



PACE UNIVERSITY SCHOOL OF LAW

CONSTITUTION

as amended and updated through 10/12/2011

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CONSTITUTION FOR THE PACE UNIVERSITY SCHOOL OF LAW

Preamble

Responsibility for the instruction of students and governance of the Pace University School of Law rests in its Dean and Faculty. The welfare of the institution and the design and provision of professional training in a rigorous course of study is entrusted to the Faculty by the University. The Dean and the Faculty of Law strive for excellence in preparation of students for admission to the bar, in competence for professional responsibilities, and in instruction in jurisprudence and other higher branches of the law to qualify students for service to the courts, legislatures, administrative agencies, and society in its manifold interests. In order to constitute procedures whereby the Dean and Faculty of Law may deliberate together in a collegial spirit of mutual respect and effectiveness and may collectively administer their trust, the Faculty of Law has promulgated, and the University Trustees have granted this Constitution as the organic act and rules of procedure for the School of Law of Pace University.

ARTICLE I. GOVERNANCE OF THE SCHOOL OF LAW

Section 1. The Dean

- (a) The Dean of the School of Law is the head of the faculty responsible for the leadership and guidance of the School of Law.
- (b) The Dean provides academic leadership, counseling both students and faculty, and is responsible jointly, with the full Faculty, for developing law school policy and programs.
- (c) The Dean has full responsibility in his or her sound discretion for the day to day operation of the School of Law, including contract terms with faculty, retaining adjunct instructional staff in consultation with the Faculty, hiring and supervising staff, budget preparation and applying and deploying Law School resources to best serve the Law School, scheduling classes and arranging teaching commitments among Faculty, directing Law School fund-raising, facilitating placement of law graduates in employment, encouraging student activities, and appointment of Associate and Assistant Deans.
- (d) The Dean chairs meetings of the Faculty and meetings of the nominating and the Promotion and Tenure Committees, and serves ex officio on all Faculty committees with the right to be represented by a delegate.
- (e) The Dean represents the Faculty and Law School to the University, alumnae and alumni, bench, bar, and community.
- (f) The Dean is appointed by the University President upon nomination by a Dean Search Committee convened by the President and composed as follows: one member named by the President; one member named by the Dean; three members named by the Faculty; and in addition, other appropriate representation as the President and these five persons

shall resolve, with the concurrence of the President. The President may ask for one or more nominations, at his/her election.

Section 2. The Faculty

- (a) The Faculty is responsible for determining the requirements for all academic degrees granted by the Law School, for arranging the curriculum, for recruitment policy and admission of students, for granting or withholding academic degrees, for recruitment of new Faculty, and advancing scholarship, teaching, and service to the University, legal community, and public.
- (b) The Faculty is responsible to advise and assist in the development of the budget of the Law School, advise the Librarian on the acquisition and functioning of the Library.
- (c) The Faculty has principal responsibility for policy-making in the Law School governance as provided herein and is responsible jointly with the Dean for developing Law School policy and programs.

Section 3. Advancement of Public Policy

- (a) The Dean and Faculty share joint responsibility for assuring that the School of Law honors the highest standards of teaching, research and scholarship, and service to Pace University, the legal community and public.
- (b) The Dean and Faculty share joint responsibility for assuring that the Law School provides equal opportunity to all persons who are or may be a part of the Law School.
- (c) The Dean and Faculty share joint responsibility to assure that the School of Law complies with all applicable provisions of law, the rules of the N.Y.S. Court of Appeals, and is fully accredited.
- (d) The Dean and Faculty share joint responsibility to assure that the School of Law operates to enhance the quality, strength, and reputation of Pace University.

ARTICLE II. FACULTY - COMPOSITION AND VOTING

Section 1. Composition.

(a) Faculty.

The Faculty of the School of Law, which is entitled to participate and vote in Law School matters as provided in these rules, shall consist of the full-time Faculty, meaning all persons holding appointments as Professor, Associate Professor, Assistant Professor, or Professor of Law for Designated Project or Service. Adjunct Faculty are excluded, as are visiting Faculty as are visiting Faculty hired after January 1, 2007. (AMENDED 1/31/90, 4/16/08)

(b) Instructional Staff.

