
**THE AMENDED AND RESTATED
BYLAWS, PROCEDURES, AND RULES
of
THE UNIVERSITY OF IDAHO COLLEGE OF LAW**

As Adopted by the
University of Idaho
College of Law Faculty
February 2, 2005,
and amended through
March 4, 2020

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Article I. General Principles

A. Mission Statement.

The mission of the University of Idaho College of Law is to:

1. Provide access across all cultures and ideologies to the highest quality of legal education;
2. Lead the region in promoting civil discourse on concerns of policy and law and in providing legal service to underserved populations; and
3. Contribute to the local, regional, national, and international scholarly dialogue on issues of critical importance in our time.

B. Statement of Purpose.

These Bylaws, Procedures, and Rules (Bylaws) are adopted by the Faculty of the College of Law (Faculty) in order to (1) implement the role of the Faculty in the College of Law as established by the resolution of the Regents creating the College of Law, (2) delineate the organization, procedures, and rules of the College of Law pursuant to the Faculty Constitution of the University of Idaho and the *university policies on faculty governance, employment, and academic matters*, as set forth in the [University Faculty Staff Handbook](#) (FSH) , and (3) ensure compliance by the College of Law with the Articles of Association of the Association of American Law Schools and the American Bar Association Standards for Approval of Law Schools which require primary and substantial control of the educational program of the law school by law faculty.

C. Authority of the Faculty.

The right of the Faculty to participate in the management of the affairs of the College of Law (College) is fully recognized. The right of the Faculty includes, without limitation, the right to vote on all major policy decisions and the right to be consulted on all decisions affecting the affairs of the College. The affairs of the College include, without limitation, library policies, curriculum, class schedules, the general requirements for graduation, the undertaking of major research programs involving commitments by the College, long-range plans for the development of the College, the selection of full-time additions to the Faculty, and the selection of a dean.

Article II. Organization of the Faculty

A. Voting Members.

The voting members of the College of Law Faculty shall be those who qualify as “university faculty” as defined in Article II, Section 1 of the Constitution of the University Faculty found in the Faculty Staff Handbook (FSH) at [Chapter 1, Section 1520](#). [rev. 02/14 per faculty vote of 02/05/2014, College of Law librarians are recognized as constituent faculty members of the College of Law and “university faculty” in conformance with the policies and practices of the Faculty-Staff Handbook.]

B. Non-Voting Members.

From time to time, the Dean may appoint adjunct faculty members and affiliate faculty members pursuant to [Article II, Section 3](#) of the Constitution of the University Faculty in FSH Chapter 1 Section 1520 and with responsibilities defined at [FSH 1565 F](#). Such faculty members are not voting members of the Faculty.

[Article II, § B amended by Faculty in August, 2012.]

C. Associate Deans.

1. One or more Associate Deans may be appointed by the Dean. Such appointments shall be made by the Dean with the advice and consent of the Faculty. No one shall be appointed as an Associate Dean who does not serve on the Faculty at the time of appointment or who has not been approved for faculty membership under the provision of Article III, §§ A or B of these Bylaws.
2. An Associate Dean shall serve at the pleasure of the Dean. If an Associate Dean is a tenured or tenure-track faculty member, at the conclusion of such service s/he shall return to the Faculty with the faculty rank and tenure status earned at the time of such return.
3. An Associate Dean shall assume such administrative duties as the Dean shall prescribe. If an Associate Dean has teaching responsibilities, such responsibilities may be reduced to accommodate assigned administrative responsibilities.
4. An Associate Dean who is a tenure-track faculty member shall be considered for tenure and promotion by the same process and according to the same standards as are applicable to other members of the Faculty.

D. Faculty Secretary.

At the first meeting of the Faculty in each academic year, a faculty secretary shall be appointed by the Dean from among the voting members of the Faculty to serve until the first meeting of the following year and until a successor shall have been selected. The Faculty Secretary shall keep minutes of all actions of the Faculty. Such minutes shall be reproduced and distributed to all faculty members as soon as possible after each meeting and shall become a part of the permanent records of the Faculty and of the College.

E. Meetings of the Faculty.

1. The Faculty shall meet in regular session at least once each month during the academic year at dates and times to be fixed by the Dean in consultation with the Faculty. Special meetings shall be called when necessary by the Dean, or in the Dean's absence, by any Associate Dean, or in the absence of the Dean and the Associate Deans, by the senior member of the Faculty in point of service at the College, or when requested by two or more voting members of the Faculty. Two days notice of special meetings shall be given, but may be waived by majority vote of those faculty members present at the special meeting, provided a quorum is present.
2. Except as otherwise provided in these Bylaws, a simple majority of the voting members of the Faculty on active duty shall constitute a quorum.
3. The Dean shall preside at Faculty meetings. In the Dean's absence, the Dean shall designate a member of the Faculty to preside. The presiding officer shall have the privilege of speaking to the merits of an issue without the necessity of temporarily relinquishing the chair and shall vote only when necessary to break a tie.
4. Except as otherwise provided in these Bylaws, decisions by a simple majority of the voting members present physically or electronically shall constitute the action of the Faculty.

F. Decisions Other Than in Meeting.

Faculty action may be taken without the holding of a formal meeting if the Dean finds both that immediate action is desirable and that debate is unlikely. In such cases, the Dean shall consult those faculty members personally affected and all other faculty members available. No action shall be taken unless a majority of those consulted agree, and any member

consulted may require that the action be postponed until it can be considered at a formal meeting. Actions taken, together with the reasons for immediate action, shall be reported to the Faculty Secretary for inclusion in the minutes. By way of example and not limitation, the types of decisions which may be made under this Section F on occasions which warrant are the consideration of student petitions for waiver of rules, the adjustment of teaching schedules and assignments, and similar matters.

G. Committees.

1. The Faculty shall carry out those of its functions hereinafter designated through the following standing committees:
 - a. The Admissions Committee.
 - b. The Curriculum Committee.
 - c. The Library Committee.
 - d. The Tenure and Promotion Committee (see Article V).
 - e. The Faculty Appointments Committee.
 - f. The Technology Committee.
 - g. The Diversity and Human Rights Committee.
 - h. Dean's Advisory Committee.
2. The Faculty may also establish special committees as needed through the passage of a resolution at a regular or special meeting.
3. Membership.
 - a. With the exception of the Tenure and Promotion Committee (membership set forth in Article V) and the Dean's Advisory Committee (membership set forth in subsection e. below), the Dean or Dean's designee shall appoint the members of standing and special committees, giving due regard to

preferences of the Faculty and to the desirability of a balance between rotation of membership and a retention of experience among membership in each year and each committee shall have a chair and a vice-chair, one from each College of Law location whenever possible.

- b. The Dean or the Dean's designee may appoint multiple subcommittees within the Appointments committee to reflect the anticipated hiring for the following year, and may make new appointments to the committee if new positions are opened for hiring. Subcommittees should include representation from the classification of the open position. The chair and vice-chair of the Appointments committee shall act in a coordinating role, but may delegate duties to a faculty member designated as subcommittee lead.
- c. The Dean shall appoint students, with due regard for individuals recommended by the President of the Student Bar Association, to the Curriculum Committee, Library Committee, Technology Committee, and the Diversity and Human Rights Committee. Together the student members of each these committee shall share one vote. Students may also be appointed to any special committee as deemed appropriate by the Dean.
- d. The Dean shall appoint members of the staff where appropriate and in consultation with their immediate supervisor.
- e. Not less than two-thirds of the voting authority in each committee shall reside in the faculty members.

- f. The Dean may sit ex officio with all committees and has the privilege of the floor but not of voting, except to break a tie vote.
- f. The Dean's Advisory Committee membership shall be composed of:
 - i. The chairs of the following standing committees: Diversity and Human Rights, Curriculum, and Technology
 - ii. One member appointed by the Dean, on a rotating basis, from the J.D. staff
 - iii. Two members elected annually by the faculty as a whole by ballot at the final faculty meeting of the academic year. One member shall be elected from the Boise faculty, and one member shall be elected from the Moscow faculty.
 - iv. One at-large faculty member appointed by the Dean to assure the broadest faculty representation possible on the Advisory Committee in light of the other members of the Advisory Committee.

4. Timing of Selection of Committee Members

- a. The Tenure and Promotion Committee: members shall be selected at the faculty meeting before the final faculty meeting of the academic year.
- b. Elected members of the Dean's Advisory Committee shall be selected at the final faculty meeting of the academic year.
- c. All other standing committee members shall be appointed prior to the final faculty meeting of the academic year.

5. Period of Service. All Committee members shall serve for a period specified by the Dean. It is not anticipated that any faculty member would serve as Chair of the same Standing Committee for longer than 3 consecutive years.
6. Charge of Standing Committees
 - a. The Admissions Committee. The Admissions Committee, pursuant to any instruction given by the Faculty or the Dean, and in conjunction with the Associate Dean for Students and Administration and the Director of Admissions, shall review applicant files, make all decisions regarding admission of applicants and the use and award of scholarships, address academic dismissal waiver petitions, and advise the Associate Dean for Students and Administration regarding admissions and financial aid initiatives for the College.
 - b. The Curriculum Committee. The Curriculum Committee shall lead curricular planning and development of proposals for curricular change, shall provide a forum for investigation and discussion of innovation in teaching, and shall consider any proposals for changes to the curriculum developed independently of the Committee.
 - c. The Library Committee. The Library Committee, working in cooperation with the Law Library Director (serving as chair), shall establish the purchasing policies and priorities concerning the acquisition and cancellation of library materials, study practices to improve reader service, develop library rules and policies concerning reader use, and consider of improvements concerning library facilities.
 - d. The Tenure and Promotion Committee (see Article V, § B).

e. The Faculty Appointments Committee. The Faculty Appointments Committee, in consultation with the Faculty, shall administer the hiring process for faculty appointments.

f. The Technology Committee. The Technology Committee shall assess the needs of the College of Law regarding technology, shall consider the options for meeting those needs, and shall recommend to the Law faculty specific solutions for those needs. The committee process shall include coordination with the Curriculum Committee.

g. The Diversity and Human Rights Committee. The Diversity and Human Rights Committee shall fulfill the College of Law's commitment to diversity and inclusiveness by fostering a community of mutual respect among our students, staff and faculty in order make a vibrant community of scholars, lawyers and professionals.

h. Dean's Advisory Committee. The Dean's Advisory Committee shall advise the Dean on issues related to the mission, strategic plan, and program of education at the College of Law.

