

**College of Law Bylaw**

Adopted May 7, 2019

## **Introduction**

1. This bylaw describes aspects of governance of the College of Law. To the extent there is any inconsistency between this bylaw and any previous resolution of the Faculty Council or other committee of the College of Law, this bylaw prevails. Matters of student evaluation generally are regulated by the *Academic Courses Policy on Course Delivery, Examinations, and Assessment of Student Learning* as supplemented and modified by the College of Law Assessment Regulations. In the event of a conflict between the *Academic Courses Policy on Course Delivery, Examinations, and Assessment of Student Learning* and the College of Law Academic Regulations, the *Academic Courses Policy on Course Delivery, Examinations, and Assessment of Student Learning* prevails.

## **Types of Authority**

2. College of Law faculty members exercise decision-making authority in three main ways:
- As part of the College of Law Faculty Council (“Faculty Council”), which derives its authority from the University Council and the *University of Saskatchewan Act, 1995*;
  - As faculty members exercising decision-making authority in collegial processes under the collective bargaining agreement between the University and the Faculty Association; and
  - As members of the faculty assisting or being consulted by the Dean or Associate Deans of the College of Law as they fulfill their administrative responsibilities.

This bylaw is primarily concerned with facilitating the workings of Faculty Council, but for the purpose of clarity also includes matters outside of Faculty Council.

## **Faculty Council**

3. The Faculty Council of the College of Law is continued, with membership in accordance with the University Council Bylaws, Part Three, article V, 1.<sup>1</sup> Faculty members on leave retain their right to participate in meetings.

3.1 Faculty Council has the power to recommend changes in its membership to the University Council by obtaining the majority approval of Faculty Council.

3.2 Faculty Council has the power to amend this bylaw. Amendments to this bylaw require a two-thirds majority of those present.

3.3 In addition to other duties it takes on itself, Faculty Council fulfills the duties assigned to it by Part 3, article V, 2 of the University Council Bylaws, specifically the duties:

- (a) to make recommendations to University Council concerning the requirements for admission to programs offered by the college;
- (b) to establish and report to University Council on the number of students who may be admitted to the college and to report to University Council on the number of students admitted each year;

- (c) to make recommendations to University Council concerning addition, deletion or modification of courses and programs of study, and concerning the requirements for successful completion of such programs;
- (d) to establish and publish rules and methods for the progression and graduation of students and for their suspension or requirement to withdraw permanently for failure to meet the requirements for progression;
- (e) subject to the *Academic Courses Policy on Course Delivery, Examinations, and Assessment of Student Learning*, to establish and publish rules and standards with respect to the assessment and examination of students in courses and programs offered by the college;
- (f) to make decisions concerning progression of students and concerning their suspension or requirement to withdraw, in accordance with the rules approved by Faculty Council, and to hear appeals of such decisions;
- (g) to approve candidates for degrees, diplomas and certificates;
- (h) to approve candidates for scholarships, prizes, and other awards and honours;
- (i) to establish a mechanism for appointing hearing boards to hear allegations of academic misconduct as provided for under University Council's regulations governing academic misconduct; and
- (j) to consider appeals from students in accordance with University Council's regulations governing student appeals in academic matters.

3.4 Faculty Council meets at least three times each year to receive reports from the Dean and Faculty Council committees.

3.5 Faculty Council may be called to meet by the Dean, the Dean's designate, or by a signed petition of at least twelve members of the Faculty Council.

3.6 The Chair of Faculty Council is the Dean, and in the Dean's absence is the Dean's designate, and in both their absences is another member of Faculty Council as agreed to by the majority of members at the meeting.

3.7 At least one week before the date of a Faculty Council meeting, the Chair will distribute any materials that the faculty requires to consider a matter before it. Such materials include the agenda for the meeting, as well as any relevant reports, recommendations and motions. Faculty Council may alter any agenda at the start of the meeting, or at any other time. The agenda must be approved at the beginning of each meeting.

3.8 A quorum of Faculty Council is one-half of those professors, associate professors, assistant professors, and full-time lecturers, who are not on leave. Members on leave may attend and vote, but do not count for quorum purposes.

A simple majority of those present is required for approval of motions, unless otherwise stated in this bylaw.

3.9 "Confidential" Faculty Council meetings may be held. Students may be excluded from these meetings at the discretion of the Chair. The related portion of the minutes may remain confidential at the discretion of the Dean.

3.10 Faculty Council carry out those responsibilities defined in *The University of Saskatchewan Act, 1995*, the *Council Bylaws and Regulations*, and other University regulations.

