COLLEGE BYLAWS

(WITH AMENDMENTS FROM BYLAWS COMMITTEE FALL 2014)

ARTICLE I. COLLEGE GOVERNANCE AND ORGANIZATION

Section 1.1 Nature and Purpose

These Bylaws set forth the rules that govern the structure and operations of the College of Law (the "College").

Section 1.2 Responsibility for Determining College Policy

The primary responsibility for determining College policy rests with the College Faculty.

Section 1.3 College Faculty Members

The College Faculty consists of the tenured and tenure-track members of the Law Faculty and the Law Library Faculty. Faculty are designated as members of the Law Faculty or Law Library Faculty at the time of appointment. Law Faculty and the Law Library Faculty report to the Dean of the College (the "Dean"). The Law Faculty are governed by Articles I and II of these Bylaws, and the Law Library Faculty are governed by Articles I and III of these Bylaws.

Section 1.4 College Administration

1.4.1 The College administration consists of the Dean and such other administrative officers (including associate deans, assistant deans, and directors) as may be designated in compliance with University requirements and these Bylaws.

1.4.2 The Dean is the chief administrative officer of the College. Because the College is a single academic department, the Dean is considered to be a department head for purposes of University procedures and policies referencing department heads or "heads."

1.4.3 The Dean shall be a tenured Professor of the Law Faculty.

Section 1.5 Appointment and Reappointment of the Dean

1.5.1 The search for and appointment of the Dean shall comply with University requirements for a dean search and these Bylaws.

1.5.2 Law Faculty and Law Library Faculty shall participate in the dean search and selection processes.

1.5.3 With respect to the vote on the acceptability and ranking of decanal candidates, each faculty shall ballot as a separate group (i.e., Law Faculty as one group and Law Library

Faculty as one group), according to the procedures set out in Article II for the appointment of tenured and tenure-track Law Faculty and Article III for the selection and evaluation of the Dean, with the results of the two votes reported separately.

1.5.4 Other votes concerning the search for and selection of the Dean shall be conducted by a vote of the College Faculty as a whole.

1.5.5 The tenure and rank of the Dean shall be determined in accordance with the procedures for appointments and faculty status of the Law Faculty.

1.5.6 During the fourth year of the Dean's five-year term, the Governance Committee of the Law Faculty and the Governance Committee of the Law Library Faculty shall consult with their respective faculties as each Committee deems appropriate whether the Dean should be reappointed to a new term. The Committees shall share the outcomes of their consultations as they deem appropriate with the College Faculty, the Dean, and the University official responsible for reappointing the Dean.

Section 1.6 Appointment of the Chief Administrative Officer of the Law Library

1.6.1 The search for and appointment of the chief administrative officer of the Law Library shall comply with University requirements for such a search and these Bylaws.

1.6.2 The chief administrative officer of the Law Library shall be a member of the Law Library Faculty and appointed to a twelve-month, tenure-track position.

1.6.3 Law Faculty and Law Library Faculty shall participate in the search and selection of the chief administrative officer of the Law Library.

1.6.4 With respect to the vote on the acceptability and ranking of candidates for the chief administrative officer of the Law Library, each faculty shall ballot as a separate group (i.e., Law Faculty as one group and Law Library Faculty as one group), according to the procedures set out in Articles II and III respectively, with the results of the two votes reported separately.

1.6.5 Only candidates who are voted acceptable by both the Law Faculty and the Law Library Faculty may be appointed chief administrative officer of the Law Library.

1.6.6 After the Dean obtains authorization to conduct a search for the chief administrative officer of the Law Library, the Law Faculty and the Law Library Faculty shall nominate candidates from either Faculty to the Dean for service on a search committee. The committee must be comprised of both Law Faculty and Law Library Faculty, in addition to any other members the Dean determines to be appropriate, such as law students or members of the College's staff.

1.6.7 If the position of the chief administrative officer of the Law Library is vacant, the Dean shall appoint a member of the Law Library Faculty to serve as the chief administrative

officer in the interim, after consulting with the Law Faculty and Law Library Faculty.

1.6.8 The tenure and rank of the chief administrative officer of the Law Library shall be determined in accordance with the procedures for appointments and faculty status of the Law Library Faculty.

1.6.9 The chief administrative officer of the Law Library shall be an ex-officio member of the Law Faculty.

1.6.10 As an ex-officio member of the Law Faculty, the chief administrative officer of the Law Library shall have all of the rights and privileges of membership as a Law Faculty member, including the right to vote on all matters, except for the right to vote on tenure and promotion decisions for the Law Faculty and the right to vote in the College of Law Dean Selection Process. The chief administrative office of the Law Library may vote in the College of Law Dean selection process as a member of the Law Library Faculty.

1.6.11 When the chief administrative officer of the Law Library's terms ends, that person's ex-officio membership in the Law Faculty shall correspondingly end.

Section 1.7 Appointment of Other Administrative Officers of the College

1.7.1 The search for and appointment of other administrative officers of the College shall comply with University requirements for such a search and these Bylaws.

1.7.2 After the Dean obtains authorization to conduct a search for an administrative officer of the College, the Dean shall appoint a search committee, which shall make a recommendation to the Dean after consulting with the College Faculty and other interested constituents.

1.7.3 The Dean may seek such additional advice as the Dean deems appropriate before making the appointment.

Section 1.8 Committees and Task Forces

1.8.1 The College Faculty may conduct its activities through standing and other committees and task forces.

1.8.2 Committees and task forces dealing with Law Faculty issues are comprised primarily of Law Faculty. Committees and task forces dealing with Law Library Faculty issues are comprised primarily of Law Library Faculty.

1.8.3 Law Faculty committees and task forces are addressed in Article II of these Bylaws. Law Library Faculty committees and task forces are addressed in Article III of these Bylaws.

1.8.4 Committees and task forces dealing with issues equally relevant to both the Law Faculty and the Law Library Faculty are designated as "College-wide Committees" or "College-wide Task Forces" by the Dean. Their action items are brought before the College Faculty and are voted upon by the College Faculty as a whole.

1.8.5 Members of each faculty may be asked to serve on the other's committees and task forces. Within committees and task forces, a member of the Law Faculty or the Law Library Faculty may vote on recommendations or proposals of any committee or task force to which he or she has been appointed.

Section 1.9 Conduct of College Business

1.9.1 Each faculty generally conducts its business at faculty meetings. Procedures for calling and conducting meetings of the Law Faculty are described in Article II of these Bylaws. Additional procedures for calling and conducting meetings of the Law Library Faculty are described in Article III of these Bylaws.

1.9.2 All College Faculty are notified of meetings of each faculty and are welcome to attend and participate in deliberations and discussions at meetings of each faculty, other than meetings at which tenure and promotion deliberations and determinations occur (which are attended only by members of the deliberating faculty group, as set forth in Sections 2.12 and 3.9 of these Bylaws). Members of the Law Library Faculty do not vote at meetings of the Law Faculty and members of the Law Faculty do not vote at meetings of the Law Library Faculty.

