure are those set forth in the University Faculty Staff Handbook (FSH) and this Article of the College bylaws. University standards for promotion and tenure at the University of Idaho are found in the University Faculty-Staff Handbook in Sections 1565 (academic ranks and responsibilities); 3050 (position descriptions and performance expectations); 3320 (periodic performance evaluations and salary determination of faculty members); and 3530 (non-tenure track faculty promotions). Any person hired at the College in a tenure-track or clinical faculty position shall be given a copy of, or electronic access to, these standards and procedures, as well as a copy of the provisions of these Bylaws relevant to promotion and tenure for their position.

8.2. Process.

A faculty member will be considered for tenure according to the timing rules prescribed in FSH 3500 and other applicable University and Board policies and rules.

8.3. Appointment to Rank

As a usual practice, entry-level full-time faculty shall be appointed at the rank of Instructor, Assistant Professor or Clinical Assistant Professor, as appropriate. An entry-level or lateral candidate, however, may be appointed to a higher rank according to the criteria in FSH 3500 C-3.d. and e.

8.4. Tenure Criteria

8.4.1. Standards and Evidence for Tenure

Evidence of excellence in teaching, scholarship, outreach, and service must be reflected in the candidate's dossier, with expectations appropriate to the position description of the faculty member. To qualify for tenure within the College, a faculty candidate must demonstrate:

8.4.1.1. Excellence in Teaching.

8.4.1.1.1. Standard: Excellent teaching is characterized by a number of factors including, but not limited to, effective dissemination of knowledge in the classroom and/or clinical setting, the development of innovative course materials, the design and incorporation of effective teaching strategies, and the effective advising and mentoring of students outside the classroom. For tenure-track faculty in the clinics, the candidate is expected to have demonstrated high quality, effective teaching of professional skills in the clinical setting, including demonstrated effectiveness as a lawyer and professional role model for the students.

8.4.1.1.2. Evidence: Excellent teaching may be demonstrated by appropriate student evaluations and favorable review of teaching by faculty colleagues who have observed the candidate's teaching. Excellent teaching may also be demonstrated through creation of quality teaching materials, attention to effective course organization, and effective advising and mentoring of students.

8.4.1.2. Excellence in Scholarship.

8.4.1.2.1. Standard: Excellent scholarship is characterized by demonstrated command of the area of inquiry, by substantial depth of inquiry, by creativity, and by quality that meets the expectations for legal education professionals, including those engaged in interdisciplinary research and scholarship. Scholarship may focus on legal doctrine, theory, policy, or empirical analysis, or it may focus on other topics such as pedagogy and the development or application of professional skills. The quantity of scholarly output should be commensurate with the amount of time allocated to Scholarship & Creative Activities in the position description.

Interpretation 8.4.1.2.1-1. At a minimum, a faculty candidate for tenure with 25% of their position description allocated to Scholarship & Creative Activities is expected to have the equivalent of two major articles accepted for publication to achieve tenure.

Interpretation 8.4.1.2.1-2. At a minimum, a faculty candidate for tenure with 10% of their position description allocated to Scholarship & Creative Activities is expected to have the equivalent of one major article accepted for publication to achieve tenure.

8.4.1.2.2. Evidence: Scholarship may be demonstrated in a number of ways including, but not limited to, publication of books, law review articles, and articles in other scholarly journals. The candidate must include an explanation of contribution to co-authored scholarship, and the co-authored scholarship will count in accordance with percent contribution. Review of the candidate's scholarly activity by peers outside the College is required in accordance with FSH 3500.

Interpretation 8.4.1.2.2-1. A survey or guide to an area of the law that is largely descriptive rather than analytic ordinarily would not fulfill the demands of good scholarship; however, a work that provides an authoritative reference work for an area of the law and demonstrates comprehensive command of the area might demonstrate good scholarship even though largely descriptive.

Interpretation 8.4.1.2.2-2. Ordinary supervision of student work in the clinic does not qualify as scholarship. If undertaken outside the context of student supervision, litigation briefs that seek significant reform or clarification of important legal doctrine might demonstrate good scholarship; the briefs in ordinary litigation under conventional rules would not.

Interpretation 8.4.1.2.2-3. For tenure-track law librarian faculty, contributions to scholarship may be as an author or editor, and may include preparation of substantial bibliographies, guides, or other resources that facilitate the use of library or legal information resources or that advance the process of legal research or legal information-related instruction.

8.4.1.3. Excellence in Outreach.

8.4.1.3.1. Standard: Excellence in outreach is characterized by impact and may occur at the local, regional, national, or international level. The quantity of outreach efforts should be commensurate with the amount of time allocated to Outreach and Extension in the position description.