The instructional staff of the School of Law shall consist of all persons holding appointments as Professor Emeritus, Professor, Associate Professor, Assistant Professor, Adjunct Professor, and Professor of Law for Designated Project or Service including persons holding such appointments in visiting capacities. Except for persons with appointments as Professors, Associate Professors, Assistant Professors, or Professors of Law for Designated Project or Service, the members of the instructional staff are not normally invited to vote under these rules, except as the Faculty may specifically provide. (AMENDED 1/31/90, 5/25/89)

(c) Appointments.

- (1) Appointments to the full-time Faculty and as Professor Emeritus shall be made by the University President or by the Faculty upon recommendation of the Appointments Committee.
- (2) Appointments to the position of Adjunct Professor shall be made by the Dean, with the advice of the Appointments Committee. (AMENDED 5/25/89)
- (3) The Faculty shall adopt Tenure, Promotion and Reappointment Regulations governing the retention, termination, promotion and tenure of Faculty and instructional staff.

Section 2. Voting.

Each member of the Faculty shall have one vote, and a majority of those present shall be required to adopt any motion or resolution, except as otherwise provided herein, provided, however, that Professors of Law for Designated Project or Service hired after May 4, 2011 shall not be eligible to vote on either (A) appointments to the Faculty, as defined in Article II, Section 1(a) of this Constitution or of any separate regulations that are a part of this Constitution, including by way of illustration (but not limitation) the Faculty Regulations Governing Tenure, Promotion and Reappointment. (AMENDED 10/12/2011)

ARTICLE III. MEETINGS

Section 1. Time of Meetings.

The scheduling and agenda procedures for regular and special Faculty meetings are as provided herein.

(a) Regular Meetings.

- (1) A meeting of the Faculty shall be called by the Dean or the Dean's representative no later than the second week of classes of each semester. At this meeting or at an adjourned session thereof, the Faculty shall fix by resolution the time for the regular Faculty meetings for that semester and thereafter regular meetings shall be held at such times,

provided, however, that the Dean may cancel a meeting by prior notice, unless six Faculty members object thereto. No regular Faculty meetings shall be held between June 15 and August 20.

- (2) An agenda shall be prepared by the Dean and distributed to all members of the Faculty at least five days before each regular Faculty meeting. Any Faculty member may request the Dean to schedule a matter on an agenda, and the Dean shall select a convenient agenda for that purpose. Items not on the agenda shall be considered only for the purpose of reference to the appropriate committee, unless two-thirds of those present and voting agree that the matter cannot be postponed until the next regular or special Faculty meeting.

(b) Special Meetings.

Special meetings may be called by the Dean, or the Dean's representative, at such times as he or she shall deem necessary. In addition, the Dean shall call a special meeting whenever requested to do so by the vote of the Faculty, or by a written request therefore, stating the matters to be considered at the meeting, submitted to the Dean by at least six Faculty members. When a special meeting is called, each Faculty member shall be given as much prior notice of it as is feasible under the circumstances.

(c) Special Meetings Between June 15 and August 20.

Special meetings between June 15 and August 20 may be convened by the Dean or the Dean's delegate, provided that at least ten Faculty members shall be present. Such meeting may dispose of such business as a majority present and voting shall declare cannot reasonably be postponed until the following Fall semester. In no case shall any change in these Faculty Rules or in the Tenure, Promotion and Reappointment Regulations be made at such a meeting. Any actions approved at a special meeting are subject to review by the full Faculty at its first Fall meeting.

Section 2. Place of Meetings.

All regular and special Faculty meetings shall be held at the School of Law in the City of White Plains, unless for good cause and with due written notice the Dean designates another site.

Section 3. Conduct of Meetings.

All regular and special meetings of the Faculty shall be governed by the following provisions:

(a) Presiding Officer.

