

Faculty Meeting Minutes

March 26, 2021

(via Zoom)

The meeting was called to order at 2:03 p.m. by Dean Sergio Pareja, once a quorum was reached. The following people were present for at least some portion of the meeting.

Faculty: Maryam Ahranjani, George Bach, Reed Benson, Camille Carey, Barbara Creel, Lysette Romero Cordova, Elizabeth Elia, Paul Figueroa, Mark-Tizoc González, Verónica Gonzales-Zamora, Vinay Harpalani, Steven Homer, John Kang, Joshua Kastenberg, April Land, John LaVelle, Serge Martinez, Aliza Organick, Gabriel Pacyniak, Mary Leto Pareja, Sergio Pareja, Sonia Gipson Rankin, Alejandro Rettig y Martinez, Michelle Rigual, Joseph Schremmer, Alexandra Siek, Sarah Steadman, David Stout, Carol Suzuki, Sherri Thomas, Cliff Villa, Samuel Winder (20 needed for quorum; names that count toward quorum in bold)

Staff: Beverly Akin, Krista Allen, Tony Anderson, Scott Cameron, Stephanie Grant, Courtney Love, Bonnie Stepleton

Students: Jari Rubio, Taylor Bingham

Guest: Dr. Elizabeth Hutchison, UNM Division of Equity and Inclusion

Announcements:

Dean Pareja provided information on the LSSSE Survey regarding student engagement. It is important for students to complete and submit the survey, especially so the law school can view data on student wellness and needs. Only 30% of our students have completed the survey so far. Dean Pareja asked faculty to ask the students in their classes to complete the survey.

Vice Dean Camille Carey thanked everyone for their input on the curriculum for fall 2021, which is firmed up now. After she hears from one remaining person she will circulate a draft schedule for comments next week, then circulate a final schedule the week after that, to be followed by registration on the following Thursday and Friday. She is working on the spring 2021 class schedule also. Vice Dean Carey appreciates everyone's commitment to the law students and the result of making a great set of course offerings for AY21-22.

Professor Carol Suzuki thanked faculty for their input in the promotion and tenure process, and thanked Professor Ernesto Longa for shepherding the faculty and the Faculty Retention, Promotion and Tenure committee through the annual review processes this academic year. The Dean will also complete the annual review process soon, so faculty will be receiving another self-evaluation form for those reviews. Professor Suzuki also advised faculty to look for an email from UA-UNM BIPOC (Black and Indigenous and People of Color) Caucus, that she found in her Clutter mailbox, about its concerns in asking faculty to narrate as part of their annual review material submissions how the pandemic has impacted their professional lives.

Professor Steven Homer announced that he has completed scheduling of oral arguments, and scheduled them around all 1L courses except for Civil Procedure on Tuesdays and Thursdays. There are 8 students involved in the oral arguments who might be arriving slightly later to Civil Procedure Tuesday/Thursday classes, so he requests that faculty please excuse their tardiness should that occur.

Associate Dean Sherri Thomas thanked everyone for completing the faculty survey quickly, which enabled the law school to get it completed and submitted on time. The second meeting was held for the Supreme Court Equity and Justice Commission, on which Professors Sonia Gipson Rankin and Vinay Harpalani also serve. She requests that they all come together for discussion to keep each other updated on ongoing work and partnerships.

Professor Harpalani encouraged faculty to submit student Honors & Awards nominations, and a contribution to the awards would be much appreciated as well. Nominations are due by Monday, April 5 by 11:59 p.m. He sent out a photo gallery document of the Class of 2021 for easy reference. Professor April Land asked how donations should be made. Professor Harpalani mentioned there is a way to contribute via the Law School's website, but he will follow up with an email update about in-person contributions. Professor Mary Pareja asked about specialty awards above \$25, such as the Tax awards and other group awards that are funded by faculty members. Professor Harpalani will check with Melissa Lobato in Advancement on that process.

ACTION ITEM: Approval of Minutes from the January 15, 2021 faculty meeting – Dean Sergio Pareja: Motion made by Professor Marc-Tizoc Gonzales, seconded by Professor David Stout. Motion passed: 23 yes votes, 0 no votes and 8 abstentions.