1.9.3 The Dean or any other member of the College Faculty may call a meeting of the College Faculty. Absent extraordinary circumstances, a call for a meeting must provide no less than two business days' notice and the notice must disclose all actions to be voted on.

1.9.4 A quorum of fifty percent of the College Faculty, including those members voting by proxy, is required to take action at a College Faculty meeting.

Section 1.10 Appointments and Changes in Faculty Status

1.10.1 Law Faculty hiring decisions are a matter for consideration by the Law Faculty with input from Law Library Faculty. Law Faculty tenure decisions are a matter for consideration by tenured members of the Law Faculty with input from Law Library Faculty. Law Faculty promotion decisions are a matter for consideration by those Law Faculty members at or above the rank to which the candidate is to be promoted with input from Law Library Faculty.

1.10.2 Law Library Faculty hiring decisions are a matter for consideration by the Law Library Faculty with input from Law Faculty. Law Library Faculty tenure decisions are a matter for consideration by tenured members of the Law Library Faculty with input from the Law Faculty. Law Library Faculty promotion decisions are a matter for consideration by those Law Library Faculty members at or above the rank to which the candidate is to be promoted with input from the Law Faculty.

1.10.3 Before the Dean recommends the appointment of a member of the Law Library Faculty to teach students at the College, the Dean shall consult with the chief administrative

officer of the Law Library. The Law Faculty shall vote on the appointment in accordance with Section 2.7 of these Bylaws.

Section 1.11 Eligibility for Service in the Faculty Senate and University-Wide Bodies

All College Faculty members satisfying the requirements of membership established by the Faculty Senate, Graduate Council, and other campus-wide and University-wide bodies are eligible to serve as College representatives. Law Faculty and Law Library Faculty vote together as a College when electing representatives to campus-wide and University-wide bodies.

Section 1.12 Amendments to Article I of these Bylaws

Article I of these Bylaws may be amended by a majority vote of the College Faculty voting as a whole at a College Faculty meeting. Any College Faculty member may propose an amendment to Article I of these Bylaws. Any proposed amendment must be distributed in writing by the College Faculty member or members proposing the amendment or by the Dean at least one week prior to the College Faculty meeting at which a vote on the amendment is taken. The Dean shall keep the Bylaws up-to-date and available to all College Faculty members.

ARTICLE II: LAW FACULTY BYLAWS

Section 2.1 Law Faculty Committees

2.1.1 The Law Faculty's standing committees are Academic Standards & Curriculum, Admissions, Appointments, and Governance.

2.1.2 The Dean appoints the chair and the members of the standing committees annually, except that the Dean need not constitute the Appointments Committee in years during which the College does not plan to hire Law Faculty.

2.1.3 All standing committees except for Governance shall have at least one student member, who is appointed by the Dean.

2.1.4 The Dean also appoints the chair and the members of other committees and task forces and identifies issues for their consideration.

Section 2.2 Conduct of Law Faculty Business

2.2.1 A quorum of fifty percent of the Law Faculty, including those members voting by proxy, is required to take action at a Law Faculty meeting. Unless otherwise provided in these Bylaws, a simple majority of those voting on a matter at a Law Faculty meeting in person or by proxy decides the matter. Except as otherwise permitted or provided in these Bylaws, voting shall be conducted by oral assent or a show of hands. A secret ballot vote may be called for by any voting Law Faculty member on any issue that requires a vote.

To be validly exercised, a proxy must be disclosed prior to the vote. Proxies may be general or limited to a specific item of business and need not be in writing.

2.2.2 The Dean or any other member of the Law Faculty may call a meeting of the Law Faculty. Absent extraordinary circumstances, a call for a meeting must provide no less than two business days' notice and the notice must disclose all actions to be voted on.

2.2.3 A call for a Law Faculty meeting may include one or more items designated as "consent items." A consent item states a matter and the action proposed to be taken but does not call for discussion or a vote. The proposed action will be deemed approved at the Law Faculty meeting for which the call was issued, without discussion or a vote, unless, at or before that meeting, a member of the Law Faculty objects to the action proposed to be taken and requests discussion and a vote. If such an objection is made, the item will be removed from the consent items and will be added to the matters to be discussed and voted upon at a Law Faculty meeting.

2.2.4 If a matter arises that requires Law Faculty action prior to a scheduled faculty meeting, the Dean may provide (a) notice of no less than two business days to the Law Faculty of the matter and the action proposed to be taken without a meeting and (b) an opportunity of no less than two business days to object or call for discussion. Absent objection or call for discussion within the time designated in the notice, the matter shall be deemed approved. If an objection or call for discussion is raised, the action shall be considered at a Law Faculty meeting. The notice and opportunity to object or call for discussion may be given in electronic form, such as by e-mail, or in hard copy.

Section 2.3 Tenured and Tenure-Track Appointments

2.3.1 If the Dean intends to seek authorization to search for one or more new tenure-track Law Faculty members, the Dean shall call a meeting to discuss teaching and research needs. The Dean shall then refer the matter to the Appointments Committee, which shall conduct the search in accordance with University requirements and these Bylaws.

2.3.2 The Law Faculty shall evaluate and vote on the candidates for Law Faculty appointments. The vote may be negative for all candidates interviewed for each open position, or in favor of a single candidate, or in the form of a definitive ranking of candidates. Comments about candidates shall be held in confidence.

2.3.3 Evaluation of candidates to fill open positions shall be made through a two-part vote, structured as set forth below.

2.3.3(a) First, the Law Faculty shall vote by secret ballot on whether each candidate for an open position is acceptable. Only outstanding candidates are acceptable. A Law Faculty candidate is outstanding if he or she is likely to develop into a faculty member who will teach classes and engage in scholarship and service in a manner appropriate to an institution of the quality of this one. Only candidates deemed outstanding shall receive an

offer. A Law Faculty candidate is voted outstanding if he or she receives at least two-thirds affirmative votes and not more than one-quarter negative votes. For purposes of calculating these fractions, the denominator is the total number of affirmative, negative, and abstention votes of Law Faculty members present in person or by proxy that cast ballots.

2.3.3(b) Second, Law Faculty members shall vote by secret ballot for their preferred candidate for each open position. The candidate who receives a majority of votes shall be ranked first (i.e., the most preferred candidate). If no candidate receives a majority of votes, a second ballot shall be taken after eliminating the candidate who received the fewest votes on the first ballot. This process shall be repeated until one candidate emerges with a majority vote. After the first-ranked candidate is determined, the second-most preferred candidate may be determined from among the remaining candidates using the same process employed for identifying the first-ranked candidate. If applicable, the voting process may be repeated again to rank the remaining candidates. At any stage, Law Faculty members shall break a tie by voting for their preferred candidate involved in the tie.

2.3.3(c) The Dean then shall (i) submit a request to the appropriate University officer(s) that the College make an offer or offers in accordance with the Law Faculty's vote under this Section 2.3 and (ii) extend employment offers to candidates once University approval for the offer is obtained.