[Note: Subsection G on committees was significantly revised on 3/5/2014.]

H. Special Assignments.

1. The Faculty shall be responsible through an advisor for the conduct of the following activities:
 - a. All law reviews and law journals.
 - b. Appellate moot court competitions, both intramural and interscholastic.
 - c. Legal fraternities.

2. The Dean shall appoint faculty members to hold special assignments except in those instances where the advisor is selected by the students of the organization involved. In making such appointments the Dean shall give due regard to the individual's teaching load, committee assignments, and other comparable considerations.
3. Each year the Dean shall appoint faculty members to serve on such University committees, councils, and other bodies as require College representation, except for the College's representative to the Faculty Senate, who shall be selected as provided in Section H.4 below. Those faculty appointed shall serve until their successors have been appointed.
4. Procedures for nominating and electing a representative of the College of Law to the Faculty Senate shall be as follows:
 - a. Nominations
 - i. Nominations will be taken in the Spring of the year that the College of Law's Faculty Senate representative's term expires.
 - ii. Anyone wishing to make a nomination, including a self-nomination, may do so by sending an email to the Associate Deans for Faculty Development one full week before the April faculty meeting in said year, identifying the nominee.
 - iii. Any faculty member is eligible to be nominated, including non-tenure-track faculty, untenured faculty, and faculty who have already served in the Faculty Senate.
 - iv. The Associate Dean in the location of the nominee shall confirm with the nominee her or his willingness to serve if elected.

- v. No less than two days before the April faculty meeting, the list of candidates – i.e., individuals nominated, who have confirmed their willingness to serve – will be circulated by the Associate Deans to the full faculty.
- vi. If there are no nominations, or if no one who is nominated has indicated a willingness to serve, this list of candidates will include only two names: the two most senior members of the faculty who have not yet served in the Faculty Senate. This provision reflects the consensus of the faculty that everyone on the faculty owes a duty of service to the College and to the University, and should take an equal turn serving in the assignments no one otherwise desires.

b. Voting

- i. At or before the April faculty meeting, any candidate who so desires will be given an opportunity to make a short statement about her or his candidacy.
- ii. If there are two or more candidates listed, at the April faculty meeting, a vote will be taken by secret ballot, with each faculty member indicating her or his first choice among the listed candidates.
 - A. If, after the ballots are counted, one candidate has a majority of the votes, that candidate will be deemed elected and will serve a three-year term in the Faculty Senate. If no

candidate receives a majority of the votes cast, the candidate with the lowest non-zero number of votes (as well as any candidate who received zero votes) will be eliminated from consideration, and a new vote will be taken, again by secret ballot, on the candidates who remain.

B. Step 2(b)(i) will be repeated until one candidate emerges with a majority of votes.

c. Exceptions

- i. By majority vote, the faculty may amend these procedures at any time, and make exceptions as occasion requires, so long as the procedure comports with the requirements of the Faculty Staff Handbook. See [FSH 1520 V-6](#) (e.g. vote must be by secret ballot, conducted before April 15).
- ii. If any vacancy occurs for any reason, these procedures should be adapted to the circumstance and followed as closely as practicable, *mutatis mutandis*.

Article III. Faculty Personnel Procedures

A. Additions to the Full-Time, Tenure-Track and Clinical Faculty.

1. The Faculty Appointments Committee or its appropriate subcommittee shall be responsible for considering, screening, and arranging preliminary interviews with applicants and nominees (including those listed on professional registers) for full-time, tenure-track and clinical faculty positions on the Faculty. The Committee

will consult regularly with the Faculty and the Dean and shall make its recommendations to them.

2. Suggestions and nominations for additional full-time, tenure-track and clinical faculty members may be made by the Dean or by any faculty member.
3. Selection of an individual to be recommended by the College of Law to the University Administration and to the Regents for full-time, tenure-track and clinical faculty appointment shall be made upon a two-thirds favorable vote of all faculty members, including the Dean, in attendance (in person, telephonically, or by other means permitting simultaneous communication) and voting at the meeting where the selection occurs. If there be more than one individual whom the Faculty deems acceptable by this test, the individuals shall be tendered appointments in the order determined in preferential balloting. Two-thirds of the voting faculty members on active duty shall constitute a quorum for the selection meeting.

B. Temporary and Part-Time Appointments.

In so far as practicable, the Dean shall consult with the Faculty in selecting part-time and temporary lecturers, adjunct instructors, and visiting faculty or in making a temporary appointment from the Faculty to the position of Associate Dean.

C. The Granting of Tenure.

1. Tenure shall be granted in accordance with general University rules and regulations and in accordance with the standards and procedures set forth in these Bylaws.
2. Recommendations for the grant of tenure shall be forwarded to the University Administration by the Dean after consultation with all faculty members holding tenure, upon the approval of a majority of such faculty members, and after approval

by the Tenure and Promotion Committee following the process set forth in Article V of these Bylaws.

D. Promotion.

1. Recommendations for promotion in rank of tenure-track faculty shall be forwarded to the University Administration by the Dean after consultation with all tenure-track faculty members higher in current rank than the individual under consideration, with the approval of a majority of such individuals, and after approval by the Tenure and Promotion Committee following the process set forth in Article V of these Bylaws.
2. Recommendations for promotion in rank of clinical faculty shall be forwarded to the University Administration by the Dean after consultation with all clinical faculty and all tenure-track faculty higher in current rank than the individual under consideration, with the approval of a majority of such individuals, and after approval by the Tenure and Promotion Committee. For example, Associate Clinical Professors and Associate Professors on tenure-track could vote on an Assistant Clinical Professors promotion to Associate Clinical Professor. Similarly, Clinical Professors and Professors on tenure-track could vote on an Associate Clinical Professors promotion to Clinical Professor.

E. Salaries.

Recommendations for periodic salary adjustments shall be forwarded to the University Administration by the Dean in accordance with applicable University rules and regulations. The Dean will confer with each faculty member individually before forwarding recommendations in order that the member may review all activities which may warrant consideration.

F. The Selection of a Dean.

1. The Faculty shall be consulted with respect to the appointment of a dean.
2. The College shall select a pool of Faculty member candidates to present to the provost, as provided in [FSH 1420 D-1 b](#), from which pool the provost makes appointments to the search committee. The pool shall be established by a vote of the Faculty and full-time staff of the College of Law, after nominations and self-nominations are received. The candidate pool presented to the Provost shall contain faculty member candidates from both Boise and Moscow. Faculty member candidates shall be added to the candidate pool in proportion to the number of faculty members at each location, and the candidate pool shall be presented to the provost with an expression of the College's expectation that the faculty representatives appointed to the search committee will reflect a similar locational proportionality.
2. An indication of loss of confidence in the person serving as dean by the majority of the voting members of the Faculty shall be communicated to the dean and to the provost.

Article IV. Faculty Third-Year Review, Promotion and Tenure Standards

A. General.

1. Standards: The standards for promotion and tenure are those set forth in the University Faculty Staff Handbook (FSH) and this Article of the College bylaws. University standards for promotion and tenure at the University of Idaho are found in the University Faculty-Staff Handbook in [Sections 1565](#) (academic ranks and

responsibilities); [3050](#) (position descriptions and performance expectations); [3320](#) (periodic performance evaluations and salary determination of faculty members); [3520](#) (faculty tenure); [3530](#) (non-tenure track faculty promotions) and [3560](#) (tenure-track faculty promotions). Any person hired at the College in a tenure-track or clinical faculty position shall be given a copy of, or electronic access to these standards and procedures as well as a copy of the provisions of these Bylaws relevant to promotion and tenure for their position. Unless otherwise agreed by the Faculty, Dean, and candidate, these standards and procedures shall be considered part of the contract of employment.

2. Process. A faculty member will be considered for tenure according to the timing rules prescribed in the University FSH and other applicable University and Board policies and rules.. A faculty member may request an extension of time within which to be considered for tenure in accordance with the standards and procedures prescribed in the FSH and other applicable University and Board rules and policies. The procedures to be followed in recommending tenure are those set out in this Article the College Bylaws as well as Chapter 3.5 of the Faculty-Staff Handbook.

B. Third Year Review.

1. Process: The performance of each tenure track, untenured faculty member shall be reviewed during her/his third year of employment by a committee of three tenured faculty members. The performance of each assistant clinical faculty member shall be reviewed by a committee by three faculty members, the majority of whom are clinical faculty with the rank of associate or higher, during her/his third year of employment in the clinical faculty classification according to a timetable agreed

upon by the Dean and faculty member. The committee shall be selected by the Dean after consulting with the faculty member and after giving due weight to the faculty member's recommendations on membership. The committee shall provide a copy of its report to the faculty members. It shall discuss its report with the faculty member and provide him/her an opportunity to comment on the report. After receiving and considering the faculty member's comments, the committee shall finalize the report and submit it to the Dean. The Dean shall discuss the report with the faculty member, prepare a written summary of the report, and provide her/his own assessment. If the Dean's assessment differs significantly from that of the committee, he/she shall note the differences in writing to the faculty member.

2. Standards: A faculty member's teaching, scholarship, outreach and service for tenure (for tenure-track faculty) and promotion (for clinical faculty) will be reviewed to advise on whether the faculty member is making adequate progress to achieve College standards for tenure or promotion set forth below for the relevant position classification. The review is advisory and is intended to provide the faculty member with an assessment of his/her strengths and weaknesses and with recommendations on her/his progress toward meeting the College's tenure and/or promotion expectations.
3. Evidence: The review shall consist of an assessment of the faculty member's teaching, scholarship, outreach, and service consistent with the position description of the faculty member. In addition to the faculty member's annual reviews, the review shall be based on the following:

- a. Teaching: Evaluation shall be based on observation of teaching in either classroom or clinical setting by each member of the review committee, scheduled in consultation with the faculty member, and committee review of the faculty member's teaching evaluations.
- b. Scholarship: The faculty member will provide the committee all scholarship, including manuscripts that are under consideration for publication. For clinical faculty, this may include evidence of professional development activities, educational materials, articles in the state bar journal, and CLE materials.
- c. Outreach: The faculty member will provide the committee with any materials developed as part of an outreach effort, and a list of all outreach efforts.
- d. Service: Service for tenure track faculty, and for faculty in the classification of clinical faculty requires evidence appropriate to the faculty member's position description.