ACTION ITEM: Approval of Minutes from the February 5, 2021 faculty meeting – Dean Sergio Pareja: Motion made by Professor Aliza Organick, seconded by Professor Marc-Tizoc Gonzales. Motion passed: 23 yes votes, 0 no votes and 8 abstentions.

Update regarding Division of Equity & Inclusion initiatives – Dr. Elizabeth Hutchison, AVPEI, and Associate Dean Sherri Thomas, LEAD Council Representative to the Law School:

Associate Dean Sherri Thomas and Dr. Elizabeth Hutchison of UNM Division of Equity and Inclusion (DEI) provided information on UNM DEI initiatives. They discussed various topics including:

- Land Acknowledgement statement at UNM, developed in consultation with the Native American Faculty Council to be read at the beginning of UNM meetings;
- Frequently used acronyms to identify various groups that have been subject to discrimination or identity-related hostilities, as listed on the PowerPoint slide shared at today's meeting; Associate Dean Thomas will email the PowerPoint slide to everyone after the meeting;

- Racial and Intersectional Micro-aggression survey (RIMA survey) – Dr. Hutchison provided additional information about RIMAs and implicit bias at UNM. The RIMA survey is being administered March 8 – April 12 and requests input from over 5,000 BIPOC undergraduate and graduate students at UNM. Students were selected randomly based on group affiliation from various data sources. The RIMA survey methodology follows the research and literature of Dr. Derald Wing Sue, an expert on micro-aggressions.
- DEI will use survey data to lead focus groups of UNM students that will involve a broader student cohort. They will work on tools for interrupting micro-aggressions. She asked faculty to complete the RIMA survey if they receive it, and to participate in the student focus groups when those occur. Many reference materials are available to faculty and are listed on the DEI website.
- Dr. Hutchison requested that faculty share 2 to 4 diversity values in the Zoom chat box, and also mentioned that faculty could email those to DEI after the meeting.
- The work being done now will help form the goals for the UNM 2040 strategic plan for faculty diversity. Implicit bias must be addressed in faculty searches, and faculty serving as search committee members are required to complete an online Implicit Bias course every 4 years.
- Everyone is encouraged to join the NCFDD (National Center for Faculty Development and Diversity). NCFDD emails faculty with timely and helpful information on topics such as building better inclusivity and Zoom teaching, how to better manage time spent on teaching, service and research, as well as research and writing productivity, among other topics. NCFDD also has an online 12-week Faculty Success Program for tenure-track and tenured faculty.
- DEI is also working to incorporate increased equity and inclusion awareness and training into the UNM staff hiring process.
- A question was raised about terminology, since many of the terms used to identify groups (e.g. Latinx) are currently being contested. Associate Dean Thomas explained that terms are continually changing as they evolve and are used across the country. Dr. Hutchison explained that the DEI tries to settle on terminology that is being used across institutions, but those are constantly being reviewed and adjusted. All terms are open to discussion and feedback from community members, so they are not fixed categories and may be subject to changes.

US News rank update – Dean Sergio Pareja:

Dean Pareja shared that the most recent US News rankings will become public on Tuesday, March 30th at 12:01 a.m. He cannot provide specific ranking info before then but can give a report as to the law school's general status in the rankings. In the past week or so the rankings were changed due to a computational error. Rankings are still tentative because there could be further shift in the rankings before Tuesday. Generally, the overall rankings are not bad news, and there is very good news in some of the specialty ranking categories.

Rankings were based on four broad factors: 1) reputation; 2) selectivity or entering class stats; 3) placement success/jobs; and 4) school resources or funding. Historically the weight given to each of those categories has been 40%, 25%, 20% and 15%, respectively. Last year, the law school had an overall rank of 99 so Dean Pareja had some concern that the law school would drop out of the top 100, but advised that, as of today, it is looking like we will not be dropping out of the top 100. That, of course, could still change before 12:01 a.m. on Tuesday.

Our reputation score has always ranged between 2.3 – 2.6 over decades of reporting, and this year we inched up to 2.5, just .1 below our all-time high reputation score. Thank you to the faculty who have been speaking and participating in AALS and other national platforms, which has helped the law school's reputation rankings move in a positive direction.

The statistics of the current 1L class (median LSAT and GPA) have moved up slightly, with the same median LSAT as last year (155) and a 3.5 GPA, which is slightly below our highest on record.