Section 2.4 Law Faculty Salaries

The Dean shall establish the salaries of Law Faculty in consultation with the Governance Committee and in accordance with the following objectives:

2.4.1 Overlapping of salaries between ranks should be avoided.

2.4.2 The level of compensation for persons newly appointed shall be at the bottom of the range appropriate to their rank, except where special qualifications exist.

2.4.2(a) Special qualifications may include graduate law degrees, graduate degrees, judicial clerkships, graduate and undergraduate teaching experience, professional experience either in private practice or public service, and distinguished scholarship. Full-time teaching at accredited American or comparable foreign law schools in a tenured, tenure-track, or comparable position shall be given prime consideration. Length of service in private practice or public service is not by itself a special qualification.

2.4.2(b) There may be an appropriate adjustment in the initial salary for these special qualifications. Any adjustment, however, may not carry any new appointment above the level of compensation as anticipated for the

coming fiscal year for those already on the Law Faculty with equivalent special qualifications. The Dean shall determine any such adjustment after consultation with representatives from the Governance Committee or the Appointments Committee or both.

2.4.3 Persons hired in the same year should be advanced at approximately comparable rates or amounts until tenured or promoted.

2.4.4 After tenure or promotion, substantial variance in salary levels among Law Faculty members with equivalent special qualifications must be based on demonstrated merit.

2.4.5 While annual salary adjustments are based on merit (in terms of existing criteria), in assessing the merit adjustment each year, the elimination of pre-existing inconsistencies (among salaries as measured by the foregoing guidelines) as well as increases in the cost of living shall be taken into account. The Dean is responsible for making such adjustments, but the Dean shall first seek the guidance of the Governance Committee as to appropriate emphases among these considerations each year.

Section 2.5 Procedures for Law Faculty Participation in Selection of the Chief Administrative Officer of the Law Library

The Law Faculty shall vote on candidates for the Chief Administrative Officer of the Law Library in accordance with the procedures to appoint tenured and tenure-track Law Faculty as set forth in Section 2.3.

Section 2.6 Visitor and Adjunct Appointments

The Law Faculty's vote on appointments of visiting law professors and adjunct law professors shall be taken by secret ballot in the case of visitors and adjuncts who have not previously taught the course for which their appointment is proposed. A visitor or adjunct who has previously taught the course for which his or her appointment is proposed is deemed approved unless a member of the Law Faculty requests a vote. Any such vote shall be by secret ballot. When a vote is taken, an adjunct or visitor is appointed if he or she receives at least two-thirds affirmative votes and not more than one-quarter negative votes. For purposes of calculating these fractions, the denominator is the total number of affirmative, negative, and abstention votes of Law Faculty members present in person or by proxy that cast ballots.

Section 2.7 Approval of Law Library Faculty Classroom Teachers

2.7.1 When the position description of a Law Library Faculty member being considered for appointment includes teaching as one of the responsibilities of the position, the vote of the Law Faculty shall be taken after the Law Library Faculty has conducted its vote on the acceptability and ranking of the candidates and before an offer of employment is extended to the candidate.

2.7.2 Except for Law Library Faculty appointed as set forth in Section 2.7.1, a member of the Law Library Faculty who is recommended to teach a course at the College of Law shall be voted upon in accordance with the voting rules that apply to appointments of visiting and adjunct law professors as set forth in Section 2.6.

Section 2.8 Law Faculty Mentoring Program

2.8.1 The purpose of the College of Law Mentoring Program is to support untenured Law Faculty members in becoming productive and successful members of the University community. To this end, the Dean shall assign two tenured members of the Law Faculty to act as mentors to each untenured member of the Law Faculty at the beginning of each academic year.

2.8.2 Mentor-advisee assignments ordinarily will continue for one year. Rotation may be more frequent if a mentor goes on leave, if the untenured Law Faculty member's research interests change, or for other good cause. A new mentor should be appointed at any time, without need for explanation, if either the mentor or advisee so requests.

2.8.3 Absent an express understanding to the contrary or as required by applicable University policies (including those in the Manual for Faculty Evaluation), matters confided by one party to another during the mentoring relationship should not be further communicated without the consent of the confider.

Section 2.9 Retention Review of Untenured Law Faculty

2.9.1 During the fall term, the Dean shall convene a meeting of the tenured Law Faculty to discuss retention of all untenured Law Faculty members. The Dean and the Law Faculty shall discuss the extent to which each untenured Law Faculty member is able to sustain the Law Faculty's expectations' of the member's teaching, scholarship, and service at the member's current rank and is progressing in satisfying the standards for tenure set forth in Section 2.10 of these Bylaws. Such discussion shall address the matters set forth in the relevant provisions of the *Manual for Faculty Evaluation*. The Law Faculty will construct a narrative that describes such discussion. Such narrative may be reduced to writing by a member of the Law Faculty appointed by the Dean for such purpose.

2.9.2 At the meeting, the Dean shall bring to the attention of the tenured Law Faculty present any concerns regarding the performance of any untenured Law Faculty member. The Dean shall solicit any concerns of the Law Faculty regarding the performance of any untenured Law Faculty member. Except to the extent included in the written narrative of the Law Faculty, comments about untenured Law Faculty members shall be held in confidence.

2.9.3 At the conclusion of the deliberations, any of the actions set forth below may be taken regarding each untenured Law Faculty member.

2.9.3(a) If any member of the tenured Law Faculty is of the view that an individual is not making satisfactory progress toward tenure, he or she may move for further inquiry. If the motion is passed by a majority of the tenured Law Faculty, the Dean shall appoint a committee to investigate the individual's performance and the untenured Law Faculty member shall have the opportunity to present relevant material to the committee. Following the report of the committee and appropriate discussion and debate, a vote shall be taken by secret ballot regarding the retention of the untenured Law Faculty member. If the majority vote is not to retain, the Dean shall notify the untenured Law Faculty member and the appropriate University official(s). The untenured Law Faculty member may appeal the decision in accordance with the *Faculty Handbook*.

2.9.3(b) If, whether as a result of discussion at the annual meeting of the tenured Law Faculty or following an inquiry prescribed in (a) above, the tenured Law Faculty notify the Dean that an untenured Law Faculty member should be retained but that his or her performance falls below the expectations of the Law Faculty and, if not improved, (i) could result in a negative decision on retention in the future or (ii) gives rise to significant concerns about whether the individual will be able to satisfy the requirements for tenure, the Dean shall notify the individual in writing advising her or him of the favorable decision on retention for the following year, but informing the individual of the aspects of her or his performance that are a source of concern. The untenured Law Faculty member shall have the right to respond in writing to the Dean.

2.9.3(c) If the tenured Law Faculty notify the Dean that an untenured Law Faculty member is making satisfactory appropriate progress toward tenure, the Dean shall notify the individual in writing of the decision to retain for the following year.

2.9.3(d) In providing the notifications specified in paragraphs (b) and (c) above, the Dean shall advise the Law Faculty member of the time remaining in the probationary period.

2.9.3(e) Any member of Law Faculty participating in the review who dissents from the recommendation of the Law Faculty may submit a dissenting statement, and any untenured faculty member being reviewed may respond to the vote, the narrative, the report of the Dean, or any dissenting statement, in each case in accordance with the *Manual for Faculty Evaluation.*

2.9.4 Copies of all retention letters shall be included among the documents available to the Law Faculty in tenure deliberations on the subject Law Faculty member.

