BYLAWS OF THE PENN STATE LAW FACULTY GOVERNANCE ORGANIZATION*

* As amended, November 21, 2017; May 1, 2018; and November 6, 2018. Ratified by the University Faculty Senate, January 15, 2019.

SECTION I – MEMBERSHIP

The Faculty of Penn State Law constitutes Penn State Law’s plenary Faculty Governance Organization and consists of all persons bearing the ranks of Professors of Law; Clinical Professors of Law; Professors of Legal Writing or Legal Research; Assistant and Associate Professors of the foregoing; and comparable academic ranks. Senior Lecturers and Lecturers in Law, Distinguished Scholars in Residence, Professors of Practice, and those holding comparable academic titles shall be considered members of the Faculty if they are full-time employees of Penn State University and generally are expected to teach at least two law school courses each academic year.

SECTION II – FUNCTIONS

The Faculty Governance Organization shall have the following legislative, advisory and consultative, forensic, and interpretive functions.

(A) The Faculty Governance Organization shall serve as the law school’s legislative body in a manner consistent with Standard 201 (Law School Governance) of the American Bar Association’s standards for the accreditation of law schools. In that capacity, the Faculty Governance Organization shall be responsible for matters pertaining to the educational mission of Penn State Law.

(B) The Faculty Governance Organization shall act as a consultative and advisory body to the Dean on administrative matters affecting the law school.

(C) The Faculty Governance Organization shall exercise a forensic function, serving as a forum for the exchange of ideas among the members of the law school faculty.

(D) The Faculty Governance Organization shall be responsible for interpreting these Bylaws.

SECTION III – VOTING RIGHTS

(A) Except as provided below, the following persons shall be entitled to vote at faculty meetings:

The Faculty, as defined in Section I, who (i) were employed by the law school as of the effective date of these Bylaws; or (ii) were approved by the Faculty pursuant to Section IV(A).
(B) At meetings to consider faculty appointments, attendance, participation, and voting are limited to the Faculty. When considering the appointment of tenured or tenure-track faculty, voting is limited to tenured and tenure-track faculty. All votes to recommend the appointment of faculty members shall be conducted by secret ballot.

SECTION IV – FACULTY APPOINTMENTS

(A) Faculty approval is required (i) for any initial appointment under a fixed-term contract of greater than two years (hereinafter “long-term contract”) to a position that includes a requirement to teach students enrolled in the J.D., LL.M., pre-LL.M., or S.J.D. degree programs (hereinafter “Law Students”), and (ii) for any initial appointment under a fixed-term contract of two years or less (hereinafter “short-term contract”) that includes a requirement to teach Law Students and that is made with the expectation that successful performance will result in reappointment to a long-term contract. Faculty approval is also required before anyone is appointed or assigned to a position listed in Section I that carries the right to vote at faculty meetings under Section III. This provision does not apply to reappointments, except for the reappointment to a long-term contract of someone initially appointed under a short-term contract.

(B) The Faculty and the relevant Appointments Committee shall have a consultative role whenever anyone is hired under a short-term contract or assigned to teach Law Students.

(1) Consultation with the Faculty and the Appointments Committee under this section shall occur before anyone is assigned to teach Law Students, or is offered a position to teach Law Students on a short-term contract, including, without limitation, visitors, adjuncts, lecturers, teaching fellows, faculty from other units, academic administrators, or professional law librarians.

(2) The nature of the consultation with the Appointments Committee should be commensurate with the nature of the appointment and the urgency with which a decision about the appointment must be made. Generally, greater consultation should be involved in hiring for full-time, longer-duration teaching positions than for part-time or shorter-duration positions. (When a current or former Penn State Law student is being considered for appointment or assignment as an instructor with responsibility for teaching Law Students, the committee shall seek input from that individual’s professors.)

(3) The Faculty shall be given at least 72 hours’ notice and an opportunity to comment before any appointment or assignment is made under this section.

(4) This section shall not apply when individuals are reappointed to teach the same course(s).

(5) Individuals appointed under this section shall not be eligible to vote at faculty meetings pursuant to Section III.
SECTION V – MEETINGS

At the beginning of each semester, the Chair, in consultation with the Dean, shall schedule monthly meetings of the Faculty for times certain throughout the semester. The Chair, in consultation with the Dean, shall collect agenda items for those meetings, and the Chair shall preside at those meetings. The procedures set forth in the 11th edition of Robert’s Rules of Order shall be followed.

The right to attend and participate in faculty meetings shall extend to the Faculty, Law Library faculty, Emeritus faculty, visiting faculty, senior academic administrators, and other persons by invitation of the Chair or a simple majority of the Faculty.

The Chair may call special meetings of the Faculty and, upon written demand signed by five members of the Faculty, shall call special meetings, which shall be held at such time and place as the Chair shall designate. Notice of any special meeting ordinarily shall be given by e-mail to each member of the Faculty at least two working days prior to the meeting. In extraordinary circumstances, less than two days’ notice may be provided, but substantive decisions made at any such meeting may be reconsidered at a subsequent meeting on motion of any faculty member, provided that, except in extraordinary circumstances, a decision to overturn shall not deny validity to acts or omissions effected in reasonable reliance on the initial decision.

SECTION VI – QUORUM

A majority of the Faculty who are eligible to vote on a particular matter constitute a quorum concerning that matter, except that persons on sabbatical or authorized leave, or teaching in a foreign program, shall not be counted when determining the size of the Faculty unless they are present at the meeting. A member of the Faculty shall be considered present if he or she is physically present or in telephonic or audio-visual contact with the meeting. A faculty member who is not present at a meeting may vote by proxy. A motion is approved if more than one-half of the votes cast are in favor of the motion.

SECTION VII – OFFICERS

Officers of the Faculty shall be a Chair, Vice-Chair, and Secretary. They shall be elected by the Faculty at the first meeting each fall and will serve until their successors are selected. The Chair will conduct the Faculty’s correspondence and will preside at faculty meetings. Whenever the Chair is unavailable, the Vice-Chair will perform the Chair’s duties. The Secretary will keep an accurate record of the substance of all proceedings at faculty meetings and perform such other ministerial duties as either the Chair or the Faculty may from time to time direct.
SECTION VIII – COMMITTEES

The Faculty shall determine its committee structure and composition. The Faculty shall have the following standing committees: Academic Rules; Admissions; Appointments; Awards; Curriculum; Diversity; Faculty Rights and Responsibilities; Graduate and International Programs; Honor; and Promotion and Tenure. Additional Faculty Governance Organization committees may be created by a vote of a majority of the Faculty. The composition of the Promotion and Tenure Committee shall be determined by that Committee’s Bylaws. The Chair shall consult with the Dean and the Faculty, and propose for faculty approval, the membership of all other Faculty Governance Organization committees. Ex-officio members of committees shall have the same rights and responsibilities as other committee members.

SECTION IX – DELEGATION OF AUTHORITY

The authority vested in these Bylaws has been delegated by the University Faculty Senate.

SECTION X – AMENDMENTS

These Bylaws may be altered, amended, or repealed at any monthly or special meeting of the Faculty, provided that notice that changes to the Bylaws would be proposed was given at the preceding meeting and a copy of the proposed amendment was sent to all members of the Faculty at least five working days prior to the meeting at which the amendment was to be acted upon. Following approval, the amended Bylaws will be submitted by the Chair to the University Faculty Senate for ratification. An amendment shall take effect upon approval by the University Faculty Senate.