In the school resources or funding category, the law school has not had a big influx of money and we remain very near the bottom of the rankings for funding for students; however, the resource ranking moved up slightly this year, including the portion of the ranking that factors in scholarships for students. Varying tuition costs in relation to scholarship amounts at various schools can create skewed data.

The placement success/jobs category likely hurt us in this year's ranking, but there is very promising news for next year's ranking in this area. For current rankings, this is based primarily on 10-month placement statistics for the Class of 2019. Those statistics are based primarily on the percentage of the class of 2019 that was in bar-required or J.D.-advantage jobs lasting over one year on March 15, 2020. In part, due to what was happening with the pandemic and the economy at that time, our 10-month numbers were very low – only 73% – and that has hurt us in this year's ranking.

For the Class of 2020, while the totals aren't final yet, the 10-month employment numbers as of March 15, 2020 are looking like they will be over 85%. That is an amazing accomplishment, especially during the COVID-19 pandemic environment. That significantly higher employment number should help with next year's rankings. In addition, we have some smaller classes graduating over the next three years, and we anticipate that their employment numbers should be very strong as well given that it's easier to employ a smaller class. In short, the future trend for the law school's overall ranking is likely to be very positive as long as we remain strong in the other areas that going into the rankings. Dean Pareja thanked the Admissions Committee, Bonnie Stepleton, and Patrick Lopez for their hard work.

US News has recalibrated some rankings categories for this year. Entering class stats is now changed to a 21% ranking weight. Resources or funding ranking weight is now 14%. US News is adding a new 5% component, “debt of students at graduation.” Unfortunately, the 5% is comprised of 3% representing the average debt at graduation and 2% representing the percent of students who graduate with any debt. That methodology would appear to weigh against us and in favor of schools with a student population that is better off financially than our student body.

Specialty rankings are exclusively reputation-based. While the rankings are not final until Tuesday, it is looking like our clinical law program, which had been ranked number 17 last year, might be back in the top 10 this year. Dean Pareja thanked the Clinical Law faculty that build up our reputation and helped people to recognize us as a top tier clinical law program. The NREL program faculty also have been working hard. In 2019 our NREL program was ranked for the first time ever, at number 50, followed by a ranking in the low 30s last year. We are likely to stay strong in this area this year, which shows that NREL’s reputation is holding strong.

This year, a new diversity ranking was added that created an outcry among law deans because Asian Americans and people identifying as being two different races were not included. Further, only student diversity was included, and not faculty diversity. Subsequently, US News decided to include Asian Americans, but they still did not include any people who self-identified as two or more races as being diverse. Law deans united in a fast-moving effort and sent a letter to Bob Morse at US News, urging them to include people who are two or more races before the rankings are released on Tuesday. That resulted in US News pulling the diversity factor in this year’s rankings. Typically, our law school has an entering class with 50% diverse students; however, US News’ calculation method was based on diversity statistics of students as compared to the diversity of the state’s entire population. Although we won’t get to see our rank this year, in the draft version it was looking like we would be ranked somewhere between 11% and 19%.

A question was raised if the diversity ranking methodology factors in any other data in addition to race and nationality. Dean Pareja responded that after the outcry of law deans for not counting Asian Americans, the diversity category is being reexamined by US News. It is unknown if other groups such as LGBTQ or socio-economic groups will be included in the future methodology. Hopefully the US News and Rankings will accept input and suggestions as they formulate their new diversity methodology.

Another question was whether or not there has been a discussion of the median income of students admitted to the law school. Nobody was aware of a specific report, though a study on the wealth gap between various admitted students would be beneficial.

Update regarding graduation – Dean Sergio Pareja:

Dean Pareja advised that Bonnie Stepleton and SACS surveyed the 3L class to find out what type of graduation ceremony they preferred. The students have a strong preference for an in-person ceremony if possible. The Provost is still considering the Law School's request to hold an on-site graduation ceremony in May 2021, which would only include graduating 3L students and necessary faculty and staff. It would be streamed live to the students' families. If by late April or early May the COVID-19 pandemic situation has drastically improved, Dean Pareja might revisit the request with the Provost to see if we could add limited student guests. Current in-person commencement activities require approval by the Higher Education Department. UNM is limiting attendance at ceremonies to 150 people maximum and no food can be served. HED has stated they might be open to UNM holding a ceremony in a large sports stadium, but it has not been decided yet.