2.9.5 Before the meeting, the Dean shall request and the untenured Law Faculty member shall prepare a written summary of the member's accomplishments in teaching, scholarship and service for the previous academic year in the form specified by the Dean. During the fourth year of employment (or such earlier year as provided in the Manual for Faculty Evaluation), each untenured Law Faculty member, with the guidance and counsel of the Dean, shall prepare a cumulative performance file that reflects his or her degree of progress in satisfying the requirements for tenure in teaching, scholarship, and service. The Dean shall make these files available to the tenured Law Faculty in advance of the meeting on retention.

Section 2.10 Standards and General Policies on Tenure and Promotion of Law Faculty

2.10.1 Factors to consider in evaluation of a Law Faculty member for tenure and promotion are:

(a) teaching;

(b) contributions to scholarship; and

(c) contributions to the University, the profession, or the community, whether local, national, or international.

There is no presumption that tenure or promotion is automatic; tenure and promotion decisions shall be based on the Law Faculty member's performance of his or her duties and responsibilities as a Law Faculty member.

2.10.2 Tenure signifies the achievement of academic excellence, considering the candidate's stage of development, and the substantial likelihood of significant future contributions to the mission of the College. Specifically, a recommendation of conferral of tenure signifies recognition of:

(a) thoughtful and effective teaching;

(b) contributions to scholarship that evidence useful insights into the nature of important legal issues; and

(c) meaningful contributions to the University, the profession, or the community, whether local, national, or international.

In extraordinary cases, participation in University, professional, or community affairs may be considered in partial fulfillment of the requirements for legal writing and research if the participation has been sustained and marked with distinction.

2.10.3 Promotion from Associate Professor to Professor signifies recognition of teaching excellence, exceptional scholarly achievement, and a record of distinguished service.

Section 2.11 Law Faculty Tenure and Promotion Procedures

2.11.1 Law Faculty tenure decisions are a matter for consideration by tenured members of the Law Faculty. Law Faculty promotion decisions are a matter for consideration by those Law Faculty members at or above the rank to which the candidate is to be promoted.

2.11.2 At regular intervals, the Dean shall initiate consideration by the tenured Law Faculty of the granting of tenure to those untenured Law Faculty members who, considering their experience and qualifications, appear to have successfully completed an appropriate probationary period. Untenured Law Faculty are considered ordinarily for tenure no later than the sixth year. Unless otherwise extended pursuant to University policy, the probationary period of any Law Faculty member shall be no longer than seven years.

2.11.3 The procedure for consideration of Law Faculty members for tenure and promotion is as set forth below.

2.11.3(a) The Dean shall appoint a committee composed of three tenured Law Faculty members, in the case of tenure decisions, and three Law Faculty members at the rank to which the candidate is to be promoted or at a higher rank, in the case of promotion decisions. The candidate shall be asked to assist in choosing at least one member of the committee.

2.11.3(b) The Dean, in consultation with the candidate and other members of the College Faculty whose research interests are similar to the candidate's, shall select individuals, who are not members of the Law Faculty of the University, to review the scholarship and other creative work of the candidate. These outside reviewers shall be asked to prepare and submit written evaluations of the candidate's submissions in accordance with the *Manual for Faculty Evaluation*.

2.11.3(c) The committee members have the following responsibilities:

(1) to visit the candidate's classes;

(2) to interview College Faculty who will not participate in the meeting to consider the candidate for tenure or promotion;

(3) to solicit input from students, alumni, members of the College's professional administrative staff, and any other individuals who may have information relevant to an evaluation of the candidate's performance as a teacher, scholar, and active participant in the profession and the College, University, and civic communities;

(4) to review the candidate's computerized teaching evaluations; and

(5) to review the candidate's scholarship or other creative endeavors and to read the evaluations of the outside reviewers.

2.11.3(d) Every Law Faculty member who is entitled to cast a vote during the deliberations concerning the candidate is responsible for making his or her own assessment of the degree to which the candidate has met the standards set forth is Section 2.10.2 or Section 2.10.3, as applicable.

2.11.3(e) The Dean shall call a meeting of the tenured Law Faculty, in the case of those being considered for tenure only, or of all Professors, in the case of those being considered for promotion to Professor. During the meeting, the Dean shall state the tenure or promotion standards, present the highlights of each case, ask the committee members to report on their review of the candidate, and solicit the views of the rest of the Law Faculty voting regarding the candidate's suitability for tenure or promotion. Comments about candidates shall be held in confidence.

2.11.3(f) Law Faculty approval of a candidate for tenure or promotion requires support from two-thirds of those present in person or by proxy for the secret-ballot vote. Members of the Law Faculty who would otherwise be eligible to vote on the recommendation of a candidate for tenure or promotion but who are away from the University on leave are eligible to vote. Members of the Law Faculty who are eligible to vote and unable to attend the meeting may appoint a proxy under the procedure outlined in Section 2.2.1. Voting may be conducted through an electronic voting system if such system provides for the retention of the electronic recording of the final tabulation of the votes. If such electronic voting system does not include a mechanism by which each voting member may record comments on the strength and weakness of each candidate, the Dean shall make available paper ballots with sufficient space for written comments on the strength and weakness of each candidate to any member of the Law Faculty who requests such ballots.

2.11.4 Following consideration and voting by:

(a) the tenured Law Faculty, in the case of those being considered for tenure only; and

(b) all Professors on the Law Faculty, in the case of those being considered for promotion to Professor,

one member of the Law Faculty entitled to vote, designated by the Dean, shall prepare a report that summarizes the faculty discussion and shall present a written recommendation and the vote to the Dean and the members of the Law Faculty entitled so to vote. After receiving and reviewing such report, the Dean shall make a recommendation to the appropriate University administrator.

2.11.5 If the Dean's recommendation is to be contrary to the vote of the Law Faculty, the Dean shall timely notify the Law Faculty, provide the Law Faculty with a copy of the Dean's recommendation, and call a Law Faculty meeting to discuss the matter prior to making any recommendation to the appropriate University officer(s). Any Law Faculty member who is entitled to vote may file a dissent from the Dean's recommendation. The Dean shall send any dissents to the appropriate University administrator with the Dean's recommendation.

Section 2.12 Evaluation of Law Faculty

2.12.1 General Performance Objectives and Assessment

All members of the Law Faculty are expected to contribute to the College's mission through their teaching, legal research and writing, and service. A commitment to excellence in teaching, legal research and writing, and service is an essential attribute of Law Faculty members. Each Law Faculty member's achievements in teaching, legal writing and research, and service shall be evaluated impartially.

2.12.2 Annual Performance and Planning Review for Law Faculty

2.12.2(a) Each Law Faculty member and the Dean will engage in a formal annual performance and planning review in which they will examine the Law Faculty member's activities in teaching, research, and service, and plan for the coming year. Each Law Faculty member shall submit a Faculty Activity Report, the form and content of which shall be determined by the Dean. Law Faculty performance reviews shall follow the procedures and criteria set out in the *Manual for Faculty Evaluation*.

