

LAW FACULTY BY-LAWS

PART I: FUNCTIONS

1. The Faculty shall be responsible for the governance of the School of Law, subject to such regulations and coordinating powers of the Board of Curators and the University Senate as may be applicable.

PART II: MEMBERSHIP

2. The Faculty shall consist of the President of the University of Missouri, the Chancellor of the University of Missouri-Kansas City, and the Dean and all other persons with academic appointments who are assigned to the School of Law.

PART III: VOTING FACULTY

3. (a) The Voting Faculty shall consist of those who have full-time academic appointments at the School of Law and who are either (i) tenured or tenure-track faculty of the School of Law, or (ii) other teachers of the School of Law whose hiring was subject to approval by vote of the faculty of the School of Law and who have long term contracts or who are on the long term contract track. Voting on tenure track hiring is reserved to the tenured and tenure track faculty. Voting on promotion and tenure matters is reserved to the Promotion and Tenure Committee as set forth in paragraph 6(G) below

(b) The Voting Faculty, by a vote equal to at least two-thirds of all the members thereof, may confer voting rights on other teachers at the School of Law whose hiring was subject to approval by vote of the faculty of the School of Law.

(c) All those who have full-time academic appointments at the School of Law, whether part of the Voting Faculty or not, are eligible to serve and vote on committees, with the exception of the Executive Committee, the Policy and Planning Committee, the Faculty Appointments Committee, and the Promotion and Tenure Committee.

PART IV: CHAIR OF THE FACULTY

- 4 . The Dean of the School of Law is Chair of the Faculty.

PART V: COMMITTEES

- 5 . (a) The committees described in paragraph six shall be the standing committees. Other committees may be established from time to time by the Chair or by the Faculty for any purpose.

(b) Unless the Faculty determines otherwise, members of all committees described in paragraph six, except the Policy and Planning Committee, the Executive Committee, and the Promotion and Tenure Committee shall be appointed by the Chair, after review and approval by the Executive Committee, prior to the commencement of the academic year during which they will serve, and shall hold office until their successors are appointed. The Chair shall, after review and approval by the Executive Committee, fill vacancies which occur on any appointed standing committee.

(c) No one shall serve as chair of any standing committee for more than two years in succession, nor serve as chair of more than one standing committee in a single academic year.

(d) Each standing committee shall keep the minutes of its meetings and a record of its actions and reports, and for this purpose the chairperson of the committee may appoint a secretary for the committee. At the conclusion of the term of office of the chairperson, the minutes and copies of reports distributed by the committee shall be placed in a binder and deposited in the Law School's archives.

(e) Each standing committee shall review the implementation of policies adopted by the Faculty within the committee's area of responsibility and report to the Faculty on such implementation.

6. A. Executive Committee

The Executive Committee shall consist of the Chair of the Faculty and five elected members of the Voting Faculty. The elected members of the Executive Committee shall be elected by the Voting Faculty for two year terms, with staggered terms which allow replacement of at least two committee members each year. No member of the Faculty shall

be eligible to serve in succession more than two full two-year terms.

The committee shall meet at the call of the Chair of the Faculty. It shall:

- (a) consult with and advise the Chair on matters relating to the governance of the Law School
- (b) receive proposals from the Chair for assignment of Faculty members to the appointed standing committees for its review and approval
- (c) act on behalf of the Faculty and in substitution for the Faculty on those occasions when an emergency decision is required before a meeting of the Faculty can be held; and
- (d) make recommendations to the Dean regarding dismissal of members of the faculty on the basis of 'adequate cause', subject to the University of Missouri Academic Tenure Regulations.

Whenever the Executive Committee acts pursuant to subsection (c) of this section, there shall be a quorum of at least three elected members present, the committee shall keep minutes of the discussion and any decision made by it, and shall report in writing on such activity to the Faculty at the earliest practicable opportunity, and in no event later than the next Faculty meeting.

6. B. Policy and Planning Committee

The Policy and Planning Committee shall consist of the five elected members of the Executive Committee. One member shall be selected chair by a majority vote of the whole committee.

