

# FACULTY BOARD CONSTITUTION

Composition, Functions, and Rules of Procedure of the Faculty Board<sup>1</sup>

## I. Composition

The Faculty Board of the Faculty of Law consists of:

- the Dean,
- faculty members (including those who have Continuing Adjunct status under the Collective Agreement but not including retired faculty members, professors emeriti, or those holding Term Adjunct appointments under the Collective Agreement,
- the Assistant Dean of JD and Graduate Students,
- the Executive Director Administration and Finance,
- the Executive Director of the Queen's Law Clinics,
- the Head of the Law Library,
- the Reference and Technical Services Librarian,
- three elected staff members and,
- ten student members.

The ten student members and three elected staff members are elected by students and staff, respectively, in the law school. They have full membership status and voting rights except on matters concerning individual students wherein the student involved does not give his or her express consent to their participation and on matters concerning the awarding of grades.

The Board has the authority to administer the affairs of the Faculty under such regulations as the Board of Trustees may prescribe. The Principal is an ex officio member of Faculty Board.

The student members of the Faculty Board shall be:

- the President of the Law Students' Society,
- one member of the Executive of the Law Students' Society to be elected by and from the Executive,
- the student senator,
- two members of the third-year class to be elected in the year elections in their second year,
- two members of the second-year class to be elected in the year elections in their first year,
- two members of the first-year class to be elected by the first-year class in the year elections in the fall of their first year,
- one graduate student to be elected each fall from and by the incoming class of graduate students,

- An indigenous law student representative elected at annual core elections<sup>2</sup>

The students elected to the Faculty Board shall become members of the Faculty Board from the time of their election. A student member who is unable to attend a meeting of the Faculty Board may appoint as alternate another member of the Law Students' Society executive or a member of the Law Students Society Year Executive, by notifying the Chair in writing at least 24 hours before the meeting.

In the event that the graduate student member is unable to attend a meeting of the Faculty Board, the person elected as the graduate student member of the Graduate Studies Committee will appear as the alternate member.

Alternatively, the graduate student may appoint an alternative graduate student by notifying the Chair in writing at least 24 hours before the meeting.

The responsibilities of the student members of the Faculty Board shall be as follows:

Student representatives on the Faculty Board will be responsible to the Law Students' Society Executive or to the student body as a whole, depending on their method of obtaining a seat on the Board. Representatives should be encouraged to keep current with student problems and concerns and be diligent in ensuring that student opinion (not just the student's own opinion) is brought before the Board. To this end, student representatives will be required to report to the Law Students' Society Executive periodically as required by the Law Students' Society Executive. In addition, each representative should be required to submit a written report containing comments, opinions and recommendations before 1 September of the year in which the student relinquishes his/her position (or each year if the position is held for more than one year). There will be no restrictions or directions as to how student representatives should vote on any issue. All representatives will be individually responsible to the student body for their performance on the Faculty Board. A student member of the Faculty Board may be impeached and removed from that position by the same procedure that may be used to remove a member of the Law Students' Society Executive.

<sup>1</sup> Amended September 15, 2017.

<sup>2</sup> Approved October 19, 2018.

## II. Functions

The functions of the Faculty Board are:



- To recommend to the Senate courses of study leading to a degree and the conditions of admission;
- To decide upon applications for admission or for change of course subject to the regulations of the Senate;
- To submit to the Senate names for both ordinary and honorary degrees;
- To revise the Faculty Calendar, subject to the approval of the Senate;
- To control registrations subject to the regulations of the Senate;
- To deal with class failures;
- To exercise academic supervision over students;
- To make such recommendations to the Senate as may be deemed expedient for promoting the efficiency of the University;
- To recommend the award of scholarships;
- To pass such regulations and by-laws as may be necessary for the exercise of the functions of the Faculty.

### III. Rules of Procedure

#### A. Meetings

##### Regular Meetings

The regular meetings of the Faculty Board shall be held at 1:00 p.m. on the third Friday of September, October, November, and January, as well as on the first Friday in February and the second and fourth Friday in March, unless otherwise ordered by a special motion or by the Dean of the Faculty.

##### Special Meetings

The Dean of the Faculty (or her or his delegate) may at any time summon a special meeting and shall do so within three days of receiving a request in writing by at least 10 members.

##### Virtual meetings

The Chair of Faculty Board may circulate electronically for approval a motion pertaining to a matter or matters that may appropriately be dealt with by virtual meeting. All such motions must contain the names of the mover and seconder, and indicate clearly a deadline for responses, by which time a majority of the requisite quorum must have responded in the affirmative for the motion to carry. The virtual meeting must be minuted and the virtual meeting minutes must be submitted normally to the next regular meeting for approval. If at any point in the process of a virtual meeting the Chair of Faculty Board determines that the matter should be dealt with at a regular meeting of Faculty Board, the Chair may stop the virtual meeting and put the matter on the agenda for the next meeting of Faculty Board.

