

# UNM School of Law Voting Policy

## Adopted by Faculty Vote on January 17, 2017<sup>1</sup>

This Voting Policy (this “Voting Policy”) was adopted by the majority vote of the tenure-stream law faculty, the lecturers on the law faculty, the tenure-stream law library faculty, and the lecturers on the law library faculty of the University of New Mexico School of Law (the “Law School”) present in person at a meeting of the faculty on January 17, 2017.

### **I. Definitions**

As used in this Voting Policy, the following defined terms have the meanings indicated:

- A. “Tenure-stream law faculty” mean pre-tenure and tenured faculty of the Law School who do not primarily work in the Law Library.
- B. “Lecturers on the law faculty” mean faculty members who hold the title of “Lecturer III” (or an equivalent title in the future) at the University who teach at the Law School and who do not primarily work in the Law Library.
- C. “Tenure-stream law library faculty” mean pre-tenure and tenured faculty of the Law School who primarily work in the Law Library.
- D. “Lecturers on the law library faculty” mean faculty members who hold the title of “Lecturer III” (or an equivalent title in the future) at the University who teach at the Law School and who primarily work in the Law Library.
- E. “Professors of practice” mean faculty members of the Law School who hold the University’s “Professor of Practice” title.
- F. “Law Library” means the law library at the Law School.
- G. “University” means the University of New Mexico.
- H. “Voting Rights” means the rights to vote in accordance with, and subject to any limitations set forth in, this Voting Policy that are held by the holders of Voting Rights, which include but are not limited to the right to amend this Voting Policy and the right to extend and revoke Voting Privileges in accordance with this Voting Policy. Faculty members that hold Voting Rights at the Law School are tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty.
- I. “Voting Privileges” means privileges to vote in accordance with, and subject to any limitations set forth in, this Voting Policy that are granted by this Voting Policy, or by holders of Voting Rights in accordance with this Policy, to individuals other than holders of Voting Rights and that have not been revoked in accordance with this Voting Policy. Voting Privileges do not include the right to amend this Voting Policy or to extend or revoke Voting Privileges to other individuals under this Voting Policy. Individuals holding Voting Privileges at the Law School are certain professors of practice, certain emeritus faculty members, certain visiting professors, and certain students that are granted Voting Privileges

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<sup>1</sup> As amended by the majority vote of the tenure-stream law faculty, the lecturers on the law faculty, the tenure-stream law library faculty, and the lecturers on the law library faculty of the Law School present in person at a meeting of the faculty on February 7, 2017 and at a meeting of the faculty on April 2, 2019.

by or in accordance with this Voting Policy that have not been revoked in accordance with this Voting Policy.

## **II. Committees**

### **A. Conflicts**

In the event of a conflict between this Article II of this Voting Policy relating to committees and a specific Law School policy for a committee that has been adopted at a meeting of the faculty in accordance with this Voting Policy, the specific Law School policy for that committee shall control.

### **B. Membership in General**

As a general matter, the following people are eligible members of committees at the Law School:

1. Tenure-stream law faculty;
2. Tenure-stream law library faculty;
3. Lecturers on the law faculty;
4. Lecturers on the law library faculty;
5. Emeritus professors;
6. Institute directors;
7. Research professors;
8. Professors of practice;
9. Students;
10. Staff; and
11. Visiting faculty members.

Specific membership on Law School committees shall be determined by the dean(s) of the Law School, subject to the terms of specific Law School policies for particular committees.

### **C. Limitation on Membership**

If a specific Law School policy or the committee's charge mandates a particular committee composition, that policy shall govern. For example, certain committees are required to have a specific number of student members.

### **D. Voting in General at Committee Meetings**

Except as provided in a specific Law School policy for a particular committee, (a) all committee members, including the chair or co-chairs of the committee, but excluding persons that are *ex officio* members of the committee, may vote on any issue before the committee,

(b) each voting committee member that is present at a meeting of the committee shall have one vote, and (c) a majority of the voting committee members when a quorum is present may take any action in the conduct of the business of the committee.