2.12.2(b) Following the annual performance and planning review, the Dean, in consultation with the Governance Committee, shall rate the performance of each member of the Law Faculty in accordance with the categories established by the University.

2.12.3 Plan of Remediation for Law Faculty

2.12.3(a) A Law Faculty member whose performance is rated as "needs improvement" or "unsatisfactory" shall, in consultation with the Dean, develop a plan to remedy the deficiencies identified in the report, in accordance with the procedures and criteria set forth in the *Faculty Handbook* and the *Manual for Faculty Evaluation*.

2.12.3(b) If the Dean and the Law Faculty member are unable to agree upon a plan of remediation, the Law Faculty member shall either comply with the Dean's plan or appeal the decision in accordance with the *Faculty Handbook*.

2.12.3(c) The extent to which a Law Faculty member has remedied or made progress in remedying the deficiencies that led to the development of a plan of remediation under this Section 2.12.3 shall be a relevant factor to consider in assessing the Law Faculty member's performance at the next regularly scheduled annual performance and planning review.

2.12.4 Cumulative Performance Review for Tenured Law Faculty Members

A tenured Law Faculty member whose annual evaluation results in a rating of unsatisfactory in any two of five consecutive years or in any combination of unsatisfactory or needs improvement ratings in any three of five consecutive years shall undergo a mandatory Cumulative Performance Review conducted in accordance with the *Faculty Handbook* and the *Manual for Faculty Evaluation*..

Section 2.13 Law Faculty Teaching and Leave Policies

2.13.1 Normal Teaching Load

2.13.1(a) The normal teaching load for a full-time tenure-track or tenured Law Faculty member is 12 credit hours per academic year, usually comprised of two courses in each semester or an aggregate of four courses during the nine-month academic year.

2.13.1(b) Teaching loads for Law Faculty who also serve as college administrators shall be set at the time of appointment to the position and may thereafter be modified by mutual agreement between the college administrator and the Dean.

2.13.2 Alterations in Teaching Load

2.13.2(a) A Law Faculty member may be assigned to teach more or less than a normal teaching load during an academic year when the Dean deems such increase or reduction appropriate.

2.13.2(b) Normally, a tenure-track Law Faculty member who does not teach principally in the Legal Clinic will receive a reduced teaching load in the first semester of teaching and in two additional semesters prior to tenure. Normally, a tenure-track Law Faculty member who teaches principally in the Legal Clinic will be assigned a normal teaching load during the first year of teaching but will receive two semesters completely free from teaching responsibilities prior to tenure.

2.13.2(c) A tenured associate professor generally may expect a reduced teaching load in one semester between tenure and promotion.

2.13.2(d) A Law Faculty member who accumulates credit hours in excess of the normal teaching load shall, at the Law Faculty member's election, be entitled to receive a reduced teaching load in a subsequent semester.

2.13.3 Research Support Program

2.13.3(a) Each year, the Dean, in consultation with the Governance Committee, shall determine the number of teaching units per academic year that are available to provide a reduced teaching load for Law Faculty engaged in substantial research and scholarship. This reduced teaching load is known as the "Research Support Program."

2.13.3(b) A tenure-track or tenured Law Faculty member desiring a reduced teaching load under the Research Support Program shall file a written request with the Dean during the academic year prior to the year for which the reduced teaching load is being requested. Requests for a reduced teaching load shall meet the requirements determined by the Dean.

2.13.3(c) Grants of a reduced teaching load shall be made by the Dean, in consultation with the Governance Committee, and based upon the following factors: an overall evaluation of the merits and promise of the proposed research project, the extent to which the applicant has completed projects for which the applicant previously received a reduced teaching load, the applicant's need for a reduced teaching load in order to complete the project in a timely fashion, the College's curricular needs for the year for which the reduced teaching load is requested, and any other factors deemed relevant.

2.13.4 Leaves of Absence

Law Faculty who desire leaves of absence from the College for fellowships at other institutions, judicial clerkships, teaching visits at other law schools, and other similar academic endeavors related to their scholarship and teaching shall submit a written request for leave to the Dean. The Dean, in consultation with the Governance Committee, may grant such leaves of absence after considering the curricular needs of the College of Law during the period for which the leave is requested and the extent to which the leave is likely to contribute to the Law Faculty member's professional development. The College endorses the "Statements of Good Practices" with respect to requests for leaves of absence to visit another law school that is included in the Handbook of The Association of American Law Schools. Accordingly, under ordinary circumstances, "[a] full-time faculty member should not . . . request leave of absence to accept a visiting appointment as a teacher later than April 1."

Section 2.14 Professional Services for Compensation

2.14.1 Law Faculty members are encouraged to avail themselves of opportunities to engage in professional activities outside the University as a means of broadening their experience and enriching their teaching and scholarship.

2.14.2 Definition

2.14.2(a) "Professional services for compensation" means legal or other professional services rendered:

(1) in connection with advising others, representing others, teaching people other than students enrolled in the University, or participating in the resolution of a legal dispute; and

(2) on the understanding or with the expectation that the Law Faculty member will be compensated for those services.

2.14.2(b) "Professional services for compensation" does not include employment as a visiting faculty member at another school, participation in accreditation visits or other forms of consulting on matters pertaining to legal education or other training, nor does it include giving speeches, teaching in continuing legal education programs, and writing or reviewing books or articles, even if those activities are undertaken with the expectation of receiving compensation.

2.14.3 Rendition of professional services for compensation is permitted as long as this work does not materially interfere with the Law Faculty member's normal University duties, including non-classroom responsibilities such as advising, committee work, and scholarly research and is undertaken in a manner consistent with the *Faculty Handbook* and the *Manual for Faculty Evaluation*.

2.14.4 Limitation on Time Devoted to Professional Services for Compensation

2.14.4(a) During the portion of the year that a Law Faculty member is appointed by the University, the Law Faculty member shall not devote more than an average of ten hours a week to the rendition of professional services for compensation.

2.14.4(b) A Law Faculty member who wishes to exceed the time limit permitted in paragraph (a) of this Section shall submit a written request to the Dean, including an estimate of the time necessary to complete the contemplated project and a statement of the extent to which the project will affect the Law Faculty member's ability to fulfill his or her University responsibilities.

2.14.4(c) In approving such requests, the Dean, in consultation with the Governance Committee, may impose such restrictions as seem appropriate, including requiring the Law Faculty member to agree to a salary reduction for the period during which the Law Faculty member will be engaged in professional services for compensation.

2.14.4(d) The Dean, in consultation with the Governance Committee, may limit the amount of time that a Law Faculty member may devote to professional services for compensation for, among other reasons, receipt of a Summer Research Grant or for performance that does not meet expectations as found in the annual evaluation.

2.14.5 In rendering professional services for compensation, a Law Faculty member shall not use University resources (including funds, equipment, personnel, credit, postage, and expendable supplies) except in accordance with the *Faculty Handbook* and the *Manual for Faculty Evaluation*.