C. Standards and Evidence for Tenure.

1. Standards and Evidence for Tenure for Doctrinal Faculty

Evidence of excellence in teaching, scholarship, outreach, and service must be reflected in the candidate's professional portfolio, third year review and annual evaluations. Subject to Section H of this Article, to qualify for tenure within the College, a doctrinal faculty candidate must demonstrate:

- a. Excellence in Teaching.

- i. Standard: Excellent teaching is characterized by a number of factors including, but not limited to, effective dissemination of knowledge in the classroom and/or clinical setting, the development of innovative course materials, the design and incorporation of effective teaching strategies, and the effective advising and mentoring of students outside the classroom.
 - ii. Evidence: Excellent teaching may be demonstrated by appropriate student evaluations and favorable review of teaching by faculty colleagues who have observed the candidate's classroom. Excellent teaching may also be demonstrated through creation of quality teaching materials, attention to effective course organization, and effective advising and mentoring of students outside the classroom.. The Tenure and Promotion committee members shall, after giving fair notice, arrange to visit the candidate's classes and to discuss their observations with the candidate.
- b. Excellence in Scholarship.
 - i. Standard: Excellent scholarship is characterized by demonstrated command of the area of inquiry, by substantial depth of inquiry, by creativity, and by quality that meets the expectations for legal education professionals including those engaged in interdisciplinary research and scholarship. At a minimum, a doctrinal faculty

candidate for tenure is expected to have the equivalent of two major law review articles accepted for publication to achieve tenure.

- ii. Evidence: Scholarship may be demonstrated in a number of ways including, but not limited to, publication of books, law review articles, and articles in other scholarly journals. The candidate must include an explanation of contribution to co-authored scholarship and the co-authored scholarship will count in accordance with percent contribution. Review of the candidate's record, including her/his scholarship, by peers outside the College is expected, in accordance with Section I of this Article.
- c. Excellence in Outreach:
 - i. Standard: Excellence in outreach is characterized by impact and may occur at the local, regional, national or international level.
 - ii. Evidence: Excellence in outreach may be demonstrated by activities including, but not limited to, participation in CLE programs, service on committees appointed by the bench, bar, or other professional organizations, pro bono legal services, consultation with government agencies, preparation of practice-related materials, service on governmental commissions or boards, involvement with law reform projects, and public education on legal matters.
- d. Excellence in Service.

- i. Standard: Excellence in service to the University community includes collegial participation on College and University committees and, if relevant, program development.

2. Standards for Tenure for Tenure Track Faculty Assigned to the Clinic.

Evidence of excellence in teaching, scholarship, outreach, and service must be reflected in the candidate's professional portfolio and annual evaluations. Subject to Section H. of this Article, to qualify for tenure within the College, a faculty candidate serving in the clinic must demonstrate:

a. Excellence in Teaching.

- i. Standard: The candidate is expected to have demonstrated high quality, effective teaching of professional skills in the clinical setting, including demonstrated effectiveness as a lawyer and professional role model for the students. Excellent teaching is characterized by a number of factors including, but not limited to, effective dissemination of knowledge in the classroom and/or clinical setting, the development of innovative course materials, the design and incorporation of effective teaching strategies, and the effective advising and mentoring of students outside the classroom.
- ii. Evidence: Excellent teaching may be demonstrated by appropriate student evaluations and favorable review of teaching by faculty colleagues who have observed the candidate's classroom and/or clinical teaching. Excellent teaching may also be demonstrated through creation of quality teaching materials, attention to effective

course organization, and effective advising and mentoring of students outside the classroom or clinic context.

b. Excellence in Outreach.

i. Standard: The candidate is expected to have engaged in significant involvement with and outreach to the practicing bar, the legal community, and the public. Because the candidate is a teacher of professional skills and a faculty representative of the practice of law, these expectations of service are greater than for a non-clinical tenure candidate.

ii. Evidence: Excellence in service to the community outside the University may be demonstrated by activities including, but not limited to, participation in CLE programs, service on committees appointed by the bench, bar, or other professional organizations, pro bono legal services, consultation with government agencies, preparation of practice-related materials, service on governmental commissions or boards, and involvement with law reform projects.

c. Excellence in Scholarship.

i. Standard: Excellent scholarship is characterized by demonstrated command of the area of inquiry, by substantial depth of inquiry, by creativity, and by quality that meets the expectations for legal education professionals including those engaged in interdisciplinary research and scholarship. Scholarship focus may be applied including focus on clinical teaching methodology and the application of professional

skills. A survey or guide to an area of the law which is largely descriptive rather than analytic ordinarily would not fulfill the demands of good scholarship; however, a work which provides an authoritative reference work for an area of the law and demonstrates comprehensive command of the area might demonstrate good scholarship even though largely descriptive. Ordinary supervision of student work in the clinic does not qualify as scholarship. If undertaken outside the context of student supervision, litigation briefs which seek significant reform or clarification of important legal doctrine might demonstrate good scholarship; the briefs in unremarkable litigation under conventional rules would not. The preparation of essentially descriptive materials for a CLE program ordinarily would not demand the qualities required of good scholarship, whereas another program which addressed novel issues in depth or proposed significant law reform might. Good scholarship might be demonstrated by service, with significant responsibilities for the supporting research and drafting, on a committee charged with revision or reform of an area of the law. The development of teaching materials and methods of instruction ordinarily would be considered part of a clinical faculty member's teaching obligations. Nonetheless, the development of new forms of instruction and supporting materials which materially advance the process of clinical instruction might demonstrate the qualities of good scholarship as well. The quality of scholarly work produced by a

tenure-track faculty member in the clinic shall be equivalent to that expected of other tenure-track faculty members. The quantity shall be commensurate with the amount of time allocated to research and scholarship in the clinical faculty member's position description. The clinical faculty member's scholarly obligations shall be determined at the time of hire, and reiterated during the clinical faculty member's third year review.

- ii. Evidence: Excellence in scholarship for a tenure-track faculty member assigned to the clinic may be demonstrated in a number of ways including, but not limited to, publication of books, law review articles, and articles in other scholarly journals as well as any appropriate forum for applied scholarship. The candidate must include an explanation of contribution to co-authored scholarship and the co-authored scholarship will count in accordance with percent contribution. Review of the candidate's record, including her/his scholarship, by peers outside the College is required, in accordance with Section I of this Article.
 - d. Excellence in Service: Excellence in service shall be assessed by the same standards and evidence as provided for Tenure-Track Doctrinal Faculty with expectations appropriate to the position description of the faculty member.
3. Standards for Tenure for Tenure Track Faculty Assigned to the Law Library.
- a. Excellence in Librarianship.

- i. Standard: For law library faculty candidates who do not have for credit teaching assignments, librarianship — in lieu of teaching — is the primary responsibility. Librarianship is defined as the competent performance of regular library and administrative responsibilities as stated annually in position descriptions (in accordance with FSH [1565](#) C-2, C-3, and C-4, as applicable). For all law library faculty this means professional, administrative, and intellectual competence. Additionally, law library faculty with supervisory or managerial responsibilities will also be evaluated for supervisory or managerial competence. Library responsibilities include providing reference and research services to faculty, staff, students, and the public; collection cataloguing; collection management; materials acquisition, maintenance, and processing; or other activities related to the operation of the library.
- ii. Evidence: developing library resources through the selection and acquisition of library materials; formal and informal instruction of library users on effective use of library resources; extending access to library resources through bibliographic control; using bibliographic tools to assist users in information acquisition, use, or analysis; organizing bibliographic information; developing programs which

facilitate the delivery or use of information or library services or resources; extending access to library resources through technological devices or means (e.g., web pages, networks); and, improving unit performance or effectiveness through initiative and creative problem-solving.

b. Excellence in Teaching.

- i. Standard: For candidates with for-credit teaching assignments, the candidate is expected to have demonstrated high quality and effective teaching. Excellent teaching is characterized by a number of factors including, but not limited to, effective dissemination of knowledge in the classroom, the development of innovative course materials, the design and incorporation of effective teaching strategies, and the effective advising and mentoring of students outside the classroom.
- ii. Evidence: Excellent teaching may be demonstrated by appropriate student evaluations and favorable review of teaching by faculty colleagues who have observed the candidate's classroom teaching. Excellent teaching may also be demonstrated through creation of quality teaching materials, attention to effective course organization, and effective advising and mentoring of students outside the classroom. Evidence of excellent for-credit teaching should

be reflected in the candidate's professional portfolio. To the extent a law library faculty member has these teaching responsibilities, untenured faculty members are encouraged to invite colleagues to their classes and to seek advice from senior members of the Faculty. In addition, at the time of any evaluation, the committees charged with making decisions shall review the material on teaching included in the candidate's professional portfolio. The committee members also shall, after giving fair notice, arrange to visit the candidate's classes to discuss their observations with the candidate.

c. Excellence in Outreach

- i. Standard: The candidate is expected to have engaged in significant outreach outside of the University community, the larger library community, the practicing bar, the legal community, and the public.
- ii. Evidence: Excellence of Outreach may be demonstrated by participation in a state, regional, national, or international information science, library, or legal education organization or association, participation as an officer or board member of a professional or governmental organization or its sub-unit, participation as an officer or board member of an organization designed to serve the bench or practicing bar, or participation in CLEs.

- d. Excellence in Service: Excellence in service shall be judged by the same standards and evidence as provided for Tenure-Track Doctrinal Faculty with expectations appropriate to the position description of the faculty member.
- d. Excellence in Scholarship.
 - i. Standard: The candidate is expected to have made significant scholarly contributions, published, or otherwise disseminated in a professional forum dedicated to the areas of information science, study or technology; law librarianship; legal research; librarianship; or legal education, theory, or practice. Research in a doctrinal area of law may also satisfy this requirement. Such contributions may be as an author, editor, or indexer and may include: articles; preparation of substantial bibliographies, guides, or other resources designed to enhance, access, or widen use of library or legal information resources; or new forms of instruction and supporting materials which materially advance the process of legal research or legal information-related instruction. The quality and quantity of scholarly work produced by a tenure-track library faculty member shall be equivalent to that expected of non-library tenure-track faculty members.
 - ii. Evidence: Good scholarship is characterized by demonstrated command of the area of inquiry, by substantial depth of inquiry, by creativity, and by quality which meets the expectations for legal

information and library professionals. Additionally, the following are among the more important indicators of a substantial scholarship effort in the area of information science, study or technologies, law librarianship, or legal research, specifically: the work delineates the research area; the work apprises the reader, when appropriate, of the current state of inquiry with respect to the research area; the work demonstrates a mastery of knowledge considered relevant to the particular research area; the work demonstrates a high level of analytical or bibliographic proficiency; the work reveals a capacity to synthesize ideas and data from diverse sources and disciplines; the work, if non-bibliographic, demonstrates the skillful use of analogy, factual and theoretical; the work, if bibliographic, demonstrates that the author commands expertise and skill in employing and analyzing the research tools appropriate to the task; the work reflects a well-developed critical capacity; the work reflects the ability to develop new models or make additions to previously developed models; the work reflects a capacity to be creative, imaginative, and original.