It shall be the duty of the Policy and Planning Committee:

- (1) to conduct periodic assessments of the degree and non-degree programs of the Law School;
- (2) to recommend to the Faculty proposals for the maintenance and improvement of the quality of education;
- (3) to serve as the planning body for the Faculty, formulating and submitting coordinated plans for the future operation of the Law School and for improving and synthesizing existing operations;
- (4) to confer with other appropriate standing committees on matters of

mutual concern;

- (5) to serve as the responsible body to insure completion of a self-study as required by the Rules of Procedure for the Approval of Law Schools of the American Bar Association;
- (6) to consider and report upon such matters as may be referred to it by the Faculty or the Chair of the Faculty;
- (7) to review the financial administration of the Law School and make reports and recommendations to the Faculty thereon;
- (8) to review all sources of funding available to the Law School and make reports and recommendations to the Faculty with respect thereto;
- (9) to, not less than annually, survey the Faculty to determine Faculty priorities and preferences for use of additional funds and/or reallocation of existing funds and report the same to the Faculty; and
- (10) to receive for review, consideration and, where appropriate, for report to the Faculty proposed law school budget requests, modifications or adjustments.

The responsibility of the committee shall not extend to participation in annual determinations respecting individual salary recommendations.

6. C. Curriculum Committee

The Curriculum Committee shall study the curriculum in its entirety, including clinical components, consider proposals for changes therein, consult with Faculty members affected by proposals for change, and make recommendations to the Faculty regarding the curriculum. It shall also review proposed scheduling of courses prior to the adoption of the same to help insure that the schedule is in conformity with the current curriculum policy and objectives. The committee may initiate suggestions regarding the scheduling of courses. The scope of the subject matter of the various courses shall be reviewed from time to time by this committee to insure that the overall policies of the curriculum are carried out.

6. D. The Admissions Committee

The Admissions Committee shall oversee the implementation of the admissions policies and standards approved by the Faculty and study and make recommendations to the Faculty with respect to policies and standards of admission.

6. E. The Student Affairs/Readmissions Committee

The Student Affairs/Readmissions Committee shall consider all petitions for readmission within the readmission policies, standards and criteria approved by the faculty and study and make recommendations to the Faculty with respect to policies and standards of academic performance. It shall recommend to the Faculty the scholarship and financial aid policies of the Law school, both direct and indirect, including law student employment policies. It shall be the further duty of the Committee to review the status of programs relating to minority students in regard to recruitment, admissions, financial aid, and tutorial assistance, to report its recommendations concerning such matters to the Faculty, and to implement such minority students programs as the Faculty directs. The Committee shall also review the operation of the Career Services Office and make recommendations to the Faculty with respect thereto. It shall also initiate and encourage student activities and programs beneficial to the Law School community.

[Note regarding charge to Student Affairs Committee regarding review of status of program relating to minority students:

Although the By-Laws place the review of programs relating to minority student recruiting, admissions, financial aid and tutorial assistance with the Student Affairs Committee, the faculty has distinguished this responsibility from the review and oversight of affirmative action efforts. Thus, we have had an Ad Hoc Affirmative Action Committee for a number of years (presently named Committee on Inclusion and Empowerment). The desire for a committee focused on affirmative action was formally expressed at a faculty meeting on October 4, 1984 when the faculty approved in principle a standing Committee on Affirmative Action. The duties to be assigned the Committee awaited future faculty action to amend the By-Laws at which time the Committee's charge would be stated. The By-Laws were never amended to provide for such a standing committee nor has the charge to the Ad Hoc Committee been clearly defined. Within recent years the 'review of programs relating to minority students' charge appears to have been undertaken by the Ad Hoc Committee. The faculty needs to consider this matter and decide if the charge to the Student Affairs/Readmissions Committee as provided above represents its present will.--Associate Dean Jeffrey Berman 9/21/97).

