Memorandum

To: The Council
From: The Governance Committee
Date: May 8, 2020
Re: Proposed Changes to Bylaws

Attached are two documents – a proposed change to the Bylaws with an Explanation and a redlined copy showing the proposed change. As you will see, this proposed change would permit the Council to provide temporary relief from a rule or the requirements of a standard to allow law schools to respond to a regional or national emergency, such as weather disasters and pandemics. The relief granted would be effective only for the duration of the extraordinary circumstance and only to the extent specifically provided.

We are unsure of what the fall semester will bring with the COVID-19 pandemic, or what the Department of Education will permit accreditors to do to meet the continued emergency. Consequently, the office suggested that the Council needs a permanent solution in the Bylaws to authorize the Council to address these types of emergencies. To that end, the attached draft of the proposed changes was prepared by a working group that included Pam, Stephanie, Diane, Scott, Barry, Bill, and Ed.

According to Article XII of the Bylaws, the Governance Committee shall report its recommendation on an amendment to the Council, which shall consider the recommendation at the next Council meeting held 30 or more days thereafter. Notice of the proposed amendments shall be given to Section members by email and/or publication on the Section website. The proposed amendment shall be submitted to a vote of the members of the Section present at the annual meeting. The amendment becomes effective upon approval of the Board of Governors (“BOG”).

The goal is to get the approval of the BOG at its June 11, 2020 meeting, subject to the adoption of the amendment by members of the Section of Legal Education and Admissions to the Bar at the Annual Meeting in August 2020. Therefore, the Governance Committee recommends that the Council consider this proposed amendment and vote at a special meeting to be held in June 2020 (in order to meet the 30-day requirement) to submit the proposed amendment to Section members for adoption at the Annual Meeting in August 2020.
TO: Board of Governors

FROM: Council of the Section of Legal Education and Admissions to the Bar

DATE: May 2020

RE: Proposed Amendment to the Bylaws of the Section of Legal Education and Admissions to the Bar

This proposed change will authorize the Council to act quickly to address an emergency impacting multiple law schools—either regionally or nationally. Examples of emergencies include, but are not limited to, weather disasters and pandemics. In such emergency situations, law schools may need to respond in ways that could violate a standard. An example was when many law schools needed to abruptly shift from routine in-class scheduling of courses to distance learning due to the COVID-19 pandemic of 2020. This proposed change would permit the Council to provide temporary relief from a rule or the requirements of a standard to allow law schools to respond to the emergency. Such relief would be effective only for the duration of the extraordinary circumstance and only to the extent specifically provided.

At its May 2020 meeting, the Council considered the proposed amendment to the bylaws. At its June 2020 meeting, the Council is expected to vote to submit the proposed amendment to the Board of Governors for approval and to submit the proposed amendment to the members of the Section of Legal Education and Admissions to the Bar for approval at the Annual meeting in August 2020.

The Council submits the attached proposed amendment to the Board of Governors for its consideration at its June 11, 2020 meeting, subject to the approval of the Section membership at its meeting in August 2020.
ARTICLE IV
COUNCIL

Section 1. Powers and Functions.

(a) The Council shall be vested with the powers and duties necessary for the administration of the business of the Section. It shall authorize all commitments for expenditures of Section monies.

(b) The Council shall develop separate budgets for the Law School Accreditation Project and for other activities of the Section. The Accreditation Project budget will not be subject to review of, approval by, or consultation with the Board of Governors of the Association or any other entity outside the Section. The budget for the activities of the Section other than the Accreditation Project will be subject to the Association's regular budget process. With respect to those activities other than the Accreditation Project, the Council shall not authorize commitments for expenditures in a fiscal year that would exceed the income and reserves of the Section for that fiscal year without approval of the Board of Governors.

(c) The Council is authorized to establish and organize committees and other entities. The Council shall establish an appropriate chain of responsibility for any committee or entity that it creates. No Section committee or other entity shall have authority to speak for the Section unless specifically authorized by these Bylaws or by the Council.

(d) Between meetings of the membership, the Council shall have authority to conduct the business of the Section. The Council shall report to the membership of the Section at each annual meeting any actions taken pursuant to this subsection since the last meeting of the membership of the Section.

(e) The Council may direct a referendum by mail or electronic ballot of Section members as defined in Article III, Section 5. A majority of the votes cast in the referendum shall determine the policy of the Section with respect to the question submitted. Such referendum shall be conducted according to rules established by the Council and the results shall be certified by the Secretary.

(f) At appropriate times, as determined by the Section Officers Conference, the Council is authorized to submit a nomination for a Section member-at-large of the Board of Governors. Notice of an opening for this position and the procedure to be followed for submitting nominations shall be published on the Section website at least sixty (60) days before the Council decides on the nominee. The selection of the nominee shall be made by the Council with due regard for the eligibility requirements for election to the Board of Governors.
(g) The Council is authorized to adopt emergency policies and procedures in response to extraordinary circumstances in which compliance with the Standards would create or constitute extreme hardship for multiple law schools. These policies and procedures will be effective upon adoption by the Council for a term certain and limited to the duration of the extraordinary circumstance.