

**MSU COLLEGE OF LAW
BYLAWS FOR ACADEMIC GOVERNANCE**

*Amended 9/19/07; 6/23/10; 10/10/12; 5/8/13; 8/28/13; 11/13/13; 1/15/14; 5/10/17; 10/17/18; 11/7/18; 12/4/19;
4/15/20; 5/6/20; 11/18/20*

TABLE OF CONTENTS

I.	COLLEGE ORGANIZATION	7
I.A.	Dean	7
I.B.	Composition of the Faculty	8
I.B.1	Tenure-System Faculty	8
I.B.2	Fixed-Term Faculty	8
I.B.2.a	Full-time Fixed-Term Faculty	8
I.B.2.b	Part-Time Fixed-Term Faculty	8
I.B.3	Honorary Faculty	8
I.B.3.a	Visiting Professors	9
I.B.3.b	Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence	9
I.B.3.c	Emeritus Faculty	9
I.B.4	Law Library Faculty	10
I.B.5	Academic Specialists	10
I.B.6	Faculty Voting Rights	10
I.B.6.a	Eligible Voters	10
I.B.6.b	Faculty with Joint Appointments	10
I.B.6.c	Vote on Personnel Matters	10
I.B.6.d	Vote on Personnel Matters affecting Full-Time Fixed-Term Faculty Hiring and Promotion	11
I.C.	Appointments	11
I.C.1	Decanal Appointments	11
I.C.1.a	Position of the Dean	11
I.C.1.b	Acting Dean	12
I.C.1.c	Associate or Assistant Decanal Appointments	12
I.C.2	Faculty Appointments	12
I.C.2.a	Role of Provost and Dean	12

I.C.2.b	Role of Faculty	13
I.C.2.c	Date of Eligibility for Tenure.....	14
I.C.2.d	Tenure Advisory Committee.....	14
I.C.2.d.i	Appointment of TAC.....	14
I.C.2.d.ii	Role of TAC.....	14
I.C.2.e	Reappointment, Promotion, and Tenure Committee	14
I.C.2.e.i	Role of RPT Committee.....	14
I.C.2.e.ii	RPT Committee Report	14
I.C.2.e.iii	Opportunity to Comment.....	15
I.C.3	Fixed-Term Faculty Appointments	15
I.C.3.a	Full-Time Fixed-Term Faculty Appointments.....	15
I.C.3.b	Part-Time Fixed-Term Faculty Appointments	15
I.C.3.c	Appointment of Promotion Advisory Committee.....	16
I.C.3.d	Role of PAC and RPT Committee.....	16
I.C.3.d.i	The PAC	16
I.C.3.d.ii	The RPT Committee.....	16
I.C.3.e	RPT Committee Report on Fixed-Term Faculty	17
I.C.3.e.i	Ineligibility for Change In Status Appointments.....	17
I.C.3.f	Opportunity to Comment.....	17
I.C.3.g	Visiting Faculty, Lecturer in Law, Professor in Residence, Professor from Practice, and Jurist in Residence Appointments.....	17
I.C.3.h	Ineligibility for Tenure-System Appointment	18
I.D	Powers and Rights of the Faculty	18
I.D.1	Powers of the Faculty	18
I.D.2	Rights of the Faculty	19
I.E	Chairs and Professorships	19
I.F	Tenure and Promotion	19
I.F.1	Tenure and Promotion Generally	19
I.F.1.a	Criteria.....	19
I.F.1.b	Outside Review	20
I.F.1.c	Role of the Dean	20
I.F.2	Tenure.....	20
I.F.2.a	Eligibility	20

I.F.2.b	Application.....	20
I.F.2.c	Evaluation	21
I.F.2.d	Faculty Vote	21
I.F.2.e	Post-Vote Procedure	21
I.F.3	Promotion to Associate Professor of Law Without Tenure	22
I.F.3.a	Eligibility	22
I.F.3.b	Procedure	22
I.F.4	Promotion to Professor of Law	22
I.F.4.a	Eligibility	22
I.F.4.b	Procedure	23
I.G	Fixed-Term Reappointment, Promotion, and Termination.....	23
I.G.1	Terms	23
I.G.1.a	Assistant Professors	23
I.G.1.b	Associate Professors	24
I.G.1.c	Professors	24
I.G.2	Procedures for Reappointment and Promotion	24
I.G.2.a	Evaluation	24
I.G.2.b	Faculty Vote	25
I.G.2.c	Additional Process for Promotion to Professor	25
I.G.3	Review and Termination.....	25
II.	ACADEMIC ORGANIZATION	25
II.A	Single Academic Unit.....	25
II.B	College Advisory Council.....	26
II.C	The Faculty Advisory Council	26
II.C.1	Composition of the Faculty Advisory Council.....	26
II.C.2	Method for Selecting Council Members	26
II.C.3	Term of Office.....	27
II.C.3.a	To Fill a Vacancy	27
II.C.4	Functions	27
II.C.4.a	Advice to the Dean	27
II.C.4.b	Honorary Faculty Reappointment.....	27
II.C.4.b.i	Fixed-Term/Honorary Faculty Course Evaluations.....	27

II.C.4.c	Long-Range Planning	28
II.C.4.d	Decanal Appointment	28
II.C.4.e	Merit Pay	28
II.C.4.f	Bylaws Amendments.....	29
II.C.5	Procedures.....	29
II.C.5.a	Rules.....	29
II.C.5.b	Chairperson and Secretary	29
II.C.5.c	Instructions from Faculty.....	29
II.C.5.d	Frequency of Meetings.....	29
II.C.5.e	Call to Meet.....	29
II.C.5.f	Minutes.....	29
II.D	The Student Advisory Council	29
II.D.1	Composition of the Student Advisory Council	29
II.D.2	Functions	30
II.E	The Faculty Assembled	30
II.E.1	Functions	30
II.E.1.a	Advisory Authority	30
II.E.1.b	Approval of Curriculum	30
II.E.1.c	Ministerial Changes to Curriculum.....	31
II.E.1.d	Committee Appointments	31
II.F	Meetings of the Faculty	31
II.F.1	Time and Place of Meetings.....	31
II.F.2	Attendance	31
II.F.3	Faculty Voting	32
II.F.3.a	Vote on Matters Properly Before the Faculty.....	32
II.F.3.b	Proxy and Absentee Voting.....	32
II.F.4	Agenda	33
II.F.5	Conduct of Meetings	33
II.G	Law College Committee Membership	34
II.G.1	Committee Procedures Applicable to Standing and Ad Hoc Committees	34
II.G.1.a	Rules.....	34

II.G.1.b	Schedule and Minutes	34
II.G.1.c	Open Meetings	35
II.G.1.d	Agenda	35
II.G.2	Standing Committees	35
II.G.2.a	Academic Standards Committee	35
II.G.2.b	Admissions Committee.....	35
II.G.2.c	Curriculum Committee.....	36
II.G.2.d	Committee on Faculty Appointments.....	36
II.G.2.e	Librarian Review Committee	37
II.G.3	Tenure and Promotion Advisory Committees; Reappointment, Promotion & Tenure Committee	37
II.G.3.a	Tenure Advisory Committees.....	37
II.G.3.b	Promotion Advisory Committees.....	38
II.G.3.c	Reappointment, Promotion, Tenure Committee.....	39
II.G.3.c.i	Composition of Reappointment, Promotion, Tenure Committee.....	39
II.G.3.c.ii	Method for Selecting RPT Committee Members.....	40
II.G.3.c.iii	Term of Membership	40
II.G.3.c.iv	To Fill a Vacancy	41
II.G.4	Ad Hoc Committees	41
II.G.5	University Committees	41
II.H	Quorum Requirements.....	41
II.H.1	Faculty Meeting Quorum Requirements.....	41
II.H.1.a	Bass Quorum Rules.....	41
II.H.1.b	Faculty Entitled to Vote but not Required to Attend.....	42
III.	LAW LIBRARY FACULTY.....	42
III.A	Composition.....	42
III.B	Appointment.....	42
III.C	Term of Appointment.....	42
III.C.1	Librarian I.....	43
III.C.1.a	Appointment and Reappointment	43
III.C.1.b	Promotion to Librarian II.....	43

III.C.1.c Probationary Periods.....	43
III.C.2 Librarian II	44
III.C.2.a Appointment and Reappointment	44
III.C.2.b Probationary Period.....	44
III.C.3 Librarian III	44
III.D Reappointment and Promotion	45
IV. THE STUDENTS	45
IV.A Student Constituency of the College.....	45
IV.B LL.M. Students	45
IV.C M.J. Students.....	45
IV.D M.L.S. Students.....	46
IV.E J.D. Students.....	46
IV.F Student Participation in Academic Governance	46
IV.G Voting Rights.....	46
IV.H GPA Requirements	46
V. GRIEVANCE PROCEDURES	46
V.A Faculty Grievances.....	46
V.B Student Grievances	46
VI. BYLAWS INTERPRETATION AND AMENDMENT PROCESS	47
VI.A Adoption	47
VI.B Interpretation.....	47
VI.C Five Year Review.....	47
VI.D Amendments Between Five Year Reviews.....	47
VI.E Implementation of Bylaw Revisions and Amendments	47
VI.F Notice of Proposed Amendment	48
APPENDIX 1.....	49

