

**BY-LAWS  
OF THE  
FACULTY OF THE SCHOOL OF LAW  
UNIVERSITY OF CALIFORNIA, DAVIS**

**ARTICLE I -- FUNCTIONS OF THE FACULTY AND DEAN**

1.1 Faculty Policy Function

The faculty shall determine the institutional policies of the school.

1.2 Dean's Function

The Dean shall be the chief administrative and fiscal officer of the school. The term "dean" as used in these By-laws and in the Regulations includes the Associate Dean for Academic Affairs and Research or the Assistant Dean for Student Affairs as designated by the Dean.

**ARTICLE II -- FACULTY MEETINGS**

2.1 Faculty Members of the School of Law

The Faculty of the School of Law consists of:

- A. the President of the University;
- B. the Chief Campus Officer;
- C. the Dean of the School of Law;
- D. all members of the Academic Senate who are members of the School of Law.

2.2 Monthly Meetings

The faculty shall meet once a month from September through May, generally on the second Friday of the month. Each September the Dean shall give the faculty a schedule of the monthly meeting dates for the year.

2.3 Special Meetings

The Dean may call special faculty meetings for urgent matters by giving the faculty two days written notice. Any five voting members of the faculty may request the Dean in writing to call a special faculty meeting; upon receiving such a request the Dean shall call the meeting for the second weekday thereafter.

2.4 Voting Members of the Faculty

Voting members of the faculty are:

- A. Professors;
- B. Acting Professors;
- C. Senior Lecturers with Security of Employment, voting privileges to be co-extensive with those of Acting Professors.

2.5 Attendance and Quorum

All voting faculty shall attend faculty meetings unless excused by the Dean. A quorum shall consist of a majority of the voting faculty teaching half time or more during the semester in which the meeting is held.

2.6 Minutes

A dean shall keep minutes of each meeting, including the full text of all resolutions passed, and shall give copies thereof to the faculty within 15 days after the meeting. The dean shall maintain a permanent file of the minutes of faculty meetings, including all resolutions considered at faculty meetings.

2.7 Others Who May Attend Faculty Meetings

Only voting faculty and the deans may be present at faculty meetings during consideration of student petitions for reinstatement, student disciplinary matters, faculty personnel matters, and similar confidential matters. The following may be present at other times and may participate but not vote:

- A. Professors Emeriti;
- B. Visiting faculty;
- C. Lecturers;
- D. A representative of the staff;
- E. The president of the Law Students Association;
- F. Student members of the faculty-student committees during discussion of the committee's business (see Paragraph 3.4);
- G. Other persons upon invitation extended by a majority vote of the faculty.

2.8 Agenda

At least five days before a faculty meeting, the Dean shall give the faculty, and others entitled to attend, copies of the agenda and of committee reports and like documents which will be discussed at the meeting. The agenda shall consist of the following items in this order: minutes of the last meeting, committee reports, unfinished business, and new business. Additional items may be placed on the agenda upon the written request of five faculty members, and the revised agenda shall be distributed two days before the faculty meeting.

2.9 Voting

- A. A majority vote means more than half of the votes cast. An abstention is not a vote cast.
- B. Ordinarily votes shall be cast by voice or show of hands, but the faculty may, by majority vote, require that a vote on a matter be taken by written ballot.
- C. Ordinarily a person who is not present may not vote, but the faculty may, by majority vote, accept the written proxy vote of a member who was present for most of the discussion of the matter in question.

2.10 Procedure

Questions of procedure shall be resolved by Robert's Rules of Order, Newly Revised (Sarah Corbin Robert Ed., 1970).

2.11 Dean's Report of Faculty Meetings

Within a reasonable time after each faculty meeting, the Dean shall give the editor of the law student newspaper a summary of actions taken at the meeting.

