

**BYLAWS
SCHOOL OF LAW
UNIVERSITY OF WASHINGTON
Approved 4/3/13**

In order to exercise the powers granted under the *Faculty Code*, Section 23-43, and to advise the Dean as required in Section 23-43B in an orderly and expeditious manner, the faculty of the School of Law establishes the following organization and rules of procedure as is required by *Faculty Code* Section 23-45A.

ARTICLE I: PURPOSE AND FUNCTION

Sec. 1: The purpose of the School of Law shall be to provide programs within the larger context of the University of Washington, whose mission is defined in the *University Handbook*, RCW, 28 B-20.020 Vol. 1-1, and its successor, the *UW Policy Directory*, found at <http://www.washington.edu/admin/rules/policies/index.shtml> (February 2013).

Sec. 2: The faculty of the School of Law, University of Washington, is the School's governing body, under the *Faculty Code*, Sec. 23-41.

Sec. 3: Pursuant to Section 23-43 of the *Faculty Code*, the faculty of the School of Law shall:

- A. with respect to academic matters,
 - 1. determine its requirements for admission and graduation;
 - 2. determine its curriculum and academic programs;
 - 3. determine the scholastic standards required of its students;
 - 4. recommend to the Board of Regents those of its students who qualify for the University degrees;
 - 5. exercise the additional powers necessary to provide adequate instruction and supervision of its students;

- B. with respect to personnel matters, make recommendations to its dean in accord with the applicable provisions of Chapter 24 and Chapter 25.

Rationale: This is pro forma language that every college and school has in its bylaws, and is suggested in the Faculty Senate Template.

ARTICLE II: VOTING MEMBERSHIP

Members of the School of Law faculty who are voting members of the University faculty shall be voting members of the School of Law, in accordance with the *Faculty Code*, Sec. 21-32:

- A. Except as provided in paragraph B of this Section the voting members of the University faculty are those faculty members holding the rank of (tenure, research track, and, WOT): professor, associate professor, and assistant professor, with a 50% or greater appointment, and full-time instructor, or full-time lecturer.

- B. Notwithstanding the rank held, the following are not voting members of the faculty:
 - persons serving under acting or visiting appointments;

- persons on leave of absence;
- persons serving under clinical (although this does NOT refer to law school clinic faculty holding tenure or WOT titles, but to the University of Washington “Clinical Professor” title) or affiliate appointments;
- persons of emeritus status unless serving on a part- or full-time basis; or
- persons serving under adjunct appointments insofar as their adjunct appointment(s) are concerned.

C. Research faculty may vote on all personnel matters as described in the *Faculty Code* except those relating to the promotion to and/or tenure of faculty to the following ranks:

Principal Lecturer
 Senior Lecturer
 Assistant Professor
 Associate Professor
 Professor
 Associate Professor WOT
 Professor WOT

Or, as set forth in the most current provisions of the *Faculty Code*.

D. Voting Membership in Relation to Joint Appointment: A Faculty member who has the privilege of participation in governance and voting in the primary department may arrange with the secondary department(s) either to participate or not to participate in governance and voting in the secondary department(s). This agreement must be in writing and will be used for determining the quorum for faculty votes. FC Sec. 24-34 Part B8.

Rationale: Nearly all of this language appears verbatim in the current *Faculty Code*, and appears in exactly this form in the *Faculty Senate Template* as well as the bylaws of the other colleges and schools.

ARTICLE III: FACULTY EXECUTIVE COUNCIL AND STANDING COMMITTEES

Sec. 1: The Faculty Executive Council: There shall be a Faculty Council called the Executive Council (EC or Council). The EC shall provide governance for the faculty of the School of Law to the extent and as delegated to it by the faculty. This body shall be concerned with all domains of faculty authority and duties of the School of Law faculty and the professional and personnel issues affecting faculty. The EC is directly accountable to the faculty as a whole, from which it is elected. It may act on behalf of the UW Law faculty and shall account to the faculty for those acts.

- A. The scope of the EC’s authority, responsibilities and duties is as follows:
1. It provides advice to the Dean on pending matters.
 2. It brings to the attention of the Dean and the administration matters of concern. Examples include matters of policy, governance, finance, long-term planning and management.
 3. It shall confer with and advise the Dean on the award of faculty Professorships and Chairs.

4. Given its obligations under the *Faculty Code*, it shall review the budget of the School of Law at least once a year and advise the Dean on budgetary issues that are of concern to the Dean or of the EC.