PREAMBLE: Michigan State University College of Law operates as a corporately and financially independent non-profit corporation affiliated with Michigan State University (hereinafter “MSU” or “Michigan State University”) under terms and conditions described in the most recent Memorandum of Understanding Regarding Affiliation. The Law College follows MSU administrative and academic policies and practices, which enable the Law College to function as a constituent MSU college and form a basis for the Law College faculty to participate in MSU academic governance and for Law College students to participate in MSU student government. In MSU policies and procedures as applied to the Law College, references to MSU faculty and MSU students shall be deemed to apply to Law College faculty and Law College students. The bylaws were established to provide for faculty engagement pursuant to the principles enunciated by the American Association of University Professors 1940 Statement of Principles on Academic Freedom and Tenure regarding the rights and responsibilities of faculty to advance the common good. The premises supporting these Bylaws’ adoption are transparency in all faculty processes and full access to the mechanisms of governance by the members of the faculty. The principles of academic governance support the right of faculty to disseminate information and materials relevant to the faculty role as a governing body, and encourage the exercise by faculty of their right to criticize, comment on, and seek revision of institutional regulations and practices. Application and interpretation of these bylaws shall be consistent with American Bar Association and Association of American Law Schools standards. Consistent with University policy and in accordance with the *MSU Bylaws for Academic Governance* (“the *MSU Bylaws*”), the College of Law adopts the following bylaws for academic governance (“the *Law College Bylaws*”). Amended 10/10/12; 11/7/18.

I. COLLEGE ORGANIZATION

I.A Dean

The Dean is the chief administrative and academic officer of the Law College and is responsible for implementing the policies of the Law College. In accordance with Section 2 of the *MSU Bylaws*, the Dean has administrative responsibility and authority for the day-to-day operation of the Law College, including supervision of its personnel and finances, and operation of its academic programs. The Dean shall also have the responsibilities specified in Section 2.1.2 of the *MSU Bylaws*, regarding the responsibilities of unit academic administrators. The Dean has a special obligation to build the

strength of the Law College in scholarship, teaching capacity and effectiveness, and public service, as well as to protect the values of academic freedom and to foster an environment of ethical and collegial respect toward and within the faculty. *Amended 11/7/18; 12/4/19.*

I.B Composition of the Faculty

I.B.1 Tenure-System Faculty

The tenure-system faculty shall consist of all persons appointed under the rules of tenure and holding the title of Professor of Law, Associate Professor of Law, or Assistant Professor of Law. In addition, the Dean shall be a member of the tenure-system faculty. *Amended 10/10/12; 11/7/18.*

I.B.2 Fixed-Term Faculty

The fixed-term faculty shall consist of the full-time fixed-term faculty and the part-time fixed-term faculty. *Amended 10/10/12.*

I.B.2.a Full-time Fixed-Term Faculty

The full-time fixed-term faculty shall consist of all persons appointed to the rank of clinical professor of law, associate clinical professor of law, or assistant clinical professor of law, but not appointed under the rules of tenure. *Amended 10/10/12.*

I.B.2.b Part-Time Fixed-Term Faculty

The part-time fixed-term faculty shall consist of all persons appointed to the rank of adjunct professor of law. Adjunct faculty are not full-time fixed-term faculty, regardless of the number of credit hours taught. *Amended 10/10/12.*

I.B.3 Honorary Faculty

Visiting Professors, with the titles of Assistant Professor, Associate Professor, or Professor, and Lecturers in Law, Professors in Residence,¹

¹ The individuals respectively holding the positions of “Director of the Alternative Dispute Resolution Program” and “Assistant Dean for Career Development” on May 9, 2012 may continue to use the title “Professor in Residence” and are full-time fixed-term faculty. This status applies only to those individuals and does not attach to either official position within the Law College.

Professors from Practice, Jurists in Residence, and Professors Emeritus shall be honorary faculty. *Amended 10/10/12.*

I.B.3.a Visiting Professors

Visiting Professors may consist of those persons who are faculty of another university or law school appointed to teach at the Law College for a term of up to two years. *Amended 10/10/12.*

I.B.3.b Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence

Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence shall consist of individuals who would be of sufficient education and experience as to merit appointment as a visiting faculty member but are ineligible for such an appointment because they are not members of the faculty at another law school. Such appointments must bring special value to the Law College that cannot be duplicated by the use of adjunct faculty. Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence also cannot be engaged in the practice of law, as defined under the ABA standards for full-time faculty. Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence may be appointed for one-semester or for one-year terms or for renewable terms of up to three years. The Faculty Advisory Council and the tenure-system faculty, by an affirmative vote of a majority of those present and voting, advise the Dean on the reappointment of Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence. The full-time fixed-term faculty shall also participate in advising the Dean on reappointments of any Honorary Faculty to teach Research, Writing and Advocacy courses or Clinical courses and programs. *Amended 10/10/12; 11/7/18.*

I.B.3.c Emeritus Faculty

Emeritus faculty shall consist of those former tenure-system faculty who have retired from the Law College and meet eligibility requirements for retirement under University policy. Emeritus faculty may attend faculty meetings, may march at commencement,

but shall not serve on faculty committees, or vote on any matter before the faculty.

I.B.4 Law Library Faculty

Law Library Faculty shall consist of persons appointed as Law Librarians as described in section III of these bylaws. *Added 4/15/20.*

I.B.5 Academic Specialists

Academic Specialists shall consist of those persons whose positions are governed by the MSU Academic Specialist Handbook and whose duties involve one or more of three functional areas: 1) academic advising, teaching, or curriculum development; 2) research; or 3) service and outreach. *Added 4/15/20.*

I.B.6 Faculty Voting Rights

I.B.6.a Eligible Voters

Unless otherwise specified in these bylaws, the tenure-system faculty and the full-time fixed-term faculty shall constitute the exclusive voting faculty on all matters brought before the Faculty Assembled, as defined in section II.E. *Amended 10/10/12; 11/7/18.*

I.B.6.b Faculty with Joint Appointments

A faculty member jointly appointed in another unit of the University may only vote on Law College matters if the Law College is the primary academic unit of the person's appointment, with more than a 50% appointment basis in the Law College. *Amended 10/10/12.*

I.B.6.c Vote on Personnel Matters

When a vote on a personnel matter is to be taken that involves the decision to recommend hiring tenure-system faculty, only tenure-system faculty may attend the discussion that precedes the vote and may vote. Only tenured faculty may attend the discussion concerning questions of, and may vote on, tenure-system promotion below the rank of full professor, grant of tenure, and decanal review; but a tenured member may not vote on such questions if he or she is the subject of the motion or hearing. Only

tenured faculty members holding the rank of full professor may vote on promotion from associate professor to full professor.

I.B.6.d Vote on Personnel Matters affecting Full-Time Fixed-Term Faculty Hiring and Promotion

When a vote on a personnel matter affecting full-time fixed-term faculty hiring and promotion is to be taken that involves the decision to recommend hiring full-time fixed-term faculty, only tenure-system faculty and full-time fixed-term faculty may attend the discussion that precedes the vote and may vote. Only tenure-system faculty and full-time fixed-term faculty having been granted three-year or five-year rolling contracts, and who are not subject to the motion or hearing, may attend the discussion concerning questions of, and may vote on, promotion from assistant clinical professor of law to associate clinical professor of law or promotion to associate clinical professor of law with a three-year rolling contract; but a full-time fixed-term faculty member may not vote on such questions if he or she is the subject of the motion or hearing. Only tenure-system faculty members holding the rank of professor of law and full-time fixed-term faculty members having been granted a five-year rolling contract and holding the rank of clinical professor of law may vote on promotion or appointment to clinical professor of law. *Amended 10/10/12; 11/7/18.*

I.C Appointments

I.C.1 Decanal Appointments

I.C.1.a Position of the Dean

The Provost and the tenure-system faculty and the full-time fixed-term faculty shall consult regarding the appointment of the Dean. In particular, the Faculty Advisory Council shall have shared responsibility with the Provost to determine procedures for the selection of the Dean to be nominated by the Provost. The tenure-system faculty and the full-time fixed-term faculty shall each be polled separately on the acceptability of decanal candidates. In addition, the tenure-system faculty shall advise the Provost on the

grant of tenure to the Dean. An affirmative vote by three-fifths of the tenure-system faculty present and voting shall constitute a positive recommendation to the Provost on granting tenure to the Dean. There is no limit of the number of times an individual may be continued in the position of Dean. At any time during the term of office, the appointment of a Dean may be terminated either by resignation or by action of the University upon recommendation of the Provost. *Amended 11/7/18; 12/4/19.*

I.C.1.b Acting Dean

Acting Deans appointed for limited periods need not be a member of the tenure-system faculty, although an acting Dean should have qualifications appropriate for such appointment.

