



The
University of New Mexico

SCHOOL OF LAW
Office of the Dean
1117 Stanford, N.E.
Albuquerque, NM 87131
Telephone (505) 277-4700

M E M O R A N D U M

TO: LAW FACULTY
FROM: LEO M. ROMERO, DEAN *JMR/2B*
DATE: March 8, 1993
SUBJECT: **FACULTY MEETING AGENDA**

Faculty Meeting
March 8, 1993
Dean's Conference Room
4:00 p.m.

- ✓ 1. Approval of Minutes of March 1, 1992
- ✓ 2. Student Employment Rule Enforcement - Peter Winograd
- ✓ 3. Student Affairs Committee Report - Scott Taylor

✓
✓- Smoking
Late Grades

March 8, 1993

Faculty Meeting Minutes
School of Law
Dean's Conference Room, 4:00 PM

PRESENT: Bergman, Burr, Desiderio, Ellis, J., Flickinger, Fort, Gill, Gonzales, Hall, Hart, Jenkins-Smith, Kovnat, Occhialino, Price, Romero, Sanders, Scheible, Schultz, Taylor, Utton, and Winograd.

Student Representatives: Kingen and Leavengood.
Other Students Present: McCulloch.

The meeting was called to order by Dean Leo Romero.

After proper motion and second, the minutes of the March 1, 1993 faculty meeting (attached to the agenda for this meeting) were approved. The faculty joined Dean Romero in thanking first-year student representative Joe Leavengood for preparing these minutes.

Dean's Report:

- The Dean distributed a questionnaire from President Peck's Office identifying experts in various academic fields and asked that each faculty member complete and return it to him or Associate Dean Ruth Kovnat at the end of this meeting. The responses will be used in developing a UNM Media Source Guide.
- The Alumni/ae Association is planning a fundraising dinner next fall which would feature a prominent speaker and honor several School of Law alumni/ae. The Alumni Board hopes to obtain underwriting from a legal publisher to cover a portion of the costs and will sell tables to this event for approximately \$50 per seat.
- The Navajo Supreme Court has scheduled oral arguments in one case for March 26, 1993 at 2:00 PM in the Moot Court Room. Dean Romero is obtaining briefs to be put on reserve in the Law Library.
- Various faculty employment opportunities, including the deanship at the University of South Dakota, were announced. The folder with additional information about these and other faculty positions and deanships is available from Trish Bianchi.

Report on the Law Library Director Search:

Professor Al Utton gave a status report on the Law Library Director search process. Professor Chris Fritz has contacted two additional candidates, Judith Anspach of Thomas M. Cooley Law School and Camille Riley of West Virginia University College of Law, who have both indicated they are interested in visiting the School. Arrangements for visits from each of these candidates are pending for the week following Spring Break.

March 8, 1993

Student Employment Rule Enforcement:

Associate Dean Peter Winograd distributed and reviewed a draft student employment certification form which reflects prior faculty conversations. The faculty then discussed the proposed statement including issues of specific administrative sanctions, the possibility of exceptions, enforceability, non-linkage to the Student Code of Conduct (Honor Code), and estoppel. A motion was made to adopt the proposed statement as an amendment to the language in the current employment policy (limiting the number of hours of employment students may engage in) and to strike the proposed language about specific administrative sanctions. It was agreed that specific information regarding sanctions should be announced by Fall Semester. After proper second, the motion carried as amended. The policy shown below becomes effective with Fall Semester 1993.

UNM School of Law Policy on Student Employment

Law students will be permitted to hold employment during the academic year only within the following limitations:

- **FIRST-YEAR STUDENTS** - no hours during the first semester; no more than fifteen hours a week during the second semester if the student is in good academic standing.
- **SECOND- AND THIRD-YEAR STUDENTS** - no more than twenty hours a week so long as the student is in good academic standing.

Students will be required to file a signed certification form at the beginning of each semester:

This certifies that I am aware of the above and understand that violation can result in administrative sanctions.