5. Selection of specific membership and the chairs of standing committees is delegated to the Dean or the dean's designee, in consultation with the EC. Jurisdictional disputes between standing committees may be referred to the EC to resolve in a collegial manner in consultation with the Dean. The EC, in consultation with the Dean or at the Dean's recommendation, may create and appoint *ad hoc* committees. Similarly, the Dean may create and appoint *ad hoc* committees, and shall inform the EC. The Faculty shall be informed of the creation of any *ad hoc* committees in a timely fashion.

B. Membership: There shall be six members, consisting of a chair, and five regular members. Voting members of the faculty shall elect the EC membership. Of its six members, at least four must be tenured and at least two must be full professors. Each member will serve a term of two years, with staggered elections. Typically, three of the six members will be elected each year and three will continue with their second year of appointment.

Vacancies on the EC may occur due to sabbatical, resignation, retirement or leave that conflict with the two-year terms. In cases where there are one or more vacancies for a quarter or more, the voting faculty will be asked to elect an ad-hoc member of the Council to serve out the balance of their term for the member s/he will replace.

C. Elections: The election of the members of the EC is held in Spring Quarter each year. Those eligible for election are:

1. All voting members of the faculty as of June 1 of the Spring Quarter in which the election is held, and
2. All members of the faculty who are on leave as of that June 1 but who will be in residence and voting members of the faculty during the forthcoming academic year.

D. Method of Election: The election of EC members will be conducted via electronic ballot, beginning no earlier than the second Monday of spring quarter*, and will normally require at least two rounds of votes. The initial ballot will ask faculty to vote for the appropriate number of choices from tenured faculty, full professors, and faculty-at-large categories, and will include a date and time for the close of voting. Any individual receiving a majority of votes will be elected to the Council.

Within each category, if no member of the faculty receives a majority of votes, a run-off election will be held via electronic ballot for the remaining spots listing the highest non-majority vote getters in the appropriate category(ies), and a date and time for the close of voting. The number of candidates in the run-off will be set at two times the number of open slots. The top vote getter in the run-off will be deemed elected to the Council.

*The dean has suggested that this date be set "prior to March 1," but the majority of EC members considering this issue prefer the spring quarter date. This assumes a term that runs from July 1 to June 30. That is, the new council would begin its duties on July 1.

E. Chair: The Council members shall elect a chair. The term of office for the chair shall be one year. Only associate and full professors shall be eligible for this position.

F. Quorum and Vote: A quorum of the EC shall be four of the six members, and a quorum is required to conduct a binding vote or other action. A binding vote shall be upon a majority vote of the total body. Upon motion, a majority of the members of the EC may refer a matter to the entire voting faculty.

Rationale: This language is the result of extensive Executive Council discussions. It attempts to capture past practices of the law school faculty as well as our current understanding of our governance needs.

Sec 2: Standing Committees: The UW Law Faculty authorizes the establishment the following standing committees:

A. Admissions: This committee proposes, reviews and implements admissions criteria, and reviews admissions applications. The admissions criteria should be reviewed as needed to consider changes or modifications that may be warranted by the changing dynamics of the student applicant pool, by accreditation standards, or by other factors the committee considers relevant. It will also be responsible for faculty oversight of student financial aid and loan repayment programs, for reviewing the admission policies and statistics of the Graduate programs for compatibility with J.D. admissions standards, and for providing faculty input for orientation of admitted students. The Assistant Dean of Admissions or his or her designee shall be an *ex officio* member of this committee.

B. Curriculum: This committee is responsible for the ongoing consideration and improvement of the curriculum in the J.D., LL.M, and Ph.D. programs. The committee reviews proposals for new courses and changes to existing courses, except insofar as those changes have been delegated to the Associate Dean. From time to time, this committee may be charged with considering curriculum reform. In years where it has that charge, its membership may be enlarged, or the task of considering reforms may be given to an ad hoc committee at the discretion of the Dean in consultation with the EC. A member of the professional library staff shall participate on the Curriculum Committee, with vote.

C. Faculty Appointments Committee: This committee is responsible for making initial appointments recommendations to the faculty for the searches authorized by the Dean. Generally, members of this committee will review the candidate market, attend the AALS recruiting conference, and oversee the on-campus interview process. The committee shall consult with the faculty in the spring of each academic year regarding hiring needs and priorities.

