

University of the District of Columbia David A. Clarke School of Law



FACULTY HANDBOOK

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PREFACE

This Faculty Handbook is provided as a reference for all faculty members of the University of the District of Columbia David A. Clarke School of Law (UDC-DCSL) and for others interested in faculty matters. It is intended to state policies, responsibilities, relationships, and procedures in sufficient detail to enable faculty members at UDC-DCSL to know different aspects of the institution that bear on their duties, responsibilities, and opportunities as teachers. The Handbook is not intended to be a substitute for the District of Columbia School of Law Rules (CDCR Title 8A), nor is it intended to provide a detailed compendium of various operating rules and procedures affecting, for example, the functioning of faculty committees. This is the fourth edition of the Handbook, which will be reviewed and updated by the faculty from time to time.

This Handbook was formally adopted and ratified by the faculty on September 8, 1989, and amended on January 10, 1992. The Handbook was revised, formally adopted and approved by the Board of Governors May 4, 1993, with the understanding that the faculty may from time to time adopt further policies and procedures to be incorporated in subsequent editions. The Handbook was updated and reissued on March 13, 2000, to incorporate the merger with the University of the District of Columbia, the school's accreditation status, the change in the name of the school to the University of the District of Columbia David A. Clarke School of Law, and the addition of retention responsibilities to the Admission and Financial Aid Committee. It was revised by the faculty on April 3 and May 29, 2002, and formally adopted and approved by the Board of Trustees on June 18, 2002.

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PART ONE. GENERAL BACKGROUND OF THE SCHOOL OF LAW

The District of Columbia School of Law was established as the result of the passage of D.C. Law 6-177, the "Authorization for the Establishment of a Public School of Law for the District of Columbia Amendment Act of 1986." The law, which became effective on February 24, 1987, established a Board of Governors and charged the Board with the following mandate:

The Board of Governors shall, to the degree feasible, operate the School of Law as a clinical law school committed to representing the legal needs of low-income persons, particularly those who reside in the District of Columbia. The Board of Governors shall also, to the degree feasible, recruit and enroll students from racial, ethnic, or other population groups that in the past have been under-represented among persons admitted to the bar in the several states and the District of Columbia.

The legislation also provided for the merger of DCSL with the University of the District of Columbia after three years. D.C. Law 6-177 was subsequently amended by the "Public School Amendment Act of 1989," D.C. Law 874, to amend the timing for merger with the University so that merger would occur after DCSL had obtained full accreditation from the ABA.

On February 12, 1991, the American Bar Association awarded the School of Law provisional accreditation. For fiscal and mission-related reasons, the School of Law moved to the University of the District of Columbia's Van Ness campus in August, 1995. In November of that year, the Dean of the School of Law and the President of the University signed a Merger Agreement, which in turn was ratified by the UDC Board of Trustees and the DCSL Board of Governors.

In May, 1996, the D.C. City Council passed the Fiscal Year 1996 Budget Support Emergency Act, D.C. Act 11-264, which included language merging DCSL into UDC and creating the University of the District of Columbia School of Law (UDCSL). The merger became official in August, 1996, when the Congress approved the Act. UDCSL received provisional accreditation on February 2, 1998.

UDCSL was re-named the University of the District of Columbia David A. Clarke School of Law (UDC-DCSL) in D.C. Act 12-254 (January 20, 1998; effective, April 29, 1998).

The University of the District of Columbia David A. Clarke School of Law is the public law school for Washington, D.C.-- a city beset by the same host of social ills that plagues other large cities. The School of Law is committed to bringing the law to the people, as a protector of the benefits of citizenship they have achieved, and as a tool for acquiring those not yet attained. The School of Law is equally committed to bringing the people to the law, not merely as consumers of legal services, but also as highly competent and creative legal professionals. The primary goal of the University of the District of Columbia David A. Clarke School of Law is to produce graduates who will become able practitioners of the law. To meet this primary goal, the school must provide a legal education which, through the development of both substantive knowledge and practical skills, will qualify its graduates for admission to the bar.

Being an able practitioner of the law requires far more than the ability to pass a bar examination. Practicing attorneys must combine theoretical knowledge with professional skills and ethical judgment. Competent lawyers must know how to interview a client to extract legally relevant facts, how to investigate a case, and how to research the legal precedents. Practitioners must be able to prepare appropriate pleadings and motions for the court and to negotiate a settlement out of court. Attorneys must know, insofar as it is possible, where the duty to the client ends and the duty to the court begins. When these two duties create an apparent conflict, lawyers must be fully prepared to resolve it in accord with the accepted standards for the profession. The University of the District of Columbia David A. Clarke School of Law curriculum has been designed to produce lawyers whose knowledge and competence in these and other essential tools of practice have been thoroughly tested and confirmed.

Finally, genuine competence to practice law requires a depth of understanding of the law as a component of society. It is possible to become licensed attorneys without this understanding, but such narrowly educated attorneys are ill-equipped to address the many complex issues which will confront them in their professional lives. The School of Law challenges its students to confront the moral values, sociological assumptions, economic decisions, and political choices which are expressed in regulations, statutes, and judicial opinions. Students are taught to understand the law as an active agency in society -- the preferred agency both of those who would control and of those who would change society. Students are also encouraged to view the law as it is -- a complex and valuable,

yet inherently limited tool which, in the hands of skilled and compassionate practitioners, can contribute to the enhancement of human life.

