

# FACULTY CONSTITUTION

CONSTITUTION  
OF THE  
INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW  
[As last amended January 19, 2021]

## ARTICLE 1      DEFINITIONS

- 1-1      "Faculty members" means the Dean, all full-time, part-time, visiting, adjunct, clinical and emeritus personnel holding the rank of Professor, Associate Professor, Assistant Professor, Lecturer, Librarian, Associate Librarian, or Assistant Librarian.
- 1-2      "Voting Faculty" means faculty members holding the rank of Professor, Associate Professor, or Assistant Professor, but excludes emeritus, visiting, or adjunct professors and lecturers. Clinical-rank members of the voting faculty shall not be entitled to vote on matters pertaining to the appointment of persons to tenured or tenure-track positions.

## ARTICLE 2      FACULTY MEETINGS

- 2-1      Time. The faculty members shall meet regularly at least once a month during the academic year and at other times when deemed necessary by the Dean or requested by a majority of the voting faculty.
- 2-2      Quorum. The presence of a quorum is required at the time of each vote. A quorum shall be a majority of the voting faculty, including proxies. During the summer sessions, voting faculty who are not in academic service at the law school will be eligible to vote in faculty member meetings but will not be counted if absent in determining a quorum.
- 2-3      Conduct of Meetings. The Dean shall chair meetings or designate a member of the voting faculty to serve in the Dean's absence.

An agenda shall be prepared and distributed to all faculty members at least 24 hours prior to a regular meeting. The Dean shall include on the agenda such matters as the Dean deems desirable and such matters as requested by a committee chair or three or more faculty members.

When, during the summer sessions, more than half the voting faculty are not on academic service or are otherwise unavailable, meetings shall concern only matters involving current operations of the law school.

2-4 Secretary. The Secretary of the faculty shall be responsible for taking and distributing to all voting faculty the minutes of all faculty meetings.

2-5 Voting.

- 1 The voting faculty shall be entitled to vote on all matters properly brought before it at regular and special meetings.
- 2 On all matters pertaining to employment of faculty in tenured and tenure-track positions, only persons holding tenured or tenure-track positions, excluding librarians, shall be entitled to vote.
- 3 Voting on all personnel matters shall be by secret ballot No ballots shall be opened or counted before ballots from all voting faculty present in person or by proxy are collected.
- 4 Unless otherwise provided in this Constitution, voting on all matters shall be by voice vote or by show of hands, as the Chair deems appropriate, unless at least one voting faculty member requests a show of hands or a secret ballot.
- 5 Voting faculty action shall be by majority vote of the voting faculty present in person or by proxy except where this constitution expressly requires a greater than majority vote.

2-6 Dean’s Annual State-of-the-Law-School Report to Faculty

At least once each year, at a regularly scheduled faculty meeting, the Dean shall report to the faculty on the state of the law school, including its financial condition.

ARTICLE 3      COMMITTEES

3-1 The following are constitutionally required committees and subcommittees:

- 1 The Academic Affairs Committee
- 2 The Faculty Recruitment Committee
- 3 The Student Affairs Committee
  - 1 The Admissions Subcommittee
  - 3 The Awards Subcommittee
- 4 The Executive Committee

5 The Promotion and Tenure Committee

3-2 Faculty Service on Committees. The Dean appoints chairs and members to constitutionally-required committees and such ad hoc committees as the Dean deems appropriate, in accordance with the procedures specified in the faculty handbook, except as specified below. The committees shall follow and devise their own rules as further specified in the faculty handbook.

- 1 The Promotion and Tenure Committee shall consist of all voting faculty with tenure or long-term contracts. Each Spring semester, the members of the Promotion and Tenure Committee shall elect, by majority vote, the Chair of that committee for the following academic year. No one shall be elected to serve as Chair for more than two consecutive years.
- 2 The Executive Committee shall be composed of five members of the voting faculty (other than those holding decanal positions) elected by a majority vote of the voting faculty. The Dean shall sit as Chair of the Executive Committee but may appoint an interim chair from the Committee or from the voting faculty if the Dean cannot be present for a meeting.

3-3 Special Rules for the Promotion and Tenure Committee

1 Voting.

Members shall have the following voting rights:

- 1 All faculty members with tenure, excluding librarians, may vote on Committee policy and procedural issues, applications for tenure or appointment to long-term contracts, and reviews and reappointments of all probationary faculty members.
- 2 All faculty members with long-term contracts may vote on Committee policy and procedural issues related to long-term contract faculty, applications for appointment to long-term contracts, applications for promotion by faculty members holding long-term contracts or probationary long-term contract track faculty, and annual reviews of probationary long-term contract track faculty.
- 3 The voting rights described in subsections (1) and (2) above are subject to the exception that no member shall vote on an application for promotion to a rank which such member has not attained.

2 Functions and Responsibilities.

- 1 The Promotion and Tenure Committee shall establish, review, and make available to faculty and candidates for appointment all policies and procedures relating to reappointment, promotion, and grants of tenure and long-term contracts.
- 2 The Committee shall make recommendations respecting reappointments, promotion, and grants of tenure and long-term contracts in accordance with the established policies and procedures.
- 3 The Promotion and Tenure Committee shall recommend to the Dean the rank and tenure/long-term contract, or credit toward tenure /long-term contract, for lateral candidates.

3-4 Special Rules for the Executive Committee

1 Functions and Responsibilities.

- 1 The Executive Committee shall serve as an advisory board and source of information for the Dean.
- 2 The Dean shall consult the Executive Committee on all significant law school budget decisions, including the preparation of annual budget requests to the University. The Dean shall make available for Executive Committee review a copy of the annual budget.
- 3 At the last regularly scheduled faculty meeting of each school year, the Executive Committee shall report on its activities.

2 Procedure.

The Dean shall convene the Executive Committee at the Dean's discretion, at the request of a member of the Executive Committee, or at the written request of any three members of the voting faculty.

ARTICLE 4 FACULTY AND ADMINISTRATIVE RESPONSIBILITY

4-1 Recruitment of Academic Personnel.

- 1 No person shall be initially appointed as a voting faculty member, as defined in Section 1-2, without a two-thirds majority vote of voting faculty present in person or by proxy.
- 2 No person shall be offered a visit, with a promise of preferential consideration for future hiring with tenure or long-term contract, or onto the tenure/long-term contract track, without a two-thirds majority vote of voting faculty present in person or by proxy.
- 3 No faculty member, excluding librarians, shall be initially appointed with tenure or long-term contract without the approval of the Promotion and Tenure Committee.
- 4 A majority vote of the entire faculty is required for programmatic decisions entailing the creation of permanent or temporary faculty positions. These requirements shall not be considered to limit faculty authority over other programmatic issues.
- 5 The Dean or Dean's designate shall have authority, with advice of the Executive Committee, to appoint adjunct faculty members and visiting faculty members not subject to two-thirds (2/3) voting faculty approval under Article 4-1-2.

ARTICLE 5 EFFECTIVENESS OF CONSTITUTION

- 5-1 Savings Clause. If any portion of this Constitution is found to be invalid for any reason, including conflict with the laws of the State of Indiana or with any authority within the University, the remainder of this Constitution shall remain valid and binding.
- 5-2 Adoption and Amendment. This Constitution shall become effective when approved by three-fourths of the voting faculty and thereafter may be amended only by a specific amendment in writing approved in a secret ballot by three-fourths of the voting faculty. However, amendments relating to the Promotion and Tenure Committee shall require only a three-fourths vote of current, eligible Promotion and Tenure Committee members. The Faculty Secretary shall obtain ballots from the voting faculty who are not present in person or by proxy within 30 days.