##### Chair

The chair shall be elected in March. He or she shall hold office for one year from July 1 in the year in which he or she is elected until the following September. In the absence of the chair, an alternate chair shall be elected.

##### Secretary

The Dean shall appoint the Secretary who need not be a member of the Faculty Board. The Secretary shall record the proceedings of the Faculty Board and shall circulate its minutes, reports and resolutions.

##### Attendance

- Members of Faculty Board Committees who are not members of the Faculty Board may attend meetings of the Faculty Board at which business of the Committee is on the agenda, and may speak, but they shall not vote.
- The Chair may invite to meetings of the Faculty Board any other person whose presence would be useful to the deliberations. Such invited persons may speak but they shall not vote.

##### Quorum

Twenty members shall constitute a quorum of the Faculty Board at meetings which student members are entitled to attend except those held out of term time. At all other meetings the quorum of the Faculty Board shall be twelve members. Order of Business

##### Order of Business

At each regular meeting, the business shall be presented in the following order:

- Adoption of Agenda
- Adoption of Minutes
- Business arising from the minutes (questions only)
- Dean's Report
- Question Period (no more than 10 minutes)
- Matters requiring Board action
- Matters for information
- Individual matters where student members normally not required

At each special meeting, the business shall be confined to the agenda.

##### Dean's Report

The Dean shall report to the Faculty Board at each regular meeting matters which are of interest to members. This report shall include a report on the meetings of the Committee of Deans of the Law Faculties of Ontario. Matters

requiring Faculty Board action shall be identified as separate items on the agenda.

#### Question Period

The question period shall not exceed ten minutes. Questions shall be of such a character as to elicit information about the operations of the Faculty of Law on matters of sufficient importance to claim the attention of the Faculty Board.

#### Duration of Meetings

No meeting of the Faculty Board shall continue more than one hour and thirty minutes unless two-thirds of the members present agree to continue with the business of the meeting.

#### Rules of Order

- The Chair may speak on points of order in preference to other members.
- The Chair shall decide on all questions of order and shall, if requested by any member of the Board, state the rule applicable to the case.
- The Chair's ruling may be appealed by motion regularly seconded.
- No rule governing the procedure of the Faculty Board shall be suspended without the consent of two-thirds of the members present.
- No rule governing the procedure of the Faculty Board shall be repealed or amended except by a motion preceded by a notice of motion and approved by two-thirds of the members present.
- For the purposes of ordinary motions, a motion is decided by a simple majority, which means more votes cast for the motion than against the motion.

Unless otherwise specified in these rules of procedure, Bourinot's Rules of Order, in its most recent edition, shall govern.

### B. Motions

#### Notice of Motions

All motions except those dealing with individual students or their records shall be preceded by a notice of motion which is to be given in writing at a previous meeting of the Faculty Board or appear on the written agenda circulated by the Chair. Only motions which have been preceded by notice and motions concerned with the same subject matter shall be proceeded with unless the requirement of notice is waived by two-thirds of the members present.

Where the question is raised of whether an issue falls within the scope of the topic on the agenda of which notice has been given, the chair shall initially rule on the question. If a vote is called on the chair's ruling, a majority of two-thirds of

the members present and voting will be required to sustain the view that discussion of the issue is within the scope of the topic of which notice has been given. If there is not a two-thirds majority for that view, the Chair shall declare discussion of that issue out of order and that will be final.

#### Reconsideration of Motions

Any matter dealt with and disposed of by motion of the Faculty Board shall not be reconsidered within ten months of the date of the decision, unless notice of a proposed new motion is delivered to members one full week before the date of the meeting at which the motion is to be considered.

#### Procedure Governing Motions

- All motions of substance shall be in writing.
- No question or motion shall be debated or put unless it has been seconded.
- When the motion is seconded, it shall be stated by the Chair before debate.
- Except when another member is speaking, a member may require the motion under discussion to be read at any time.
- When a motion is under debate, no motion shall be received unless to amend, to refer to committee, to postpone or to adjourn.
- Ordinarily no member shall speak more than once to the same motion until after all the members who choose to speak have spoken.
- A member may at any time, with the permission of the Chair, explain a material part of his or her remarks which may have been misunderstood.
- A member may request that a question be divided for the purpose of debate. The chair in his or her discretion may divide the question for the purpose of debate if he or she thinks it will clarify the issues or expedite the debate.

#### Record of Voting

When a vote is taken in the Faculty Board, any member may require that his or her vote or the numbers be recorded in the minutes.

#### Voting by Chair

The Chair has a deliberative vote and in the event of an equality of votes he or she has also a casting vote.