## **E. Quorum**

Except as provided in a specific Law School policy for a particular committee:

### **1. In General**

A quorum of a committee is met with the presence of more than fifty percent of the voting members of the committee. For the avoidance of doubt, the chair or each co-chair shall be counted in determining if a quorum has been reached, regardless of whether the chair(s) of that particular committee may vote.

### **2. Electronic Participation**

- a. The Law School prefers that committee members appear in person at committee meetings. Where appropriate, however, a committee member shall be deemed to be present if that member appears in person or through electronic means such as by telephone or Skype and provided that all committee members can hear each other at the same time. This right may be limited by the committee's charge.
- b. Committees may hold meetings exclusively through electronic means such as by telephone or Skype or by e-mail.

## **III. Faculty Meetings**

### **A. Attendance in General**

All attendees are encouraged to actively participate in any discussion at the meeting. The following people are invited and encouraged to attend faculty meetings as a matter of course:

1. Tenure-stream law faculty;
2. Tenure-stream law library faculty;
3. Lecturers on the law faculty;
4. Lecturers on the law library faculty;
5. Emeritus professors;
6. Institute directors;
7. Research professors;
8. Professors of practice;
9. One 1L student representative;
10. One 2L student representative;

11. One 3L student representative;
12. Assistant deans and senior staff, including but not limited to the Registrar and the Director of Admissions; and
13. Visiting professors.

#### **B. Executive Sessions**

In the case of confidential and private personnel matters, specifically including matters dealing with hiring and promotion of faculty and staff, matters dealing with student readmission and suspension, matters dealing with student grades, and matters dealing with student awards, the dean (or chair of the meeting) may call the meeting into executive session. In that case, the only people who may attend the executive session are:

1. Faculty members who are eligible to vote on the matter at hand;
2. Anybody specifically invited by the voting faculty to attend; and
3. Emeritus faculty regardless of whether such emeritus faculty members have Voting Privileges.

#### **C. Voting by Tenure-Stream Law Faculty**

Tenure-stream law faculty members may vote on all matters at Law School faculty meetings, including the hiring and promotion and tenure of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty.

#### **D. Voting by Lecturers on the Law Faculty**

Except as limited by University policy, lecturers on the law faculty may vote on all matters at Law School faculty meetings, including the hiring of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty, and including the promotion of lecturers on the law faculty and lecturers on the law library faculty, but excluding the promotion and tenure of tenure-stream law faculty and tenure-stream law library faculty. In general, lecturers on the law faculty shall be hired in accordance with the Law School's Policy on Legal Writing Faculty Appointment, Review & Promotion, as that policy may be amended in the future.

#### **E. Voting by Tenure-Stream Law Library Faculty**

Tenure-stream law library faculty members may vote on all matters at Law School faculty meetings, including the hiring and promotion and tenure of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty.

#### **F. Voting by Lecturers on the Law Library Faculty**

Except as limited by University policy, lecturers on the law library faculty may vote on all matters at Law School faculty meetings, including the hiring of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty, and including the promotion of lecturers on the law faculty and lecturers on the law library faculty, but excluding promotion and tenure of tenure-stream law faculty and tenure-

stream law library faculty. In general, lecturers on the law library faculty shall be hired in accordance with the Law School's Policy on Legal Writing Faculty Appointment, Review & Promotion, as that policy may be amended in the future, or in accordance with a separate policy that may be adopted at a faculty meeting in accordance with this Voting Policy with respect to the hiring and promotion of lecturers on the law library faculty.

#### **G. Voting by Emeritus Faculty**

All emeritus faculty who have taught a course, participated in a committee, or been otherwise actively engaged in faculty life at the law school within the past two years shall have Voting Privileges, which shall entitle such emeritus faculty to vote on all matters at Law School faculty meetings, including the hiring and promotion and tenure of tenure-stream law faculty, lecturers on the law faculty, tenure-stream law library faculty, and lecturers on the law library faculty. Other emeritus faculty members may attend but may not vote at faculty meetings.