PART TWO. FACULTY BYLAWS

I. LAW SCHOOL ORGANIZATION, POLICY MAKING, AND GOVERNANCE

The overall governance structure of UDC-DCSL is as follows:

- ! Federal Government (Congress, the President),
- ! District of Columbia Government (the Mayor and the City Council),
- ! University of the District of Columbia Board of Trustees,
- ! University President and Provost and Vice President for Academic Affairs,
- ! Dean of the School of Law, and
- ! Faculty.

The Merger Agreement ratified by the UDC Board of Trustees and the School of Law's predecessor school, the District of Columbia School of Law (DCSL) Board of Governors on November 14, 1995, defined the roles of the University, the Dean of the School of Law, and the law faculty in the governance of UDC-DCSL. The following summarizes these roles.

1. The University

The Merger Agreement provides for the Board of Trustees to "assume the authority and responsibility of the Board of Governors to establish general policies for the operation of the UDC-DCSL School of Law in a manner that will maintain any accreditation necessary to qualify the school's graduates to take the bar examination of the District of Columbia and of the several states in accordance with the current provisions of D.C. Code, §31-1516(2)(C)(i)." (Merger Agreement, page 2.) It also provides for the continuation of the existing policies of DCSL (the DCSL Rules), subject to modification and amendment by the Board of Trustees.

2. The Dean of the School of Law as Administrative Head

The Merger Agreement states that the Dean "will report directly to the Provost and Vice President for Academic Affairs." (Merger Agreement, page 5.) It further designates the Dean "as the administrative head of the School of Law and the designee of the President in matters affecting the management of the operations of the School of Law." (Ibid.) It defines the responsibilities of the Dean and the administrative staff as follows:

The Dean and administrative staff of the School of Law will be responsible for the law school faculty administration and support, the law school educational program (including curriculum administration, the clinic program, the internship program, and the academic support program), and law school alumni relations. (Ibid.)

The Dean and administrative staff of the School of Law will be responsible for the following specific administrative functions for the law school: preparation of budgets and financial plans, the coordination of registrar, admissions, career services, and financial aid functions for law students. The Dean and administrative staff will be responsible for coordination of law school administrative functions with the appropriate administrative units of the University, including functions related to financial management and accounting, maintenance of equipment and facilities, procurement of supplies and services, administrative support for grants and contracts, registrar and admissions support functions (including maintenance and storage of all admissions and academic records, and for production of transcripts), financial aid, payroll, security, personnel administration and records, telecommunications systems operations, health services, and legal counsel. (Ibid.)

3. The Dean and Faculty of the School of Law as Educational Policy Makers and Governors

"The roles and responsibilities of the law faculty and the Dean for governance of the School of Law shall be those set forth in the DCSL Faculty Handbook approved by the DCSL Board of Governors on May 4, 1993...subject to the ongoing oversight of the Provost and the Board of Trustees." (Merger Agreement, page 6.) The Merger Agreement provides that the DCSL Faculty Handbook will become the UDC-DCSL

Faculty Handbook, with the University's Board of Trustees having the power to make revisions and modifications. The Dean and the faculty are given the following additional responsibilities:

...developing and implementing procedures and criteria for evaluating candidates for law school faculty positions; recommending members of the law school faculty for promotion, retention, and tenure; designing the curriculum and methods of instruction for the law school; evaluating teaching performance of faculty; the development of admissions criteria and evaluation of applicants for admission to the School of Law, and development of academic policy and standards for retention, advancement, and graduation of students. (Ibid.)

Finally, the Merger Agreement explicitly exempts law school personnel from being part of the University Senate and from being bound by academic decisions of the University Senate, except for decisions affecting the University as a whole and carrying the approval of the President or the Board of Trustees. Moreover, UDC-DCSL faculty members are not required to become part of a general university faculty collective bargaining unit.

II. FACULTY APPOINTMENT AND SERVICE

A. FACULTY APPOINTMENT AND RANK

1. The faculty with full faculty responsibilities and privileges shall consist of all faculty members holding the rank of Distinguished Professor, Professor, Associate Professor, Assistant Professor, and Non-tenure Accruing Professor with one of the preceding rank designations. Individuals may also be appointed to the rank of Instructor of Law. Such individuals, however, shall not be deemed to be members of the faculty as that term is used in these Bylaws, inasmuch as the rank of Instructor of Law shall be non-tenure track and temporary in duration of employment.

2. Except as provided below, the Dean shall make all appointments to the faculty only on the recommendation of a majority of the voting faculty, including faculty on leave or visiting elsewhere.