8.4.1.3.2. Evidence: Excellence in outreach may be demonstrated by activities including, but not limited to, participation in CLE programs, service on committees appointed by the bench or bar, participation or leadership in professional or educational organizations, pro bono legal services, consultation with government agencies, preparation of practice-related materials, service on governmental commissions or boards, involvement with law reform projects, and public education on legal matters.

8.4.1.4. Excellence in Service.

8.4.1.4.1. Standard: Excellence in service to the University community includes active participation on College and University committees and, if relevant, program development.

8.4.1.4.2. Standard (Librarianship): For law library faculty candidates, librarianship should also be considered as part of law library faculty's "Service" component. Excellence in librarianship is characterized as the competent performance of regular library and administrative responsibilities as stated annually in position descriptions (in accordance with FSH 1565 C-2, C-3, and C-4, as applicable). For all law library faculty this means professional, administrative, and intellectual competence. Additionally, law library faculty with supervisory or managerial responsibilities will also be evaluated for supervisory or managerial competence. However, this evaluation is not to be understood as conflicting with FSH 3500 C-3.f.1, which provides that the role of an administrator is not tenurable. Library responsibilities include providing reference and research services to faculty, staff, students, and the public; collection cataloguing; collection management; materials acquisition, maintenance, and processing; or other activities related to the operation of the library.

8.4.1.4.3. Evidence (Librarianship): Excellence in librarianship may be demonstrated by developing library resources through the selection and acquisition of library materials; formal and informal instruction of library users on effective use of library resources; extending access to library resources through bibliographic control; using bibliographic tools to assist users in information acquisition, use, or analysis; organizing bibliographic information; developing programs that facilitate the delivery or use of information or library services or resources; extending access to library resources through technological devices or means (e.g., web pages, networks); and, improving unit performance or effectiveness through initiative and creative problem-solving.

8.5. Promotion Criteria

8.5.1. Standards for Promotion from Tenure-Track Assistant Professor to Associate Professor

Promotion to associate professor occurs as the result of an evaluation that the candidate has met the responsibilities contained in FSH 1565, the College of Law bylaws, and the position description, and that the candidate demonstrates promise based on past performance that they will continue to meet the criteria for associate professors. For promotion from assistant to associate professor, faculty members must demonstrate excellence in the categories defined in 8.4, according to the same standards and evidence.

8.5.2. Standards for Promotion of Tenure-Track Faculty to Full Professor

Promotion to full professor occurs as the result of an evaluation that the candidate has met the responsibilities contained in FSH 1565, the College of Law bylaws, and the position description, and that the candidate demonstrates promise based on past performance that they will continue to meet the criteria for full professors. For promotion from associate professor to full professor, a faculty member must demonstrate continued excellence in the categories defined in 8.4, according to the same standards and evidence. The quantity of additional scholarly output should be commensurate with the amount of time allocated to Scholarship & Creative Activities in the position description. For a faculty member with 25% of their position description allocated to Scholarship & Creative Activities, at least one additional major law review article or its equivalent is required for promotion to the rank of professor for faculty hired before October 1, 2017, and at least two additional major law review articles or their equivalent are required for those hired on or after October 1, 2017.

8.5.3. Standards for Promotion of Clinical Faculty

The granting of promotion reflects and recognizes a candidate's potential long-range contributions to the College and University, as evidenced by professional performance and growth. The classification of the position of clinical faculty is defined in the FSH and such faculty are considered for promotion from assistant to associate, and from associate to full, along the same timelines and with the same process as for tenure-track faculty. Clinical faculty members are expected to strive for excellence in all aspects of their university functions. The time allocated for effective teaching, scholarship, outreach, and service will vary with an individual's annual position description, an individual faculty member's interests, and the needs of the College. The annual proportion of a candidate faculty member's time allocated to these functions in their position description must be considered in the evaluation of promotion.

It is the Dean's responsibility, in consultation with the faculty member's supervisor, to inform the faculty member of their annual performance, progress toward third-year review, as well as overall progress toward promotion as part of the annual performance evaluation process. This progress should be documented in writing and included on, or as an attachment to, the annual performance evaluation form. If significant issues are raised in the annual evaluations or third-year review, responses to those issues should be documented by the faculty member being reviewed (see FSH 3320A-1.e and 3510 D).

The classification of clinical faculty applies to faculty with widely divergent job descriptions at the College of Law; thus, application of the general criteria in the following sections must be consistent with the position descriptions of the faculty member seeking promotion.

8.5.3.1. Standards and Evidence for Promotion of Assistant Clinical Faculty

8.5.3.1.1. Excellence in Teaching.

Excellence in teaching shall be judged by the same standards and evidence as provided for Tenure-Track Faculty, with expectations appropriate to the position description of the clinical faculty member.