[Note regarding charge to Student Affairs Committee in regard to reviewing the operation of the Career Services Office and to make recommendations to the Faculty with respect thereto.

My recollection is that there has been an Ad Hoc Placement Committee since I have been at the School (my first year was 1973-1974), notwithstanding the charge in the By-Laws to the Student Affairs Committee to review the operation of the Placement Office and to make recommendations to the faculty about such operation. It was

always assumed that the work load of the Student Affairs Committee was such that an additional committee was needed to relieve the Student Affairs Committee of that responsibility and the By-Laws were never amended to reflect that assumption. The faculty needs to consider this matter and decide if the charge to the Student Affairs Committee to review the operation of the Placement Office should be deleted.-- Associate Dean Berman 9/21/97.]

6. F. Faculty Appointments Committee

The Faculty Appointments Committee shall make recommendations to the Faculty concerning teaching area priorities for selection of additional of new faculty and desired qualifications of candidates, and shall recommend to the Faculty candidates for consideration for appointment to the Faculty.

6. G. Promotion and Tenure Committee

The Promotion and Tenure Committee shall consist of all tenured Faculty for purposes of considering recommendations for or against reappointment of faculty on term appointments, and tenure matters in accordance with the Promotion and Tenure Procedures attached; and of all full professors for purposes of considering promotion matters in accordance with the Promotion and Tenure Procedures attached. One member, who shall be a tenured full professor, shall be selected chair by a majority vote of the tenured members of the committee.

6. H. Graduate Studies Committee

The Graduate Studies Committee shall study and recommend to the Faculty the policies for admission and retention of students seeking the LL.M. degree, and oversee the implementation of the admissions policies and standards approved by the Faculty. It shall furnish program guidance to graduate students, and supervise the evaluation of graduate student records for the purpose of recommending the awarding of degrees. The Graduate Studies Committee shall serve as a thesis committee for the purpose of advising on, and approval of, theses. The Committee may designate another member of the Faculty in whose field the candidate is writing the thesis to serve with the thesis committee.

6. I. Library Committee

The Library Committee shall review all phases of operation of the Law Library, counsel with the Law Librarian, and make recommendations to the Faculty with respect to Library plans, operations and policies.

6. J. Continuing Legal Education Advisory Committee

The Continuing Legal Education Advisory Committee shall inform itself of the continuing legal education activities carried out through the Law Center, counsel with the Director of the Law Center with respect to continuing legal education activities, report to the faculty regarding such activities, and assist the Director in developing appropriate continuing legal education curriculum and obtaining appropriate Faculty support for continuing legal education activities carried out by the Law Center.

PART VI: FACULTY MEETINGS

7. The Chair shall call at least four regular meetings of the Faculty during the academic year.

8. Meetings of the Faculty may be called by the Chancellor or by the Chair or by five members of the Voting Faculty.

9. Written notice of any meeting of the Faculty shall be distributed at least five days prior to the meeting to all members of the Voting Faculty. The Chair may call a meeting on shorter notice if the Chair finds there are cogent reasons for doing so and states these reasons in the notice.

10. There shall be a written agenda for every meeting. The Chair shall prepare the agenda and shall distribute it as soon as practicable after expiration of the time for inclusion of agenda items. Items for inclusion on the agenda must be initiated by a Faculty member, must be in writing, and must be submitted at least four days prior to the meeting. Agenda items submitted at a later time shall be placed on the agenda of the next regular Faculty meeting. No action may be taken on any matter not included on the agenda.

11. Half of the Voting Faculty shall constitute a quorum for transaction of business at Faculty meetings.

12. Except with respect to Faculty hiring matters, only those Voting Members in attendance may vote at Faculty meetings. A secret ballot vote shall be taken whenever requested by any Voting Member.

13. Other members of the academic staff, including Lecturers and Visiting Professors, may be invited to attend Faculty meetings either by invitation from the Chair or resolution of the Faculty and receive the courtesy of the floor.