3.11 Faculty Council must keep a record of its proceedings and this record is open to any member of the faculty council. A copy of the proceedings must, upon request, be furnished by its secretary to the chair of University Council and to the president of the University as required by Part 3 article V.2.D of the University Council Bylaws.

## **Committees**

4. *Ad Hoc* Committees - Faculty Council or the Dean has the authority to appoint *ad hoc* committees as necessary.

### **0. Standing Committees (University Council Authority)**

The committees listed in this section are established as standing committees of Faculty Council for the purpose of carrying out responsibilities flowing from University Council. Each standing committee must keep minutes. Committee minutes and reports must be filed with the Dean's office.

#### **5.1 Indigenous Engagement**

A. Terms of Reference – The Indigenous Engagement Committee may make recommendations to Faculty Council to enhance the student experience for Aboriginal students within the College.

B. Membership – The Dean appoints members as necessary. Membership includes students, but student membership is never greater than faculty membership less one.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

#### **5.2 Admissions**

A. Terms of Reference – The Admissions Committee reviews applications for the J.D. program and makes offers of admission to applicants as appropriate.

B. Membership – The Dean appoints members as necessary. Membership includes at least two student members, but student membership is never greater than faculty membership less one.

C. Quorum – Quorum is the Chair and one other faculty member.

D. Chair – The Dean appoints the Chair.

#### **5.3 Board of Examiners**

A. Terms of Reference – The College of Law takes collective responsibility for assigning marks to students. This committee may accept, reject or alter marks

submitted to it. It makes recommendations for student graduation and promotion. It has the duties and authorities granted to it under the College of Law's Academic Regulations, including determining faculty action to be taken where students have not met either the promotion standard or the supplemental standard as established by the College of Law's Academic Regulations. The Board of Examiners receives recommendations from the Studies Committee on most issues.

B. Membership – Members of the Board of examiners are:

(i) all individuals teaching a course for which a student is awarded a mark at the College of Law in the current academic year; and

( ) all probationary or tenured professors, associate professors, assistant professors whether or not they are teaching.

C. Quorum - Quorum is ten members.

D. Chair – The Associate Dean Academic or designate chairs the Board of Examiners.

#### 5.4 Curriculum

A. Terms of Reference –The Curriculum Committee reviews the existing curriculum at the College of Law as necessary, and makes recommendations to the Faculty Council for changes as appropriate.

B. Membership – The Dean appoints members as necessary. Membership includes two students, but student membership is never greater than faculty membership less one.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

#### 5.5 Ethics and Discipline

A. Terms of Reference –The Ethics and Discipline Committee deals with ethical issues among students generally and with individual student discipline matters.

B. Membership – The Dean appoints members as necessary. When considering matters of broad policy, membership includes student members. In such circumstances, student membership is never greater than faculty membership less one. When considering individual student discipline matters, membership does not include students.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

#### 5.6 Graduate Studies and Research

A. Terms of Reference – The Graduate Studies and Research Committee deals with admissions, financial support, and policies in respect of graduate programs in Law and matters relating to research at the College of Law.

B. Membership – The Dean appoints members as necessary.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Associate Dean, Research and Graduate Studies is the Chair.

5.7 Orientation

A. Terms of Reference – The Orientation Committee organizes a program to orient incoming J.D. students to the study of law at the College of Law.

B. Membership – The Dean appoints members as necessary. Membership includes students, but student membership is never greater than faculty membership less one.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

5.8 Speakers

A. Terms of Reference – The Speakers Committee facilitates a program of speakers addressing the College of Law on a variety of academic and practice topics.

B. Membership – The Dean appoints members as necessary. Membership includes students, but student membership is never greater than faculty membership less one.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

5.9 Studies

A. Terms of Reference – The Studies Committee is responsible for individual student matters including scholarships, prizes and bursaries. It reviews the academic progress of all J.D. students and makes recommendations to the Board of Examiners or Faculty Council as appropriate. It has the duties and authorities granted to it under the College of Law's Academic Regulations It also makes recommendations to Faculty Council regarding the College of Law Academic Regulations.

B. Membership – The Dean appoints members as necessary.

C. Quorum – Quorum is the Chair and one other faculty member.

D. Chair – The Associate Dean Academic is the Chair.

**6. Standing Committees (Collective Agreement authority)**

The committees listed in this section are established for the purpose of carrying out collegial responsibilities under the collective bargaining agreement between the University and the Faculty Association. Each standing committee must keep minutes. Committee minutes and reports must be filed with the Dean's office.