8.5.3.1.2. Excellence in Outreach.

Excellence in outreach shall be judged by the same standards and evidence as provided for Tenure-Track Faculty, with expectations appropriate to the position description of the clinical faculty member.

8.5.3.1.3. Excellence in Service

Excellence in service, including excellence in librarianship where applicable, shall be judged by the same standards and evidence as provided for Tenure-Track Faculty, with expectations appropriate to the position description of the faculty member.

8.5.3.1.4. Excellence in Scholarship

Scholarship is not generally an expectation of clinical faculty. Evaluation of scholarship is only appropriate where a faculty member's position description includes a scholarly component.

8.5.3.1.4.1. Standards: Applied scholarship that serves the legal profession and other professional entities is highly valued.

8.5.3.1.4.2. Evidence: Scholarship can be demonstrated through impact within the national market, professional development activities, development of educational materials, articles in the state bar journal, and CLE materials.

8.5.3.2. Standards for Promotion of Associate Clinical Faculty

8.5.3.2.1. Standards for Promotion of Faculty to Full Clinical Professor

For promotion to full clinical professor a faculty member must demonstrate continued excellence in the categories defined previously and as set forth in the position description.

8.6. Third-Year Review.

A faculty member's teaching, scholarship, outreach, and service for tenure (for tenure-track faculty) and promotion (for clinical faculty) will be reviewed pursuant to the requirements of FSH 3510 to advise on whether the faculty member is making adequate progress to achieve College standards for tenure or promotion set forth below for the relevant position classification. The review is advisory and is intended

to provide the faculty member with an assessment of their strengths and weaknesses and with recommendations on their progress toward meeting the College's tenure and/or promotion expectations.

ARTICLE 9. HIRING POLICIES

9.1. Additions to the Full-Time, Tenure-Track and Clinical Faculty.

9.1.1. Faculty Appointments Committee's Responsibility

The Faculty Appointments Committee or its appropriate subcommittee shall be responsible for considering, screening, and arranging preliminary interviews with applicants and nominees (including those listed on professional registers) for full-time, tenure-track and clinical faculty positions on the Faculty. The Committee will consult regularly with the Faculty and the Dean and shall make its recommendations to them.

9.1.2. Selection of Individuals to be Recommended for Appointment to Faculty

Selection of an individual to be recommended by the College of Law to the University Administration and to the Regents for full-time, tenure-track and clinical faculty appointment shall be made upon a two-thirds favorable vote of all faculty members, including the Dean, in attendance (in person, telephonically, or by other means permitting simultaneous communication) and voting at the meeting where the selection occurs. If there be more than one individual whom the Faculty deems acceptable by this text, the individuals shall be recommended to the Dean for appointment in the order determined in preferential balloting. The dean will follow the recommended order except in compelling circumstances that the dean cannot otherwise share with the faculty; in that case, the dean will report such circumstances to the provost. Two-thirds of the voting faculty members on active duty shall constitute a quorum for the selection meeting.

9.2. Temporary and Part-Time Appointments.

In so far as practicable, the Dean shall consult with the Faculty before recommending the hiring of part-time and temporary lecturers, adjunct instructors, and visiting faculty.

ARTICLE 10. LAW LIBRARY

10.1. General Policy.

The law library is recognized as a central resource in the educational program of the College, and the overall policies in effect therein shall be determined by the Faculty.

10.2. Application of ABA Best Practices.

10.2.1. The College shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.

10.2.2. The Dean and the Law Library Director, in consultation with the Faculty, shall determine law library policy.

10.2.3. The Law Library Director and the Dean are responsible for the selection and retention of staff other than faculty, the provision of library services, and collection development and maintenance.

10.2.4. The budget for the law library shall be determined as part of, and administered in the same manner as, the College budget.

ARTICLE 11. AMENDMENT

Amendments to these bylaws may be adopted at any meeting by a majority vote of the entire Faculty, except that amendments of this provision; 2.1 (Voting members), and 10.1 (Additions to the Full-Time, Tenure-Track and Clinical Faculty) shall require a two-thirds vote of the entire Faculty, and provided that the proposed text of the amendment has been circulated in writing to the Deans and Faculty at least two days before the meeting.

Version History (from 2/8/22 to present)

5/1/23: Article 8 revised; error in numbering corrected resulting in current numbering of Articles 9-11.

2/7/23: Editorial change. "Diversity and Human Rights Committee" changed to "Diversity, Equity, and Human Rights Committee" throughout.

2/2/23: Section 6.8.1. revised.

8/10/22: Section 6.8.6. revised.

6/1/22: Section 6.4.1. revised.

2/8/22: Comprehensive revision.