I.C.1.c Associate or Assistant Decanal Appointments

Appointments of associate and assistant deans shall be made by the Provost on recommendation of the Dean. The Dean shall consult with the tenure-system faculty and the full-time fixed-term faculty of the Law College before recommending these appointments, as well as before creating new associate and assistant deanships. *Amended 11/7/18.*

I.C.2 Faculty Appointments

The tenure-system faculty has an advisory role to the Dean with respect to all faculty appointments. The full-time fixed-term faculty shall also participate in advising the Dean with respect to fixed-term faculty appointments and honorary faculty appointed to teach Research, Writing and Advocacy courses or Clinical courses and programs. The Dean is charged to give great weight to the advice of the tenure-system faculty. *Amended 11/7/18.*

I.C.2.a Role of Provost and Dean

All faculty appointments in the tenure system, except those appointments upon initial hire or promotion granting tenure, shall be made by the Provost, upon recommendation of the Dean. In the ordinary course, appointments to the tenure-system faculty are made as part of the normal competitive recruitment cycle. The

Appointments Committee should have strong justification to put forward candidates outside that cycle and must explain this justification in a written notice to the tenure-system faculty. Candidates put forward outside the normal recruitment cycle must attain a two-thirds vote of the tenure-system faculty for approval. *Amended 10/10/12; 11/7/18.*

I.C.2.b Role of Faculty

The voting faculty (tenure-system faculty in the case of appointments and tenured faculty with respect to other actions) shall advise the Dean on appointments, reappointments, promotions, and tenure of tenure-system faculty. Such advice shall take the form of votes; related commentary that accompanied the voting; and the recommendation, as relevant, of the Reappointment, Promotion & Tenure (RPT) Committee and the Tenure Advisory Committee(s). Any faculty member who is entitled to vote on the appointment or promotion of a candidate under consideration may request or generate additional investigation, information, or reports relating to the decision to hire such candidate subject to existing requirements for maintaining confidentiality regarding the candidate. A vote by the faculty on an appointment, reappointment, promotion, or tenure decision shall constitute a positive recommendation if at least two-thirds of those present and voting cast affirmative votes. The Dean is charged to give great weight to the advice of the faculty. With respect to the appointment of a tenure-system faculty member, a vote in favor of appointment by at least two-thirds of the voting faculty present and voting constitutes a positive recommendation to the Dean. With respect to reappointment promotions, and tenure, the Dean shall give great weight to the strength of a vote in favor of reappointment, promotion, or tenure by the voting faculty present and voting. In accordance with University policy, upon written request to the Dean, the faculty member shall receive reasons in writing that are the basis for the recommended decision. *Amended 1/15/14; 11/7/18.*

I.C.2.c Date of Eligibility for Tenure

Upon commencement of employment at the Law College, each tenure-system faculty member shall be informed in writing of the date upon which the tenure-system faculty member becomes eligible to apply for promotion and tenure. *Added 11/7/18.*

I.C.2.d Tenure Advisory Committee

I.C.2.d.i Appointment of TAC

Upon commencement of employment at the Law College, each untenured faculty member appointed in the tenure system shall be assigned a Tenure Advisory Committee (TAC) appointed and constituted in accord with section II.G.3 of these bylaws.

I.C.2.d.ii Role of TAC

The TAC shall advise, monitor, and mentor the tenure-system faculty member during the tenure-system faculty member's probationary period.

I.C.2.e Reappointment, Promotion, and Tenure Committee

I.C.2.e.i Role of RPT Committee

The RPT Committee shall review and report on the tenure-system faculty member's professional development in those years during the tenure-system faculty member's probationary period when the candidate is applying for reappointment, promotion or tenure. *Added 1/15/14.*

I.C.2.e.ii RPT Committee Report

Upon application by the tenure-system faculty member for reappointment, promotion or tenure, the RPT Committee shall prepare a report for the tenured faculty evaluating the tenure-system faculty member's performance for purposes of recommending reappointment, promotion, or the granting of tenure. *Amended 1/15/14.*

I.C.2.e.iii Opportunity to Comment

The RPT Committee shall provide the tenure-system faculty member with copies of all reports prepared by the RPT Committee regarding the tenure-system faculty member. The tenure-system faculty member shall have a reasonable opportunity to provide a written response to any RPT Committee report concerning the tenure-system faculty member to the RPT Committee or the tenured faculty.

I.C.3 Fixed-Term Faculty Appointments

I.C.3.a Full-Time Fixed-Term Faculty Appointments

The Committee on Faculty Appointments, the tenure-system faculty, and the full-time fixed-term faculty, advise the Dean on the appointment of full-time fixed-term faculty members. Any faculty member who is entitled to vote on the appointment or promotion of a candidate under consideration may request or generate additional investigation, information, or reports relating to the decision to hire such candidate subject to existing requirements for maintaining confidentiality regarding the candidate. A vote in favor of appointment by at least two-thirds of the voting faculty present and voting constitutes a positive recommendation to the Dean on the appointment of a full-time fixed-term faculty member. Full-time fixed-term faculty members shall be appointed for one-year terms or for renewable or rolling terms of three or five years.
Amended 10/10/12; 11/7/18; 5/6/20.

I.C.3.b Part-Time Fixed-Term Faculty Appointments

Recommendations to the tenure-system faculty and the full-time fixed-term faculty for the selection of part-time fixed-term faculty are made jointly by the Committee on Faculty Appointments and the Associate Dean for Academic Affairs, after consultation with the Curriculum Committee regarding course coverage and development. The vitae/résumés of candidates recommended by the Associate Dean for Academic Affairs and Committee on Faculty Appointments; and the proposed course assignments are distributed to members of the tenure-system faculty and the full-

time fixed-term faculty for review. Any faculty member who is entitled to vote on the appointment or promotion of a candidate under consideration may request or generate additional investigation, information, or reports relating to the decision to hire such candidate subject to existing requirements for maintaining confidentiality regarding the candidate. If no objection is raised by any member of the tenure-system faculty or full-time fixed-term faculty within five business days of the distribution, the Associate Dean for Academic Affairs may proceed to offer the position to the candidate. If an objection is raised, the candidate shall be discussed at the next faculty meeting to provide advice to the Dean. In exigent circumstances, the Dean may appoint a part-time fixed-term faculty member for course coverage for only one semester without a formal vote by the tenure-system faculty. *Added 10/10/12; amended 11/7/18.*

I.C.3.c Appointment of Promotion Advisory Committee

Upon commencement of employment at the Law College, each full-time fixed-term faculty member shall be assigned a Promotion Advisory Committee (PAC) appointed and constituted in accord with section II.G.3 of these bylaws.

I.C.3.d Role of PAC and RPT Committee

I.C.3.d.i The PAC

The PAC shall advise, monitor and mentor the fixed-term faculty member during the fixed-term faculty member's probationary period.

I.C.3.d.ii The RPT Committee

The RPT Committee shall review and report on the fixed-term faculty member's professional development in those years during the fixed-term faculty member's probationary period when the candidate is applying for reappointment or promotion. *Added 1/15/14.*

I.C.3.e RPT Committee Report on Fixed-Term Faculty

Upon application by the fixed-term faculty member for promotion or reappointment, the RPT Committee shall prepare a report for the tenure-system faculty and the full-time fixed-term faculty evaluating the fixed-term faculty member for promotion or reappointment. *Amended 10/10/12; 1/15/14; 11/7/18.*

I.C.3.e.i Ineligibility for Change In Status Appointments

Applications for appointments that result in a change of status from fixed-term faculty to honorary faculty or from honorary faculty to fixed-term faculty require approval of such application by a two-thirds majority of the tenure-system faculty present and voting who would be eligible to vote on the appointment. *Added 11/7/18.*

I.C.3.f Opportunity to Comment

The RPT Committee shall provide the fixed-term faculty member with copies of all reports prepared by the RPT Committee regarding the fixed-term faculty member. The fixed-term faculty member shall have a reasonable opportunity to provide a written response to any such RPT Committee report concerning the fixed-term faculty member to the RPT Committee, or to the tenure-system faculty and the full-time fixed-term faculty eligible to vote for full-time fixed-term promotion or reappointment as provided under these bylaws. *Amended 10/10/12; 1/15/14; 11/7/18.*

I.C.3.g Visiting Faculty, Lecturer in Law, Professor in Residence, Professor from Practice, and Jurist in Residence Appointments

Visiting Faculty, Lecturer in Law, Professor in Residence, Professor from Practice, and Jurist in Residence Appointments (collectively "Honorary Appointments"). The Associate Dean for Academic Affairs, the Committee on Faculty Appointments, and the tenure-system faculty advise the Dean who appoints the Visiting Professor, Lecturer in Law, Professor in Residence, Professor from Practice, or Jurist in Residence. The full-time fixed-term faculty shall also participate in advising the Dean on any Honorary Appointment to teach Research, Writing and Advocacy courses or

Clinical courses and programs. An affirmative vote of two-thirds of the eligible voting faculty present and voting shall constitute a positive recommendation to the Dean on the appointment of a Visiting Professor, Lecturer in Law, Professor in Residence, Professor from Practice, or Jurist in Residence. Visiting Professors, Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence have the right to attend faculty meetings, except meetings dealing with personnel matters, and may serve as nonvoting members of faculty committees. Visiting Professors, Lecturers in Law, Professors in Residence, Professors from Practice, and Jurists in Residence may not vote on any matter. In exigent circumstances, the Dean may appoint a Visiting Professor or Lecturer in Law for course coverage for only one or two semesters without a formal vote by the tenure-system faculty, but such appointment may not be extended, renewed, or changed in status except upon approval by a two-thirds majority of the tenure-system faculty. *Amended 10/10/12; amended 11/7/18.*