### C. Committee of the Whole

#### Appointment of the Committee of the Whole

The Faculty Board may at any time form itself into a committee of the whole body to consider a matter which is properly before the Board. A committee of the whole is ordinarily appointed by a motion, "That this Faculty reconstitute itself as a committee of the whole to consider a certain proposed resolution respecting [a specified subject]".



When the matters referred to a committee of the whole have been considered, the Faculty Board is re-established and receives a report from the Chair who shall then accept a motion arising from her or his report.

#### Procedure

Motions made in committee of the whole shall not be seconded and are not governed by the procedure governing motions made in the Faculty Board except that no member shall speak more than once to any question until every other member choosing to speak shall have spoken.

### D. Agenda, Minutes, Reports

#### Agenda

The agenda for each meeting shall be prepared by the Chair in consultation with the Dean and the Secretary.

The Chair shall cause a notice of meeting together with a request for items for the agenda to be given to members of the Faculty Board at least one week before each regular meeting.

The Chair shall cause a copy of the agenda to be circulated to students and to member of the Faculty Board at least twenty-four hours before each meeting.

#### Minutes

The Secretary shall keep on file a copy of all minutes of the Faculty Board.

The minutes shall include as appendices all reports considered by the Faculty Board.

The minutes of all Faculty Board meetings not yet approved shall be circulated to all members of the Faculty Board before the next regular Faculty Board meeting.

All non-confidential parts of the minutes shall be circulated to students at the time they are circulated to members.

#### Reports

The Secretary shall keep on file copies of all reports, working papers or memoranda prepared for the use of the Faculty Board or one of its committees. Committee chair shall provide the Secretary with copies of such documents prepared for their committees.

All non-confidential reports prepared for the use of the Faculty Board shall be circulated to students at the time they are placed on the agenda of a Faculty Board meeting.

#### Methods of Giving Notice

Wherever procedures of the Faculty Board require notice to be given to members of the Faculty Board, it shall be

adequate to circulate notice on the Faculty Board listserv not later than 3:00 p.m. the preceding day.

Where notices, reports, minutes or agendas are required to be publicly circulated, it shall be adequate to circulate them on the Faculty Board, faculty, and student listservs.

## IV. Standing Committees

### Terms of Reference

- Faculty Board Standing Committees are bound by their terms of reference. If a Standing Committee finds it desirable to extend or reduce an enquiry beyond its terms of reference, it shall obtain authority from the Faculty Board to do so.

### Membership

- The faculty members of the Faculty Board Standing Committees shall be elected by the faculty members of Faculty Board in March.
- The student members of Faculty Board Standing Committees shall be elected to serve on standing committees in March on a date fixed by the Law Students' Society, except that the student members of the Orientation Review Committee shall be appointed in November in accordance with the procedure developed by the Law Students' Society. As soon as possible after the student members are appointed their names shall be given to the Chair of the Faculty Board who shall communicate them to the appropriate committee and announce them at the next regular Faculty Board meeting.
- Members of Faculty Board Standing Committees other than those committees for which a different term of office is specified, shall hold office for one year from July 1 of the year in which they are elected or appointed.
- The Associate Dean (Academic) shall solicit the views of each faculty member about which of the Standing Committees he or she wishes to serve on and shall ensure that nominations for all Standing Committees, including nominations for the Chair of each Standing Committee, are on the agenda for a Faculty Board meeting in March of each year. The Chair shall call for further nominations from the floor.
- The Dean shall be an ex officio member of all Faculty Board Standing Committees.

### Standing Committees, their Composition and Terms of Reference

The following shall be the Faculty Board Standing Committees, their composition and their terms of reference:

#### *Academic Standing and Policies Committee*

## Membership

- Two faculty members (one of whom shall be Chair); the Assistant Dean JD and Graduate Studies; the Manager of Education and Equity Services (who acts as a non-voting Administrator to the committee); and two students. Student alternates will be selected by the LSS (for faculty board approval in March), if necessary, for the summer period from the end of the Winter examination period to the start of the fall term.

## Terms of Reference

- to consider and make recommendations upon matters relating to academic standing and policies;
- to deal with student problems and requests as they affect academic work and standing in accordance with the policies of the Faculty;
- to deal with academic standing generally at term and year end;
- to make decisions on supplemental and special privileges in accordance with the policies of the Faculty.

## *Admissions Committee*

## Membership

- Four faculty members (one of whom shall be Chair); the Assistant Dean JD and Graduate Studies; one staff member; six students

## Terms of Reference

- to consider and make recommendations on matters relating to admissions;
- to make decisions on the files of applicants under the life experience categories, and special admissions to the JD program.

## *Curriculum Committee*

## Membership

- Three faculty members (one of whom shall be Chair); and two students.