3. The assignment of an individual to an administrative or staff position and the appointment of that individual to a faculty rank represent separate and distinct actions.

a. A recommendation involving the faculty rank of an administrative officer or a member of the staff shall be processed in the same manner as any recommendation relating to any member of the faculty.

b. When a full-time member of the faculty is appointed to an administrative or staff position, he or she will retain faculty status. Unless the faculty member, the Dean, and the Faculty Evaluation & Retention Committee agree otherwise in writing, such faculty member shall be considered for promotion in rank or for an appointment with tenure on the same basis and after the same interval in time as other full-time faculty members without an extension of time for compliance with the requirements for promotion and tenure.

4. The term “faculty” shall not include personnel employed to perform tasks or functions not part of the curriculum of the School of Law. The restrictions upon the hiring and employment of faculty established herein shall not apply to the hiring and employment of such personnel.

B. QUALIFICATIONS FOR SPECIFIC ACADEMIC RANK

In addition to fulfilling general qualifications for the teaching profession and contributing to the growth and development of the law, each candidate for appointment to the faculty shall meet the following specific requirements for initial appointment to academic rank:

1. Professor of Law

A candidate for appointment to the rank of Professor of Law shall have:

(a) an earned Juris Doctor degree and be a member in good standing of the Bar of the District of Columbia or other state;

(b) demonstrated superior teaching competence and made significant and substantial contribution to legal scholarship;

(c) demonstrated continuing professional attainment; and

(d) at least five (5) years of full-time teaching experience in an accredited law school.

The faculty acknowledges that the Dean may recognize and allow the substitution of appropriate professional experience and achievement if the candidate has less teaching experience than that required above, provided that the candidate demonstrates potential for effective teaching.

An initial appointment without tenure to the rank of Professor of Law shall be for an initial period of from three (3) to five (5) academic years.

2. Associate Professor of Law

A candidate for appointment to the rank of Associate Professor of Law shall have:

(a) an earned Juris Doctor degree and be a member in good standing of the Bar of the District of Columbia or other state;

(b) demonstrated teaching competence and a record of scholarship and professional growth;

(c) demonstrated continuing professional attainment; and

(d) at least three (3) years of full-time teaching experience in an accredited law school.

The faculty acknowledges that the Dean may recognize and allow the substitution of appropriate professional experience and achievement if the candidate has less teaching experience than that required above, provided that the candidate demonstrates potential for effective teaching.

An initial appointment without tenure to the rank of Associate Professor of Law shall be for a period of not more than three (3) years.

3. Assistant Professor of Law

A candidate for appointment to the rank of Assistant Professor of Law shall have:

(a) an earned Juris Doctor degree and be a member in good standing of the Bar of the District of Columbia or other state or be in the process of becoming a member of one of the said Bars;

(b) potential teaching excellence and demonstrated professional competence.

The faculty acknowledges that the Dean may recognize and allow the substitution of appropriate professional experience and achievement if the candidate has less teaching experience than that required above or if the candidate cannot demonstrate teaching and professional competence, provided that the candidate demonstrate potential for effective teaching.

An initial appointment without tenure to the rank of Assistant Professor of Law shall be for a period of not more than three (3) years.

4. Non-tenure Accruing Member of the Faculty.

Persons may be appointed to the faculty with grant money and other specially allocated funds. The decision to create such a position shall be made by submission of a proposal to and approval by the Curriculum and Faculty Appointments Committee. Appointments to such a position shall be made in accordance with faculty hiring procedures.

Non-tenure accruing faculty shall be appointed at a rank appropriate for their experience, as described above, and with terms of appointment, salary, and benefits equivalent to tenure-track faculty holding that rank, except that a grant-funded position shall be contingent on continued funding.

Renewal of contracts for non-tenure accruing faculty shall be subject to review and recommendation of the Faculty Evaluation and Retention Committee. Criteria for retention and promotion of non-tenure accruing faculty members shall include teaching (including case supervision and practice of law), community service, and scholarship, as defined under the School of Law's Standards and Procedures for Retention and Tenure.

5. Instructor of Law

After consultation with the faculty, or a committee thereof appointed by the faculty to advise the Dean, the Dean may appoint an Instructor of Law. A candidate for the non-tenure track appointment to the rank of Instructor of Law shall be required to be a member of the bar, and to provide evidence of teaching experience or demonstrate potential for effective teaching. The faculty acknowledges that the Dean may waive the requirement that an Instructor of Law be a member of the bar or possess a Juris Doctor degree.

6. Distinguished Professor of Law

A candidate for appointment to the rank of Distinguished Professor of Law shall be required to meet all of the requirements for the rank of Professor of Law. In addition, the candidate shall have achieved outstanding and extraordinary professional distinction in an area of legal research, professional accomplishments, teaching service in legal education or public service.

All appointments to the rank of Distinguished Professor of Law shall be expressly approved by the Board.

7. Law Librarian

In addition to meeting the other requirements for the faculty rank held, the Law Librarian shall have earned a degree in library science and shall have knowledge and experience in the administration of a law library.

Because the duties and responsibilities of the Law Librarian differ from those of classroom faculty in substantial ways, the official duty hours and employment obligation of the Law Librarian and any other members of the staff of the law library with faculty status may differ from those of other members of the faculty, as determined by the Dean. The Law Librarian may also teach law classes. The primary duties of the Law Librarian shall be the development and maintenance of the law library and the furnishing of law library assistance to faculty and students.

