

BYLAWS

Louis D. Brandeis School of Law University of Louisville

ARTICLE I.

These Bylaws are promulgated pursuant to *The Redbook* (sec. 3.3.4) and it is intended that these Bylaws shall be consistent also with the bylaws of the Association of American Law Schools, the American Bar Association Standards for Approval of Law Schools and with any applicable rules of the Supreme Court of Kentucky.

ARTICLE II.

The name of the school shall be the Louis D. Brandeis School of Law at the University of Louisville.

ARTICLE III. Law Faculty Membership

- A. The Law School Faculty shall consist of personnel in the Law School who are tenured professors or in the tenure track position as authorized by *The Redbook*.
 - 1. Law School Faculty hired to teach the first-year legal writing curriculum must continue in that appointment unless hired for an unrestricted appointment through the normal recruitment process for other full time tenure track appointments.
 - 2. Law School Faculty hired to teach clinical courses must continue in that appointment unless hired for an unrestricted appointment through the normal recruitment process for other full time tenure track appointments.
- B. The Law Library Faculty shall consist of personnel in the Law Library who are tenured professors or in tenure track positions or in term positions requiring a professional degree.
- C. Visiting Faculty shall consist of personnel in the Law School hired to teach a specific course load on a non-tenure track, full term contract pursuant to Article IV.A.2.
- D. Adjunct Faculty shall consist of personnel in the Law School hired to teach a specific course or courses on a non-full time, non-tenure track basis pursuant to Article IV.A.2.
- E. Term Faculty shall consist of all personnel in the Law School who are hired on multi-year renewable non-tenure track term contracts, pursuant to Article IV.A.1 and 2.
- F. Emeritus Faculty shall consist of those retired Law School Faculty voted such status by a majority of the Law School Faculty members, upon motion of any member of the Law School Faculty. Emeritus Faculty members shall not have voting rights or official governance status, but may be appointed as nonvoting members of ad hoc committees.
- G. Unless otherwise noted, Law Faculty in this document includes only personnel described in Paragraphs III. A and B.

ARTICLE IV. Law School Governance

A. Law Faculty Responsibility.

Except for those areas enumerated below, or as specifically provided elsewhere, the Law School Faculty shall share general responsibility for determining policy of the Law School.

1. The Law School Faculty shall have responsibility for the selection, retention, reappointment, promotion, tenure, and periodic career review of Law School Faculty and Term Faculty pursuant to the Faculty Hiring Procedures as adopted by the Law School Faculty on November 23, 1999, and as amended from time to time. These are available on the Law School's website. The Law School Faculty (acting as a whole or through committee) shall also approve Law School Faculty appointments as provided in *The Redbook* (Sec. 3.3.1).
2. The Dean of the Law School, in consultation with the Faculty Recruitment Committee, the Associate Dean for Academic Affairs and other appropriate faculty committees, shall have responsibility for the appointment of Visiting Faculty and Adjunct Faculty, at rank commensurate with education and experience, pursuant to the Faculty Hiring Procedures as adopted by the Law School Faculty on November 23, 1999, and as amended from time to time. No such appointment, continuation or renewal thereof shall result in acquisition of tenure or implied renewal for subsequent periods.
3. The Law School Faculty shall have responsibility for curriculum; admissions policies; and academic standards for retention, advancement, and graduation of students.
4. The Law Library Faculty (acting as a whole or through committee) shall approve appointments to the Law Library Faculty. In addition, the appointment of the Law Librarian or any Law Faculty member whose duties are primarily assigned within the Law Library shall be made by a vote of the Law School Faculty and the Law Library Faculty acting as a unit, each person present having one vote. These approvals, if recommended by the Dean, shall be forwarded to the appropriate authorities as provided by *The Redbook*.
5. The Personnel Committee of the Law School Faculty shall make the initial recommendation concerning the retention, reappointment, and promotion of Law School Faculty members and Term Faculty members and the initial recommendation concerning advancement to tenure for Law School Faculty members.

The Personnel Committee of the Law Library Faculty shall make the initial recommendation concerning the retention and promotion of Law Library Faculty members and the advancement to tenure of any Law Library Faculty member in a tenure track position. Law Library Faculty who are members of the Law Library Personnel Committee shall participate with the Law School Faculty Personnel Committee in the discussion and determination concerning reappointment, retention, tenure, and promotion of the Law Librarian as a single unit, with each person present having one vote. These recommendations with the other materials

contemplated by *The Redbook* (Secs. 2.5.2 and 4.1.5.G.4) in promotion and tenure cases together with the Dean's own recommendation shall be submitted to the Office of the Provost and President for further consideration. The recommendation of the Dean shall be the recommendation of the unit with respect to reappointment, retention, promotion, and tenure (*The Redbook* Sec 4.2.1.C.1).

