

**Minutes for Special Faculty Meeting  
April 2, 2019**

*The meeting was called to order by Professor Michelle Rigual at 3:05 p.m., Dean Pareja having recused himself from leading the discussion on the voting policy. The following people were present for at least some portion of the meeting:*

**Faculty: Maryam Ahranjani, George Bach, Reed Benson, Camille Carey, Scott England, Paul Figueroa, Marquita Harnett, Steven Homer, Scott Hughes, Joshua Kastenberg, April Land, John LaVelle, Jennifer Laws, Ernesto Longa, Nathalie Martin, Serge Martinez, Jenny Moore, Gabriel Pacyniak, Mary Pareja, Sergio Pareja, Sonia Rankin, Michelle Rigual, Laura Spitz, Sarah Steadman, David Stout, Carol Suzuki, Sherri Thomas, Peter Winograd** *(17 needed for quorum; names that count toward quorum in bold)*

**Staff:** Krista Allen, Hannah Farrington, David Pallozzi

**Student Representative:** Jared Armijo

**EXECUTIVE SESSION:**

**ACTION ITEM: Professor John LaVelle’s Motion to Amend the Law School Voting Policy on Dean Searches and Retentions:** Professor Michelle Rigual read aloud the main motion to amend the Law School voting policy on dean searches and retentions that had been made at the last faculty meeting. That main motion, which had been made by Professor LaVelle, was to add the following provision to the law school’s voting policy:

**“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.”

A motion was made to take Professor LaVelle’s main motion off the table, which was seconded. The motion to take Professor LaVelle’s motion off the table passed by majority vote, with three votes against and one abstention.

Professor LaVelle raised a Point of Order requesting that the record note how each person votes, which was denied by Professor Rigual. Professor LaVelle appealed the denial, asserting that all votes of each individual who votes in today’s meeting must be recorded in the minutes “in accordance with the New Mexico Open Meetings Act.” The appeal was seconded, and a lengthy discussion ensued. A vote was taken, and the appeal failed, with six votes in favor, eight votes against, and nine abstentions.

Emeritus Professor Scott Hughes then stated that he was not making a motion but that he was of the opinion that the current Dean’s possible candidacy for a future retention vote or

participation in a search is in conflict with his fiduciary duty to the institution of UNM School of Law, and suggested that Dean Pareja recuse himself completely from today's meeting, rather than just from leading the meeting. Dean Pareja stated that he has made no decisions yet on a deanship application following his current term as dean. Professor LaVelle noted that other faculty members present at today's meeting, including himself, might very well decide to apply for the deanship themselves, so it was not necessary for any one individual considering candidacy for a future deanship to leave the meeting.

Further discussion and questions ensued. A motion was made by Professor Hughes, and seconded by Professor Carol Suzuki, to amend the law school's voting policy language in the sixth paragraph, first sentence, to "Faculty members and emeriti with voting rights may vote on Dean hiring and retention..." and to delete the words "Emeritus faculty" from the beginning of the second sentence. Professor Suzuki raised the point that pursuant to the existing law school voting policy, emeritus faculty members have "voting privileges," not "voting rights."

More discussion ensued. A point was raised about the capability of the UNM University Secretary's Office to perform a separate count of electronic votes between the various faculty categories, such as full-time, tenure-track, and emeriti. The current voting policy language is ambiguous with reference to which emeriti are 'active' at the Law School.

Professor Hughes revised his motion to, "Faculty members with voting rights and emeritus faculty may vote on Dean hiring and retention..." That change was accepted by Professor Suzuki, although she raised the question of whether Professor Hughes intended to include all emeriti in his motion, including those who had not been active in the law school in more than two years. Professor Hughes said yes, that was his intent. Some discussion ensued. A vote was taken on the revised motion to amend. The motion failed, with five votes in favor and twenty votes against.

A motion then was made by Associate Dean Sherri Thomas to remove the phrase relating to emeriti "...otherwise actively engaged" from the current voting policy. Discussion followed about the unclear nature of the voting policy's current language on emeritus faculty. Associate Dean Thomas withdrew her motion.

Professor LaVelle then re-read aloud his main motion, which was to add the following provision to the law school's voting policy:

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

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The motion was seconded, and a vote was taken by a show of hands. The motion passed with ten in favor, nine opposed, and two abstentions.

After the vote, Professor Hughes made a quorum call. Dean Pareja counted those still in the room and noted that the meeting still had a quorum.

*The meeting was adjourned at 4:55 p.m. by unanimous consent.*