14. Duly authorized student representatives shall be privileged to attend Faculty meetings and shall receive the courtesy of the floor; however, the Chair shall request the student representatives absent themselves whenever matters of a confidential nature are

under consideration, e.g., student discipline, student readmission petitions, qualifications of interviewed candidates for Faculty positions.

15. Any committee report intended to serve as the basis for Faculty action shall be distributed, together with an appropriate motion, to the Faculty at least three days prior to the meeting at which such report is to be considered and action taken thereon. A failure to meet this notice requirement shall have the effect of automatically tabling the report and any action thereon until the next following Faculty meeting. However, this requirement does not apply to the Student Affairs Committee's reports relating to readmission or retention.

15.a. Reports with recommendations that the Dean finds will not be substantially opposed may be included on the faculty meeting consent calendar and all items on it shall be moved for approval at the meeting by the Dean without debate. Faculty will be notified at least four days prior to the meeting at which any such report is to be considered and action taken thereon that an agenda item is on the consent calendar. By request of a faculty member (written or oral) to the Dean at least two days prior to the meeting, an item on the consent calendar shall be removed and made the subject of debate. In addition, upon the vote of six members of the faculty who are in attendance an item on the consent calendar shall be removed and made the subject of debate.

16. During the course of discussion at Faculty meetings the Chair, if the Chair deems it appropriate, may relinquish the chair to the Associate Dean, or, in the absence thereof, to the senior member of the faculty present.

17. Minutes shall be entered in the official records of the School only after final approval. Copies of the minutes of each meeting shall be supplied to each voting faculty member of the School and to the Chancellor.

PART VII: FACULTY HIRING

18. The Chair shall give such notice of meetings dealing with Faculty hiring as is appropriate in light of the exigencies of the situation.

19. A motion that an offer be made to a candidate for regular appointment to the Faculty shall require a majority of two-thirds of the Voting Faculty to carry.

20. The Chair shall determine in advance of any meeting dealing with Faculty hiring which members of the Voting Faculty will be unable to attend such meeting, and shall obtain in writing their votes, or if that is impracticable, he/she shall obtain their votes orally, with respect to the candidate or candidates to be considered at such meeting. All written or oral votes communicated to the Chair shall be a 'yes' or a 'no' on the candidate(s). Such votes as the Chair receives shall be cast and counted with the votes of those in attendance at such

meeting.

21. No quorum is required for taking action on a matter of Faculty hiring.

22. Appointment and Review of Adjunct Faculty. The Dean shall make recommendations with respect to the initial appointment of adjunct faculty. The Associate Dean for Faculty Development shall evaluate the teaching of the School's adjunct faculty by visiting their classes along with at least one faculty member; discussing teaching methods, goals and objectives; and studying teaching evaluations. Faculty will assist in this evaluative process as requested. Written evaluations of adjunct faculty will be provided to the Dean.
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PART VIII: STUDENT PETITIONS FOR READMISSION

23. Readmissions Committee

The Faculty Readmissions Committee considers all petitions for readmission in the first instance. Petitioners are afforded the opportunity for a personal interview with the Readmissions Committee.

24. Criteria for Petitions for Readmission

A. No petition for readmission will be granted unless the petitioner establishes to the satisfaction of the Readmissions Committee or the faculty that:

- (1) there is a substantial likelihood that the student will be able to make up his or her grade deficiency within an appropriate time and manner in accordance with a plan approved by the Readmissions Committee or the faculty, and
- (2) the grade deficiency is substantially attributable to circumstances or events which do not reflect on the student's abilities to perform in law school and which do not reflect the absence of qualities which bear on the ability of a person to successfully deliver legal services.

Circumstances that may meet this test are:

- (a) serious personal illness or other medical problems, or
- (b) the occurrence of an event or series of events causing severe emotional stress (e.g., death of a family member, divorce or

separation from a longstanding partner, assault), or

- (c) documented disability that can be, but has not previously been, reasonably accommodated, or
- (d) any other serious problem significantly affecting law school performance.