6. The selection, appointment, retention, promotion and the awarding of tenure of the Law Librarian shall be by the same process as that of other Law School Faculty members except that the Law Library Faculty will participate as described in VI.B.4 and VI.B.5 above, and a recommendation from the University librarian shall also be obtained. (*The Redbook* §§ 3.1.1, 4.1.5.G.3.b, 4.2.1.C.3.b, all as revised 9/27/82).
7. The Dean, the Law Librarian, the Law School Faculty and the Law Library Faculty shall be responsible for determining the Law Library policies in accordance with the general legislative powers of the faculty (*The Redbook* § 3.1.1 as revised 9/27/82, § 3.3.2). The Dean, as administrative head of the Law School including the Law Library, and the Law Librarian shall consult with the University librarian when appropriate.

B. Dean

1. The Dean of the Law School shall be the educational and administrative head of the school subject to the provisions of *The Redbook*. It shall be the obligation of the Dean to keep the administrative officers of the University, as required in *The Redbook*, and the Law Faculty fully informed concerning the educational and financial strength of the Law School and of its compliance with the accreditation standards of the American Bar Association and the Association of American Law Schools.

The Dean shall maintain a liaison with the alumni bench and bar and shall be responsible for fund raising activities for the Law School. The Dean, Law Faculty, and the Director of Continuing Legal Education (if one has been appointed) shall be responsible for all continuing legal education sponsored by the University of Louisville.

The Dean shall receive the recommendations of the Personnel Committee with respect to reappointment, retention, promotion, and tenure and forward them together with the Dean's own recommendation to the proper University officials. The Personnel Committee may elect to forward its recommendation separately.

The Dean shall be responsible for scheduling classes, administering the personnel policies concerning the staff and faculty, preparing a budget for submission to the Office of the President, and writing an annual report. The Dean shall have the power to discipline students for breach of conduct in academic matters, subject to the provisions of *The Redbook*. The Dean shall be responsible for the certification of students to the Board of Bar Examiners.

The Dean shall also be responsible for such additional duties as may be suggested by the Board of Trustees, the Office of the President, or the Law Faculty.

2. The Dean of the Law School shall be appointed by the Board of Trustees, in accordance with applicable provisions of *The Redbook*. Before the appointment of a Dean, the Personnel Committee shall make a recommendation concerning the award of tenure as required by *The Redbook*. A Dean of the Law School shall be appointed only if qualified for and granted tenure at the time of appointment.

C. Law Librarian

The Law Librarian, under the administrative direction of the Dean, shall be responsible for implementing the library policy developed by the Dean, the Law Librarian, and the Law School Faculty and Law Library Faculty as outlined in these Bylaws, and for the efficient operation of the Law Library including development and maintenance of the Law Library, for furnishing library assistance to faculty and students, for the selection of acquisitions, and for the arrangement of materials. The Law Librarian shall keep the Dean and the faculty informed of the compliance of the Law Library with the accreditation standards of the Association of American Law Schools and the American Bar Association. The Law Librarian, under the administrative direction of the Dean, and in cooperation with the faculty, shall maintain a current written plan for implementation of Law Library support for the educational program of the Law School. Under the supervision of the Dean, the Law Librarian shall develop a budget for the Law Library to be included as part of and administered in the same manner as the budget of the Law School. The Law Librarian, under the administrative direction of the Dean and in cooperation with the Law Faculty, shall be responsible for the selection and retention of Law Library personnel. When a Law Librarian holding faculty rank in the Law Library Faculty is reviewed by the Law School, a recommendation from the University librarian shall also be obtained (*The Redbook* Secs. 4.1.5.G.3.b. and 4.2.C.3.b).

ARTICLE V. Faculty Meetings

- A. The Law Faculty shall hold faculty meetings once a month during the academic year at a time and place announced by the Dean. Law School Faculty, Law Library Faculty and Term Faculty shall be eligible to participate and vote in meetings except as follows:
 1. Members of the Law Library Faculty, Visiting Faculty, Adjunct Faculty and Emeritus Faculty shall not be eligible to vote on matters concerning selections, reappointment, retention, promotion, or tenure of Law School Faculty; curriculum; admissions policies; academic standards for retention, advancement, and graduation of students; and academic performance of individual students. Term Faculty shall not be eligible to vote on matters concerning selections, reappointment, retention, promotion, or tenure of Law School Faculty. Members of the Law Library Faculty shall be eligible to participate and vote on the selection, reappointment, retention, promotion, or tenure of the Law Librarian and other Law Faculty with primary appointment in the Law Library.
 2. Two law students, selected by the executive committee of the Student Bar Association at the beginning of each academic year, shall be entitled to participate and vote in faculty meetings, provided, however, that these student

representatives shall not be eligible to participate or vote on matters concerning individual students or faculty members.

- B. The Dean shall preside at faculty meetings but may designate another Law Faculty member to preside at a faculty meeting, and in the absence of the Dean and designee, those voting members at the meeting may elect a faculty member to preside.
- C. The Dean of the Law School may call additional meetings of the Law Faculty and shall be required to do so upon the written request of five members of the Law Faculty.
- D. Minutes of all action taken by the Law Faculty shall be recorded by a secretary selected by the Law Faculty and shall be distributed in accordance with the rules of the University.
- E. A quorum shall consist of a majority of Law Faculty, excluding those Law Faculty members on sabbatical or leave.