The Law Librarian shall have faculty status and shall be entitled to all of the privileges and responsibilities of other members of the faculty of the School of Law.

8. Professor and Associate Professor Emeriti

A Professor or Distinguished Professor who has been a member of the full-time faculty of the University of the District of Columbia David A. Clarke School of Law for ten (10) years or more immediately prior to retirement may be given emeritus status by the Board as of the date her or his retirement becomes effective. In addition, the Board may award the title Professor of Law Emeritus to any other retired Professor who has rendered distinguished service to legal education.

Professors Emeriti are entitled to reasonable use of the facilities of the School of Law. They are entitled to speak in faculty meetings, but do not have voting rights unless they are serving as Emeritus with full-time teaching responsibilities. The names of Emeritate shall be included in published faculty listings. They may serve on committees and perform such other occasional services as are in keeping with their desires and capabilities and with the needs of the institution.

9. Visiting Faculty

After consultation with the Curriculum and Faculty Appointments Committees, the Dean may appoint a member of the full-time teaching faculty of an accredited college, university, or the equivalent educational institution or an individual with substantial or appropriate legal experience but not affiliated with another institution to the position of Visiting Instructor of Law, Visiting Assistant Professor, Visiting Associate Professor, or Visiting Professor. In so doing, the Dean shall employ the criteria that would apply were the appointment an initial appointment to full-time faculty ranks.

The Dean shall not make appointments of visiting rank for a period longer than one (1) year, and shall not renew the appointment of any individual holding a visiting appointment without the approval of the faculty then holding appointment to the faculty. A visiting appointment should not ordinarily be renewed for more than two (2) consecutive years.

When appropriate and with approval of the Board, the Dean may use the title of Distinguished Visiting Professor of Law instead of Professor of Law.

10. Adjunct Faculty

The Dean shall appoint all adjunct faculty, taking into account the qualifications of the candidate and the needs of the School of Law.

C. GENERAL STATEMENT AND CRITERIA REGARDING TENURE AND PROMOTION

The School of Law endorses and shall conform to the American Bar Association Principles of Academic Freedom and Tenure.

1. Criteria for Tenure and Promotion

All members of the faculty have as their primary responsibilities teaching and contributing to the growth and understanding of the law. These two responsibilities shall be given equal weight in the determination whether to award tenure or promotion to a member of the faculty. The other responsibilities listed below are important but should not weigh as heavily as the foregoing criteria in the promotion and tenure decision.

(a) Teaching.

The primary responsibility of each faculty member is to teach his or her class in an effective and scholarly manner. Closely related is the professor's accessibility to students outside the classroom and his or her assistance in students' academic work by supervising directed clinical and academic work and serving as a faculty advisor on independent legal research. The development of new course or clinical or legal materials, whether or not published, is a valuable contribution to the teaching process and should be given appropriate credit. The evaluation of a candidate's performance as a teacher shall include: the report of the Faculty Evaluation and Retention Committee; the results of any student evaluation; and the expressed opinion of the Dean or of any faculty members who are familiar with the candidate's performance.

(b) Contribution to the growth and understanding of the law.

Each member of the faculty has a responsibility to contribute toward the growth and understanding of the law. This work may be done individually or in collaboration with others. It may take one or more forms, none of which is inherently superior to others: academic research and publication; field, empirical and clinical-advocacy research, together with interpretation analysis, and application of the data and materials developed; and constructive change in the law by legislative, judicial, or executive-administrative means.

The choice of the type of activity pursued is within the discretion of the faculty member. It is his or her responsibility to select those which are most significant, most effective and best suited to his or her individual skills or interests. Each faculty member also has a responsibility to participate in the activities of the Bar and professional or learned societies. These activities, however, fall somewhere below the level of work defined by this criterion unless they are related to such work. Work done by a faculty member shall be evaluated for quality and not for quantity, but a faculty member is expected to produce a reasonable quantity of work of this type, according to the particular project undertaken.

(c) Other School of Law activities.

Every member of the faculty is responsible for participating in the various law school activities necessary to the successful functioning and harmony of the institution including faculty meetings, committees, conferences, continuing education projects, recruiting efforts, and similar activities.

(d) Other activities.

The School of Law recognizes all activities which significantly relate to and advance a faculty member's academic skills, including work in his or her special field, which is not sufficiently disinterested or profound to be regarded as scholarly work. Distinctions between activities falling within the above criterion may be difficult to make on occasion. In such cases, extraordinary cooperation from the faculty member concerned may be required so that the faculty may accurately and fairly evaluate the activity in question. The faculty expects cooperation from and candor of the professor concerned; in return, members of the faculty are expected to acquaint themselves with the processes involved in the faculty member's activities so that they may make an objective

and impartial evaluation of his or her efforts.