2.12 Confidentiality of Faculty Meetings

Discussion at faculty meetings is confidential and except as set forth below, as required by law, or as necessary to the due performance of the duties of the Dean, shall be revealed only to persons entitled to attend the meeting in question. This rule of confidentiality shall be strictly observed with regard to proceedings concerning student petitions for reinstatement, student disciplinary matters, personnel matters, and any other matters that have been designated by the faculty as strictly confidential. The subject matter and general content of discussion regarding other proceedings may be revealed so long as the positions or statements of a particular individual are not disclosed by anyone other than that individual.

## ARTICLE III -- COMMITTEES AND ADVISORS

3.1 Appointment of Faculty Committee Members

By August 1 of each year the Dean shall appoint faculty committee members of the committees listed in Paragraphs 3.3 through 3.14. Unless designated otherwise in Article III, the Dean shall appoint one faculty member of each committee as its chairperson. At the September faculty meeting the faculty may, by majority vote, veto any faculty committee appointment.

3.2 Appointment of Student Committee Members

Student members of the committees listed in Paragraphs 3.3 and 3.4 shall be elected by the student body under the supervision of the Law Students Association.

3.3 Educational Policy Committee

The Educational Policy Committee shall advise the faculty and Dean on changes in the curriculum, changes in the Regulations, and other matters of educational policy referred to it by the faculty or Dean. The committee shall consist of four faculty members and three students.

3.4 Faculty Appointments Committee

The Faculty Appointments Committee shall advise the faculty and Dean on prospective faculty appointments. It shall investigate and interview applicants, arrange visits and applicants, and recommend applicants for consideration by the faculty. The committee shall report to the faculty its recommendation on all applicants who have visited the school and on any other applicants it wishes. Appointment of an acting professor or professor and any appointment for a term in excess of one year shall require not less than a two-thirds vote by secret ballot of the faculty members present and voting. The vote shall be taken in a manner which will enable the Dean to separately record the vote of the tenured and untenured faculty for the use of the Committee on Academic Personnel, but only the combined vote shall be reported to the faculty and reflected in the minutes. With the approval of a majority of the Faculty Appointments Committee, the Dean may appoint visiting professors and lecturers for one-year terms. When time permits, the Dean shall send the faculty a memorandum summarizing

the qualifications of the applicant. The Dean may also appoint faculty members of other departments of the University of California as lecturers to teach an occasional course within the law school. Joint appointments as professor or acting professor of law must be approved by the faculty in the same manner as a regular appointment to one of those titles. The Faculty Appointments Committee shall consist of five faculty members and two third-year students. The two student members may be present during faculty meetings at which faculty applicants are discussed, but only for the purpose of presenting their and other students' views of the applicants and responding to questions regarding such views. After presenting their views and responding, the students shall be excused from the meeting.

### 3.5 Student Admissions Committee

The Student Admissions Committee shall select entering students pursuant to the policies approved by the faculty on October 31, 1974, as amended. The committee shall consist of four faculty members or three faculty members and a dean, and two third-year students appointed by the Dean. Applications for student membership on the Admissions Committee should be submitted to the Dean. In the event that sufficient applications are not received, the Dean may solicit other names from students, student organizations, and faculty. The Dean shall submit the list of applicants to the LSA and may submit the list to such other organizations and individuals as the Dean deems appropriate, for comments and recommendations.

### 3.6 Awards and Scholarships Committee

The Awards and Scholarships Committee shall act for the faculty concerning awards and scholarships based on academic merit. The committee shall consist of two faculty members.

### 3.7 Academic Appeals Committee

The Academic Appeals Committee hears and determines petitions from academically disqualified students for reinstatement. The committee also hears and determines petitions for readmission from students who have withdrawn. The committee shall consist of five members of the faculty plus three alternates and a dean who shall be the chair. Determinations are to be by a majority of the members of the committee actually voting. The dean shall have no vote.

### 3.8 Loan Repayment Assistance Plan (LRAP) Oversight Committee

The Loan Repayment Assistance Plan Oversight Committee shall consist of three faculty members, a dean, two students from the King Hall Legal Foundation, and one alumnus or alumna.

### 3.9 Library Advisory Committee

The Library Advisory Committee shall advise the Law Librarian on the make-up and organization of the Law Library's collection, on library services and on other matters related to the Law Library. The committee shall consist of three members of the faculty and two students. The Law Librarian shall serve on the committee ex officio.