6.1 Promotions

A. Terms of Reference – A separate Promotions Committee is established for each faculty member being considered for promotion. The committee is responsible for carrying out its functions as described in the USFA Collective Agreement Article 16.

B. Membership – Members comprise the Dean and all tenured faculty whose rank exceeds the employee being considered for promotion, as determined by the USFA Collective Agreement, Article 16.3.2.<sup>ii</sup>

C. Quorum – Quorum is 2/3 of the committee taken to the nearest integer as determined by the USFA Collective Agreement, Article 16.5.2.<sup>iii</sup>

D. Chair – The Dean chairs the Committee, as determined by the USFA Collective Agreement, Article 16.3.2.

6.2 Renewals and Tenure

A. Terms of Reference – The Renewals and Tenure Committee makes recommendations to the University about renewals and tenure of faculty.

B. Membership – Members comprise all tenured members of the College of Law and the Dean of Law, as determined by the USFA Collective Agreement, Article 15.9.2.<sup>iv</sup> The USFA Collective Agreement provides that “(t)he structure and composition of the committees that consider renewal of probationary appointments shall be the same as the committees which consider the award of tenure”.<sup>v</sup>

C. Quorum – Quorum is 2/3 of the committee taken to the nearest integer as determined by USFA Collective Agreement, Article 14.5.3.<sup>vi</sup>

D. Chair – The Dean chairs the Committee, as determined by the USFA Collective Agreement, Article 15.9.2.

6.3 Search

A. Terms of Reference – The Search Committee makes recommendations to the University about the hiring of faculty, as determined by the USFA Collective Agreement, Article 13.5.1.

B. Membership – Members comprise all probationary or tenured faculty as determined by USFA Collective Agreement, Article 13.5.1<sup>vii</sup>

C. Quorum - Quorum is as determined by the USFA Collective Agreement, Article 13.5.1

D. Chair – The dean or designate as determined by the USFA Collective Agreement, Article 13.6.1<sup>viii</sup>

6.4 Recruiting

A. Terms of Reference – The Recruiting Committee is a sub-committee of the Search Committee. It assists with the recruitment of faculty and chairs, but not students.

B. Membership – The Dean appoints members as necessary.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

6.5 Salary

A. Terms of Reference – The Salary Committee makes recommendations to the University about the salary of faculty members.

B. Membership – The Dean appoints members as necessary.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

6.6 Sabbatical

A. Terms of Reference – The Sabbatical Committee makes recommendations to the University about sabbaticals for faculty members.

B. Membership – The Dean appoints members as necessary.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

**7. Standing Committees (administrative authority)**

The committees listed in this section are established for the purpose of assisting the College of Law Dean and Associate Deans in carrying out their administrative duties and for facilitating their consultation with faculty members carrying out collegial responsibilities processes under the collective bargaining agreement between the University and the Faculty Association. Each standing committee must keep minutes. Committee minutes and reports must be filed with the Dean's office.

The Dean, in consultation with faculty members, has the authority to appoint committee members and, where not specified in this section, committee chairs.

7.1 Alumni Association

A. Terms of Reference – The Alumni Association Committee devises ways of building and developing relationships with former students of the College of Law and the College of Graduate Studies in Law, for the purpose of helping those individuals contribute to the well-being of the College of Law.

B. Membership – The Dean appoints members as necessary. The Committee may include people who have worked at the College of Law, at the College of Law library, and those who have taught classes, coached moot teams or otherwise contributed to the success of the College of Law.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

7.2 Endowment

A. Terms of Reference – The Endowment Committee monitors and approves expenditures from the College of Law Endowment Fund.

E. Membership – The Dean appoints members as necessary.



C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

### 7.3 Information Services

A. Terms of Reference – The Information Services Committee makes recommendations to Faculty Council as necessary regarding the most appropriate methods of meeting the College's information services needs.

E. Membership – The Dean appoints members as necessary.

F. Quorum – Quorum is 50% of the membership.

G. Chair – The Dean appoints the Chair.

### 7.4 Faculty Support

A. Terms of Reference – The Faculty Support Committee helps faculty members progress through the tenure and promotion processes.

B. Membership – The Dean appoints members as necessary.

C. Quorum – Quorum is 50% of the membership.

D. Chair – The Dean appoints the Chair.

### 7.5 Law Library Endowment Advisory Committee

A. Terms of Reference – The Law Library Endowment Advisory Committee: receives a report at the end of each fiscal year as to expenditures made from the Law Library Endowment; reviews and, where appropriate, comments upon expenditures from the Law Library Endowment proposed for the coming fiscal year; advises and, where appropriate, makes recommendations to the Head of the Law Library about activities or programs which will enhance collections, facilities, or services provided by the Law Library, and which may be appropriately funded from the Law Library Endowment; and receives reports about the activities and programs provided by the Law Library or the University Library.