2.14.6 Compensated service to state agencies shall be limited as provided by TCA § 8-23-201 and any other applicable law.

2.14.7 Noncompliance with this policy may be considered a negative factor in College promotion and tenure decisions, salary determinations, and decisions concerning requests for a reduced teaching load and other institutional support. In the discretion of the Dean, in consultation with the Governance Committee, noncompliance may result in other sanctions, including a salary reduction and a requirement that the Law Faculty member make restitution.

2.14.8 Law Faculty shall avoid using or authorizing the use of University facilities in ways that present even the appearance of impropriety.

Section 2.15 Amendments to Article II of these Bylaws

Article II of these Bylaws may be amended by a majority vote of the Law Faculty at a Law Faculty meeting. Any Law Faculty member may propose an amendment to Article II of these Bylaws. Any proposed amendment must be distributed in writing by the Law Faculty member or members proposing the amendment or by the Dean at least one week prior to the Law Faculty meeting at which a vote on the amendment is taken. The Dean shall keep the Bylaws up-to-date and available to all College Faculty members.

ARTICLE III: LAW LIBRARY FACULTY BYLAWS

Section 3.1 Name

The name of this organization is the **University of Tennessee Law Library Faculty**.

Section 3.2 Nature and Purpose

These bylaws set forth the rules that govern the structure and operation of the University of Tennessee Law Library Faculty (the "Law Library Faculty"). The primary responsibility for determining Law Library policy rests with the Law Library Faculty.

Section 3.2 amended as of April 13, 2010.

Section 3.3 Law Library Faculty Membership

All faculty appointed to the Law Library shall constitute the Law Library Faculty. The faculty classifications follow the University guidelines as published in the *University of Tennessee – Knoxville Faculty Handbook*.[1]

Section 3.4 Administration

3.4.1 The chief officer of the Law Library is the **Dean of the College of Law**.

3.4.2 The administrative officer of the Law Library is the **Associate Dean for Library and Technology Services (the "Associate Dean")**, who is a member of the Law Library Faculty. The Associate Dean assumes the responsibilities, outlined in the *Faculty Handbook*,[2] for the **Department Head** of the Law Library faculty.

3.4.3 The officers of the Law Library Faculty are a **Chair** and a **Vice-Chair**.[3]

Section 3.4 amended as of July 14, 2009; April 13, 2010.

Section 3.5 Conduct of Law Library Faculty Business

3.5.1 Law Library Faculty meetings are held on a regularly-scheduled basis. Law Library Faculty meetings are open to all Law Library and Law Faculty, but only Law Library Faculty may vote. All faculty present are welcome to participate in discussions and deliberations.

3.5.2 Votes held at Law Library Faculty meetings and committee meetings are conducted by raising of hands or voice unless (1) otherwise directed in these bylaws, or (2) any member of the Law Library Faculty requests a secret ballot. Any motion or proposal passes when at least a simple majority of the entire Law Library Faculty (including those voting by proxy) vote in its favor, except where otherwise noted in these bylaws. A vote may be conducted by email or other

[1] http://provost.utk.edu/facultyhandbook/.
[2] *Faculty Handbook*, Sec. 1.4.2 Department Head.
[3] The duties of the Chair and Vice Chair are described in the Law Library Policy and Procedures Manual.

means after the conclusion of a Faculty or committee meeting at which the issue was discussed.

3.5.3 Emergency or special meetings of the Law Library Faculty may be called by the Associate Dean or by the Chair. Emergency or special meetings may also be called by request of at least two members of the Law Library Faculty. As much notice as reasonably possible is given of emergency and special meetings. All of the bylaws from 3.5.1 and 3.5.2 apply to emergency and special meetings of the Law Library Faculty.
Section 3.5 amended as of July 14, 2009; April 13, 2010.

Section 3.6 Standing Committees of the Law Library Faculty

3.6.1 All standing committees of the Law Library Faculty are identified in these bylaws.[4] These committees are:

- Bylaws Committee
- Governance Committee
- Committee of the Whole for Tenure
- Committee of the Whole for Promotion to Associate Professor
- Committee of the Whole for Promotion to Professor

3.6.2 The **Bylaws Committee** reviews these bylaws annually and reports to the Law Library Faculty by October 15 to ensure these bylaws are in compliance with the requirements of the University of Tennessee. In the event that a change to the bylaws is required, the Bylaws Committee proposes amendments to the bylaws as described in Section 3.18 herein. Should any member of the Law Library Faculty propose an amendment to the bylaws, the Bylaws Committee reviews the proposed amendment and reports the Committee's recommendation to the Law Library Faculty. The Committee consists of Law Library Faculty members appointed by the Associate Dean at the beginning of each fiscal year.

3.6.3 The **Governance Committee** acts as an advisory group to the Dean of the College of Law on library matters. These matters may include budgets, salaries, and any other issue brought to it by the Law Library Faculty or the Dean. The Governance Committee is appointed by the Dean annually and tenured status is required to be a member of this committee.

3.6.4 The **Committee of the Whole for Tenure** considers candidates for tenure, in accordance with guidelines established by the Law Library Faculty and university requirements. The committee's deliberations, including a vote on the candidate's case, are summarized in a report prepared for the Associate Dean.

The committee consists of all tenured Law Library Faculty, regardless of rank. One member is elected to serve as chair to guide the committee's deliberations, to

[4] These bylaws do not address administrative committees, such as the Collection Management Committee and Committee of the Whole for Library Policy and Planning.

oversee the vote, and to prepare the report for the Associate Dean. If a candidate is also applying for promotion, the chair must be of appropriate rank to chair the Committee of the Whole for Promotion. In the event that there are insufficient Law Library faculty qualified to constitute a committee, the Law Library faculty will request that the Associate Dean and Dean, as may be appropriate, seek approval from the Chief Academic Officer to constitute an alternative committee that will issue a recommendation with respect to tenure and/or promotion. The alternative committee should include any qualified members of the Law Library faculty as well as tenured members of an appropriate rank from the Law faculty and the University Libraries faculty.

3.6.5 The **Committee of the Whole for Promotion to Associate Professor** considers candidates for promotion from the rank of Assistant Professor to Associate Professor, in accordance with guidelines established by the Law Library Faculty. The committee's deliberations, including a vote concerning the candidate's case, are summarized in a report prepared for the Associate Dean.[5]

The committee consists of all faculty with the rank of Associate Professor or Professor. One member is elected to serve as chair to guide the committee's deliberations, to oversee the vote, and to prepare the report for the Associate Dean. If a candidate is also applying for tenure, the chair must be tenured and eligible to serve as Chair of the Committee of the Whole for Tenure.

In the event that there are insufficient Law Library faculty qualified to constitute a committee, the Law Library faculty will request that the Associate Dean and Dean, as may be appropriate, seek approval from the Chief Academic Officer to constitute an alternative committee that will issue a recommendation with respect to tenure and/or promotion. The alternative committee should include any qualified members of the Law Library faculty as well as tenured members of an appropriate rank from the Law faculty and the University Libraries faculty.