Bonnie Stepleton, Desirae Ramirez, and Greg Garcia worked to devise an outdoor ceremony layout that will maintain social distancing, with four tents set up far apart to hold 35 people each using spaced out seating. A defined pathway would route pedestrians through the ceremony site in a socially distanced way. The parking lot would be cordoned off so only graduating students, and faculty and staff working the event would be allowed to park in the L lot. SACS is still proceeding with planning pending approval.

Planning for the summer and fall semesters – Dean Sergio Pareja:

Dean Pareja discussed planning for a return to in-person classes beginning fall 2021. Vice Dean Carey is striving to create a class schedule with more time built in between classes, which might require faculty to start a little earlier or teach a little later. We are striving for a cap of 40 students for each class, because that would allow for seating to still be spaced apart in larger classrooms such as 2401. HED has concerns about the relatively high number of COVID-19 cases at UNM. The law school has much better COVID-19 statistics, but sometimes gets lumped in with broader evaluations and decisions that apply to all of UNM. Summer classes will remain mostly remote via Zoom and will continue status quo, but a few exceptions will be allowed such as summer Clinic classes that might occur on-site at the Law School.

Vice Dean Carey asked that faculty communicate to her as soon as possible if they anticipate a need to work remotely in fall. Online courses need to be coordinated with on-site classes to allow for commute time if students are enrolled in both types of classes.

The Law Library has designated the lower level as an open collaboration area in which students may participate in their remote classes via Zoom. There are also some classrooms set up for that purpose.

The question was raised if it would be possible for adjunct faculty to teach remote courses. Vice Dean Carey said that would require more guidance from the Provost's Office. Policies need to remain consistent among adjunct, tenured, and tenure-track faculty, and there could be faculty union implications.

Announcement about the Clean Water Act – Professor Cliff Villa:

Professor Cliff Villa announced that Clinical Law programs SILC and NREL, working alongside tribal attorneys and groups, filed a federal lawsuit on behalf of the Jemez and Laguna pueblos. The lawsuit seeks to repeal a Trump-era policy on clean water, which impacts over 70 – 80% of the water in New Mexico. A press release will be published on Monday. Over 10 law students worked with Clinic faculty on this complaint.

Announcement about the April faculty meeting and IT – Dean Pareja:

Dean Pareja announced that the next faculty meeting will be on April 16th. Dean Pareja has invited CIO Duane Arruti and a main campus IT employee who will be joining the Law School IT team to the next faculty meeting. He will introduce the new Law School IT person at the next meeting and will hear IT issues and requests from faculty. Two issues that require attention are the recreation of the law school's intranet, or a suitable substitute, and an easy way to access law school email addresses.

The next faculty meeting will include a discussion about hiring requests. Last year two searches were suspended, including the Economic Justice Clinic faculty position. Professor Jeanette Wolfley's salary line was swept by the Provost's Office when she left. Dean Pareja recommends seeking Provost's approval to resume the search for the Economic Justice position. The law school had two faculty retirements last year, Professors Christine Zuni Cruz and Marquita Harnett. Professor Harnett's position is likely to be filled with a staff hire. At this point, Dean Pareja would recommend that we request to use Professor Zuni Cruz's salary line to hire two very junior, entry-level faculty members (no more than four or five years out of law school). The one salary line could potentially be used to hire two very junior faculty members. One would be a core LIPP hire who would primarily teach doctrinal LIPP courses, would serve as the faculty advisor to the Tribal Law Journal, and would periodically rotate into SILC to give Professor Winder a chance to teach doctrinal classes. The other would teach Environmental and Natural Resources doctrinal course, focusing specifically on the intersection between those areas and Indian Law / LIPP. This hire would also be expected to periodically rotate into the Environmental & Natural Resources Clinic to give Professor Pacyniak an opportunity to rotate out to cover doctrinal courses. Faculty will have an opportunity to discuss faculty hiring priorities and proposed options at the April faculty meeting.

Meeting adjourned by unanimous consent at 4:09 p.m.