#### **H. Voting by Visiting Faculty**

As a general matter, visiting faculty members may not vote at faculty meetings. However, at a faculty meeting near the beginning of any academic year or semester, the faculty members holding Voting Rights may vote to grant one or more visiting faculty members Voting Privileges for that year or semester, as the case may be. Voting Privileges granted to any such visiting faculty member shall allow the visiting faculty member to vote on all matters at Law School faculty meetings, except for the hiring and promotion and tenure of any faculty member. A visiting faculty member's Voting Privileges may be revoked at any time by a majority vote of the holders of Voting Rights present in person at a meeting when there is a quorum.

#### **I. Voting by Students**

Three student representatives, one for each Law School class, generally have Voting Privileges to vote on all matters at Law School faculty meetings, except for confidential student and personnel matters. Confidential student and personnel matters include, for example, student honors and awards and disciplinary matters, as well as faculty hiring and promotion and tenure decisions. These matters are reserved for an executive session vote outside the presence of students.

#### **J. Voting by Professors of Practice**

The law school currently does not have any professors of practice. Should the law school hire a professor of practice in the future, the faculty may, by a majority vote of faculty members with Voting Rights present in person at a meeting when there is a quorum, grant that professor of practice voting privileges to vote on all matters at Law School faculty meetings except for the promotion and tenure of any faculty member.

#### **K. Voting by Others**

Members of the staff, research faculty, and institute directors may not vote at faculty meetings.

#### **L. Voting by the Chair(s)**

The chair or co-chairs of a faculty meeting generally may vote if the vote is by secret ballot. If the vote is not by secret ballot, then the chair or co-chairs may only vote to break or make a

tie. In the case of co-chairs and a vote that is not by secret ballot, the co-chairs shall only have one vote between them to break or make a tie.

#### **M. Voting in General at Faculty Meetings**

Except as provided in Article III, Section L, each holder of Voting Rights and each holder of Voting Privileges that is entitled under this Voting Policy to vote on a matter presented for a vote at a faculty meeting shall have one vote, and any action taken on any such matter shall be decided by the vote of a majority of the holders of such Voting Rights and Voting Privileges present at the meeting when there is a quorum.

#### **N. Quorum**

##### **A. Quorum Number**

Faculty members with Voting Rights who are not on leave or sabbatical, including the dean(s), will be counted at the start of each semester. Anybody who may hold Voting Privileges, such as visitors, emeriti, or students, will not be counted. The quorum number will be set at that time. The quorum number shall equal the lowest whole number that is greater than fifty percent of the number of holders of Voting Rights who are not on leave or sabbatical at the start of the semester.

##### **B. Attendance by Faculty Members on Leave or Sabbatical**

While faculty members who are on leave or sabbatical may attend faculty meetings and vote, their attendance shall not be counted when determining if a quorum has been reached.

##### **C. Chair(s)**

For the avoidance of doubt, the chair or each co-chair shall be counted in determining if a quorum has been reached.

#### **V. Secret Ballots**

##### **A. Faculty Meetings**

The default rule at all faculty meetings is that votes are not by secret ballot. Notwithstanding the foregoing, any faculty member who is eligible to vote at the meeting may, prior to or during the meeting, make a request to the person chairing the meeting that a vote be by secret ballot. If such a request is made, then, unless otherwise prohibited by law, the vote shall be by secret ballot.

##### **B. Committee Meetings**

The default rule at all committee meetings is that votes are not by secret ballot. Notwithstanding the foregoing, any committee member who is eligible to vote at the meeting may, prior to or during the meeting, make a request to the person chairing the meeting that a vote be by secret ballot. If such a request is made, then, unless otherwise prohibited by law, the vote shall be by secret ballot.

### **C. Confidentiality**

If a request for a secret ballot is made prior to a faculty meeting or committee meeting, then the chair of the meeting shall keep the identity of the person making the request confidential unless otherwise prohibited by law.

### **VI. Hiring and Retention of Deans**

Faculty members with Voting Rights may vote on all matters regarding hiring and retention of the Dean. Emeritus faculty, visiting faculty, student representatives, professors of practice, members of the staff, research faculty, and institute directors may not vote on matters regarding hiring and retention of the Dean.

### **VII. Amending this Voting Policy**

This Voting Policy may be amended in whole or in part by a majority of faculty members with Voting Rights present in person at a meeting when there is a quorum. People who hold Voting Privileges shall not have any right to vote on any amendments to this voting policy.