2. Promotion and Tenure--Procedure.

(a) At the beginning of each semester, each member of the faculty who is to be considered for tenure or promotion (including a visitor who may be considered for a tenured position) shall be assigned a three-member review team, appointed by the Faculty Evaluation and Retention Committee. That review team shall visit the candidate's classes, review his or her writings, counsel with him or her on teaching methods and research projects, and in general be available for constructive help in his or her ongoing association with the school. The Faculty Evaluation and Retention Committee may seek evaluations of the candidate's work from sources outside the School.

(b) Ordinarily, a candidate for tenure will not be considered for tenure until the candidate is in his or her fifth year of teaching. Any candidate, after consultation with the Dean and the Faculty Evaluation and Retention Committee, may request and receive earlier consideration.

(c) Ordinarily, a candidate for promotion will not be considered until he or she is in the third year of tenure consideration; however, a candidate, in consultation with the Dean and the Faculty Evaluation Retention Committee, may receive earlier consideration.

(d) When a faculty member is to be considered for tenure or promotion, the Dean shall call a special meeting for that purpose. The criteria described above shall be reviewed.

(e) Only tenured members of the faculty may vote in decision to recommend tenure. In the case of promotion to the rank of Associate Professor, only Associate and Full Professors may vote; in the case of promotion to the rank of Professor, only Professors may vote.

(f) Members of the faculty of the required rank and tenure, whether or not on leave and whether or not in residence, are eligible to vote in person or by tendering a vote to the Chairperson of the Faculty Evaluation and Retention Committee before the meeting. The Dean shall exercise his or her best efforts to convey the necessary information to, and to obtain votes from, faculty members away from the School. An otherwise eligible member who declares his or her intention not to

vote shall not be counted for purposes of determining the number eligible to vote.

(g) A quorum for a meeting on tenure or promotion shall consist of 75% of the faculty members eligible to vote. A candidate shall be recommended for tenure or promotion only if he or she receives the favorable vote of 60% of those eligible to vote.

(h) All voting shall be by unsigned secret ballots.

(i) If promotion or tenure is not approved, the candidate shall be advised of the results of voting. A candidate who is denied tenure shall be entitled to serve out the remainder of his or her contract term.

D. ACADEMIC FREEDOM

The School of Law recognizes and abides by principles of academic freedom for faculty in teaching and other programs which are fundamental to the protection of the rights of the teacher in transmitting ideas, and to the student in learning, as well as to the advancement of justice and the mission of the School of Law. The rights attendant to academic freedom shall include, but are not limited to the following:

(a) free inquiry;

(b) free expression;

(c) freedom to develop in an area of competence and to express one's views in relation to that area of competence;

(d) freedom to speak and to write as a citizen without institutional censorship or discipline;

(e) freedom to seek change of the policies of the School of Law by appropriate means and through appropriate channels provided within the School of Law; and

(f) freedom from constraints imposed by arbitrary and capricious behavior on the part of the administrators and others in the exercise of their duties.

In that regard, the School of Law endorses the Statement of Principles on

Academic Freedom and Tenure issued jointly in 1940 by the American Association of University Professors and the Association of American Colleges.¹

With respect to academic freedom, the principles in effect at the institution are best described in the words of the 1940 Statement, as follows:

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to the subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

The college or University teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence, he should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

E. FACULTY OBLIGATIONS

Because the faculty has a special position in the community, and because the public judges the legal profession and the faculty of the School of Law by the acts of its members, the rights and freedoms set forth above require that the primary professional responsibility of each faculty member shall be to the School of Law. Accordingly, the School of Law expects that during the terms of their contract faculty members will devote substantial time to teaching, advising students, scholarship, and institutional service in a manner that is demonstrably full-time by any reasonable measure. Moreover, the School

¹ The School of Law does not endorse all of the specific language; the statement was written some 52 years ago without recognition of the need for gender neutral language.

of Law expects that a faculty member's professional relationship to the School will continue during vacation periods in such areas as preparation of courses, participation in professional development, reading, evaluation and grading of examinations, papers, and the supervision of students in clinical and field components of courses.

1. RESPONSIBILITIES

The faculty as a whole shall assume the role of guardian of academic values against unjustified assault from others. Each faculty member shall be expected:

- (a) to endeavor to create and maintain a professional atmosphere in which violations of academic freedom are unlikely to occur;
- (b) to recognize that the School of Law is an urban law school with a strong commitment to maintain the highest standards of legal education and preparation for the practice of law through an integrated program of academic and clinical legal education;
- (c) to recognize the mandate of the School of Law to operate clinical programs which address the needs of low income persons, particularly residents of the District of Columbia;
- (d) to recognize the mandate of the School of Law to recruit and enroll students from racial, ethnic, and other population groups that have been under-represented among persons admitted to the bar;
- (e) to adhere to the educational mission and academic policies of the School of Law;
- (f) to remain current in his or her academic discipline and to instruct assigned courses in a manner consistent with the scheduled time, course content, and course credit approved by the School of Law;
- (g) to complete all other teaching, academic, and clinical assignments undertaken or which are part of the faculty member's duties, in a responsible, professional, ethical, and timely manner;
- (h) to recognize the academic freedom of students and avoid the coercion of belief;
and

(i) to treat fairly, courteously, and professionally all colleagues, staff, students, clinical program clients, and other members of the bar, the judiciary, and the community.