D. Promotion and Tenure Council: This elected council shall be responsible for the review of all candidates seeking promotion and/or tenure. Each year, the Faculty shall elect a Council of at least five tenured Faculty members, at least three of whom are full Professors, to serve on the Promotion and Tenure Council. After consulting with faculty as to preferences for Council membership, the Dean shall propose the slate to the faculty each year for election and shall attempt to maintain continuity in the Council from year to year where possible given faculty members' sabbatical schedules and other duties. The P&T Council may seek input from the Student Bar Association and other pertinent student and alumni groups, but students will not be members of the Council.

The Council's duties are fully outlined in School of Law Policy Governing Promotion and Tenure (adopted June 2011).

Sec 3: Student Membership on Standing Committees

A. There shall be at least one voting student member on the Curriculum and Admissions Committee. The Dean may ask the SBA to appoint additional student members where the scope of work of the Committee and the number of its faculty members makes such appointment desirable.

B. On the Faculty Appointments Committee there shall be a student who is responsible for reporting on committee activity to the SBA Executive Board. The student is a non-voting member, and does not participate in the deliberations but provides input at the request of the chair.

C. The SBA, or its Executive Board, shall be responsible for the manner of appointing and/or electing student representatives to faculty committees and councils.

Rationale: This article includes a great number of changes that are the result of conversations within the EC, and with the Dean. It also attempts to capture current law school practice regarding our standing committees. Please note that the academic standards committee has been deleted; the EC reviewed this issue in the fall 2012, and decided that academic standards matters should be handled on an as needed basis by an ad hoc committee.

ARTICLE IV: VACANCY IN OFFICE

Sec. 1: Definition: A vacancy in either elected office or appointed committee membership can occur through such processes as resignation, termination of employment, or failure to attend meetings of any committee without advance notification.

Sec. 2: Filling Vacancies: If a vacancy should occur during the term of any elected council membership, a new election shall be held to replace the member. If a vacancy should occur during the term of any appointed committee membership, the Dean, with the advice of the EC, shall appoint a replacement to complete the unexpired term, or to provide for an election to a new term of office for that position.

Rationale: This is pro forma language that every college and school as in its bylaws, and is suggested in the Faculty Senate Template.

ARTICLE V: QUORUM

A quorum for any meeting of the School of Law faculty shall consist of at least half the voting members of the faculty, or in the case of personnel matters, the quorum that is required by the *Faculty Code*.

Rationale: This is a standard expectation that is drawn from the *Faculty Code*.

ARTICLE VI: VOTING

Sec. 1: Effectiveness: A proposed action of the UW Law faculty under the authority of the *Faculty Code*, Sections 23-43 and 23-44, is effective if passed by a quorum majority of its voting members present at a meeting.

Sec 2: Form of Vote: For voting in a meeting, voting may occur orally, by a show of hands, or by ballot. A ballot must be used for all personnel actions other than those on the consent agenda. Upon the request of any faculty member made at least 24 hours before the faculty or upon the request of at least three faculty members made at the meeting, an item must be moved from the consent agenda to the regular agenda.

Sec 3: Electronic Voting: Electronic ballots may be used for issues which the Dean and EC determine to be largely routine. Examples are minor administrative changes to courses and some appointments such as Visiting Scholars. An electronic ballot will be distributed to all eligible faculty with a reasonable deadline for response, and a secure electronic platform for voting shall be used. Actions presented in an electronic ballot are approved by a simple majority of those voting, provided that at least half of the members eligible to vote have cast ballots, except in the case of motions for personnel actions. Motions for personnel actions will be approved by a majority of eligible voters.

A. Limited Proxy Voting Permitted: On matters of hiring, promotion, tenure, and contract renewal, an eligible faculty member may vote by proxy if he or she has participated in the relevant activities that precede the meeting (interviews, review of files and video recordings) and he or she—

- (a) has a debilitating illness or a family member with a debilitating illness;
- (b) cannot participate because of religious belief or observance;
- (c) is required by law to be elsewhere;
- (d) has a conflicting regularly scheduled class; or
- (e) has a previously scheduled professional obligation.

B. Method for Proxy Voting: Following a meeting at which matters qualifying for proxy voting have been discussed, the Associate Dean will provide a substantive summary of the faculty discussion of the matter, not including the vote, and provide this to faculty members eligible to vote by proxy. The proxy vote must be made in writing or through an electronic record, must include the justification for proxy voting, and must be delivered to the Associate Dean for Academic Administration within three working days after the faculty meeting at which the vote was taken. On rare occasions, in extremely time sensitive matters, the three day window may be reduced at the discretion of the Dean.