I.C.3.h Ineligibility for Tenure-System Appointment

No person appointed outside the rules of tenure may apply for a tenure-system appointment for the academic year immediately following the period of employment at the Law College unless (a) after seeking the advice of the tenure-system faculty, the Dean so provides in the initial appointment; or (b) the tenure-system faculty votes to approve such application by a two-thirds majority of those present and voting who would be eligible to vote on the appointment. *Amended 10/10/12.*

I.D Powers and Rights of the Faculty

I.D.1 Powers of the Faculty

The faculty of the Law College shall have such powers as are defined for the faculty in these bylaws, in the *MSU Bylaws*, and in other appropriate documents of Michigan State University. *Amended 10/10/12; 11/7/18; 12/4/19.*

I.D.2 Rights of the Faculty

The MSU Faculty Rights and Responsibilities Policy applies to the Law College including academic freedom and final authority and responsibility for course content, classroom procedures, and grading, subject to existing review procedures, rules of conduct applicable to each particular course, and requirements of University policy. The rights and responsibilities of the tenure-system faculty also include tenure, when and if granted, and responsible participation in the development and implementation of academic programs and policies of the Law College and the University. The rights and responsibilities of the full-time fixed-term faculty include renewable or rolling terms of three or five years, when and if granted, and responsible participation in the development of the academic programs and policies of the Law College and University – except that the fixed-term faculty shall not vote on any policies concerning the rights and responsibilities of the tenure-system faculty, including but not limited to appointments, promotion and tenure, sabbaticals, support for research and professional development, teaching tools, or seniority. *Amended 11/7/18.*

I.E Chairs and Professorships

A faculty member appointed to a chair or professorship by the Dean shall hold the honor for a renewable five-year term. *Added 11/7/18.*

I.F Tenure and Promotion

Added 4/15/20

I.F.1 Tenure and Promotion Generally

I.F.1.a Criteria

The following criteria shall be considered in all tenure and promotion determinations: (1) Teaching Effectiveness, (2) Productive Scholarship and (3) Service Activities. Of these three, substantially greater weight will be accorded to excellence in teaching and scholarship than to service.

I.F.1.b Outside Review

The Dean shall submit the major research publications of a candidate for promotion or tenure to outside readers for review, for a total of at least four external letters of reference. While the reviewers may evaluate an appropriate subset of the candidate's entire body of work, it is the expectation of the faculty that the candidate's entire body of major publications (or substantial equivalent) shall be sent to the outside reviewers.

I.F.1.c Role of the Dean

In matters of promotion and tenure, the Dean shall independently review all relevant materials, consult with the faculty and with the individual candidate being considered for promotion and tenure.

I.F.2 Tenure

I.F.2.a Eligibility

To qualify for consideration for tenure the candidate must, during the probation period at the College, write and publish or have accepted for publication at least three major pieces of scholarly writing, or substantial equivalent, unless otherwise agreed by the faculty and the Dean at the time of the candidate's initial appointment and duly noted in the candidate's letter of appointment.

I.F.2.b Application

A candidate hired as an assistant professor commencing the sixth year of service (two three- year probationary appointment periods) must apply for tenure in that year if he or she wishes to retain his or her position after expiration of the sixth year. A candidate hired as an associate professor must apply for tenure in their third year of service (one three-year probationary period.) A candidate desiring to be considered for tenure must request the same in writing not later than 30 days after the first day of classes in the fall semester if the candidate began teaching in the fall or 30 days after the first day of classes in the spring semester if the candidate began teaching in the spring.

I.F.2.c Evaluation

The RPT Committee shall submit its report evaluating the application to the faculty, dean and candidate at least 21 days prior to the meeting at which a tenure vote is to be taken. Written comments on the report from the faculty or dean must be submitted to the RPT Committee within five days after receipt of the preliminary report. The RPT shall transmit its final report (and any optional response to faculty comments from the candidate) to the tenured faculty, the Dean, and to the candidate at least ten days prior to the meeting at which a tenure vote is to be taken.

I.F.2.d Faculty Vote

Prior to the end of the second regular semester after the candidate has requested a review, the Dean shall schedule a special meeting of the tenured faculty to consider the award of tenure. The candidate shall not be present at this meeting. After consideration of the RPT Committee's report, submissions by the candidate, and full discussion, including dialogue between the Dean and the faculty, the tenured faculty shall vote by secret ballot. The vote of the tenured faculty is advisory to the Dean, however, the Dean is charged to give great weight to the advice of the faculty. To foster the full and forthright exchange of views, all deliberations will be kept in the strictest confidence by all participants.

I.F.2.e Post-Vote Procedure

Immediately following the vote on tenure, the Dean shall inform the candidate, in writing, of the outcome of the tenured faculty's vote and if the application is to proceed to the Provost, within ten days thereafter, shall submit to the candidate the written recommendation that the Dean will be presenting to the Provost regarding the candidate's application for tenure. The Dean shall provide the tenured faculty with the written recommendation the Dean will be presenting to the Provost regarding the candidate's application for tenure. The Dean shall transmit the Dean's recommendation, the RPT Committee's final report, and the tenured faculty's decision to the Provost for final action. In the

event the Dean's recommendation and the tenured faculty vote are inconsistent, the candidate shall have an opportunity to submit to the Provost for consideration, in addition to the foregoing, a written response from the candidate.

I.F.3 Promotion to Associate Professor of Law Without Tenure

I.F.3.a Eligibility

A person who holds the rank of Assistant Professor of Law, and who has published, or has had accepted for publication, at least one major scholarly writing, or substantial equivalent, may apply to be promoted at the end of the third year of employment at the College in a tenure track position to the rank of Associate Professor of Law without tenure.

I.F.3.b Procedure

The members of the RPT Committee shall evaluate and review the application. The RPT Committee shall make a written recommendation to the tenured faculty and the Dean, and promotion will be recommended to the Dean upon the vote of a majority of the tenured faculty, present and voting. An affirmative recommendation and vote for promotion shall only be made if the tenured faculty is satisfied that the applicant will ultimately satisfy the requirements for the grant of tenure and promotion to the rank of Professor of Law. Following an affirmative vote of the tenured faculty, the Dean shall transmit the faculty's decision and the Dean's recommendation to the Provost for final action.

I.F.4 Promotion to Professor of Law

I.F.4.a Eligibility

A person who holds the rank of Associate Professor of Law with or without tenure may apply to be promoted to the rank of Professor of Law upon the publication or acceptance for publication of at least one additional major scholarly writing, beyond the three required for tenure. An Associate Professor applying for tenure who also meets the Professor of Law requirement for one

additional major scholarly writing may elect to apply simultaneously for tenure and promotion to Professor of Law.

I.F.4.b Procedure

The RPT Committee shall review and evaluate the application and shall present its written recommendation to the Dean and to those members of the tenured faculty who hold the rank of Professor of Law. A recommendation that the applicant be promoted to Professor of Law must be approved by a vote of a majority of those tenured faculty, present and voting, who hold the rank of Professor of Law. An affirmative recommendation and vote for promotion shall only be made, if those holding the rank of Professor of Law are satisfied that the applicant will continue to excel in teaching and scholarship for the duration of employment at the College. Following an affirmative vote and the advice of the faculty recommending promotion, the Dean shall transmit the faculty's decision and the Dean's recommendation to the Provost for final action, consistent with the procedures established for the Granting of Tenure.

I.G Fixed-Term Reappointment, Promotion, and Termination

Added 4/15/20

I.G.1 Terms

I.G.1.a Assistant Professors

Assistant professors shall be hired on a one year or three year fixed term contract. An assistant professor who has served fewer than four years on a fixed term contract may apply for reappointment for up to a total of four years at the rank of assistant professor. An assistant professor must apply for promotion to associate professor in the third year of full-time employment as an assistant professor unless the assistant professor is reappointed to a fourth year. If reappointed to a fourth year at the same rank, a fixed term faculty member must apply for promotion in the fourth year.

I.G.1.b Associate Professors

Associate professors shall have an initial, fixed term, three-year contract that may be followed by reappointment for one additional year. In the second year of full-time employment as an associate professor on a fixed term contract, the associate professor may apply for promotion to associate professor with a rolling three-year contract or for promotion to professor with a rolling five-year contract. Unless reappointment for a fourth year is granted, in the third year of full-time employment as an associate professor on a fixed term contract, the associate professor must apply for promotion to associate professor with a rolling three-year contract or to professor with a five-year rolling contract. If an associate professor is granted a fourth year at the same rank, the associate professor must apply for promotion in the fourth year. An associate professor with a rolling three-year contract is not required to apply for promotion to professor. An associate professor with a fixed term contract seeking promotion to professor may be promoted to associate professor with a rolling three-year contract, rather than promoted to professor with a five-year rolling contract. If an associate professor with a rolling three-year contract seeks promotion to professor and promotion is denied, the associate professor shall be retained as an associate professor with a rolling contract.