2. FACULTY DUTIES AND TEACHING ASSIGNMENTS

(a) Unless expressly agreed by the faculty member and the Dean, faculty members shall be deemed to be on duty for the academic year contract, excluding approved recesses and holidays. Non-tenure Accruing Faculty members may have a twelve-month contract because of responsibilities to continue representation of clinic clients. However, if the Dean assigns a Non-tenure Accruing Faculty member to teach class during the summer, the School of Law shall compensate that person for the additional teaching duties in the same manner as other members of the faculty are compensated.

(b) Class schedules shall be developed and approved by the Dean after consultation with affected faculty members to ensure a reasonable schedule. In the absence of consent, no faculty member shall be required to meet class:

(1) Beyond an eight (8) hour time span in a single day;

(2) Within a twelve (12) hour span in two (2) consecutive days; or

(3) On more than five (5) days per week.

(c) A faculty member teaching and supervising a clinical program shall be expected to meet the time commitments required to provide professional and supervisory services to the particular program based on the nature and requirements of the clinical program and the needs of the students and clients involved in the program.

(d) To the extent that a member of the faculty is teaching only regularly scheduled class sessions over fixed periods of time, the faculty member shall not teach more than:

(1) An average of eight (8) scheduled class hours per week, counting repetitions during the same academic period as one-half (1/2); or

(2) An average of ten (10) scheduled class hours per week, counting

repetitions during the same academic period at full value.

(e) To the extent that a faculty member's teaching assignment is not limited to regular scheduled class sessions over fixed periods of time, the faculty member's total teaching responsibilities shall not exceed a maximum comparable to the limitations set forth above.

(f) If the activities of a full-time faculty member as part of his or her responsibilities at the School of Law include extensive participation in academic community business, research, or public service, the maximum classroom assignments allowed under this section shall be adjusted by the Dean accordingly.

3. OUTSIDE BUSINESS, CONSULTING AND PROFESSIONAL ACTIVITIES

The School of Law encourages faculty members in their outside professional pursuits to the extent that those pursuits enhance the mission of the School of Law. A faculty member's primary obligation, however, shall be to the School of Law and his or her professional responsibilities as a member of the faculty.

(a) A faculty member shall not engage in outside business or professional activities which conflict with the faculty member's classes, faculty committee work, clinical teaching and supervision, or assignments and responsibilities as a faculty member of the institution.

(b) A faculty member shall report all outside business and professional activities to the Dean. Regular part-time contractual arrangements shall be subject to review and approval by the Dean.

(c) Unless a faculty member receives the specific prior approval of the Dean, he or she shall limit his or her outside business and professional activities to those that relate to major academic interests, enrich the faculty member's capacity as a scholar and teacher, or are of service to the public generally.

(d) A faculty member shall not use the facilities or resources of the School of Law in the accomplishment of outside business or professional activities without reimbursing the School of Law or be compensated as a direct result of work completed by students in the satisfaction of course requirements.

(e) As used herein, the phrase "outside business and professional activities" shall include, but is not limited to, the practice of law or the provision of professional advice or services, including activities as a sole practitioner.

4. FACULTY RESEARCH AND SCHOLARSHIP

Because continuous study and research are necessary complements to excellence in teaching and the preparation of students to become members of the bar, the School of Law encourages and supports faculty research and scholarship.

III. MEETINGS OF THE FACULTY

The faculty in general determines, in consultation with the Dean, the President of the University, and the Board of Trustees, educational policies for the operation of the institution. Consistent with the principles of academic freedom the faculty arrives at its decisions in a deliberative, collaborative, and democratic fashion.

A. VOTING FACULTY

Distinguished Professors, Professors, Associate Professors, Assistant Professors, and Non-tenure Accruing Faculty at the above ranks shall be entitled to vote at faculty meetings.

B. VOTING BY PROXY

Faculty members may not vote by proxy except as herein specifically provided.

C. MEETINGS

1. Regular Meetings

Regular meetings of the faculty shall be held once a month during the academic year on the day agreed to by the faculty at the last meeting of the prior academic year.

2. Special Meetings

Special meetings may be held from time to time pursuant to a notice thereof by the Dean or a written petition to the faculty by a majority of its members. No matter shall be acted upon by the faculty at a special meeting unless notice thereof shall have been given to the faculty as provided below.

D. NOTICE AND AGENDA

1. Regular Meetings

The Dean shall give notice to the faculty at least two (2) days before each regular meeting. Such notice shall include an agenda of business to be considered. The agenda shall include items placed thereon by the Dean, by any faculty committee, or any member of the faculty.

2. Special Meetings

In the case of a special meeting the Dean, or in the case of a special meeting called by a majority of the faculty, the faculty group calling the meeting, shall give notice thereof to the faculty at least three (3) days before such meeting. Such notice shall set forth the date and time of the special meeting, and shall include the agenda of the meeting.

3. Definition

For purposes of this section, a day shall be counted from noon to noon, excluding Saturdays and Sundays.