3.6.6 The **Committee of the Whole for Promotion to Professor** considers candidates for promotion from the rank of Associate Professor to Professor, in accordance with guidelines established by the Law Library Faculty. The committee's deliberations, including a vote concerning the candidate's case, are summarized in a report prepared for the Associate Dean.[6] The committee consists of all Law Library Faculty with the rank of Professor. One member is elected to serve as chair to guide the committee's deliberations, to oversee the vote, and to prepare the report for the Associate Dean. If a candidate is also applying for tenure, the chair must also be tenured and eligible to serve as Chair of the Committee of the Whole for Tenure.

In the event that there are insufficient Law Library faculty qualified to constitute a committee, the Law Library faculty will request that the Associate Dean and

[5] The procedures for promotion and tenure are addressed in Section 3.14 of these bylaws.
[6] Ibid.

Dean, as may be appropriate, seek approval from the Chief Academic Officer to constitute an alternative committee that will issue a recommendation with respect to tenure and/or promotion. The alternative committee should include any qualified members of the Law Library faculty as well as tenured members of an appropriate rank from the Law faculty and the University Libraries faculty.
Section 3.6 amended as of January 11, 2011.

Section 3.7 AD HOC Committees

3.7.1 The Associate Dean, the Law Library Faculty, or a Law Library committee may create ad hoc committees as needed for specific purposes. Only matters that are not the business of a standing committee may be handled by an ad hoc committee, unless the ad hoc committee was created by a standing committee for the purpose of working on a particular task or issue usually handled by that committee.

3.7.2 Ad hoc committees may be composed entirely of members of the Law Library Faculty, or of Law Library Faculty and other members deemed appropriate, including, but not limited to, Law Faculty, Law Library staff, and students. All committee members have voting rights within each committee, but only Law Library Faculty may vote on issues presented to the Law Library Faculty as a whole.[7]

3.7.3 After an ad hoc committee has completed the charge given to it and issued a report or recommendation, it will disband unless the Law Library Faculty deem it appropriate for the committee to continue working on that task or related tasks and issues.

Section 3.8 College of Law Committees

Law Library Faculty serve on College of Law committees at the Dean's request. Law Library Faculty vote within those committees but not on matters brought forth by the committees at meetings of the Law Faculty.[8]

Section 3.9 Faculty Senate, Graduate Council, and Other University-Wide Bodies

All Law Library Faculty satisfying the requirements of membership established by the Faculty Senate, Graduate Council, and other campus-side and university-wide bodies are eligible to serve as representatives of the College of Law. Law Faculty and Law Library Faculty vote together as a college when electing representatives to campus-wide and university-wide bodies.
Section 3.9 amended as of April 13, 2010.

[7] See Governance Policy adopted by the Law and Law Library faculties on July 5, 2006.
[8] Ibid.

Section 3.10 Tenure Track-Faculty Searches

3.10.1 All full-time Law Library Faculty members are appointed to twelve month tenure-track positions. When conducting searches to fill tenure-track faculty vacancies the Law Library follows the procedures outlined in *UT Search Procedures: Guidelines for Conducting Academic and Staff-Exempt Searches*.[9]

3.10.2 Before a search committee is appointed, the Law Library Faculty meet to review the position and determine the needs of the Law Library. The Associate Dean then appoints a search committee composed of members of the Law Library Faculty, with the Associate Dean serving as chair of the committee, or the Associate Dean may appoint a chair. The committee may also include members who are not Law Library Faculty, such as members of the Law Faculty, College of Law or Law Library staff, or law students, as deemed necessary or appropriate by the Law Library Faculty.

3.10.3 The position description is then drafted by the Search Committee and submitted to the Law Library Faculty for approval. The Search Committee has primary responsibility for conducting the search, including, but not limited to, advertising for the position, screening applicants, and organizing in-person interviews for the final candidate pool.

3.10.4 After in-person interviews are conducted, the committee solicits input regarding the candidates and meets to discuss and vote on the candidates. The committee makes a recommendation to the Law Library Faculty on the acceptability and ranking of the candidates.

3.10.5 The Law Library Faculty then meet to discuss the candidates and conduct a vote by secret ballot on acceptability. At least two-thirds of the entire Law Library Faculty must find a candidate acceptable in order for the candidate to be deemed acceptable. If more than one candidate is found acceptable, the Law Library Faculty may decide to rank the candidates by secret ballot, using any method or procedure for ranking that the Law Library Faculty generally find acceptable.

3.10.6 Any person appointed to the Law Library Faculty shall have earned, by the effective date of the appointment, a Master's degree from a program accredited by the American Library Association, or foreign equivalent.

3.10.7 Any person appointed to any rank shall meet the criteria appropriate to that rank as approved by the Law Library Faculty.[10] Tenure-track Law Library Faculty are appointed at the rank of Assistant Professor or higher.
Section 3.10 amended as of April 13, 2010.

[9] http://web.utk.edu/~oed/docs/searchproc.pdf.
[10] See Criteria for Promotion and Tenure: Law Library Faculty.

Section 3.11 Salary

3.11.1 The Dean shall establish the salaries of the Law Library Faculty in consultation with the Associate Dean and the Library Governance Committee.

3.11.2 Salaries shall be determined by considering expected job duties, professional experience, graduate degrees, scholarship, and professional service and involvement.

3.11.3 After tenure or promotion, substantial variance in salary levels among Law Library Faculty members with equivalent special qualifications and administrative duties must be based on demonstrated merit.

3.11.4 While annual salary adjustments are based on merit (in terms of existing criteria), in assessing the merit adjustment each year, the elimination of pre-existing inconsistencies as well as increases in the cost of living shall be taken into account. The Dean is responsible for making such adjustments, but the Dean shall first seek the guidance of the Library Governance Committee and the Associate Dean as to appropriate emphases among these considerations each year.
Section 3.11.4 adopted as of April 13, 2010.

Section 3.12 Faculty Mentoring Program

The Law Library Faculty participate in the Mentoring Program as described in Section 2.8 of these Bylaws. The Dean will assign one member of the Law Library Faculty and one member of the Law Faculty to act as mentors to each untenured member of the Law Library Faculty.
Section 3.12 adopted as of April 13, 2010.

Section 3.13 Faculty Performance and Planning Reviews

The Law Library Faculty's performance reviews follow the procedures and criteria established by the University, the Faculty Senate, and the Board of Trustees, which is documented in the *Manual for Faculty Evaluation*.[11] Each annual performance and planning review includes meeting with the Dean and the Associate Dean to examine the Law Library Faculty member's activities and performance and plan for the coming year.
Section 3.13 amended as of April 13, 2010.

Section 3.14 Non-Tenure Track Library Faculty

3.14.1 Positions which are not full time are non-tenure track.

3.14.2 Before a search committee is appointed, the Law Library Faculty meet to review the position and determine the needs of the Law Library. The Associate Dean then

[11] http://provost.utk.edu/evaluation/.

appoints a search committee composed of members of the Law Library Faculty, with the Associate Dean serving as chair of the committee, or the Associate Dean may appoint a chair. The committee may also include members who are not Law Library Faculty, such as members of the Law Faculty, College of Law or Law Library staff, or law students, as deemed necessary or appropriate by the Law Library Faculty.