I.G.1.c Professors

Professors shall have a rolling five-year contract.

I.G.2 Procedures for Reappointment and Promotion

I.G.2.a Evaluation

The RPT Committee shall prepare a report for the regular faculty and those full-time fixed term faculty eligible to vote for full-time fixed term promotion or reappointment, evaluating the candidate's performance and making a recommendation concerning the application for reappointment or promotion. The RPT Committee shall submit a preliminary report to the faculty, dean, and candidate at least 21 days prior to the meeting at which a vote is to

be taken. Written comments on the report from faculty or dean must be submitted to the Committee within five days after receipt of the preliminary report. At least ten days before the meeting, the RPT Committee shall give the report (and any optional response to faculty comments from the candidate) to the dean, the candidate, and the faculty who are eligible to vote on the reappointment or promotion.

I.G.2.b Faculty Vote

The FAC, the tenure-system faculty, and the full-time fixed-term faculty advise the Dean on the reappointment of full-time fixed-term faculty members. The Dean shall give great weight to the strength of a vote in favor of reappointment by the voting faculty present and voting.

I.G.2.c Additional Process for Promotion to Professor

When a person applies for promotion to the rank of professor, an ad hoc committee of three faculty members shall be appointed by the Dean, after consultation with the FAC. The ad hoc committee shall evaluate the materials submitted for consideration by the applicant, including seeking outside review. The ad hoc committee shall make a recommendation to the FAC concerning the applicant. The FAC shall make a recommendation to the faculty, and the faculty permitted to vote, by an affirmative vote of those present and voting, shall advise the Dean on the promotion to professor.

I.G.3 Review and Termination

Review and termination of full-time fixed-term faculty is governed by the College Implementation Practices for Reappointment and Promotion of Fixed Term Faculty as may be amended from time to time.

II. ACADEMIC ORGANIZATION

II.A Single Academic Unit

The faculty is organized and operates as a single academic unit, as defined in the *MSU Bylaws*.

II.B College Advisory Council

The Law College has two governance councils: the Faculty Advisory Council (FAC) and the Student Advisory Council (SAC). *Amended 11/7/18.*

II.C The Faculty Advisory Council

II.C.1 Composition of the Faculty Advisory Council

The Faculty Advisory Council (FAC) shall be composed of the following members: (1) the Dean and no more than one additional person designated by the Dean, as ex officio members with no vote, (2) five tenure-system faculty members who have been employed by the Law College for at least one three-year term, each with one vote, (3) one full-time fixed-term faculty member who has been employed by the Law College for at least one three-year term, with one vote, and (4) the Law College's representatives on the university's Faculty Senate, as ex officio members with no vote. *Amended 10/10/12; 11/7/18; 12/4/19.*

II.C.2 Method for Selecting Council Members

The FAC membership shall be elected by the voting faculty in the Spring semester for the next academic year. All tenure-system faculty members eligible under II.C.1 and all full-time fixed-term faculty members eligible under II.C.1, wishing to serve on the FAC shall submit their names to the Dean, for inclusion on secret ballot forms. The names of the candidates, with any statements submitted by the candidates for distribution, shall be circulated to the faculty no fewer than five business days before voting by the tenure-system and fixed-term faculty occurs. One secret ballot form will be used for tenure-system faculty candidates, and a separate secret ballot form for fixed-term faculty candidates. Tenure-system faculty members shall vote for a number of tenure-system faculty members equal to the number of available FAC seats designated for tenure-system faculty; full-time fixed-term faculty members shall vote for one fixed-term candidate to fill the FAC seat. At the first election after the adoption of these bylaws, tenure-system faculty members shall vote for five tenure-system faculty members. Election requires that a candidate receive the affirmative vote of a majority of the eligible voting faculty present and voting. After tallying the ballots, the Dean shall announce the top vote getters elected to fill

FAC vacancies. Additional secret ballots and voting will continue until a sufficient number of candidates receive a majority vote. *Amended 10/10/12; 11/7/18.*

II.C.3 Term of Office

Election shall be for two-year staggered terms. A member may hold office for two consecutive terms and may be considered again for election after two years of non-membership. *Amended 10/10/12.*

II.C.3.a To Fill a Vacancy

If a vacancy occurs in any of the elected positions of the FAC, then the faculty, in accordance with the procedures in II.C.2, shall elect a replacement for the remainder of the term at the next feasible faculty meeting. If five or fewer months remain in a term from the time of the election, then this time shall not count as a term for purposes of Section II.C.3. *Amended 11/18/20.*

II.C.4 Functions

II.C.4.a Advice to the Dean

The FAC shall advise the Dean on general policy matters including, but not limited to, the budget of the College, the creation and elimination of decanal and directorial positions, and the standards for admission of law students. The Dean shall provide drafts of the annual budget to the FAC before its referral to the Provost. *Amended 12/4/19.*

II.C.4.b Honorary Faculty Reappointment

The FAC shall advise the Dean on the reappointment of honorary faculty members, based upon the assessment of faculty performance and need. *Amended 10/10/12.*

II.C.4.b.i Fixed-Term/Honorary Faculty Course Evaluations

When either a fixed-term faculty member or an honorary faculty member teaches a course that is part of the required first-year non-RWA curriculum or has been designated as a core class by vote of the tenure-system faculty, at least two members of the tenure-system faculty, preferably expert in the

subject matter of the course, shall be assigned by the FAC, upon their approval by the tenure-system faculty, to monitor, evaluate, and report to the tenure-system faculty on the quality and effectiveness of the teaching in the subject matter by that faculty member. Such reports shall be made promptly after a complete set of teaching evaluations (of the kind used for TAC evaluation of and reports on untenured tenure-system faculty members) is available and shall include copies of the evaluations. The FAC may, upon application, waive this requirement for those individuals who have taught the course at issue three times. Such application shall include copies of student teaching evaluations during those three sessions. This subsection does not apply to visiting faculty appointed for one year or less, Law College faculty who have changed from tenure-system to fixed-term or honorary faculty status, nor to Law College faculty who have emeritus status. *Added 10/10/12; amended 11/7/18; 12/4/19.*

II.C.4.c Long-Range Planning

The FAC shall consult with the tenure-system faculty and the full-time fixed-term faculty and advise the Dean regarding long-range planning for the College, identification of goals and means to achieve those goals, assessment of success in realizing established goals, and periodic reexamination and appropriate revision of established goals. *Amended 11/7/18.*

II.C.4.d Decanal Appointment

The FAC shall have shared responsibility with the Provost to determine procedures for the selection of a Dean, including involvement by the tenure-system faculty, the full-time fixed-term faculty, and wide consultation with members of the Law College community. Hiring and selection procedures must conform to University policies. *Amended 5/8/13; 11/7/18.*

II.C.4.e Merit Pay

The FAC shall advise the Dean of the policy and procedure for awarding annual merit pay for the faculty.

II.C.4.f Bylaws Amendments

The FAC or any member of the tenure-system faculty or the full-time fixed-term faculty may propose amendments to these bylaws. *Amended 10/10/12; 11/7/18.*

II.C.5 Procedures

II.C.5.a Rules

The FAC shall determine its own operating rules and procedures.

II.C.5.b Chairperson and Secretary

The FAC shall annually elect a chairperson and a secretary from its voting membership at the first meeting of the Fall semester.

II.C.5.c Instructions from Faculty

The Faculty Assembled may by majority vote instruct the FAC to take up or report on an issue. *Amended 10/10/12; 11/7/18.*

II.C.5.d Frequency of Meetings

The FAC shall meet as often as required to perform its duties but no less than four times in each academic semester, except the summer session.

II.C.5.e Call to Meet

Meetings may be called by the Dean, the FAC Chairperson, or a majority of FAC voting members.

II.C.5.f Minutes

The minutes of the FAC meetings shall be published and distributed to the faculty within ten days after approval.

II.D The Student Advisory Council

II.D.1 Composition of the Student Advisory Council

The Student Advisory Council (SAC) shall be comprised of the following members: (1) the Dean and the Associate Dean for Student Affairs, as ex officio members with no vote, (2) the Student Bar Association Executive Board, four members each with one vote, and (3)

the Editor-in-Chief of the MSU Law Review, with one vote. *Amended 10/10/12.*

II.D.2 Functions

The Dean shall meet with the SAC at least once per semester pertaining to issues which are of concern to the students. The student members of the SAC may develop an agenda of topics for discussion with the Dean so long as the Dean receives the agenda at least 24 hours before the meeting.

II.E The Faculty Assembled

The Faculty Assembled shall sit as a formally constituted body of the tenure-system faculty and the full-time fixed-term faculty at faculty meetings and shall be chaired by the Dean or, in the Dean's absence, by another member of the tenure-system faculty designated by the Faculty Advisory Council.

Amended 11/7/18.

II.E.1 Functions

II.E.1.a Advisory Authority

The Faculty Assembled shall have final advisory authority on educational programs and academic standards and any changes must be approved by a two-thirds majority of the faculty present and voting. *Amended 10/10/12; 11/7/18.*

II.E.1.b Approval of Curriculum

The Faculty Assembled shall have delegated authority over curriculum and any changes must be approved by a two-thirds majority of the faculty present and voting. The faculty may approve, amend, reject or return for further discussion any recommendation by the College Curriculum Committee.