D. Standards for Promotion from Tenure-Track Assistant Professor to Associate Professor

Tenure-track faculty members hired at the level of assistant professor will be considered for promotion according to the timing rules prescribed in the FSH and in any other applicable University or Board rules and policies. The procedures to be followed in recommending promotion are those set out in these Bylaws as well

as the Faculty-Staff Handbook. For promotion from assistant to associate professor, faculty members must meet the criteria and follow the process for tenure.

E. Standards for Promotion of Tenure-Track Faculty to Full Professor.

Faculty members will be considered for promotion according to the timing rules prescribed in the FSH and in any other applicable University or Board rules and policies.. The procedures to be followed in recommending promotion are those set out in these Bylaws as well as the Faculty-Staff Handbook. For promotion from associate professor to full professor, a faculty member must demonstrate continued excellence in the categories defined previously. At least one additional major scholarly article or its equivalent is required for promotion to the rank of professor for doctrinal faculty hired before October 1, 2017, and at least two additional major scholarly articles or their equivalent for those hired on or after October 1, 2017.

F. Standards for Promotion of Clinical Faculty

The granting of promotion reflects and recognizes a candidate's potential long-range contributions to the College and University, as evidenced by professional performance and growth. The classification of the position of clinical faculty is defined in the FSH ([1565 D-9](#)) and such faculty are considered for promotion from assistant, to associate, to full, along the same timelines and with the same process as set forth for tenure-track faculty in FSH [3560](#).The standards for extension of an initial 5-year contract to a clinical faculty member are the same as the standards for promotion from Assistant Clinical Professor to Associate Clinical Professor. Thereafter, renewal of a five year contract for a full Clinical Professor is subject to Article IV.F.5 of these Bylaws. Clinical faculty members are expected to strive for excellence in all aspects of their university functions. The time allocated for effective teaching, scholarship and service will vary with an individual's

annual position description, an individual faculty member's interests and the needs of the College. The annual proportion of a candidate faculty member's time allocated to these functions in her/his position description must be considered in the evaluation of promotion. It is the Dean's responsibility, in consultation with the faculty member's supervisor, to inform the faculty member of her/his annual performance, progress toward third-year review, as well as overall progress toward promotion as part of the annual performance evaluation process. This progress should be documented in writing and included on, or as an attachment to, the annual performance evaluation form. If significant issues are raised in the annual evaluations or third-year review, responses to those issues should be documented by the faculty member being reviewed (see FSH [3520](#) H-3).

The classification of clinical faculty applies to faculty with widely divergent job descriptions at the College of Law, thus application of the general criteria in the following sections must be consistent with the position descriptions of the faculty member seeking promotion.

1. Standards and Evidence for Promotion of Assistant Clinical Faculty Assigned to the Law Clinic
 - a. Excellence in Teaching. Excellence in teaching will be judged by the same standards and evidence as provided for Tenure-Track Faculty Assigned to the Law Clinic with expectations appropriate to the position description of the clinical faculty member.
 - b. Excellence in Outreach.
 - i. Standards. A Clinical faculty member shall demonstrate significant outreach through: bar activities (such as membership in bar section,

Inns of Court, court initiatives); engagement with other professional organizations; engagement with peers at other institutions or national associations; teaching, training, certification, and other dissemination of information to the general public, practitioner, and specialty audiences; volunteer development and establishment/maintenance of relationships with private and public organizations; and unpaid extramural consultation and other professional services to individuals, organizations, and communities.

- ii. Evidence of effective outreach activities may include, but is not limited to: documentation of the process by which needs were identified and what steps were taken to deliver carefully planned and implemented programs; numbers of individuals and types of audiences affected; evaluation by participants in outreach activities; other measures of significance to the discipline/profession, state, nation, region and/or world; quantity and quality of outreach publications and other mass-media outlets; evaluation of the program's effects on participants and stakeholders; awards, particularly those involving peer evaluation; letters of commendation from individuals within organizations to whom service was provided; service in a leadership role of a professional or scientific organization as an officer or other significant position;

and other evidence of professional service oriented projects/outputs.

c. Excellence in Service: Excellence in service shall be judged by the same standards and evidence as provided for Tenure-Track Doctrinal Faculty with expectations appropriate to the position description of the faculty member.

d. Excellence in Scholarship. Scholarship is not generally an expectation of Clinical faculty assigned to the Clinic. Evaluation of scholarship may be appropriate where, after consideration of all other responsibilities, a faculty member's position description includes a scholarly component. Scholarship in the absence of such a requirement should be considered a sign of excellence.

i. Standards: Applied scholarship that serves the legal profession and other professional entities is highly valued.

ii. Evidence: Scholarship can be demonstrated through impact within the national market, professional development activities, development of educational materials, articles in the state bar journal, and CLE materials.

2. Standards and Evidence for Promotion of Assistant Clinical Faculty Assigned to the Law Library

a. Excellence in Librarianship: Excellence in librarianship will be judged by the same standards and evidence as provided for Tenure-Track Faculty

Assigned to the Law Library with expectations appropriate to the position description of the clinical faculty member.

- b. Excellence in Teaching: Clinical faculty assigned teaching duties shall be subject to the same standards and evidence as tenure-track faculty assigned to the Library.
 - c. Excellence in Outreach. Excellence in outreach will be judged by the same standards and evidence as provided for Tenure-Track Faculty Assigned to the Law Library with expectations appropriate to the position description of the clinical faculty member.
 - d. Excellence in Service: Excellence in service shall be judged by the same standards and evidence as provided for Tenure-Track Doctrinal Faculty with expectations appropriate to the position description of the faculty member.
 - e. Excellence in Scholarship: Scholarship is not an expectation of clinical faculty assigned to the Library. Evaluation of scholarship may be appropriate where, after consideration of all other responsibilities, a faculty member's position description includes a scholarly component. Scholarship in the absence of such a requirement should be considered a sign of excellence. Clinical faculty assigned scholarship obligations shall be subject to the same standards and evidence as tenure-track faculty assigned to the Library.
3. Standards and Evidence for Promotion of Assistant Clinical Faculty Assigned to the Legal Analysis and Writing Program

- a. Excellence in Teaching: Clinical faculty assigned to the legal analysis and writing program are expected to place their greatest emphasis on excellence in teaching.
 - i. Standards: Excellent teaching is characterized by a number of factors including, but not limited to, effective dissemination of knowledge in the classroom including the technical and analytical aspects of legal writing, the development of innovative course materials, the design and incorporation of effective teaching strategies, the design and incorporation of effective strategies to assess student progress in legal writing and analysis, and the effective advising and mentoring of students.
 - ii. Evidence: Excellent teaching may be demonstrated by appropriate student evaluations and favorable review of teaching by faculty colleagues who have observed the candidate's classroom. Excellent teaching may also be demonstrated through creation of quality teaching materials, attention to effective course organization, and effective advising and mentoring of students outside the classroom or clinic context. Clinical faculty members in the Legal Analysis and Writing Program are encouraged to invite colleagues to their classes and to seek advice from senior members of the Faculty. In addition, at the time of any

evaluation, the committees charged with making decisions shall review the material on teaching included in the candidate's professional portfolio. The committee members also shall, after giving fair notice, arrange to observe the candidate's teaching and to discuss their observations with the candidate.

- b. Excellence in Service: Excellence in service shall be judged by the same standards and evidence as provided for Tenure-Track Doctrinal Faculty with expectations appropriate to the position description of the faculty member.
- c. Excellence in Outreach. Outreach is not generally an obligation of clinical faculty assigned to the Legal Analysis and Writing Program. Clinical faculty assigned outreach obligations shall be subject to the same standards and evidence as clinical faculty assigned to the Clinic.
- d. Excellence in Scholarship. Scholarship is not an expectation of clinical faculty assigned to the Legal Analysis and Writing. Evaluation of scholarship may be appropriate where, after consideration of all other responsibilities, a faculty member's position description includes a scholarly component. Scholarship in the absence of such a requirement should be considered a sign of excellence. Clinical faculty assigned scholarship obligations shall

be subject to the same standards and evidence as clinical faculty assigned to the Clinic.

G. Standards for Promotion of Faculty to Full Clinical Professor and for Renewal of 5-Year Contracts

1. Standards for Promotion of Faculty to Full Clinical Professor

Clinical faculty members shall be considered for promotion according to the timing rules prescribed in the FSH and in any other applicable University or Board rules and policies. The procedures to be followed in recommending promotion are those set out in these Bylaws and the FSH. For promotion to full clinical professor a faculty member must demonstrate continued excellence and regional or national recognition in the categories defined previously.

2. Standards for Renewal of 5-Year Contracts

Standards for renewal of multi-year contracts for clinical professors. A review of each full clinical faculty member shall be conducted every five years as a condition of renewal of her or his multi-year contract. The review shall be conducted by the Dean or the Dean's designee. The Dean shall review the faculty member's annual performance evaluations and position descriptions, as well as evidence of the faculty member's continued and consistent evidence of excellence in each of the categories relevant to the faculty member's promotion to associate clinical professor. Upon the request of the faculty member, the dean shall appoint a three person committee following the procedures for appointing a third year review committee to conduct a more thorough the review and to advise the dean on whether the clinical faculty member's multi-year contract should be renewed.

H. Special Considerations.

Faculty members hired to positions requiring special qualifications (for example, the library director or the clinic director) may be considered for tenure and/or promotion based on criteria appropriate to their appointments. Those specialized criteria shall be approved by the Faculty prior to hiring and shall be explicitly articulated at the time of employment to the persons to whom they apply.