The Dean or the Dean's designee shall preside at any regular or special meeting of the Faculty.

(b) Quorum.

One-half of the Faculty shall constitute a quorum for the purpose of transacting business at any regular or special Faculty meeting, except that ten members of the Faculty shall constitute a quorum for special meetings held between June 15 and August 20.

(c) Voting.

Votes shall be called by a show of hands in favor, opposed, or abstaining. A majority of those present and voting may resolve to proceed by a roll call vote. Any member of the Faculty may require a secret ballot on any issue presented for a vote. Unless otherwise specified, any question voted upon shall require a simple majority of those present and voting for adoption.

(d) Vote by Member not Present.

No Faculty member not present at a regular or special Faculty meeting may cast a vote in that meeting.

(e) Attendance by Non-Faculty Members.

Attendance at regular and special Faculty meetings shall be limited to members of the Instructional staff, and to those whom the Faculty may from time to time resolve to invite.

(f) Rules of Procedure.

The provisions of Robert's Rules of Order, Revised, are hereby adopted and incorporated within these Faculty Rules, and shall govern procedures and debate at Faculty meetings except where inconsistent with express provisions of these Rules. The Faculty may designate one of their members to act as Parliamentarian, to advise the presiding officer and Faculty on the applicability of these Rules and Robert's Rules of Order, Revised, to any question before the Faculty.

Section 4. Minutes of Meetings.

Minutes shall be kept of all Faculty meetings, as provided herein.

(a) Preparation of Minutes. At the beginning of the first Faculty meeting of each semester, the Faculty shall designate a Secretary to prepare written minutes of each regular and special Faculty meeting. These minutes shall include a copy, without the attachments of all committee reports and recommendations, and other documents presented at the meeting. One copy of the minutes shall be included in the official files of the School of Law, and one copy shall be given to each Faculty member. The minutes shall be prepared and distributed within one week after each Faculty meeting.

(b) Recording of Votes. The numerical count of each vote shall appear in the minutes. The votes of individual Faculty members shall not appear in the minutes of the meeting unless a

member of the Faculty requests that his own vote be recorded on any question, or unless by majority vote the Faculty present and voting has resolved to proceed on a question by roll call vote, except in the case of a vote by secret ballot.

ARTICLE IV. STANDING COMMITTEES OF THE FACULTY

Section 1. Designation and Appointment of Members.

The Standing Committees of the Faculty shall be those designated in Section 3 below, provided, however, that the Faculty by a two-thirds vote of those present at a regular faculty meeting may abolish any standing committee designated herein, and may constitute any other or new standing committees. The members and chairpersons of each standing committee shall be named annually by the Faculty, upon nomination by the Nominating Committee and by majority votes, at a regular Faculty meeting during the second semester of an academic year but in any event before June 1, to take office at the start of the following academic year. The Nominating Committee shall be elected by the Faculty in February of each year. The Dean serves ex officio as a voting member of all Committees, with the right to be represented by a delegate. These provisions do not apply to the Promotion and Tenure Committee and other committees provided for in the Rules on Tenure, Promotion and Reappointment.

Section 2. Procedures.

Standing committees shall follow the same procedures as required by these Rules for Faculty meetings, mutatis mutandis. Minutes of Standing Committee meetings shall be forwarded to the Faculty Secretary and Dean. The following rules also shall apply to Standing Committees:

(a) Reference of a Matter to a Faculty Committee (or Committees).

Any Faculty member by written request may refer a matter to the chair of a Faculty Committee. If such chair accepts the matter for assignment the matter shall be immediately placed upon the Committee agenda for investigation. In the event that the chair declines the request, the matter may be proposed at any Faculty meeting and shall be placed upon a Faculty Committee agenda if the matter receives the endorsement of five (5) Faculty members. Faculty Committee agenda shall be distributed to all Law School Faculty at least bi-monthly.

(b) Operating Procedures for Faculty Committees.