### 3.10 LL.M. Admissions Committee

The LL.M. Admissions Committee shall select LL.M. students from the pool of applicants and shall hear petitions for readmission from LL.M. students who have withdrawn from the program. The committee shall consist of three faculty members.

3.11 Appointment of Ad Hoc Committees

The Dean may appoint ad hoc committees of faculty, staff or students to advise the faculty or the Dean on any subject which is beyond the jurisdiction of the committees listed above.

3.12 Appointment of Advisors

By August 1 of each year the Dean shall appoint the following faculty advisors: (1) faculty advisor to the Law Review; (2) faculty advisor to the Moot Court Board; (3) faculty symposium and colloquium advisor; and (4) faculty advisor on clerkships.

3.13 Chair of Faculty

The Chair shall be elected each year by a majority vote of the Faculty at the beginning of the fall semester, and shall take office immediately upon election. The duties of the Chair shall be (1) to serve as the law school representative to the Executive Council of the Davis Division; (2) to oversee the selection by the Faculty of its nominees for the Law School Personnel Committee, and (3) to chair the meeting at which the next Chair is selected.

## ARTICLE IV -- CLASSES AND EXAMINATIONS

The following paragraphs set forth the faculty policies on classes and examinations for the guidance of instructors at the school:

4.1 Scheduling of Classes

Regular class meeting times and places are scheduled by the dean. Inquiries about rescheduling the regular meeting time or place of a class should be directed to the dean.

4.2 Make-Up Classes

Before scheduling a make-up class, an instructor shall check with the receptionist in the Dean's office to reserve a classroom and to make sure that the day and hour will not conflict with another class or unduly burden the students. After scheduling the make-up class, an instructor shall tell the registrar when and where it will be held. Make-up classes shall not be scheduled at night or longer than the period for which the class is regularly scheduled.

4.3 Student Attendance and Preparation for Class

Students must attend and prepare for class regularly. An instructor who plans to consider class attendance, preparation, or participation in assigning grades, shall explain that carefully to the class during the first or second class meeting.

4.4 Written Final Examinations

A written final examination is required in each course except clinical and skills courses, seminars, individual research projects, and other courses in which substantial written work is required.

4.5 Examinations Rules

An instructor shall be familiar with the examination rules in Article II of the Regulations. Instructors shall note in particular that:

- A. A student must be present for the final examination at its regularly scheduled time unless excused in advance by the dean;
- B. If students may use notes or other written material during the exam, they shall be told in advance precisely what they may use. The same information shall be placed in the instructions on the examination question sheet;
- C. If a student violates the time rules for the examination, the student's grade must be lowered by the amount the instructor believes is justified in the circumstances.

#### 4.6 Instructor's Availability During Final Examination

Instructors shall be present in the law building during their final examinations to resolve problems that may arise in their administration.

#### 4.7 Take-Home Final Examinations

Take-home final examinations are permitted but not encouraged because of the time burdens they place on both student and instructor. An instructor who gives a take-home examination, shall instruct the students carefully on the amount of time they may take, the materials they may use, and whether or not they may work with other students on the examination.

#### 4.8 Disposition of Final Examination

- A. Students must turn in their final examination question sheets along with their answer booklets. An instructor who wishes to return the question sheets to the student may do so after all the students in the course have completed the examination.
- B. Within one month after grading the final examination, an instructor shall give the answer booklets to the instructor's secretary to be filed. A student who wishes to look over his or her answer booklets should be permitted to do so within one year after the examination. One year after the examination the answer booklets will be destroyed unless the instructor or the Dean directs otherwise.

#### 4.9 Time Period for Grading Final Examinations

An instructor must complete the grading of final examinations and turn the grades in to the Dean's office within 30 days after the examination.

#### 4.10 Examinations During the Semester

Examinations during the semester shall not be longer than 50 minutes and shall be given during the regularly scheduled class hour. Such examinations shall not be given after the 12th week of the semester because they divert students from review and preparation in other courses.