Amendments, rejections, or referrals for reconsideration of College Curriculum Committee recommendations shall be accompanied by reasons for such action. The response of the College Curriculum Committee will be considered by the Faculty Assembled before it takes final action. All recommendations by the College Curriculum Committee must be submitted to the faculty before or with the

faculty meeting agenda governing the meeting at which they are to be considered. Final endorsement requires approval by the University Committee on Curriculum and the Faculty Senate. *Amended 10/10/12; 11/7/18.*

II.E.1.c Ministerial Changes to Curriculum

The Associate Dean for Academic Affairs, after consultation with the relevant professor and the approval of the Curriculum Committee, and with notice to the faculty, may make ministerial changes to an existing course unless an objection is raised by any member of the tenure-system faculty within five business days of the distribution to the faculty. If an objection is raised, the issue shall be added to the agenda for a vote at the next faculty meeting. 'Ministerial changes' may include, by way of illustration and without limitation, waiving prerequisites; changing the name of the course; making minor adjustments to the course description; or modifying the basis for grading. *Added 11/7/18.*

II.E.1.d Committee Appointments

The Faculty Assembled shall have final approval over College and University Committee appointments. *Amended 10/10/12; 11/7/18.*

II.F Meetings of the Faculty

II.F.1 Time and Place of Meetings

There may be monthly meetings of the full-time faculty at the College of Law, except during June and July, with a minimum of one scheduled in the Fall and one in the Spring semesters. At the beginning of each academic year, the Dean and the FAC shall schedule the meetings for the entire year. Special meetings may be called either by the Dean, the FAC, or at the written request of four full-time faculty members. The special meeting shall be held within 10 business days of the request and at least seven days after notice shall have been given to the full-time faculty.

II.F.2 Attendance

Attendance at faculty meetings shall be limited to tenure-system faculty members; full-time fixed-term faculty, visiting professors, emeritus

faculty, joint appointment faculty members, the Dean, the Assistant or Associate Dean for Student Affairs, and individuals otherwise invited.
Amended 11/7/18.

II.F.3 Faculty Voting

II.F.3.a Vote on Matters Properly Before the Faculty

Except as otherwise provided in these bylaws concerning personnel matters and votes adopting or amending these bylaws, all tenure-system faculty and full-time fixed-term faculty may attend the discussion that precedes the vote on all other matters properly before the faculty. *Amended 11/7/18.*

II.F.3.b Proxy and Absentee Voting

(a) A policy governing in-person electronic voting may be adopted by the Faculty Assembled. However, no proxy or absentee voting is permitted on any issue, except as set forth in subdivision (b) of this section. A faculty member on leave or on sabbatical who would otherwise be entitled to vote on a matter has the same voting rights that he or she would have if not on leave or sabbatical. However, any such faculty member shall not be counted for quorum purposes unless the faculty member actually participates in the meeting.

(b) A faculty member may attend faculty meetings, and may vote, by telephone, except with respect to the following personnel matters:

- Appointment
- Retention (without tenure/rolling contract)
- Promotion

With respect to the foregoing personnel matters, if a vote is to be taken at the meeting, absentee voting is permitted, except as provided in subdivision (c) of this section. To be valid, an absentee ballot must be in writing and express a specific vote on the matter(s) under consideration. A faculty member voting by absentee ballot must be eligible to vote on the matter in accordance with section I.B.6 of these bylaws, and must deliver the ballot to another member of the faculty also entitled to be present at the

meeting and vote with respect to the matter. The written ballot may also contain a statement regarding the matter at issue to be read by the absentee voter's designee prior to the casting of votes. Persons voting by absentee ballot should be deemed present for quorum purposes.

(c) Because the faculty believes that, whenever possible, a vote on personnel matters should be informed by discussion at the meeting proceeding the vote, absentee voting under subdivision (b) of this section shall only be allowed in circumstances where the faculty member is unable to attend the meeting in person due to (i) professional obligation, (ii) family or weather related emergency, or (iii) illness. A faculty member who falls into one of the above three categories and intends to cast an absentee ballot must notify the Chair of the Faculty Advisory Council of this intention, and identify the individual to whom the absentee ballot has or will be entrusted, prior to the commencement of the meeting. *Added 5/10/17.*

II.F.4 Agenda

The Dean and FAC shall determine faculty meeting agendas. The Dean shall distribute to the faculty a preliminary agenda for each meeting of the faculty ten days prior to the meeting. Any member of the faculty entitled to vote at a faculty meeting may have a topic placed on the agenda by notifying the Dean at least 24 hours prior to distribution of the final agenda, which is distributed three business days preceding the faculty meeting. It is desirable, but not required, that matters to be voted upon be written and distributed to all faculty and administrators in advance of the meeting. Any report or recommendation of a standing faculty committee or a duly appointed ad hoc faculty committee, which is expected to be voted upon at a faculty meeting, shall be distributed to the faculty at least three business days prior to the meeting. *Amended 10/10/12.*

II.F.5 Conduct of Meetings

The Dean or, in the Dean's absence, a member of the tenure-system faculty designated by the Faculty Advisory Council, shall chair the

faculty meetings. Faculty meeting minutes shall be distributed to the tenure-system faculty, full-time fixed-term faculty, the Assistant or Associate Dean for Student Affairs, and the Dean at least three business days prior to the next regularly scheduled faculty meeting. Any changes or corrections shall be made at the next faculty meeting. The conduct of the faculty meeting shall be in accordance with Roberts Rules of Order, Newly Revised (most recent edition). The chair of the meeting shall serve as parliamentarian unless the chair appoints someone to serve as parliamentarian. A motion for a secret ballot is a non-debatable motion requiring a second and approval by a majority of those present and voting. All votes on personnel matters shall be by secret ballot. *Amended 11/7/18.*

II.G Law College Committee Membership

The Faculty Advisory Council, after solicitation of preferences from eligible faculty and consultation with the Dean as a shared responsibility, shall recommend College committee assignments to the voting faculty for approval by the last faculty meeting of the academic year, for committee service in the next academic year. Except as otherwise provided in these bylaws, to the extent practicable the FAC shall propose a slate of committee appointments that balances tenure-system and fixed-term faculty based on each group's proportion of the full-time faculty. Assistant and Associate Deans may be nonvoting ex officio members of a faculty committee, and those Deans with faculty appointments, may be elected as regular, voting members of a faculty committee. *Amended 8/28/13; 11/7/18.*

II.G.1 Committee Procedures Applicable to Standing and Ad Hoc Committees

II.G.1.a Rules

Committees shall establish their own rules.

II.G.1.b Schedule and Minutes

Each committee shall schedule its own meetings and keep minutes of the meetings.

II.G.1.c Open Meetings

Committee meetings shall ordinarily be open to tenure-system faculty and full-time fixed-term faculty, but a committee may formulate procedures for closing some of its meetings for stated reasons. For purposes of II.G.1.c, the FAC is deemed a Committee of the Law College. *Amended 10/10/12.*

II.G.1.d Agenda

Each committee shall determine its own agenda. Administrators, faculty, and students may suggest items for a committee's agenda.

II.G.2 Standing Committees

Standing Committees shall include the Academic Standards Committee, the Admissions Committee, the Curriculum Committee, the Committee on Faculty Appointments, and the Librarian Review Committee on years in which a librarian plans to seek promotion. Each committee shall have a minimum of three members. *Amended 12/4/19, 4/15/20.*

II.G.2.a Academic Standards Committee

The Academic Standards Committee shall have the primary responsibility for the development of those rules and regulations which are necessary for the academic integrity of the College. Matters including, but not limited to, class attendance, grading, testing, the correlation between grading and bar passage, and course evaluations, fall within the purview of the Academic Standards Committee. The committee shall make recommendations on such matters to the Faculty Assembled which shall have the delegated authority to adopt or reject such recommendations. In addition, the committee shall have responsibility for deciding when and under what conditions a College student, not presently enrolled, may be readmitted to the College, either as a new student or with advanced standing.

II.G.2.b Admissions Committee

The Admissions Committee will review applicant files and decide on admission in coordination with the Assistant Dean of Admissions and Financial Aid, based on a policy set by the Dean in

consultation with the FAC. The Dean with the FAC, through advice on the budget process, shall set the size of the class to be admitted and the number of scholarships to be granted each Fall. The committee shall review and recommend to the Dean the standards and criteria for Merit and Trustee Scholarships. The faculty shall have the delegated responsibility for determining the standards and criteria for admission to the King Scholar program based on the recommendations of the committee. The Admissions Committee shall take the leadership position among the faculty in support of the Assistant Dean of Admissions and Financial Aid in the process of recruitment of new students, including through participation in admissions events and communication with prospective students.

II.G.2.c Curriculum Committee

The Curriculum Committee shall have the delegated authority for making recommendations to the Faculty Assembled for the maintenance and development of a sound curriculum. The Faculty Assembled shall have the delegated responsibility to adopt and amend the curriculum subject to fiscal constraints.