B. Membership – The Dean; two faculty members appointed by the Dean; one student member; one representative from (and appointed by) the Law Foundation of Saskatchewan; and one representative from the University Library, to be appointed by the Dean of the University Library.

C. Quorum – Quorum is the full membership.

D. Chair – The Dean is the Chair.

## **8. Representatives**

The Dean, in consultation with faculty members, has the authority to appoint College of Law representatives to the following bodies:

8.1 Campus Legal Services;

8.2 Community Legal Services for Saskatoon Inner City Inc. (CLASSIC);

8.3 Those faculty councils whose membership includes a member of the College of Law;

- 8.4 Pro Bono Students Canada;
- 8.5 The Public Legal Education Association of Saskatchewan (PLEA);
- 8.6 Other bodies or organizations as determined by the Dean or Faculty Council.

## **9. College Administration**

The College of Law administration consists of the Dean of Law, the Associate Dean Academic and the Associate Dean Research and Graduate Studies.

### **9.1 Dean of Law**

9.1.1 The appointment of the Dean shall be in accordance with University policy and regulations.

9.1.2 The duties of the Dean include:

- (a) to give leadership to the College;
- (b) to co-ordinate and direct the administration of the College;
- (c) to promote the image of the College within the University, the community, the profession, and the corporate sector;
- (d) to act on employment, renewal of probationary appointment, tenure, promotions, salary reviews, and other matters as required by the Collective Agreement between the University of Saskatchewan and the University of Saskatchewan Faculty Association;
- (e) to call and chair meetings of Faculty Council;
- (f) to make final decisions on matters of budget and space allocation;
- (g) to be an ex-officio member of all Faculty Committees;
- (h) to recommend appointments of the Associate Deans;
- (i) to serve on the University Senate, the University Council, the President's Advisory Committee (PAC), Deans' Council and on other appropriate University Committees pertaining to the affairs of the College or University;
- (j) to participate in teaching, research or other scholarly activities, and to participate in or contribute to the practice of the legal profession at a level appropriate for the Dean position; and
- (k) to manage assignment of duties and faculty sabbatical leaves.

9.1.3 The Dean should approach his or her duties in a spirit of fairness, openness, and accountability to the College community. In particular, the Dean should, to the extent appropriate and possible, consult Faculty Council and affected faculty members before assigning teaching and administrative duties. In making such decisions, the Dean should also pay due regard to the applicable Workload Guidelines.

## 10. Independence and Conflict of Interest

The College of Law is subject to the University of Saskatchewan's Conflict of Interest Policy generally and the provisions of the University of Saskatchewan - University of Saskatchewan Faculty Association Collective Agreement for conflict of interest relative to collegial matters.

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### i 1. Membership of the Faculty Councils

A. In addition to those members listed in (B) below as members of Faculty Councils of each college and school, the Faculty Council of all colleges and schools shall include the following (\*denotes non-voting members):

- (a) The President of the University\*
- (b) The Provost and Vice-president Academic\*
- (c) Vice-president Research\*
- (d) The Vice-president Finance and Resources\*
- (e) The Vice-president University Advancement\*
- (f) The Vice-provost Teaching and Learning\*
- (g) The Associate Vice-president Student and Enrolment Services\*
- (h) The Associate Vice-president Information and Communications Technology\*
- (i) The Dean of the College or school or, in the case of a school that is not part of a college, the Executive Director of the school
- (j) The Dean of Graduate Studies and Research
- (k) The Dean, University Library or designate\*
- (l) The University Secretary \*
- (m) The Registrar\*
- (n) Such other persons as the University Council may, from time to time, appoint in a voting or non-voting capacity;
- (o) Such other persons as the Faculty Council may, from time to time appoint in a non-voting capacity\*

B.... Faculty Council of the College of Law

See 1.A., sections (a) to (o). Add (or nominee) after each of 1.A. (f-h)

- (p) Those Professors, Associate Professors, Assistant Professors, Extension Specialists, full-time Lecturers, Instructors and Special Lecturers who, for administrative purposes, are assigned to the Dean of the College of Law;
- (q) Research Director of Native Law Centre;
- (r) Programs Director of Native Law Centre;
- (s) Law Librarian or Assistant Law Librarian;
- (t) One student representative of the Aboriginal Law Students' Association;
- (u) Five student representatives of the Law Students' Association.