#### 4.11 Practice Examinations in First-Year Courses

- A. Instructors in first-year small section courses should give a practice examination prior to the end of the fall semester. It should not count toward the final grade. The instructor should give an oral or written critique of the practice examination to each student and should provide further instruction in examination writing technique to those who need it.
- B. Instructors in all two-semester, first-year courses should give an interim examination at the end of the fall semester. The instructor may decide whether or not to count the examination toward the final grade. The examination paper should be returned to the student together with one or more sample answers or such other critique as the instructor believes appropriate.

- C. Instructors who wish to depart substantially from the policies stated in this paragraph may do so with the consent of the Educational Policy Committee.

4.12 Faculty Evaluation Forms

Instructors shall set aside 15 minutes of class time during the last week of the course for the students to fill out faculty evaluation forms. The forms will be passed out and collected by Dean's office personnel and will be kept in the Dean's office until the instructor turns in the course grades.

4.13 Course Descriptions

At the end of each course, an instructor shall submit to the Educational Policy Committee a description of what was taught in the course.

4.14 Grading in First-Year Sectioned Courses

It is the sense of the faculty that inequity in grading in the first-year sectioned courses should be avoided. In first-year sectioned courses, not including legal research and writing courses, faculty members should distribute grades as follows:

A+, A, A-	20 percent (plus or minus 3 percent)
B+, B, B-	60 percent (plus or minus 3 percent)
C+ and below	20 percent (plus or minus 3 percent)

No faculty member shall sign a grade report deviating from this distribution without attaching thereto a written explanation of the reason for the deviation. Faculty members grading courses that are subject to this prescribed distribution are encouraged within the prescribed parameters to distribute grades such that the mean of the grades awarded, expressed as GPA, is 3.0 plus or minus 0.1.

## ARTICLE V -- FACULTY PERSONNEL MATTERS

5.1 Tenure

- A. The granting of tenure is governed by sections 210-0 through 210-1 of the University of California Academic Personnel Manual, a copy of which is available in the Dean's office.
- B. A faculty member's qualifications for tenure will first be reviewed by a committee of the law school tenured faculty, then by the entire law school tenured faculty, and finally by a committee appointed by the chancellor. Qualifications in four areas will be considered: teaching, research and creative work, professional competence and activity, and university and public service. (See sections 210-1d(1) through (4) of the Academic Personnel Manual.)
- C. In cases not governed by paragraph D. below, the law school phase of tenure review will proceed as follows:
  - (1) The Dean will meet with the faculty member at the start of the first and second years to discuss what the faculty member needs to do to earn tenure.

- (2) The Dean will appoint a committee of three members of the tenured law school faculty to review the faculty member's qualifications.
- (3) During the fall semester of the second year the law school committee will make a written report to the tenured faculty on the faculty member's progress; the faculty member will receive a copy of the report and have an opportunity to respond to it. The tenured faculty will study the report and give the faculty member a written statement appraising the faculty member's performance and suggesting goals for the future. If the performance is so inadequate that more time would not likely result in a recommendation of tenure, the tenured faculty may recommend that a one-year terminal appointment be given.
- (4) During the fall semester of each succeeding year, the faculty will again appraise the faculty member's performance and take one of the following actions:
  - (a) It can recommend that tenure be given, effective at the end of the current year, except that tenure shall be recommended in the third year only in exceptional cases.
  - (b) If the faculty member does not yet meet the qualifications for tenure but is expected to do so, the tenured faculty can defer action until the following fall semester, except that action may be deferred to the fall semester of the sixth year only for exceptional cause shown and, in any event, action may not be deferred beyond the fall semester of the sixth year.
  - (c) It can recommend that a one-year terminal appointment be given.
- D. Faculty members who come to this school with substantial prior experience as law teachers, practitioners, or judges, will meet with the Dean during their first semester to discuss and agree in writing on a procedure and timetable for tenure review. The agreement will be submitted for approval by a majority vote of the tenured faculty. The tenured faculty may recommend that such a person be given tenure effective at the end of their first through fifth year.
- E. No item of scholarly writing will be sent to an independent reader until the tenure candidate states in writing that it is in final form. All reports of independent readers will be in writing and will be included in the candidate's tenure file.