4. Effect of Lack of Notice

No regular or special meeting shall be held without the requisite prior notice. Any business transacted at a meeting held without the required notice shall be void unless such notice shall be waived by all members of the faculty.

5. Waiver of Notice

Attendance at a meeting shall constitute waiver of notice, provided, however, that attendance solely for the purpose of objecting to the lack of notice shall not constitute the waiver of notice. Faculty members may also waive notice in writing before or after the meeting. In the event that the Dean and two-thirds of the faculty then holding appointment to the faculty concur that exigent circumstances exist, notice is waived.

E. CONDUCT OF FACULTY MEETINGS

1. Presiding Officer

The Dean shall preside at all meetings. If the Dean is unable for any reason to preside at a meeting, the Associate Dean for Academic Affairs shall preside; provided that, if such Associate Dean for Academic Affairs is unable for any reason to preside, the Dean may designate another member of the faculty to chair the meeting; or, if the Dean fails to designate a chairperson, the members present at the meeting may designate their own chairperson.

2. Quorum

Unless otherwise provided herein, a quorum shall consist of more than 50% of the faculty. Faculty on leave shall not be counted for purposes of determining quorum, whether or not such persons on leave are in residence.

3. Action

Action by the faculty shall be taken only upon the affirmative vote of a majority of the faculty present at a meeting at which a quorum of the faculty is present when the vote is taken, unless a greater vote is required herein.

4. Order of Business

(1)The order of business at all regular meetings shall be as follows:

(a) determination of a quorum;

(b) approval of the agenda;

(c) presentation, correction, and adoption of minutes;

(d) announcements;

(e) report from the Dean;

(f) reports of Standing Committees;

(g) reports of Special Committees;

(h) consideration of unfinished business; and

(i) consideration of new business.

(2) The order of business at special faculty meetings shall be the same as that followed at regular meetings, except that no matter shall be added to the agenda and no matter shall be discussed except those set forth in the notice of the meeting.

5. Rules of Order

All meetings of the faculty shall be conducted in accordance with Robert's Rules of Order (latest edition).

6. Open Meetings

Meetings of the Faculty shall be open, except when the Faculty meets in closed session to discuss matters affecting individuals such as personnel matters and appeals by students under the UDC-DCSL honor system.

F. ACTION WITHOUT MEETING

Any action which may be taken by the faculty at a meeting may be taken without a meeting by a writing filed with the Secretary setting forth the action taken and the written approval of all of the faculty entitled to vote on such action if a meeting were held.

IV. COMMITTEES OF THE FACULTY

A. CREATION OF AND APPOINTMENT TO STANDING COMMITTEES OF THE FACULTY

1. The faculty shall determine the number and composition of the Standing Committees, ad hoc, special committees, and task forces of the faculty.

2. Members of the faculty, as defined by these Bylaws, shall be voting members. All others serving on committees shall be non-voting members, unless otherwise specified.

B. STANDING COMMITTEES

1. Standing Committees

The Standing Committees of the faculty shall be:

- (a) Academic Standards Committee;
- (b) Admission, Retention, and Financial Aid Committee;
- (c) Curriculum Committee;
- (d) Clinical Affairs Committee;
- (e) Faculty Affairs Committee;
- (f) Faculty Appointments Committee;
- (g) Faculty Evaluation and Retention Committee; and
- (h) Library, Technology, and Facilities Committee.

2. Composition of Standing Committees

The composition of the Standing Committees shall be:

- (a) The Faculty Affairs Committee shall consist of four faculty members elected by the faculty as provided herein at its April meeting or such other meeting as the faculty agrees.
- (b) The Academic Standards Committee shall consist of three members of the faculty, the Associate Dean for Academic Affairs, and one student member elected by the student body.
- (c) The Admission, Retention, and Financial Aid Committee shall consist of three faculty members, the Director of Admission, the Director of Financial Aid, and two third-year student members elected by the student body.

(d) The Clinical Affairs Committee shall consist of one faculty member from each clinic, the Director of Clinical Education, the Chairperson of the Curriculum Committee, and three student members, one elected from each class then in the law school by the members of the respective classes.

(e) The Curriculum Committee shall consist of five faculty members, the Associate Dean for Academic Affairs, the Director of Clinical Education, and three student members, one elected from each class then in the law school by the members of the respective classes.

(f) The Faculty Appointments Committee shall consist of three faculty members and two student members elected by the student body.

(g) The Faculty Evaluation and Retention Committee shall consist of all tenured members of the faculty other than the Dean, with a minimum of three members. In the event that there are not three tenured members of the faculty available to serve on the committee, untenured members of the faculty shall fill the vacancies.

(h) The Library, Technology, and Facilities Committee shall consist of three members of the faculty, one of whom shall be the Law Librarian, the Associate Dean for Administration and Finance, the Head of Information Technology, the Head of Public Services, and two student members elected by the student body.

(i) The Dean shall be a member of all Standing Committees except the Faculty Affairs Committee and the Faculty Evaluation and Retention Committee. The Dean's membership on a committee shall not be counted for quorum purposes.