Report of the Student Affairs Committee:

Professor Scott Taylor, Chair of the Student Affairs Committee, distributed the Committee's report and gave a brief review of the Committee's membership and activities to date. Student member Marie McCulloch was introduced at this time. On the issue of smoking in the building, the Committee recommended that the School of Law become a smoke-free building with the exception of single-occupancy faculty offices and the American Indian Law Center. If approved, the Committee recommended implementing this new policy after Spring Break. Discussion ensued regarding the extent that student smokers had input into the Committee's process and recommendation, the School's level of compliance with state regulations and UNM policy, and jurisdictional clarification about decisions affecting university buildings. It was moved and seconded to table the Committee's recommendation pending a hearing to garner additional student comment on this issue, and to continue discussion of this issue at the next faculty meeting. After additional comment, the motion was amended to continue discussion at a faculty meeting before the end of the semester. The question was called and the motion carried as amended. It was then moved and seconded to form an Ad-Hoc Committee to discuss mutual accommodations for both smokers and non-smokers. After a brief discussion, the motion and second were withdrawn and the student representatives agreed to coordinate a hearing to solicit input from their constituents.

March 8, 1993

Professor Taylor then reviewed the issue of late grades brought before the Committee by concerned students. Negative effects identified from such tardiness include insufficient information for probationary students, difficulties in receiving financial aid from third-party sources, late applications for graduate programs, and being placed at a competitive disadvantage in the increasingly tight job market. Recent trends in faculty compliance in meeting established grade submission deadlines were presented and the ABA's 30-day rule was discussed. The Committee recommended that the deadline for grade submission be changed to conform to the ABA's standard of thirty days, that the Dean vigorously enforce this deadline by withholding items of discretionary spending, and finally that the Dean by memo notify each student whose grades will be late and explain the reason for the lateness. The faculty briefly discussed the seriousness of this situation and the question was called. The Committee's recommendations were approved.

The meeting was adjourned at 5:10 PM.



E.A. Jenkins-Smith
Faculty Secretary

Tabled - until a fac mtg before the end of this semester

REPORT OF THE STUDENT AFFAIRS COMMITTEE
(March 8, 1993)

Two issues, smoking and late grades, have come before the committee for action. The committee is prepared to make two recommendations, in the form of motions, regarding these issues.

Smoking

The committee has considered the current smoking regulations in effect in the building. Of current concern is the smoking area in the forum. Because of the building's ventilation system, the smoke from smokers spreads through the entire forum. Because most law school foot traffic must pass through the forum, users of the building cannot avoid the second-hand smoke in the forum.

Studies have established that second-hand smoke is a significant health hazard to non-smokers. Therefore, the committee views smoking in the forum as a substantial health issue. Some pregnant students and some non-smokers with respiratory problems find the smoke in the forum to be a negative health factor.

In addition, the committee views smoking in the forum as an aesthetic issue. Most non-smokers prefer clean air to smoke-filled air. Most non-smokers find the aroma of cigarette smoke to be an unpleasant smell, whether found in the air or on their clothes.

Recommendation. Based on its findings, the committee proposes that the law school be made a smoke-free building with the exception of single occupancy faculty offices and the Indian Law Center.

Effective when?

- Notice to Student Body

Further Note. The committee advises the law school administration that UNM prohibits smoking in all classrooms, including periods when they are used for final examinations. The law school's current practice of allowing smoking in designated exam rooms violates this University rule.

Late Grades

Approved

Students have expressed concern over the general tardiness of faculty in their turning in of grades. Records for the last several years show that most professors do not turn their fall grades in on time. In contrast, most spring grades are handed in on time.

Students have noted a number of negative effects in the faculty's lateness with grades. These negative effects include
1) students who are on probation being unable to find out until late in the semester if they will be able to continue law school,
2) students receiving third-party financial aid (e.g., tribal

scholarships) being unable to comply with the usual deadline of grades within four weeks, 3) students needing complete academic records in order to apply for graduate law programs at the same time as other students at schools whose faculty submits grades promptly, and 4) students being placed at a competitive disadvantage in applying for jobs in competition with students from other law schools.

An additional student concern is that faculty seem unresponsive about the responsibility to turn in grades on time. This causes students to reduce their confidence in an institution that they generally hold in high regard.

At least one faculty member of our committee asserted that the fall deadline for grades is unnecessarily short. Fall grades are due on the first Monday before classes begin. The ABA minimum standard requires grades to be finished within 30 days of the last day of the exam period. Our current deadline for the spring (five weeks following the last day of exams) violates the ABA rule.

Recommendation. The committee recommends that the deadline for grades be changed to conform to the ABA minimum standard. This will lengthen the fall deadline by a week and shorten the spring deadline by a week.

The committee also recommends that the dean vigorously enforce these deadlines by withholding items of discretionary spending, such as summer research money, travel funds, work study assignments, etc.

Finally, the committee recommends that the dean by memo notify each student whose grades will be late and explain the reason for the lateness. In the past, students have reacted with generous tolerance toward those faculty who have legitimate excuses for the untimeliness of their grades.