ARTICLE VI. Committees.

- A. The following shall be standing committees of the Law School: Admissions; Curriculum; Diversity; Economic Welfare; International Law Opportunities; Advising, Reinstatement and Probation; Student Grievance; Library; Strategic Planning and Personnel.
- B. Except where the membership or method of selecting a committee is otherwise specified by these Bylaws, the Law Faculty shall appoint and be responsible for determining the size and structure of standing unit committees, and such committees shall report to the Law Faculty and the Dean. Nothing in this provision shall preclude the Dean from appointing decanal ad hoc committees. The Law Faculty may delegate responsibility for selection of members for some or all of the standing committees to the Dean or to a committee. So far as practicable, membership of committees shall take account of gender representation and reflect the diversity of the law school community.
- C. The Personnel Committee of the Law School Faculty shall be composed of each full-time Law School Faculty member whose primary appointment is in the Law School and who is a tenured full professor. The operation of the Personnel Committee shall be in accordance with the personnel policies of the University as provided by *The Redbook* and with the personnel policies of the Law School Faculty.
- D. The Personnel Committee of the Law Library Faculty shall be composed of at least six members: each full-time Law Library Faculty member whose primary appointment is in the Law Library and who has been awarded tenure; the Law Librarian; the Dean of the Law School; and two full-time members of the law school faculty who are currently serving on the Library Committee and who are members of the Law School Faculty Personnel Committee. In addition, if there are fewer than two tenured members of the Law Library Faculty, the Dean shall each year appoint to the committee full-time members of the University libraries who are tenured, so that the total number of librarians represented on the committee shall total no fewer than two. The operation of the Personnel Committee shall be in accordance with the personnel policies of the University as provided by *The Redbook* and with the personnel policies of the Law Library Faculty.

- E. A quorum for Personnel Committee meetings shall consist of two-thirds of the members of the Personnel Committee, including the Dean but excluding those on leave of sabbatical. Members on leave or sabbatical may attend and vote.
- F. If, in periodic career review for Law School Faculty, the Personnel Committee renders a finding that a tenured faculty member has not met the standard of Part V.B. of the Law School Personnel Policies for Appointment, Retention, Reappointment, Promotion, and Tenure, the reviewed faculty member may file a grievance in accordance with Article 4.4 of *The Redbook*.
- G. In any case where a tenured Law School Faculty member files a grievance against the Personnel Committee finding that the grievant has not met the standard of Part V.B. of the Law School Personnel Policies for Appointment, Retention, Reappointment, Promotion, and Tenure, the Personnel Committee shall, throughout, bear the burdens of going forward and of persuasion on every issue, whatever the issue may be, even if the issue embraces or arises from the grievant's defenses, if any, during a hearing before the Personnel Committee; and on any issue the Personnel Committee must prove its case with clear and convincing evidence.
- H. The Student Grievance Committee shall be composed of five members selected as follows: one student selected by the Student Bar Association and four Law Faculty members appointed by the Dean of the Law School. The Dean shall select the chair of the committee. In a situation where the student member is involved in the grievance or removed because of challenge, the Student Bar Association shall appoint an alternate student member for that grievance. When a faculty member of the committee is involved in the grievance or removed because of challenge, the Dean of the Law School shall appoint an alternate faculty member to serve on the committee for that grievance.

ARTICLE VII.

Any individual or group, other than the Personnel Committees, may delegate authority under these Bylaws to any other individual, committee, or subcommittee; provided, however, that voting by proxy shall not be permitted.

ARTICLE VIII. Rules of Order.

Robert's Rules of Order (Revised) shall govern the conduct of faculty meetings of the Law School in all cases in which they are not inconsistent with these Bylaws or the rules of the Law School.

ARTICLE IX. Amendment to the Bylaws.

These Bylaws may be amended by a majority vote of the Law Faculty, subject to approval by the Board of Trustees. Any proposal for amending these Bylaws shall be distributed to Law Faculty not less than seven days prior to the faculty meeting at which the change will be considered.

These bylaws were adopted by the faculty of the University of Louisville School of Law on June 15, 1978.
Amended by the Law Faculty December 1980, April 4, 1983, April 21, 1983
Ratified by the Law Faculty on May 17, 1983
Amended September 10, 1985, October 21, 1985, December 1985, May 8, 1986
Approved by the Board of Trustees: October 27, 1986
Amended April 9, 1990
Approved by the President: December 5, 1990
Adopted by the Law Faculty on April 25, 1995; Revised on October 23, 1995
Approved by the Board of Trustees: November 27, 1995
Amended by the Law Faculty of the Louis D. Brandeis School of Law on November 15, 1999; May 8, 2006; and
May 10, 2011
Approved by the Board of Trustees: September 8, 2011
Amended by the Law Faculty April 17, 2018
Approved by the President: April 24, 2019