II.G.2.d Committee on Faculty Appointments

The Committee on Faculty Appointments has advisory responsibility with the Dean for the recruitment of new faculty members. The committee shall recommend to the tenure-system faculty and the Dean the appointments of tenure-system faculty and honorary faculty. The tenure-system faculty shall have an advisory role to the Dean who makes recommendations to the Provost for appointment of probationary tenure-system faculty. The tenured faculty shall have an advisory role to the Dean, who makes recommendations to the Provost on the granting of tenure, at the time of hire or promotion. The Dean is charged to give great weight to the advice of the faculty. Except in years in which fixed-term faculty are being recruited, committee membership shall be limited to tenure-system faculty. The committee is responsible for developing and implementing an effective process for the targeted

recruitment of all tenure-system faculty with particular attention to diversity in hiring and to hiring persons with expertise in particular areas identified by the Curriculum Committee and who meet high standards of academic achievement. In years in which fixed-term faculty are being recruited, the committee shall recommend to the tenure-system faculty, the relevant fixed-term faculty as provided in sections I.B.4.d and I.C.3.a of these bylaws, and the Dean the appointments of fixed-term faculty. In years in which a fixed-term faculty professor is being recruited, at least one and no more than two fixed-term faculty members with a rolling contract from the relevant program shall serve on the committee as a voting member only with respect to issues regarding the recruitment and appointment of fixed-term faculty. *Amended 10/10/12; 12/4/19.*

II.G.2.e Librarian Review Committee

The Librarian Review Committee shall consist of at least three members: a faculty member whose rank is that of associate professor or professor, a law librarian with continuous appointment unless there is no person in the Law College who holds that title, and a MSU librarian appointed by the Dean of University Libraries (Library Dean). The primary responsibility of the Librarian Review Committee is to evaluate the performance of the librarians as it relates to the issues of reappointment, promotion, or award of continuous appointment status as provided in section III.D of these bylaws. *Amended 10/10/12; 11/7/18, 4/15/20.*

II.G.3 Tenure and Promotion Advisory Committees; Reappointment, Promotion & Tenure Committee

Amended 1/15/14

II.G.3.a Tenure Advisory Committees

Tenure Advisory Committees shall be recommended to the faculty by the FAC as a shared responsibility with the Dean upon commencement of employment at the Law College of each tenure-system faculty member. Each Tenure Advisory Committee shall be comprised of two tenured faculty members. The functions of the Tenure Advisory Committee include the following: (1) to advise

and to mentor the candidate on matters relating to the Law College, (2) to monitor the performance of the candidate, and (3) except in the year(s) when the candidate is being evaluated by the RPT Committee under section II.G.3.c for reappointment, promotion or tenure, to report annually to the tenured faculty on the candidate's progress.

II.G.3.b Promotion Advisory Committees

Promotion Advisory Committees shall be recommended to the faculty by the FAC as a shared responsibility with the Dean under commencement of employment at the Law College of each full-time fixed-term faculty member. Each Promotion Advisory Committee shall consist of two or three faculty members, all of whom are tenure-system faculty at the associate or full professor level or fixed-term faculty who have been granted three-year or five-year rolling contracts. Each Promotion Advisory Committee for fixed-term faculty who teach in the clinic shall include at least one tenure-system faculty member and at least one fixed-term faculty member who teaches in the clinic. Each Promotion Advisory Committee for fixed-term faculty who teach in the Research, Writing and Advocacy program shall consist of at least one tenure-system faculty member and at least one fixed-term faculty member who teaches in the Research, Writing and Advocacy program. Each Promotion Advisory Committee for any other fixed-term faculty shall include at least one tenure-system faculty member and one fixed-term faculty member. The function of the Promotion Advisory Committee are: to advise and mentor the candidate on matters relating to the Law College; to monitor the performance of the candidate; and except in the year(s) when the candidate is being evaluated by the RPT Committee under section II.G.3.c for reappointment or promotion, to report annually on the candidate's progress to the tenure-system faculty and any faculty eligible to vote on the candidate under section I.B.6.d. *Added 10/10/12; amended 1/15/14.*

II.G.3.c Reappointment, Promotion, Tenure Committee

The Reappointment, Promotion, Tenure (RPT) Committee shall be constituted and elected as provided in sections II.G.3.c.i and II.G.3.c.ii of these bylaws. The functions of the RPT Committee are (1) to evaluate the scholarship, teaching, and service of a non-tenured faculty member in the year(s) he or she is a candidate for reappointment, promotion, or tenure, (2) to report in writing to the tenured faculty on the non-tenured faculty candidate's progress in the year(s) he or she is a candidate, (3) to evaluate the progress of a fixed-term faculty member in the year(s) he or she is a candidate for reappointment or promotion, (4) to report in writing to the tenure-system faculty and any faculty eligible to vote on a fixed-term candidate under section I.B.6.d on the candidate in the year(s) he or she is a candidate, (5) to evaluate the scholarship, teaching, and service of a tenured associate professor in the year(s) he or she is a candidate for promotion to professor of law, (6) to report in writing to the tenured faculty on the associate professor candidate's progress in the year(s) he or she is a candidate for promotion to professor of law, and (7) to consider the applications for early promotion or tenure. *Added 1/15/14.*

II.G.3.c.i Composition of Reappointment, Promotion, Tenure Committee

The RPT Committee shall be comprised of (1) three or four tenure-system faculty members with tenure, each with one vote, and (2) one full-time fixed-term faculty member with rolling contract, with one vote. All RPT Committee business shall be conducted by the tenure-system faculty members on the committee, with the following exceptions. When the RPT Committee is evaluating a fixed-term faculty candidate, the following shall participate in the evaluation: three tenure-system faculty members on the committee, each with one vote; the fixed-term faculty member on the committee, with one vote; and one additional fixed-term faculty member with rolling contract, from the candidate's department if possible, as nominated by the RPT Committee, with one vote. When the

RPT Committee is evaluating an associate professor for promotion to professor of law, only professors of law on the committee shall participate in the evaluation.

II.G.3.c.ii Method for Selecting RPT Committee Members

The RPT Committee shall be elected by the voting faculty in the Spring semester for the next academic year. All eligible tenured faculty members and all eligible full-time fixed-term faculty members wishing to serve on the RPT Committee shall submit their names to the Dean for inclusion on secret ballot forms. If available, the names of the candidates shall be circulated to the faculty no fewer than five business days before voting by the tenure-system and fixed-term faculty occurs. One secret ballot form will be used for tenured faculty candidates, and a separate secret ballot form for fixed-term faculty candidates. Tenure-system faculty members shall vote for a number of tenure-system faculty members equal to the number of available committee seats designated for tenured faculty; full-time fixed-term faculty members shall vote for one fixed-term candidate to fill the committee seat. At the first election after the adoption of these bylaws, tenure-system faculty members shall vote for three or four tenured faculty members, and fulltime fixed-term faculty members shall vote for one fixed-term faculty member. Election requires a candidate receiving the affirmative vote of a majority of the eligible voting faculty present and voting. After tallying the ballots, the Dean shall announce those elected to fill committee vacancies. Additional secret ballots and votes will continue until a sufficient number of candidates receive a majority vote. *Amended 11/7/18.*

II.G.3.c.iii Term of Membership

Election shall be for two-year staggered terms. A member may serve for two consecutive terms and may be considered again for election after two years of non-membership. *Added 1/15/14.*

II.G.3.c.iv To Fill a Vacancy

If a vacancy occurs in any of the elected positions of the RPT, then the faculty, in accordance with the procedures in II.G.3.c.ii, shall elect a replacement for the remainder of the term at the next feasible faculty meeting. If five or fewer months remain in a term from the time of the election, then this time shall not count as a term for purposes of Section II.G.3.c.iii. *Amended 11/18/20.*

II.G.4 Ad Hoc Committees

The FAC, in consultation with the Dean, will convene ad hoc committees as needed.

II.G.5 University Committees

The College of Law participates in University academic governance through representation on University committees, as specified in the *MSU Bylaws*. University committee assignments shall be recommended to the voting faculty for approval in time to be consistent with University practices. Full-time fixed-term faculty members employed by the Law College who have served at least three consecutive years on full-time appointments may represent the Law College in University-level academic governance bodies, except the University Committee on Faculty Tenure and the University Committee on Faculty Affairs. *Amended 5/8/13.*

II.H Quorum Requirements

II.H.1 Faculty Meeting Quorum Requirements

For all faculty meetings, a quorum exists when a majority of faculty entitled to vote is present.

II.H.1.a Bass Quorum Rules

If at the scheduled meeting time, a majority of the faculty entitled to vote on any issue is not present, then 40% of the faculty entitled to vote on any issue shall be sufficient to open the meeting, approve the agenda and minutes, and commence discussion. Until a majority is present, formal motions relating only to opening the

meeting, approving the agenda and minutes, and commencing discussion may be passed only with the support of at least 25% of the total number of faculty (whether or not present) entitled to vote on the issue plus one. *Added 10/17/18.*

II.H.1.b Faculty Entitled to Vote but not Required to Attend

For purposes of calculating the majority and the percentages for the Bass Quorum rule, faculty who are entitled to vote but not required to attend (e.g., faculty on sabbatical) shall be counted in the denominator when present but excluded from the denominator if they are not present. *Added 10/17/18.*

III. LAW LIBRARY FACULTY

Amended 4/15/20

III.A Composition

The Law Library Faculty (“law librarians”) of the College of Law are the information professionals who provide library services, bibliographic instruction, and develop and maintain the collections of the Law Library.