## 5.2 Merit Increases

- A. After compiling all the relevant facts, the Associate Dean will prepare a draft merit letter for each proposed merit action. The Associate Dean will distribute copies of the draft letters along with separate written ballots for each proposed action to all faculty eligible to vote. Faculty on leave and away from the law school will not be considered eligible to vote. Faculty on leave and not away from the law school may elect not to vote and in such case will not be included among the eligible voters. The written ballot will have a place for each voter to vote "yes," "no," or "abstain"; a place to request a meeting of all eligible voters to consider the merit increase; and space to enter comments. A "no" vote must be accompanied by comments stating the reasons for the "no" vote so that the reasons may be incorporated into the departmental letter. A "no" vote that is not accompanied by reasons shall be counted as a "no" vote, but the departmental letter shall clearly state the number of "no" votes, if any, that were not accompanied by reasons.
- B. After all ballots are returned, the Associate Dean will do one of the following:
  - (1) If the vote is in support of the merit increase, prepare a final version of the departmental letter, including a tally of the votes, and make this letter available to faculty for review for at least two days before being submitted to the Dean.

- (2) If the vote is unfavorable, prepare a merit letter recommending against the increase; submit this letter to the candidate to prepare any rebuttal the candidate chooses to make, and resubmit the letter and rebuttal to all faculty eligible to vote for a second vote under the same voting procedures as the first vote. Following the vote, the Associate Dean will prepare a final version of the departmental letter and proceed as in (1) above.
- (3) If five (5) or more of those voting request a meeting of all eligible voters, call a meeting of all eligible voters to consider the merit increase. After discussion, the vote on the merit increase shall be taken by secret ballot. Following the vote, the Associate Dean will prepare a final version of the departmental letter and proceed as in (1) above.

### 5.3 Deferrals

A faculty member at Steps I through V (Law School scale) who is eligible for a merit increase may ask the Dean for a deferral. The Dean will decide whether to recommend the deferral.

### 5.4 Sabbatical Leave

- A. The granting of sabbatical leave is governed by section 740 of the University of California Academic Personnel Manual, a copy of which is available in the Dean's office.
- B. Applications for sabbatical leave should be submitted to the Dean at least one year before the leave is to begin.

### 5.5 Leaves of Absence

- A. Leaves of absence are governed by sections 750, 751, 752, 758 and 759 of the University of California Academic Personnel Manual, a copy of which is available in the Dean's office.
- B. Applications for leaves of absence should be submitted to the Dean at least six months before the leave is to begin.

### 5.6 Outside Activities

- A. Full-time faculty members may engage in outside professional activities subject to Board of Regents Standing Order 103.1(b), which states in pertinent part: "No one in the service of the University shall devote to private purposes any portion of the time due by him to the University nor shall any outside employment interfere with the performance of his University duties."
- B. In undertaking outside professional activities, a full-time faculty member should be guided by the policy of the Association of American Law Schools, which states in pertinent part: "Full-time teachers are those who devote substantially their entire time to their responsibilities as teachers, scholars and educators. This does not preclude professional activities outside the law school if so limited as not to divert the faculty member from his primary interest and duty as a legal educator. In determining whether outside professional activities are properly limited, the following factors, among others, are of great importance:
  - (1) The extent to which the field of outside activity coincides with the full-time teacher's major fields of interest as a scholar and teacher;
  - (2) The character of the professional activity as a course of novel and enriching experience that can be directly utilized in his capacity as an educator;

- (3) The degree to which the demands of the outside activity interfere with the teacher's regular presence in the law school and with his availability for consultation and interchange with students and colleagues;
  - (4) The extent to which the outside activity may properly be characterized as public service, as distinct from pursuit of private purposes."
- C. University office supplies or secretarial services shall not be used for outside activities.

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