I. Development of Packet for Promotion and Tenure

1. Professional Portfolio. Each candidate for tenure or promotion must create a professional portfolio that complies with FSH [3570](#) and all other applicable University and Board requirements. Faculty engaged in co-authored scholarship must include an explanation of their contribution to any co-authored article, book, or book chapter in the scholarship section of their professional portfolio. All evidence submitted to a third year review, tenure and/or promotion committee should normally be contained in the professional portfolio. Normally evidence of productivity, scholarly ability and student success should include copies of all scholarly works and should include copies of student evaluations of teaching.
2. Peer Reviews. For every candidate for tenure or promotion with scholarship as part of their position description, the Dean or the Dean's delegate shall solicit reviews of the candidate's record from at least three peers consistent with FSH [3520](#) G-5(b) and [3560](#) E-3.

**Article V. College Committees and Process for Faculty Tenure,
Promotion, and Post-Tenure Evaluation**

A. Establishment of Committees.

As required by the provisions of Faculty–Staff Handbook, this Article sets forth the composition, method of selection, and procedures of the College of Law Standing Tenure and Promotion Committee (see Article II, § G-1-d). Further, in compliance with FSH, the Standing Tenure and Promotion Committee shall serve as the unit “tenure-recommending committee.” Section H of this Article-provides for the creation of a Review Committee in accordance with FSH 3320 C, if necessary for post-tenure faculty review.

B. Composition and Selection of Tenure and Promotion Committee.

1. Faculty Membership. Three members and three substitutes shall be selected by lot from among the tenured faculty members, excluding the Dean and the Associate Deans. Two members and three substitutes shall be selected by lot from among the untenured faculty members in the classification (i.e. tenure track or clinical) of the candidate for tenure or promotion with at least one from the area in which the candidate is assigned (i.e. library, legal analysis and writing, clinic, doctrinal), excluding the Dean. If multiple candidates will be reviewed for tenure or promotion, multiple assemblages of untenured faculty committee members will be selected. Faculty representatives and substitutes shall serve three-year terms as required by the FSH. Initial terms shall be staggered to assure that about one-third of the terms expire each year. In the event that there are too few faculty members in either the tenured or untenured categories to fill all of the positions on the committee, the number of substitutes in the category shall be reduced to account for the deficit. If that does not account for the deficit, the number of members in

the category shall be reduced to the number of faculty members in the category who are available and able to serve on the committee. The number of preemptory challenges shall be unchanged by any such adjustment in the number of committee members, and if challenges eliminate entirely one of the categories of faculty participants, the committee will proceed with the remaining members. No faculty member shall serve on the Tenure and Promotion Committee during any year in which that faculty member is a candidate for tenure or promotion. [Last sentence added 4/16/2014.] For purposes of review of any faculty member for whom interdisciplinary work is a significant portion of the faculty member's position as defined in Article IV, one additional committee member shall be selected by the chair of the Tenure and Promotion Committee from a list of faculty from the interdisciplinary program(s) the member is affiliated with after consultation with the faculty member.

2. Student Input. Student evaluations shall be part of the record and students may present testimony.
3. Outside Membership. One member, who may not be a member of the full-time faculty, shall be selected by the Faculty from among the licensed members of the Idaho State Bar. This member shall serve one year.
4. Committee Chair. The committee shall be chaired by the senior tenured faculty member in years of service at the College.
5. Candidate Challenges. A faculty member under consideration by the committee shall have a right to challenge two members of the committee without cause. The faculty member must exercise this challenge in writing delivered to the Dean's

administrative assistant at least three days ahead of the hearing. A member of the committee who is challenged shall be replaced by the next substitute in that member's category.

6. Candidate Exclusion. A member of the committee who is under consideration by the committee shall be replaced during all taking of evidence and deliberations concerning her/him by the next substitute in her/his category.
7. Quorum. A quorum of the committee shall be all members or their duly selected substitutes. Only a faculty member under consideration may raise a question as to a quorum.

C. Duties of the Committee.

The Committee shall consider the qualifications of candidates for tenure, promotion, or continued competence, as the case may be, and make written recommendations to the Dean according to the procedures set forth below

D. Notice and Convening of Committee.

1. The Committee shall hold its hearings and meetings in the Albert R. Menard College of Law Building, Moscow, Idaho or in the Idaho Law and Justice Learning Center, Boise, Idaho.
2. The chair shall specify the times of all committee hearings and meetings.
3. Notice of hearings and meetings of the Committee shall be given in writing at least ten days before the day of the hearing or meeting to all members of the Committee, and to all faculty members who will be under consideration at such hearing or meeting. Notice shall be sufficient if duly mailed by United States mail to an individual's last known address or if placed on the faculty member's desk at her/his office in the College ten days before the day of hearing or meeting.

4. Any person who offers evidence against any faculty member under consideration by the Committee must have given to such faculty member, at least five days before the hearing at which such evidence is offered, a notice in writing specifying that evidence will be presented against her/him at the hearing, specifying the full name of each witness, and describing generally the nature of the evidence which shall be presented by each witness. This notice is sufficient if placed on the faculty member's desk in her/his office at the College.
5. The Dean shall give the notices under this Section.

E. Hearings.

1. The Committee shall hold a hearing for the taking of evidence with respect to each faculty member under consideration. The hearings shall be closed, unless the faculty member then under consideration desires that it be open. The chair may close a hearing to all persons except members of the Committee and the faculty member then under consideration if necessary to maintain order.
2. A faculty member shall have the right personally to confront, and to cross-examine, each witness against her/him.
3. Student evaluations of teachers may be used as a part of the basis of an opinion by any witness.
4. The Rules of Evidence shall not apply to the taking of evidence in these matters. The chair shall rule conclusively for the Committee on all procedural points and on the admissibility of evidence.
5. A member of the Committee or a faculty member then under consideration may offer, or object to, evidence.

F. Meetings.

1. After the evidence is in as to a faculty member, the Committee shall meet at a time convenient in order to decide, based on the evidence presented, whether to recommend the granting of tenure or promotion, or whether to issue a finding of competence or incompetence, as the case may be. The meetings of the Committee shall be closed.
2. The chair shall preside at meetings and shall be permitted to vote.
3. The Committee shall make all decisions by a simple majority vote of those present. On all decisions as to whether to recommend tenure or promotion, the Chair shall record the manner in which each member of the Committee votes. The record of votes shall be delivered to the Dean, as part of a written report in which the Committee expresses its decision and the basis for it.
4. The Committee will deliver a copy of its written report to the candidate. *The candidate has one week from receipt of the findings to provide written clarification if he or she believes his or her record or the unit criteria for tenure have been misinterpreted* by the Committee (quoting FSH [3520](#) G-6). The written clarification will be included in the candidate's record and provided to the Dean.

G. Responsibilities of the Dean.

1. Informing and Consulting with the Candidate and Establishing a Timetable for Events. In the year preceding the application for tenure or promotion (if possible) or during the first month of the school year in which such applications shall be submitted, the Dean will consult with each candidate for promotion and/or tenure and inform her/him of the steps which must be taken within the College to secure

that tenure and/or promotion, of the University's timetable for the submission of materials to the University Administration, and of the candidate's responsibility for preparing and submitting materials and other information and requests. The Dean and the candidate will agree to a suitable timetable for the submission of materials, the arrangements for peer reviews (if necessary), and the convening of the necessary committees.

2. Convening Committees and Providing Access to Relevant Information. The Dean shall submit timely requests to peer reviewers, give timely notice to chairs of committees about the timetables established, assure that timely notice is given to committee members about the convening of their committees, collect all the materials necessary for a thorough evaluation of candidates, and see that those materials are available to the committees and other evaluators.
3. Vote of Faculty Members. All tenured faculty members may vote on the application for tenure of a non-tenured colleague. Voting faculty may have access to the report of the Committee and any response from the candidate. The Dean shall see that such a vote is taken and the results recorded on the form supplied by the University. In addition, all faculty members senior in rank to a colleague seeking promotion shall be provided the University's form on which each of them may record a recommendation regarding that promotion. The Dean shall make this form available to each entitled faculty member and forward the results as required by University regulation. In addition to soliciting, recording, and forwarding the votes of all faculty members entitled to vote on candidates for tenure and

promotion, the Dean shall solicit evaluative comments regarding a candidate for tenure or promotion from all faculty members entitled to vote on the candidate.

4. Making a recommendation on tenure or promotion. The Dean shall make a written recommendation on each candidate's application for tenure or promotion after receiving the Committee's report, evaluative comments and votes from all faculty entitled to vote, and the candidate's responses (if any) thereto. The Dean shall deliver a copy of his or her written recommendation to the candidate. The candidate has seven days after receipt to provide written clarification if he or she believes his or her record or the [applicable] criteria . . . have been misinterpreted in the Dean's written recommendation. The written clarification will be included in the record.

5. Receiving, Recording, and Forwarding Information. The Dean shall receive the results of all committee deliberations on tenure and promotion matters, record that information on the appropriate University forms, secure required signatures, and forward to the University Administration all forms and materials required by University regulations along with the Dean's own assessments and recommendations of the candidates under consideration.

H. Post-Tenure Review — Formal Peer Review Committee.

FSH [3320](#) provides rules and procedures for annual evaluations of all faculty members. Specifically, FSH 3320 C provides a process for supporting tenured faculty who perform below expectations, including a formal peer review process outlined in FSH 3320 C. The Faculty hereby expressly adopts the procedures for review of tenured faculty set forth in FSH 3320, in particular the formal review committee composition and rules set forth in FSH 3320 C.

Article VI. Requirements for Admission

A. General Policy.

The College of Law grants admission to those individuals who show intellectual promise, give evidence of high ethical standards, and either have received a baccalaureate degree from a regionally accredited institution or have demonstrated good cause to accelerate their undergraduate and legal education and have completed 90 semester hours or third fourths of the hours needed for the baccalaureate degree at a regionally accredited institution. Students who do not possess a baccalaureate degree at the time of entrance into the College also must be enrolled in a college program which will grant them a baccalaureate degree upon successful completion of the first year curriculum in the College. The admissions and recruitment program and specific admission decisions on individual applicants are committed to the Admissions Committee and to the Dean as may be determined by agreement between them, operating in accordance with the general policies established in this Article, and guided by numerical enrollment objectives reviewed by the Faculty. The general admission requirements for each category of student applying are described in the following sections of this Article.