ii 16.3.2 College Promotions Committee. Each non-departmentalized College shall have a promotions committee for each rank made up of all persons tenured in the College whose rank is above that of the employee being considered for promotion with the Dean as chair, irrespective of the Dean's rank or tenure, except that the Dean shall not be present if the Dean's own promotion is considered. The following shall not be members of College Promotion Committees: the Dean of Graduate Studies and Research, the Vice-President Academic and Provost, the President, or any person designated as chair of the University Review Committee. Where there are fewer than five eligible members, excluding any on leave, the University Review Committee shall co-opt tenured faculty members of appropriate rank from related Colleges to bring the membership of the Committee up to a minimum of five.

iii (ii) a quorum shall be two-thirds of the members of a promotions committee taken to the nearest integer. Employees on leave or excluded because of conflict of interest shall not be counted in order to determine the size of a committee nor to determine if a meeting has a quorum. However, an employee on leave who is a member of a committee may, if present, participate and vote in the meetings of the committee;

iv 15.9.2 College Renewals and Tenure Committee. Each non-departmentalized College shall have a renewals and tenure committee consisting of all tenured members of the College with the Dean of the College as chair, except that the College Renewals and Tenure Committee shall not include the Dean of Graduate Studies and Research, the Vice-President Academic and Provost, the President or any person designated as chair of the University Review Committee. Where there are fewer than five eligible members, excluding any on leave, the University Review Committee shall co-opt tenured faculty members from related Colleges to bring the membership of the Committee up to a minimum of five.

v 14.2 Committees on Renewal. The structure and composition of the committees that consider renewal of probationary appointments shall be the same as the committees which consider the award of tenure (Article 15).

vi 14.5.3 Voting Procedures. The following voting procedures shall be used by department, College, and University committees that consider renewal of probationary appointments:

(i) each member of a committee, including the chair, shall have one vote. Members may vote on a particular candidate only if they have taken part in the committee's deliberations on that candidate;

( ) a quorum shall be two-thirds of the members of a committee taken to the nearest integer. Employees on leave or excluded because of conflict of interest shall not be counted in order to determine the size of a committee nor to determine if a meeting has a quorum. However, an employee on leave who is a member of a committee may, if present, participate and vote in the meetings of the committee.

(i) the decision on renewal of a probationary appointment shall be by simple majority of the vote of those voting. The vote of any member abstaining shall not be counted in support of either the affirmative or negative view. A tie vote means that the motion is lost. The vote shall be taken in response to the question: "Shall renewal be recommended?";

(ii) any member of a committee who is of the immediate family of a candidate shall be disqualified from attending the deliberations of the committee concerning the case and from voting on the question;

(iii) each committee shall have the right to rule a member ineligible to vote or to require the member's withdrawal from the deliberations of the committee if it considers a serious conflict of interest to exist;

(iv) employees shall withdraw as members of College or University Review Committees when these committees receive or review the recommendations of Department or College Committees of which they have been members.

vii 13.5.1 Search Committee. There shall be a Search Committee established in each department and non-departmentalized College chaired by the Department Head or Dean whenever a vacancy in the academic staff exists. The Committee shall consist of all employees holding probationary, continuing status or tenured

appointments in the department or College. Where there are fewer than five members of the department, the College Review Committee shall co-opt faculty members from cognate departments to bring the membership of the Committee up to a minimum of five. An employee on leave who is a member of the Committee may, if present, participate and vote in the meetings of the Committee. The quorum shall be a majority of eligible members. Employees excluded because they are on leave or because of conflict of interest (Article 10.9) shall not be counted in order to determine the size of the Committee or the quorum. The Committee may delegate its work to a subcommittee provided that the Committee itself approves all recommendations made to the Appointments Committee (see below). The Search Committee and the head or Dean shall seek suitable candidates for the vacancy by means of advertising and distribution of notices of vacancy in accordance with published University Procedures. The Committee shall review the academic credentials, scholarly work, teaching experience, letters of recommendation, and any other relevant information about the candidates for the position and subsequently vote by secret ballot on the question "Shall appointment be recommended?". Where the vote is positive, a recommendation for appointment shall be forwarded to the Appointments Committee with the recorded vote. Where the appointee requires hospital privileges to perform the assigned duties, the Search Committee shall consult with the Physician Vice-President or designate of the Physician Vice-President representing the board of the health region prior to the vote.

viii 13.6.1 Search Committee. The Search Committee shall be chaired by the Dean or the Dean's designate and when the Search Committee deems it appropriate it may forward to the Appointments Committee a recommendation to consider two candidates for the appointment of Department Head.