3.14.3 The Law Library conducts searches for non-tenure track faculty following the same procedures used in searches for tenure-track faculty, except that such searches are usually conducted at the regional level.

3.14.4 All non-tenure track Law Library Faculty participate in the same performance review process as tenured and tenure-track Law Library Faculty.

3.14.5 Non-tenure track Law Library Faculty are expected and encouraged to participate in the governance of the Law Library, having the right to vote on all issues except those relating to promotion and tenure.

3.14.6 Non-tenure track Law Library Faculty receive the same support to perform their duties, have opportunities for faculty development, and enjoy the same academic freedom as tenure-track and tenured Law Library Faculty.
Section 3.14 amended as of April 13, 2010.

Section 3.15 Selection and Evaluation of the Associate Dean For Library and Technology Services

3.15.1 The Associate Dean is appointed to a twelve-month, tenure-track position on the Law Library Faculty.

3.15.2 The Associate Dean is appointed after a search conducted according to the UT Search Procedures: Guidelines for Conducting Academic and Staff-Exempt Searches at the University of Tennessee.[12]

3.15.3 The Law Library and Law Faculties vote on candidates for the position of Associate Dean as described in Section 1.6 of these bylaws.

3.15.4 Law Library Faculty votes on acceptability of candidates for Associate Dean, and appointment recommendations for the position of Associate Dean, are conducted by secret ballot and must be approved by at least two-thirds of the Law Library Faculty. If more than one candidate is deemed acceptable, the Law Library Faculty may choose to rank the acceptable candidates by any method or process it finds generally acceptable. Such ranking will be conducted by secret ballot.

[12] http://web.utk.edu/~oed/docs/searchproc.pdf

3.15.5 When the position of Associate Dean is vacant, the Dean appoints a member of the Law Library Faculty to serve as chief administrative officer in the interim, after consulting with the Law and Law Library Faculties.

3.15.6 The Law Library Faculty participate in the performance evaluation of the Associate Dean as described in Section 1.4 of the *University of Tennessee – Knoxville Faculty Handbook*.[13] If for any reason the Associate Dean is not included in the regular evaluation of deans and department heads as conducted by the university administration, the Law Library Faculty may choose to conduct their own evaluation and forward the results of that evaluation to the Dean, the Chancellor, or another responsible member of the University administration. *Section 3.15 amended as of April 13, 2010.*

Section 3.16 Procedures For Tenure and Promotion

3.16.1 The Associate Dean is responsible for appointing a tenure and/or promotion committee for each eligible candidate (a "departmental review committee"). The departmental review committee will consist of at least three members of the Law Library Faculty who will be considering the candidate's case. One of the departmental review committee members will also be appointed as Chair. In the event that there are not at least three members of the Law Library Faculty who are so qualified, the Associate Dean may, with the approval of the Chief Academic Officer, appoint members of the Law Faculty or the University Libraries faculty as non-voting departmental review committee members.

3.16.2 The duties of the departmental review committee include, but are not limited to: identifying and contacting external reviewers and obtaining letters from them, finalizing the tenure dossier and/or scholarship notebooks, interviewing members of the Law Library and Law faculties regarding the tenure and/or promotion candidate, observing the teaching of the candidate (where applicable), and reporting to the Committees of the Whole on the findings of the departmental review committee.

3.16.3 At the meeting of the Committees of the Whole, the departmental review committee presents its report regarding the candidate. After discussion and deliberation, the Committee of the Whole for Tenure votes to recommend or deny tenure. In order for tenure to be recommended, at least two-thirds of the members of the Committee of the Whole for Tenure must vote in favor. If the tenure vote is favorable, members of the Committee of the Whole for Promotion may choose to vote immediately on promotion or to conduct further deliberation on the issue of promotion before voting. In order for promotion to be recommended, at least two-thirds of the members of the Committee of the Whole for Promotion must vote in favor. Votes on tenure or promotion are conducted by secret ballot.

[13] http://provost.utk.edu/facultyhandbook/

3.16.4 After the voting is concluded, the Committees of the Whole select a member of the committees to prepare a report summarizing the recommendation and deliberations of the Committees of the Whole. This report is forwarded to the Associate Dean. The Associate Dean also prepares a separate report to the Dean regarding the candidate.

3.16.6 Other procedures for tenure and promotion are prescribed in parts III and IV of the Faculty Evaluation Manual, which are incorporated herein by reference.[14] *Section 3.16 amended as of January 11, 2011.*

Section 3.17 Selection and Evaluation of the Dean of the Law School

3.17.1 Full-time Law Faculty and Law Library Faculty both participate in the Dean search and selection processes. Each faculty ballots separately and each faculty's vote is reported separately.[15]

3.17.2 The Law Library's Governance Committee and the Law Faculty's Governance Committee meet jointly to determine which Law Library Faculty and Law Faculty members and others will be recommended to the Chancellor to serve on the search committee.

3.17.3 In order for any candidate for Dean to be found acceptable by the Law Library Faculty, at least two-thirds of the Law Library Faculty must vote in favor of acceptability. Such votes are conducted by secret ballot. If multiple candidates are found to be acceptable, the Law Library Faculty may choose to rank the candidates using any method and procedure they find generally acceptable.

3.17.4 The Law Library Faculty participates in the performance evaluation of the Dean as described in section 1.4 of the *University of Tennessee – Knoxville Faculty Handbook.*[16]

Section 3.18 Adoption and Amendment Bylaws

3.18.1 These bylaws shall be adopted by a two-thirds majority of the voting members of the Law Library Faculty.

3.18.2 Except as noted in Sections 3 and 4 below, proposed amendments and additions to, as well as repeals of, bylaws must be circulated to all Law Library Faculty members at least three working days prior to any vote on the matter. Bylaws may be added to, amended, or repealed by a two-thirds majority of the voting members of the Law Library Faculty.

[14] Available at http://provost.utk.edu/docs/evaluation/faculty-evaluation-manual.pdf
[15] See Governance Policy adopted by the Law and Law Library faculties on July 5, 2006.
[16] http://provost.utk.edu/facultyhandbook/

3.18.3 In special or emergency circumstances, the bylaws may be amended, added to, or repealed at a meeting of the Law Library Faculty without prior notice and circulation of the proposed changes. In such circumstances, the bylaws may be amended, added to, or repealed by a three-fourths majority of the voting members of the Law Library Faculty.

3.18.4 The Bylaws Committee may make clerical corrections or formatting changes to these bylaws without approval from or prior notice to the Law Library Faculty. Any such changes made must be presented at the next regularly-scheduled meeting of the Law Library Faculty. If any member of the Law Library Faculty objects to the changes, the changes will be deemed withdrawn and must be subject to the procedures set forth in Section 2, above.

3.18.5 A history of all changes to these bylaws shall be maintained as part of the text hereof. Repealed bylaws and prior versions of amended bylaws shall be maintained for historical purposes in a separate and r