B. Students Without Previous Law Study.

1. Students who have not previously attended law school shall:
 - a. Possess high ethical character, and personal qualifications, experience, or other factors showing probable success in law school as evidenced by the information given on application forms and other supporting documentation; and
 - b.
 - i. Present transcripts from each college attended, one of which shall show the award of a baccalaureate degree; or

- ii. In the case of an unusually well qualified student enrolled in a college program which will award her/him a baccalaureate degree upon successful completion of the first year curriculum in the College, a certificate from an appropriate authority of the student's undergraduate college that all requirements for the award of a baccalaureate degree will have been completed before entering the College, except the courses in the first year curriculum in the College, and that the student will receive her/his baccalaureate degree if s/he successfully completes the first year curriculum in the College; and
 - c. Present an acceptable undergraduate grade point average as computed from all undergraduate transcripts filed. A grade point requirement higher than that for other admittees may be imposed by the Admissions Committee for those entering without prior possession of a baccalaureate degree under Subsection B-1-b-ii of this Article; and
 - d. Present an acceptable score on the Law School Admission Test (LSAT) administered by the Law School Admissions Council.. An LSAT score higher than that for other admittees may be required by the Admissions Committee for those entering without prior possession of a baccalaureate degree under Subsection B-1-b-ii of this Article; and
 - e. Indicate a willingness to subscribe to the student-administered Honor Code.
2. The limited current availability of both physical space and faculty preclude the provision by rule of a grade point average or an LSAT score which will be

acceptable under all conditions and will guarantee admission. The Dean and the Admissions Committee are authorized to make such decisions on individual applications as will insure well-qualified students, a diversified student body, and attention to state residence, but will consult faculty on level of first year enrollments as changes occur during the admissions process.

C. Transfer Students, Including All Students Who Have Attended Law School Elsewhere.

Students who have attended other law schools and who seek advanced standing shall:

1. Have previously attended law schools which are (1) on the list of approved law schools of the American Bar Association, or (2) satisfy the standards in the ABA Standards for Approval of Law Schools. Applicants who have attended law schools not in either of these categories may be admitted only to the entering class, but also shall satisfy the requirements and provide the information set forth in Subsections C, 2–4 of this Article; and
2. Meet all standards set forth in Section B of this Article for students who have not previously attended law school and are applying for admission to the College; and
3. Present final transcripts reflecting all law school work undertaken. The cumulative grade point average and/or class standing reflected by such transcripts must be sufficiently high to indicate a strong probability of success in the College; and
4. Present a letter from the dean of each law school previously attended, stating that the student is in good standing and is eligible to continue at that institution without qualification. [See also Article VII, § A-1.]

D. Former Students of the College of Law.

1. Former students of the College who were in good standing at the time of withdrawal but who had not completed one semester of work may apply for readmission by

submitting a new application to the College demonstrating continued qualifications and by complying with the following additional requirements when applicable.

- a. Students who have undertaken college or university work elsewhere since leaving the College must submit transcripts evidencing good standing from each institution attended since withdrawal from the College.
 - b. Students who have attended law school elsewhere since leaving the College must meet the requirements for students who have previously attended other law schools. If such attendance at another law school was not on a regularly admitted basis but was as a special student for a summer session or comparable term, the returning student must file a transcript from the institution attended but need not complete other documentation for transfer students.
2. Former students of the College who were suspended for academic reasons may apply for readmission to an entering class of the College under Section B of this Article. Usually, a minimum of one year shall elapse between suspension and readmission under this Subsection D-2. Such an applicant shall explain in detail her/his education or experience during the intervening period and shall state her/his reasons for believing that s/he will be able to complete the course of study at the College satisfactorily. Readmission under such circumstances shall be in the discretion of the Admissions Committee. Applicants under this Subsection D-2 must also meet the requirements of Sections B and D-1 of this Article.

E. Part-Time Degree Candidates.

Degree candidates, whether entering law school for the first time or as transfer students from another law school, who do not intend to carry a normal academic load in the College are admitted only under the following conditions:

1. The applicants meet all the standards applicable for full-time students, either entering or transfer; and
2. The applicants are exceptionally well qualified and present persuasive reasons for pursuing a part-time program which will lead to graduation in five calendar years.

F. Special Students and Non-Degree Candidates.

1. Students from other areas of the University and other persons who do not satisfy all of the admission requirements but who are qualified to pursue special work within the policy of the Association of American Law Schools or the American Bar Association may be admitted to certain courses as special students, though not as candidates for a law degree, upon the approval of the Dean and the instructor in each course involved.
2. In general, special students will not be admitted if doing so would deprive a regular degree candidate of a place in a class.

G. Waiver of Requirements.

In exceptional circumstances the Dean and the Admissions Committee, after consultation, may waive any of the above requirements, provided that no individual shall be admitted in violation of the standards of the American Bar Association or the Association of American Law Schools.

**Article VII. Credit Hours for Work Done Other Than at the College of Law,
Advanced Standing, Class Standing**

A. Credit Hours for Work Done Other Than at the College of Law.

1. Credit hours earned at another law school may be applied toward graduation from the College for each course taken at that law school by either regular students on leave from this school or by transfer students from such other school, if the application of those credit hours complies with the ABA Standards for Approval of Law Schools, if the course is deemed to have substantial content, and if a grade of C+ or its equivalent or higher has been recorded for the course. No credit hours will be given for work done in law schools in the United States not in either group. For all students, including transfer students, in no case shall more than 39 credit hours received from other law school programs be applied toward the total number of required hours specified in Article IX, § A-1 for award of the Juris Doctor degree by the College. The previous sentence does not prevent the admission of visiting students who wish to complete, at the College, coursework towards satisfaction of requirements for the award of a Juris Doctor degree at another law school.

[Article VII, § A-1 amended by Faculty in December, 2007.]

2. Credit hours for study in foreign law schools by any category of student will be handled on a case by case basis by the Dean or the Dean's designee. In general, credit hours will be given only for work of acceptable quality done in law schools with academic standards apparently comparable to the College.

3. Up to six credit hours of graduate level (500 level or higher) courses may be taken by a law student outside the College of Law, subject to the following conditions:
 - a. The student must have passed the first year curriculum;
 - b. The course must be related to the student's course of study at the law school, not duplicate course offerings at the law school, and not duplicate other graduate or undergraduate course work completed by the student; and
 - c. The student must obtain the prior written permission of (1) the Associate Dean for Students and Administration and (2) the instructor of the graduate level, non-law course.

Credit for any such course will count as classroom credit toward graduation only if the student obtains a grade of *B* or higher. Such credit shall be reflected as a *P* on the student's transcript, but in no event will such credit be counted in determining the student's cumulative grade point average or class standing in the College.

4. The provisions of Section A of this Article shall not apply to the concurrent degree and joint degree programs referenced in Article IX, § C.

B. Advanced Standing.

1. Students transferring from other law schools which are members of the Association of American Law Schools or on the list of fully approved schools of the American Bar Association may be granted advanced standing. Credit hours for the work completed in such other school shall be granted in an exact amount and on such conditions as are determined by the Dean or the Dean's designee, in no case to exceed the number of credit hours earned in such other school with a grade of *C+* or higher. Transfer students will not be given formal credit for courses taken at other law schools until they have completed at least one semester of work in the

College with an overall average of 2.30 or above, although informal evaluation may be made at or prior to the time of initial registration in the College. They are admitted to such advanced classes at the College in their entering semester as may be determined by the Dean or the Dean's designee, but with the understanding that no credit for work at other schools will be recorded on their formal record (transcript) until they have achieved the requisite 2.30 grade point average at the College.

2. Transfer students from law schools not either members of the Association of American Law Schools or on the approved list of the American Bar Association who are admitted under any provision of Article VI shall be admitted without advanced standing and without credit for any work done in such law school.

C. Class Standing.

The following rules concerning class standing also apply:

1. Grades received for courses taken outside the law school, whether accredited or not, will not be counted toward class standing or maintenance of required grade averages in the College. Such standing and required averages will be calculated solely on the basis of course work in residence at the College.
2. Course work undertaken by a special student under Article VI, § F shall not be counted in computing class standings nor shall it be counted toward fulfillment of the total number of hours required for graduation if the student is later admitted as a regular student, but such work done in a required course and in which the student received a grade of *C* or above may be counted in fulfillment of a specific course requirement (i.e., a required course need not be repeated).

3. Students completing fewer than ten credit hours in a semester will not be included in class standing computations for that semester.
4. Class standing shall be calculated twice each year at the end of the fall and spring semesters. The class in which a student is included for the purpose of class standing computation shall be determined on the basis of the number of credit hours satisfactorily completed at the end of the academic year for which the calculation is made, as follows: first year class—30 credits or fewer credits; second year class—31 credit hours to 60 credit hours; and third year class—61 credit hours or more.

Article VIII. Academic Standards

A. Minimum Grade Requirements.

1. Cumulative Average Requirement. A student whose grade point average falls below 2.30 at the end of any semester shall be put on probation for one semester. Subject to Subsection A-2 of this Article, a student shall not be placed on probation under this rule more than once. If at the end of the probationary period or any semester thereafter the student's cumulative grade point average is below 2.30, the student shall be suspended.

[Article VIII, § A-1 amended by Faculty in August, 2006.]

2. After a student's first year, the Associate Dean for Students and Administration must approve the student's proposed schedule of classes (1) before the student registers for a semester during which s/he is on probation; and (2) before the student registers for the semester, if any, after the probationary period. Except as provided in the next sentence, the Associate Dean for Students and Administration shall not

approve the proposed schedule unless it devotes at least nine credit hours to any combination of the following courses:

850 Freedom of Speech and the Press

851 Advanced Torts

901 Advanced Criminal Procedure Seminar

902 Constitutional Law I

905 Constitutional Law II

907 Administrative Law

919 Business Associations

924 Sales

925 Property Security

930 Taxation

941 Wills, Estates, and Trusts

945 Community Property

950 Evidence

952 Remedies

953 Criminal Procedure

962 Professional Responsibility

963 Family Law

If it is not possible for the student to meet the requirement described in the previous sentence because s/he has previously taken too many of the courses listed above, the Associate Dean for Students and Administration shall approve the proposed schedule only if it includes as many of the courses listed above as possible,

considering the schedule of classes, the need for the student to fulfill graduation requirements, and any other circumstance that the Associate Dean for Students and Administration reasonably concludes would preclude meeting the requirement described in the previous sentence.