## Terms of Reference

- to consider and make recommendations on matters relating to the JD program;
- to examine and make recommendations on the Faculty's methods of instruction;
- to consider and make recommendations on proposals for new JD courses
- to approve changes to existing courses and to report this action to the Faculty Board for ratification;

- to examine and advise upon the academic implications of programs and regulations initiated outside the University.

## *Visitors Committee*

## Membership

- Two faculty members and the Manager of Academic Programs.

## Terms of Reference

- To co-ordinate visitors to the Faculty
- *Competitive Moot Court Committee*

## Membership

- Two faculty members, one of who will serve as Chair and coordinator of the competitive moots; one staff member; and two students.

## Terms of Reference

- to consider and make recommendations on matters relating to the competitive moot court program.

## *Orientation Review Committee*

## Membership

- The Associate Dean (Academic) (Chair); the Assistant Dean of JD and Graduate Students; four students.

## Terms of Reference

- to ensure that the planning, organization and conduct of the Faculty's Orientation adhere to Senate Orientation policy and objectives;
- the student members shall report to the Chair of the Committee in October;
- the Chair of the Committee shall report to the Senate Orientation Review Board in October on its review of the Orientation just past and on its recommendations for the next year.

## *Writing Prizes Committee*

## Membership

- Two faculty members (one of whom shall be Chair).

## Terms of Reference

- to invite nominations from instructors annually;
- to assess nominations and make decisions on student writing awards.

## *Marks Committee*





### Membership

- The Associate Dean (Academic), Assistant Dean JD and Graduate Studies and one faculty member.

### Terms of Reference

- Has the jurisdiction to accept grades.

### Student Participation

- The student members of Faculty Board Standing Committees shall not participate in any discussion concerning individual students or their records without the consent of the individual student.
- Notwithstanding (1), the student members of the Admissions Committee may participate fully in the selection of the first-year class, and may, during Committee meetings, examine the files of applicants for admission to first year, for that purpose.

### Quorum

One half of the members constitutes a quorum of each committee.

### Direct Referral to Committees by Dean

The Dean may refer any matter to a Faculty Board Standing Committee without motion of the Faculty Board where he or she feels such a referral will expedite Faculty Board business by, for example, clarifying issues or producing a suggested course of action.

### Direct Referral to Committees by Law Faculty Members

Any member of the Faculty of Law may bring matters to the attention of any Standing Committee.

## V. Specially Elected Committees

### Faculty Appointments Advisory Committee

#### Membership

- the Dean (Chair); four faculty members (members of the bargaining unit under the Collective Agreement); two students (one JD student and one Law graduate student, either LL.M. or Ph.D., or if no graduate student is able or willing to serve, two J.D. students);
- vacancies on the Committee shall be filled by election of Faculty Board in March;
- faculty members of the Committee shall be elected for a term of three years;
  - the three-year terms of faculty members shall be staggered so that normally no more than two are elected each year;
- the Committee shall where practicable be reflective of the Faculty in terms of rank and gender;

- faculty members of the Committee may not serve two consecutive three-year terms;
- student members of the Committee shall be elected by Faculty Board for a term of one year from the student members of Faculty Board and shall exercise their responsibilities in a confidential capacity and arrive at any judgement at their own discretion.

#### Terms of Reference

- to recommend the academic or professional qualification and experience required for filling a position;
- to recommend on the content and placement of advertisements for the position;
- to review and assess all materials submitted by applicants;
- to prepare a short list of candidates;
- to interview candidates;
- to make written recommendations on appointments;
- to perform all functions in accordance with the Collective Agreement.

### Renewals, Tenure/Continuing Appointments and Promotion Committee

#### Membership

- four faculty members and one faculty member from another Queen's Faculty (members of the bargaining unit under the Collective Agreement); two students;
- one of four faculty members from the Faculty of Law shall be elected as Chair by the other members of the Committee and the election of the Chair shall take place by 1 May of each year;
- vacancies on the Committee shall be filled by election of Faculty Board in March;
- faculty members of the Committee shall be elected for a term of two years;
- the two-year terms of faculty members normally shall be staggered;
- the Committee shall where practicable be reflective of the Faculty in terms of rank and gender;
- student members of the Committee shall be elected by Faculty Board for a term of one year.

#### Terms of reference

- to carry out all functions relating to applications for renewal, tenure and promotion in accordance with the Collective Agreement and to make recommendations to the Dean on such applications.

### Specially Elected Adjunct Appointments Committee

### Membership

- The Associate Dean (Academic) (chair); two faculty members; the Assistant Dean of Administration and Finance; the Manager of Academic Programs; one student

### Terms of Reference

- to carry out all functions relating to applications for adjunct appointments in accordance with the Collective Agreement and to make recommendations to the Dean on such applications