- (3) Any situation which the student feels contributed to his or her academic difficulties should be clearly stated in the petition for readmission and documented to the extent practicable. Remedies the student wishes to see taken should also be addressed in the petition. The petitioner must certify the truthfulness of all statements provided in the petition.

25. Faculty Involvement

A. The Readmissions Committee shall inform the faculty in writing (by memorandum or e-mail) and by voicemail of the names of all students who are petitioning for readmission each semester and invite comments regarding those students. Although the actual petitions shall not be circulated, any interested faculty member may review any petition, The faculty will be encouraged to give any information regarding any petitioning student to the Readmissions Committee prior to the interview.

B. Faculty members may submit written comments concerning any petitioning student to the Readmissions Committee and may appear before the Readmissions Committee. In addition, the Readmissions Committee may collect any information it deems relevant to a petition.

26. Decisions to Admit or Deny Readmission

A. If the decision of the Readmissions Committee is to readmit, that decision is final.

B. If the decision of the Readmissions Committee is to deny readmission and that decision is unanimous, there is no possibility of appeal, except as detailed in E. Below.

C. If the decision to deny readmission is not unanimous, the student has a right of appeal to the full faculty. [Automatic right to appeal]

D. Upon a decision to readmit, the Readmissions Committee or the faculty shall construct a plan and specify conditions for remedying the grade deficiency.

Ordinarily, the student will be required to raise his or her cumulative grade point average to a 2.0 within one semester. In appropriate cases, the Readmissions Committee or the faculty may specify additional conditions for remedying the grade deficiency.¹

- E. If there is no entitlement to appeal in accordance with the above provisions, then the Dean or his or her designee may, in that person's discretion but only in extraordinary circumstances, refer an appeal from a Readmissions Committee decision to the faculty. Such referral shall be accompanied by a written explanation for the granting of the appeal. [Discretionary appeal]

27. Notification of Decision of the Committee

A. After the Readmissions Committee deliberates, the petitioning student shall be notified either that

- (1) the student is readmitted, or
- (2) the student is denied readmission and the decision is final, but that the student may seek leave to appeal from the Dean upon a showing of extraordinary circumstances or
- (3) the student is denied readmission but has the right to appeal to the faculty.

B. The full faculty shall constitute the appellate body for petitions after the fall

¹ Among the possible conditions are:

- (1) readmitting a student with the readmission to occur after a period of time;
- (2) constructing a plan of specific courses to be taken by the student; or
- (3) setting a requisite minimum grade point average in a specific course or courses and/or a requisite minimum overall grade point average.

In exceptional circumstances, the possible conditions may include:

- (1) readmitting a student, but allowing more than one semester to make up the grade deficiency;
- (2) requiring the retaking of a specific course or courses or exams (with the possibility of substituting the new grade(s) for the original grade(s), with the old grade(s) remaining on the transcript but with only the new grade(s) counting in the grade point average); or
- (3) restarting law school. If a student is permitted to restart law school, the prior grades shall be reflected on the student's transcript but may or may not be counted in the grade point average.

semester. The faculty attending shall constitute the appellate body for petitions after the spring semester. Faculty may participate at their request in the faculty deliberations by teleconference.

28. Subsequent Petitions

A. Re-Petitions After Denial

A subsequent petition is a petition that has previously been denied. A subsequent petition may be considered by the Readmissions Committee only if it presents new evidence not already presented in a prior petition. Subsequent petitions shall be determined by the same process and standard of review as petitions for readmission.

B. Petitions By Persons Who Have Previously Been Readmitted.

Only in exceptional circumstances will a student who has previously been readmitted and subsequently dismissed be readmitted again.

29. Reporting to Faculty

The Readmissions Committee shall inform the faculty in writing of the disposition of all cases following the readmissions process, including at a minimum, the student's level in school, grade point average, the number of [prior readmissions, and the Readmissions Committee's vote.

PART IX: AMENDMENTS

30. Provided that the requirements for submitting agenda items have been observed, these By-Laws may be waived, amended or repealed at any Faculty meeting by a vote equal to at least two-thirds of the entire Voting Faculty.