3. Definitions. As used in this Section A,
 - a. the term “semester” does not include summer session. Grades obtained during the summer session shall not be used to compute the grade point average of either the preceding or the following semester; they shall be included in the student’s cumulative grade point average.
 - b. the term “suspended” means that the student shall be ineligible to register for further study at the College.

[Article VIII, § A-4 added by Faculty in August, 2007.]

B. Grading System.

1. Grades shall be awarded on the basis of *A*, *A-*, *B+*, *B*, *B-*, *C+*, *C*, *C-*, *D+*, *D*, *D-*, *F*, *W* (Withdrawal), *I* (Incomplete), *P* (Pass), and *NP* (No Pass); provided, however, that unless so designated by resolution of the Faculty, courses shall not be graded on a pass/fail, pass/no pass or other basis.
2. Grade point averages shall be computed by assigning the following numerical point values per semester hour: *A* = 4.00; *A-* = 3.67; *B+* = 3.33; *B* = 3.00; *B-* = 2.67; *C+* = 2.33; *C*, = 2.00; *C-* = 1.67; *D+* = 1.33; *D* = 1.00; *D-* = 0.67; *F* (or fail under a pass-fail basis) = 0.00. The cumulative grade point average is the quotient of total points assigned, divided by total hours undertaken, except that courses in which marks of *I*, *W*, *P*, or *NP* have been given shall be disregarded in the computation of

a student's grade point average. All other courses shall be included even if they have been repeated.

[Article VIII, §§ A–B amended by Faculty in May, 2006.]

C. Minimum and Maximum Credits.

First-year students may not register for fewer than ten credits in any semester without the prior approval of the Associate Dean for Students and Administration.

D. Repeating Courses.

1. Faculty Permission. Except as otherwise provided in Subsections D-2 and D-3 of this Article, a student may not repeat a law school course for credit without the prior permission of the Faculty.
2. Repeating Courses for Credit. A student who has completed a law school course in which s/he has received a grade of *C–*, *D+*, *D*, or *D–* may repeat that law school course once, subject to the following conditions:
 - a. The credit hours earned by the student upon completion of the repeated course shall appear on the law school transcript, but shall not be applied toward the total number of required credit hours specified in Article IX, § A-1 for award of the Juris Doctor degree by the College.
 - b. The grade earned by the student upon completion of the repeated course shall appear on the student's law school transcript, but shall not be calculated as part of the student's law school grade point average.
3. Repeating Failed Courses.
 - a. A student who has completed a law school course in which s/he has received a grade of *F* shall receive no credit hours for application toward the total number of required credit hours specified in Article IX, § A-1 for award of

the Juris Doctor degree by the College, but the grade shall be calculated as part of the student's law school grade point average.

- b. If the failed course is a course required for graduation under Article IX, § A, the student must repeat the course and receive a grade above an *F*, in order to satisfy the graduation requirements in Article IX, § A. If the failed course is not required for graduation, the student may repeat the course one time only.
- c. If a student repeats a failed course and passes the course, the credit hours and grade received in the repeated course shall be treated as follows:
 - i. The credit hours earned by the student upon completion of the repeated course shall appear on the law school transcript and shall be applied toward the total number of required credit hours specified in Article IX, § A-1 for award of the Juris Doctor degree by the College.
 - ii. The grade earned by the student upon completion of the repeated course shall appear on the student's law school transcript, but shall not be calculated as part of the student's law school grade point average.

E. Appealing Grades.

- 1. College of Law Academic Hearing Board (AHB).
 - a. The purpose of the Academic Hearing Board is to act on requests for redress of academic grievances.

- b. Grievances must concern academic matters. Grievances may concern, but are not limited to, objectivity or fairness in making, administering, and evaluating class assignments and examinations.
- c. The Board shall consist of three faculty members (at least one from each location) appointed by the Dean of the College of Law at the time an appeal is filed. The Dean shall designate one of the appointees to chair the Board.

2. Procedures.

- a. Generally a student who is dissatisfied with an academic action should first request reconsideration by the appropriate faculty member. Faculty may only request a grade change when a computational or procedural error occurred in the original assignment of the grade. No final grade may be revised as a result of reconsideration of previous work, reexamination, or the submission of additional work after the close of the semester. All requests for a grade change, after grades have been submitted to the Registrar's Office, shall be submitted to the Dean or the Dean's designee. The request shall include an explanation for why the change is warranted. Grades may only be changed after approval of the Dean or the Dean's designee.
- b. Appeals must be submitted by the last day of classes of the next regular semester (fall or spring, not summer) after the semester in which the course resulting in the contested grade was completed.
- c. A student shall initiate an academic appeal by submitting a written petition to the Dean detailing the basis of the appeal. The Dean shall notify the

student and the faculty member that an AHB has been appointed and shall provide a copy of the petition to the Chair and to the faculty member.

- d. When an appeal is to be heard, the AHB may summon both the student concerned and the faculty member whose action is challenged. The AHB may review the assignment or exam in question, the student's answer, and any answer key or grading criteria prepared by the faculty member. These materials are to be treated as confidential and are to be made available only to the AHB and not to the College of Law faculty as a whole. A UI student or employee who is summoned to a hearing has the same responsibility to respond as though directed by the Dean to do so.
- e. Faculty members have broad discretion in making, administering, and evaluating assignments and examinations. The grade assigned by a faculty member is presumed to be appropriate. The student shall have the responsibility of showing that the faculty member abused her or his discretion in making, administering, and/or evaluating the assignment or examination. If the student meets this burden, the AHB cannot change the grade or require that it be changed, but it may order that the grade the AHB considers appropriate also be recorded in the student's academic records. (NOTE: Procedures for changing grades are outlined in the University catalog.)
- f. The AHB may hear an appeal of a grade imposed by an instructor as a result of academic misconduct, e.g., cheating or plagiarism. Such a grade constitutes an evaluation and is not to be construed as a penalty. Penalties

for academic misconduct are considered to be disciplinary in nature and must be imposed through the College's Honor Court system. Appeals from penalties imposed through the Honor Court system are directed to the Faculty. [see Honor Code VII-N]

- g. The AHB shall report its decisions and recommendations to the student, the faculty member, the faculty as a whole, and the Dean and, if the appeal is granted, to the University Registrar. The AHB shall report its decisions and recommendations in the form of a memorandum detailing its findings and recommendation. AHB decisions are final.
- h. Students may appeal the AHB decision by following the provisions in the University of Idaho Faculty Staff Handbook (FSH) section 2500 regarding appeals from Academic Hearing Boards established by the FSH, except that such appeals from the report of a College of Law Academic Hearing Board must be filed within two weeks of the issuance of the AHB's report.
- i. The affected faculty member shall have the right to appeal the AHB decision to the faculty at its next regularly scheduled faculty meeting after the AHB's findings and recommendations are reported to the faculty.. In the event both the student and the affected faculty member appeal, both appeals shall be heard first by the faculty. The student may then appeal the decision of the faculty as provided in sub part h of this section.
- h. AHB may devise additional procedures, consonant with the bylaws of the College of Law faculty and the Law Student Handbook for the discharge of its functions.

- i. Actions of the College of Law Faculty based on an AHB report may be appealed in the same manner as appeals from actions of the UI Academic Hearing Board, as stated in Section 2500 of the UI Faculty Staff Handbook.

[Article VIII, § D added by Faculty in December, 2007. Article VIII, § E added by Faculty in November, 2012 and amended in March 2014.]

F. Outside Employment.

Because of law school's rigorous demands, first year students should not be employed for more than 10 hours a week. Second, third, and fourth year students enrolled in 12 or more credits are forbidden from being employed over 20 hours a week during the academic year. In rare circumstances, the Dean of Students may waive this rule by petition for students who demonstrate the academic and professional ability to balance more than 20 hours of work a week with the course load of a full-time student. The College reserves the right to require students to certify that they will abide by this requirement. [Section F added January 2015.]

Article IX. Requirements for Graduation and Degree

A. Requirements For Graduation.

1. Candidates for graduation are required to complete 90 semester hours of credit either in the College or by transfer from an accredited school of law or through graduate level, non-law courses as provided in Article VII, § A. Eighty-six of those hours must be "class hours" (i) as defined by the American Bar Association Standards for Approval of Law Schools, or (ii) comprised of any other educational activity that complies with the ABA Standards and which a majority of the Faculty votes to classify as "class hours."

2. All credit hours presented as fulfillment of the total credit hours required for graduation must be completed within a six-year period from the beginning of the first course so presented to completion of the last course so presented.

[Article IX, §§ A-1, -2 amended by Faculty in May, 2007.]

3. Candidates for graduation also are required to complete six semesters or their equivalent (90 weeks total) in residence at a law school on the approved list of the American Bar Association, with the last two semesters and the last 26 semester credits being completed in residence at the College. The requirement of six semesters in residence and that the final 26 hours be taken in residence at the College may be waived by the Dean or the Dean's designee for good cause shown. "In residence" is defined as being enrolled for a schedule representing at least ten hours of class work each week and passing at least nine such hours. A student who fails to pass work equal to nine class hours shall receive residence credit in the ratio that the hours passed bear to nine. A student who fails to enroll for ten class hours shall receive residence credit in the ratio that the hours for which the student is enrolled bear to ten. In the event that both ratios are applicable in a given case, the lower ratio shall control.
4. All students are required to pass all first year courses. For good cause shown, the Dean or the Dean's designee may waive the requirement to complete all first year courses or that such courses be taken only in the first year, provided the total number of credit hours for graduation may not be waived.