Colleagues unable to attend a faculty meeting should feel welcome to submit written comments about a particular hiring, promotion, tenure, or contract renewal matter to the Dean or the Associate Dean for Academic Administration for inclusion in the recommendation materials sent to the Provost. These comments should be made on paper and not through an electronic record.

NOTE: This additional language was approved by the Faculty, and also appeared in Assoc. Dean Kuszler's e-mail of 20 November 2012. It may well be that this language eclipses section (d) below.

C. Ballot Protest: The ballot will include an option for protesting use of an electronic ballot for the particular issue presented. If three or more faculty feel the issue sent for electronic vote needs discussion, the electronic vote will be discarded and the issue will be placed on the agenda of next faculty meeting.

D. Special Circumstances – Non-personnel matters: In the event that a critical vote cannot be completed in a faculty meeting, faculty members present may approve by a majority of the quorum the use of an electronic vote. Minutes from the meeting will be made available to all faculty members and an electronic ballot will be distributed to all eligible faculty with a reasonable deadline. Actions will be approved by a simple majority of those voting, provided that at least half of the members eligible to vote have cast ballots, except in the case of motions for personnel actions. Motions for personnel actions will be approved by a majority of eligible voters.

Rationale: Over the last decade, there has been an increasing need for efficiency in conducting faculty business. At the same, technology has made it possible to post information about matters before the faculty as well as to conduct electronic voting. This provision attempts to recognize both realities and provide for electronic voting in addition to in person voting at faculty meetings.

ARTICLE VII: FACULTY MEETINGS, ORDER OF BUSINESS AND AGENDA

Sec. 1: Meetings: At least eight meetings of the faculty shall be held during each academic year. The Dean's office shall establish an annual calendar of meeting dates prior to the beginning of the Autumn Quarter. Meeting dates will not be changed unless there is a major emergency, with information to the faculty regarding the cause for change or cancellation. Special meetings shall be held when called by the Executive Council, when requested by the Dean, or when requested in writing by 25% percent of the voting membership of the UW Law faculty. The Dean, or the Dean's designee, presides at the meeting of the faculty.

Sec. 2: Agenda and Order of Business: The Dean's office shall develop an agenda with input from individual faculty members, councils, committees, task forces and the administrative officers of UW Law.

Sec. 3: Minutes of Faculty Meetings: Minutes of faculty meetings constitute an important record of the faculty's deliberations and its institutional memory. Minutes shall reflect the substance of all deliberated issues, although names may be omitted from the account, as well as a record of ministerial or minor actions. The minutes of each meeting shall be presented for review and approval at the next faculty meeting. A voice or video recording of faculty meetings shall be made and retained until the minutes have been approved by the faculty, or a longer time if so indicated by a majority vote of the faculty members participating in the meeting.

Sec. 4: Open Meetings Act: Notice of the faculty meetings, and the conduct of meetings, shall comply with all applicable portions of the current version Open Meetings Act as it appears in the Revised Code of Washington.

Rationale: Although this language largely captures current Faculty Senate practice, it has also been updated to reflect law school practice.

ARTICLE VIII: PARLIAMENTARY AUTHORITY

The latest edition of Robert's Rules of Order shall be the parliamentary authority. The rules contained in these By-laws shall govern the faculty in all cases to which they are applicable and in which they are not inconsistent with the bylaws or special rules of order of this University, or the laws of the state of Washington.

ARTICLE IX: EFFECTIVE DATE AND AMENDMENTS

Sec. 1: Effective Date: These by-laws shall become effective immediately following the faculty meeting at which they are approved, and shall remain in force until rescinded by the Faculty, or rendered inoperative by the laws of the state of Washington.

Sec 2: Amendments: These by-laws may be amended at any regularly scheduled faculty meeting by two-thirds vote of those present provided notice of intent is given at the previous regular meeting or when submitted in writing to all faculty at least two weeks prior to the meeting at which action is taken. The by-laws may be amended by electronic mail balloting by two-thirds of those voting providing that the requirements for a quorum established in Article VI have been met in the ballots returned and that the proposed changes and rationale have been circulated to all voting faculty at least two weeks prior to the date on which the ballots will be tallied.

Rationale: The prior two articles track current Faculty Senate suggested practice.

Approved at the 4/3/13 faculty meeting.