III.B Appointment

Law librarians shall be appointed by the Director of Library (“the Director”) and the Law College Dean (“Dean”), with the rank of Librarian I, Librarian II, or Librarian III, depending upon professional competencies, education, and work experience. A law librarian who retires from the Law College and meets the eligibility requirements for emeritus status under University policy is awarded Librarian Emeritus status.

III.C Term of Appointment

The Michigan State University Librarian Personnel Handbook of Policies, Procedures, and Practice may be consulted for guidance on terms of appointment.

III.C.1 Librarian I

III.C.1.a Appointment and Reappointment

The initial appointment as a Librarian I will be for a probationary period that expires on the fourth August 15 after the appointment year. To be considered for reappointment to a second three-year probationary period, the librarian must submit a dossier no later than the third July 1st after his or her appointment year. The initial probationary appointment will terminate on its specified end date unless the librarian is reappointed for a second probationary period.

III.C.1.b Promotion to Librarian II

To be considered for promotion to Librarian II with continuous appointment, the librarian must submit another dossier prior to the second July 1st of the second probationary period. If at any time during these two probationary periods a Librarian I is promoted to the rank of Librarian II, continuous appointment is granted. If not promoted to the rank of Librarian II at the conclusion of the second probationary period, the individual is ineligible for an additional reappointment unless a special extension is approved.

III.C.1.c Probationary Periods

Extensions in the probationary appointment periods for all librarians appointed in the continuous appointment system require approval of the Dean (in consultation with the Director) and the Provost. If at any time during these two probationary periods a Librarian I is approved for a change of position, the provisions for probation and continuing appointment pertinent to the initial appointment as a Librarian I apply. During the probationary appointment periods, a Librarian I has the option to request reappointment or promotion to Librarian II with continuing appointment prior to the conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment or promotion to Librarian II with continuing appointment at the normal time.

III.C.2 Librarian II

III.C.2.a Appointment and Reappointment

The initial appointment as a Librarian II without continuous appointment will be for a probationary period that expires on the fourth August 15 after the appointment year. In some cases, upon the recommendation of the Director in consultation with the Dean, the probationary period may vary in length from two to five years. To be considered for reappointment with continuous appointment, the librarian must submit a dossier no later than the July 1st in the year prior to the expiration of the probationary period. If a Librarian II is reappointed, continuous appointment is granted. In unusual cases, on recommendation of the Dean (following consultation with all regular law library faculty with continuous appointment, to provide the appropriate peer review of the individual's qualifications for appointment with continuous appointment), and with the prior approval of the Provost and the President, a librarian initially appointed at the rank of Librarian II may be granted continuous appointment from the date of appointment.

III.C.2.b Probationary Period

During the probationary appointment period, a Librarian II without continuous appointment has the option to request reappointment with continuing appointment prior to the conclusion of the stipulated probationary appointment period. A negative decision on such a request shall not preclude consideration for reappointment with continuing appointment at the time specified upon appointment.

III.C.3 Librarian III

A librarian with the rank of Librarian III in the continuous appointment system is granted continuous appointment (appointment for an indefinite period without a terminal date) from the date of appointment at that rank. Prior to appointment, the Dean will consult with all regular law library faculty with the rank of Librarian III, to provide the

appropriate peer review of the individual's qualifications for appointment with continuous appointment at the rank of Librarian III.

III.D Reappointment and Promotion

Law librarians will be evaluated by the Librarian Review Committee (LRC) for reappointment and promotion according to the following general criteria: performance of responsibilities; scholarly and creative activities; and service and/or professional activities. The LRC will prepare a written report of the law librarian seeking reappointment and promotion.

The Librarian Review Committee may consult with the Director of the Library any time prior to making its final report. The written report of the committee shall be presented to the Director, who shall review all relevant materials, consult with the faculty, the individual librarian, and other librarians as appropriate, and make a recommendation to the Dean. The LRC written report will also be made available to tenure track law faculty, fixed term law faculty, and law librarians with continuous appointment. An advisory vote shall be taken of the tenure track law faculty, fixed term law faculty and law librarians with continuous appointment. The vote, along with the LRC report, are submitted to the Dean. Per ABA Standard 602(c), the Director and the Dean shall make the final decision on whether to recommend the law librarian for reappointment, promotion, or continuous appointment to the Provost. Decisions involving the award of continuous appointment require final approval by the University President.

IV. THE STUDENTS

IV.A Student Constituency of the College

The student constituency of the Law College shall consist of all persons current and officially enrolled as students in the Law College.

IV.B LL.M. Students

Those students enrolled in the Master of Laws program shall be deemed LL.M. students.

IV.C M.J. Students

Those students enrolled in a Masters in Jurisprudence program shall be deemed M.J. students.

IV.D M.L.S. Students

Those students enrolled in a Master of Legal Studies program shall be deemed M.L.S. students. *Added 12/4/19.*

IV.E J.D. Students

All other students shall be deemed J.D. students.

IV.F Student Participation in Academic Governance

The academic standards, admissions, and curriculum committees shall have one student representative, selected by the Student Bar Association (SBA). Student representatives to the Council of Graduate Students are appointed by the SBA Executive Board following an interview process.

IV.G Voting Rights

Student representatives shall participate as voting members on committees. However, students may not be present at the discussion concerning, and may not vote on, personnel matters or individual admission or readmission decisions. *Amended 10/10/12; 11/7/18.*

IV.H GPA Requirements

Only students who have at least a 2.50 cumulative grade point average are eligible to serve on College committees.

V. GRIEVANCE PROCEDURES

V.A Faculty Grievances

The College is covered by the MSU Faculty Grievance Procedure. Faculty grievances initiated at College level shall follow the procedures specified in the Faculty Grievance Policy. *Amended 11/7/18; 12/4/19.*

V.B Student Grievances

Student grievances shall be conducted in accordance with procedures set forth in University policy and the "Law Student Rights and Responsibilities" document. *Amended 11/7/18.*

VI. BYLAWS INTERPRETATION AND AMENDMENT PROCESS

VI.A Adoption

These bylaws shall be approved upon the affirmative vote of a majority of the tenure-system faculty present and voting on the approval. These bylaws shall be adopted after approval by the tenure-system faculty, the Dean, the University Committee on Academic Governance, and the Law College Board of Trustees. *Amended 11/7/18.*

VI.B Interpretation

Pursuant to the MSU Academic Governance shared governance principle, the Dean and tenure-system faculty shall have the authority to interpret these bylaws. *Amended 10/10/12.*

VI.C Five Year Review

Review of these bylaws and subsequent bylaws shall be undertaken at regular five-year intervals from the date of approval by the tenure-system faculty. Approval of revisions in these reviews shall be upon an affirmative vote by a majority of the tenure-system faculty present and voting.

VI.D Amendments Between Five Year Reviews

Amendments to these bylaws may be proposed in writing to the Faculty Advisory Council by any tenure-system faculty member, by any full-time fixed-term faculty, by the Faculty Advisory Council, or by the Dean as an agenda item for any College faculty meeting. The written proposal will be circulated to the faculty with the agenda without a vote of approval by the FAC. To avoid unnecessary changes, a two-thirds majority of the tenure-system faculty voting on the amendment shall be required for approval. *Amended 11/7/18.*

VI.E Implementation of Bylaw Revisions and Amendments

Following approval by the faculty, the Faculty Advisory Council shall forward any proposed revision or amendment to the Dean. Implementation of revisions and amendments shall occur under the shared responsibility mode of participation (attached hereto as Appendix 1). *Amended 10/10/12; 12/4/19.*

VI.F Notice of Proposed Amendment

Any proposal for amendment, suspension, alteration or repeal of these bylaws shall be set forth and identified as a bylaw change in the notice of the meeting at which such action will be taken. *Added 10/10/12.*

APPENDIX 1
Modes of Participation
Amended 11/7/18

Pursuant to Section 1.3 of the Michigan State University Bylaws for Academic Governance there are four modes of faculty and student participation defined below which apply wherever the terms are used in the Law College Bylaws for Academic Governance.

Consultation

A body of faculty or students consults with and informs an administrator who has authority and responsibility to make a decision. Such a committee is not a deliberative body; it does not vote. Rather, the members express their views to inform an administrator's decision.

Advisory

A deliberative body of faculty or students recommends policies to an administrator who is authorized to make decisions. The administrator is not bound by the recommendations and accepts responsibility for the decisions.

Shared Responsibility

A deliberative body of faculty or students makes recommendations to an administrator. If the administrator and deliberative body cannot agree and action must be taken, the recommendations of the administrator and the deliberative body will be submitted in writing to the next higher administrative level for decisions by that administrator.

Delegated Authority

A deliberative body of faculty or students is authorized to make decisions on specified matters. Such decisions are subject to administrative review, but will be altered only in exceptional circumstances.