5. All students are required to pass the course in Professional Responsibility, Constitutional Law I, Constitutional Law II, Evidence, Business Associations, and Administrative Law.
6. Upper Division Writing Requirement. Each student at the College shall complete, after the first year of law school and prior to graduation, a major writing project satisfying the standards set out in this Subsection A-6. A major writing project, by definition, shall be a faculty-supervised writing project that satisfies the following minimum standards:
 - a. A major writing project must be a paper of at least 20 double-spaced pages, exclusive of footnotes, evidencing significant legal or empirical research and thoughtful, well-drafted writing. The paper shall reflect the student's ability to explore, on the basis of significant research in legal sources, the interrelationship of issues presented in a complex context. The paper shall be written exclusively by the student seeking satisfaction of the Upper Division Writing Requirement with research and editorial assistance expressly approved by the supervising faculty member.
 - b. A major writing project shall require a minimum of two drafts. The first draft shall be submitted to, and reviewed by, the supervising faculty member, who shall provide a detailed critique of the paper to the student. The final draft shall take into account and remedy the criticisms included in the supervising faculty member's critique.
 - c. A major writing project ordinarily shall be supervised and graded by a member of the full-time faculty. With the prior written approval of an

Associate Dean, adjunct or affiliate faculty members may be permitted to supervise and grade a major writing project when conducted as part of a seminar being taught by the adjunct faculty member.

d. Provided that all of the foregoing requirements of this Subsection A-6 have been satisfied, the Upper Division Writing Requirement may be satisfied in any of the following ways upon written certification to the Dean's Office by the faculty member supervising the major writing project:

- i. Papers prepared in regularly scheduled courses or seminars in which the faculty member teaching the course or seminar agrees to accept papers for satisfaction of the Upper Division Writing Requirement (NOTICE: Receiving a passing grade in a regularly scheduled course or seminar does not necessarily satisfy the Upper Division Writing Requirement; the supervising faculty member must independently certify that the major writing project satisfies the Upper Division Writing Requirement.); or
- ii. Independent research and writing under the supervision of a full-time faculty member in Law 983; or
- iii. Successful completion of the writing requirement for membership in any of the College's law reviews or law journals, provided that the student may not, as part of the writing for the law review or journal, receive or obtain any aid in the research, organization, writing, or other aspect of the paper being used to satisfy the Upper Division Writing Requirement except for research and editorial

assistance expressly approved by the supervising faculty member
(see Subsection A-6-a of this Article; or

- iv. Any other major writing project completed under the supervision of a faculty member which is equivalent in scope and quality to the work required by Subsection A-6-d, i–iii, of this Article.

7. Pro Bono Service Requirement. Students must perform a minimum of 50 hours of law-related pro bono service without monetary compensation, academic credit, or other tangible benefit for work performed. For students entering the College in and after fall 2015, the minimum is increased to 50 hours. This requirement must be fulfilled prior to graduation under the guidance and with the approval of the Director of Pro Bono Programs. Students may begin to fulfill this requirement after the first semester of their first year of law school, unless their first-semester grades cause them to be on academic probation. Students on academic probation based on their first-semester grades may not begin to fulfill this requirement until after the first year of law school.
8. Experiential Skills Training. Students shall be required to complete not less than two credit hours of instruction in professional skills training courses selected from a list of courses adopted by the Faculty from time to time as satisfying the requirement for professional skills training. All students entering law school in and after fall 2016 must take one or more experiential courses totaling at least six credit

hours. Courses will be approved by the Faculty as “experiential courses” under criteria approved by the Faculty

9. Professionalism Training. Students entering the College in Fall 2014 and thereafter shall be required to complete a professionalism education program as adopted by the Faculty. The professionalism education program shall consist of educational opportunities addressing the following topics: 1) cultural competencies; 2) civility and appropriate professional behaviors before courts, tribunals, and in other professional settings; 3) law practice management; 4) bias and thought processes; and 5) other topics related to the development of a student’s professional conduct and identity.

B. Grade Requirement.

Except as otherwise provided in Article VII, § A-1, approved credit for any course taken outside the College will count as classroom credit toward graduation only if the student obtains a grade of *B* or higher. No such credit will be counted in determining the student’s cumulative grade point average or class standing.

C. Concurrent and Joint Degree Programs.

Students who are enrolled in a concurrent or joint degree program are subject to the requirements for graduation specified in Sections A and B of this Article except as otherwise specified in this Section C.

1. A law student who has been duly admitted to a concurrent degree program approved by the Faculty may count toward graduation up to the maximum number of credit hours approved by the Faculty as part of the particular concurrent degree program, from a list of courses outside the College approved by the Faculty from time to time

with respect to the particular concurrent degree program or as approved by the Associate Dean of Students.

2. A law student who has been duly admitted to a joint degree program approved by the Faculty may count toward graduation those credit hours outside the College approved by the Faculty, from time to time, as part of the joint degree program.
3. Unless expressly approved as a part of a concurrent degree or joint degree program, students counting credit from outside the College pursuant to such a program may not count any external externship credits toward fulfillment of the requirements for graduation.
4. As used in this Section C, the term “concurrent degree program” means a program approved by the Faculty and consistent with all accreditation standards applicable to the College, whereby a law student is able to obtain the Juris Doctor degree as well as a master’s or doctoral degree in another discipline by fulfilling all of the separate requirements for each degree program independently, but for each of which degree programs, certain select courses may be credited toward satisfaction of the degree requirements of the other program. A “joint degree program” means a unified program approved by the Faculty and consistent with all accreditation standards applicable to the College, created between the College of Law and another college or department at the University of Idaho or other university, which specifies the requirements for satisfaction of each degree to be obtained by the student as part of the unified program.

D. Honors.

The honor of graduating *summa cum laude* will each year be automatically accorded to those law students whose cumulative grade point averages are equal to or better than the

cumulative grade point averages of the top three percent, the remainder of the top six percent thus computed graduating *magna cum laude*, and the remainder of the top ten percent thus computed graduating *cum laude*.

Article X. Academic Discipline

A. Honor Code.

The Students (acting through the Student Bar Association) and Faculty of the College have established a Student Honor Code with the approval of the University of Idaho Board of Regents acting pursuant to authority granted to the President of the University. The Honor Code establishes procedures for the commencement, investigation, trial, and punishment of violations of the Honor Code.

B. Role of Faculty.

Faculty members are an integral part in the establishment, implementation, and enforcement of the Honor Code.

C. Jurisdiction of Honor Code.

The jurisdiction of the Students and Faculty to establish and enforce the Honor Code has been granted by the Board of Regents of the University of Idaho acting pursuant to authority granted to the President of the University. The Honor Code does not affect a faculty member's authority over class conduct or grading.

Article XI. Curriculum

A. General Authority.

The curriculum of the College shall consist of such courses as may be designated by the Faculty. The adding or dropping of courses, and the change in the number of credit hours assigned to a course offered by the College, require Faculty approval.

B. The Curriculum Committee.

The Curriculum Committee designated pursuant to Article II, § F is charged with continuing examination of the curriculum with a view to initiating and recommending improvements and changes and with the study of all suggested changes.

Article XII. Law Library

A. General Policy.

The law library is recognized as a central resource in the educational program of the College, and the overall policies in effect therein shall be determined by the Faculty.

B. Application of ABA Best Practices.

1. The College shall have sufficient administrative autonomy to direct the growth and development of the law library and to control the use of its resources.
2. The Dean and the Law Library Director, in consultation with the Faculty, shall determine law library policy.
3. The Law Library Director and the Dean are responsible for the selection and retention of staff other than faculty, the provision of library services, and collection development and maintenance.
4. The budget for the law library shall be determined as part of, and administered in the same manner as, the College budget.

C. The Library Committee.

1. The Library Committee designated pursuant to Article II, § F is hereby charged, acting, with the establishment of purchasing policies and priorities concerning the acquisition and cancellation of library materials, with the study of practices to improve reader service, with the development and enforcement of library rules and policies concerning reader use, and with the consideration of improvements

concerning library facilities. Major policy decisions concerning the law library shall be referred to the Faculty by the Library Committee with appropriate recommendations for action.

2. The Library Committee shall consist of at least three faculty members representing Moscow and Boise. The Law Library Director shall be the chair of the Committee.

[Article XII, § B added by Faculty in May, 2013.]

Article XIII. Waiver and Amendment

A. Waiver.

Any of the rules provided herein may be waived by majority vote of the Faculty present at a duly convened meeting of the Faculty under Article II, § E, or by action of the Faculty without a meeting under Article II, § F, except that the rule concerning approval of new members of the Faculty set out in Article III, § A-3 may not be waived by the Faculty.

1. Procedure. A person petitioning under Section A of this Article for waiver of a rule shall file with the Associate Dean for Students and Administration a written petition setting forth the rule sought to be waived, the grounds therefor, and the relief requested. The petition shall be filed within 14 days following the person's receipt of notice of the action taken based on application of the rule of which waiver is sought.
 - a. Except for petitions resulting from academic dismissal actions, the Associate Dean shall present the petition to the Faculty not later than the next regularly scheduled meeting of the Faculty.
 - b. Petitions resulting from academic dismissal actions shall be presented by the Associate Dean to the full Faculty in writing or by secure electronic media. The

Faculty shall have five days from receipt of the petition to submit comments to the Associate Dean regarding the merits of the petition, the relief sought by the petitioner, any alternative relief thought to be appropriate, and any other matter relating to the petition. The Associate Dean shall convene the Admissions Committee which will consider the petition and all faculty comments received. Within 14 days of the end of the comment period, the Committee shall render its decision on the petition and the appropriate relief, if any, to be provided and communicate the decision to the Petitioner in writing. The decision of the Admissions Committee is final and shall be deemed to be the decision of the Faculty for purposes of appeals as set forth in Subsection A-2 of this Article.

2. Appeals of Decisions of the Faculty. Appeals from decisions of the Faculty are submitted to the University Provost. If the Provost concurs in the decision of the Faculty, appeal may be made to the President and Regents if the President and Regents consent to hear the appeal.

B. Amendment.

Amendments to these rules may be adopted at any meeting by a majority vote of the entire Faculty, except that amendments of this provision, Article III, § A-3 and Article II, § A shall require a two-thirds vote of the entire Faculty, and provided that the proposed text of the amendment has been circulated in writing to the Deans and Faculty at least two days in advance of the meeting.

Article XIV. Advisory Council

A. Purposes.

There shall be a College of Law Advisory Council with the following purposes: (1) to promote the College to a variety of constituencies, (2) to assist in identifying and acquiring additional resources and financial support for the College, (3) to serve as an advocate for the College, (4) to give advice on the College's programs, (5) to help build working relationships with other colleges of the University of Idaho, and (6) to assist the College's placement program.

B. Composition.

There shall be not fewer than 15 nor more than 30 regular members of the Council, as determined from time to time by vote of the Council under rules and procedures adopted by the Council for its governance. The Council shall be composed of judges, lawyers, faculty members from other law schools, and other persons interested in the College. In addition, the Dean shall be an ex officio member. The Council shall not be limited to alumni of the College, nor to residents of the State of Idaho. The Council shall strive for diversity of experience and perspective in its membership.