(j) Only students with a cumulative GPA of 2.0 or greater shall be eligible to serve on faculty committees. In the event that a student becomes ineligible to serve on the committee, the president of the Student Bar Association shall appoint a new eligible member.

3. Appointment and Election of Committees

(a) Faculty Affairs Committee: The Faculty Affairs Committee shall be elected by the faculty each year at its regular meeting in April or such other meeting as the faculty determines. No member shall be eligible to serve more than three consecutive terms.

(b) Standing Committees of the Faculty Other Than The Faculty Affairs Committee: The Dean, after prior consultation with individual members of the faculty and with the Faculty Affairs Committee, shall make assignments to Standing Committees prior to June 1st of the preceding academic year.

(c) Committee Chairpersons: The Dean, after consultation with individual faculty members, shall appoint the chairperson of all Standing Committees of the faculty.

C. AD HOC AND SPECIAL FACULTY COMMITTEES

The Dean shall create such ad hoc and special committees as the faculty shall deem appropriate.

D. OPERATION OF FACULTY COMMITTEES

1. Powers and Duties of Standing Committees

- a. Each Standing Committee shall submit its proposed work plan to the faculty for approval at a regularly scheduled meeting not later than October.
- b. Each Standing Committee shall operate in accordance with powers and duties delegated to it by the faculty and shall be accountable to the faculty for its work.

2. Jurisdiction and Authority of Standing Committees

In general, the Standing Committees shall function as follows:

(a) Faculty Affairs Committee: The Faculty Affairs Committee shall consider any and all matters relating to the general program of the school, including faculty and student body size, resource allocation and salary structure, designation of administrators, financial strength of the School, continuing legal education, and relationships with the Board, the District of Columbia, and the public.

(b) Academic Standards Committee: The Academic Standards Committee shall make recommendations to the faculty regarding the academic standards of the School; shall maintain and secure the academic standards of the School; shall provide students with academic grievances an opportunity to be heard, provided the student states a cause of action under the student handbook, regarding matters relating to improper grading,

waiver of academic requirements, and allegations of academic dishonesty and other honor code violations; establish or modify the academic standards and regulations of the faculty, and, shall establish and apply procedures for review and action on petitions for readmission of students having scholastic deficiency. The Committee shall also request annual reports from the dean or registrar as to the routine application of its policies.

_____ (c) Admission, Retention, and Financial Aid Committee: The Admission, Retention, and Financial Aid Committee shall determine the qualifications for admissions to the School for the Juris Doctor degree; devise procedures consistent with privacy laws and School policy for review and action on files; shall study and make recommendations to the faculty with respect to policies and standards of admission and academic performance; shall recommend retention policies and standards; shall recommend programs for the recruitment of students; shall determine the policies for awarding scholarships, fellowships, and other financial assistance to students in the Juris Doctor program; and shall make awards of scholarships and fellowships in accordance with established policies.

(d) Clinical Affairs Committee:

(e) Curriculum Committee: The Curriculum Committee shall, in consultation with the Director of Clinical Education, study and make any proposals for changes and modifications to the curriculum and review and make recommendations to the Dean with respect to scheduling of course offerings and examinations.

(f) Faculty Appointments Committee: The Faculty Appointments Committee shall make recommendations to the faculty with respect to the need for new members of the faculty; shall initiate the process and procedures for filling vacancies on the faculty; shall bring to the faculty for its consideration and recommendation to the Dean candidates for appointment to the regular faculty; and shall consult with the Dean regarding candidates for appointment as visiting members of the faculty.

(g) Faculty Evaluation and Retention Committee: The Faculty Evaluation and Retention Committee shall make recommendations regarding promotion and tenure of members of the faculty and shall initiate the process and procedures for making promotion and tenure decisions.

(h) Library, Technology, and Facilities Committee: The Library, Technology, and Facilities Committee shall consult with the Law Librarian about the operation of the

Law Library and shall make recommendations to the Librarian with respect to library plans, operations, and policies.

(i) Actions of any Standing Committee shall have a presumption of fairness and validity. A member of the student body aggrieved by committee action may appeal to the faculty for a review of the committee action by filing and distributing to the faculty a written statement of objections to the finding and conclusions of the committee within thirty (30) days after notice of final action by the committee. If 30% of the faculty notify the Dean in writing that they desire to hear the appeal, the appeal shall be heard at either the next regular faculty meeting or a specific meeting called for that purpose. Committee actions may be overturned by vote of a majority of the faculty then holding appointment to the faculty, including faculty on leave or visiting elsewhere.

V. AMENDMENT OF BYLAWS

The faculty Bylaws shall be amended only in accordance with the following procedure:

- (1) Any faculty member may propose an amendment to the faculty bylaws.
- (2) The proponent of the proposed amendment shall distribute the text of the proposed amendment together with a statement explaining the reasons for the amendment and the operation thereof to the faculty at least seven (7) calendar days prior to the meeting at which the faculty shall consider the amendment.
- (3) No proposed amendment shall be approved unless it shall receive the affirmative vote of a majority of the faculty holding appointment to the faculty. Nothing in the previous sentence shall be construed to permit a faculty member to vote by proxy.