(1) All matters referred to Committees are to be fully investigated by that Committee. Investigation includes solicitation of and an opportunity to provide oral and/or written submissions of data by parties affected by the matter and may also include independent study by members of the Committee. All Faculty Committee meetings shall be open to Faculty and Deans.

- (2) A Faculty Committee chair, or his designee, shall prepare a written report summarizing the findings of the investigation, noting the viewpoints of affected parties, and setting forth recommendations for Faculty action, if any, which have been approved by a majority of the Faculty Committee. Reports of finding and recommendations by any member of the Faculty Committee who dissents from the majority position shall likewise be prepared in writing. Majority and minority reports shall be promptly submitted to all Faculty. Reports shall be placed upon the agenda for the next regular or special Faculty meeting.

(c) Procedures for Faculty Disposition of Matters Raised in Faculty Committee Reports.

- (1) Majority reports by Faculty Committees which contain recommendations for action may be moved for adoption by any Faculty Committee member subscribing thereto; minority reports shall be similarly treated.
- (2) Interim reports from a Faculty Committee may be called for at any Faculty meeting, but no action shall be taken thereon unless the Faculty Committee reporting requirements herein contained have been complied with.
- (3) From time to time it may be appropriate for the Faculty to consider and decide urgent matters which may have been previously referred to a Faculty Committee. In this event, the Faculty Committee reporting procedures herein contained may be dispensed with upon the two-thirds concurring approval of the Faculty present at the Faculty meeting.

Section 3. Standing Committees.

The Standing Committees, and the charges as to their responsibility and role, are as provided herein: Each Standing Committee shall fully consider equal opportunity in carrying out its duties and responsibilities and shall report to the Faculty from time to time as appropriate, but no less than once annually. *(This section was extensively amended by the faculty on March 25, 1998 and the changes are incorporated here.)*

(a) Nominating Committee. This Committee shall be composed of six full-time faculty members elected by the full-time faculty and the Dean or the Dean's representative who shall chair the Committee. (AMENDED 12/7/83) This Committee shall:

- (1) Nominate annually all members of the Standing and other Committees of the Faculty, delegates to the University Senate and members of the University Committees on which Law School Faculty members are invited to serve; it shall select the optimal size for membership of each Committee for each year, which size shall be at least three persons, and shall nominate persons to chair such Committees; and
- (2) Review the performance of the several Faculty Committees for the purpose of making recommendations to the Faculty regarding the designations or charges of each committee, including recommendations to the Faculty on request of any Faculty member as to jurisdictional questions arising between Committees; and

(3) Report annually before June 1, and otherwise as may be required, to the Faculty.

(b) Academic Performance and Standing Committee.

The Associate Dean for Academic Affairs will be a member of this Committee *ex officio*. This Committee shall develop policy and procedures, provide oversight, and implement procedures for the academic life of the student body, including, but not limited to:

- (1) Standards for grades, academic credit, academic standing, and graduation;
- (2) Honor Code, disciplinary standards, and procedures (in cooperation with the Honor Board);
- (3) Decisions on academic standing and disciplinary matters, including but not limited to suspension, dismissal and readmittance;
- (4) Support for academic performance and bar passage;
- (5) Recipients of student honors, prizes and awards;
- (6) Recipients of honorary degrees;
- (7) Policies and guidance relating to law reviews, moot court boards and other student organizations; and
- (8) Policies relating to student use of technology (except training), including student home pages and any requirement for student computers.

NOTE: For the 1998-99 academic year, the Faculty voted to retain oversight of the law reviews by the Law Review Task Force. This note is for information only and is not part of the Constitution.

(c) Administration & Budget Committee.

This Committee shall include in addition to members of the Faculty, one of whom will be chairman, the Law Librarian and the Dean or his representative. The Associate Deans for Academic and Student Affairs and the Assistant Dean for Administration will be members of this Committee *ex officio*. This Committee shall:

- (1) Review with the Dean the Law School's administrative policies and operational guidelines, including the use or deployment of facilities and the provision of all other support services;
- (2) Formulate jointly with the Dean, the Law School's budget submission requests to the University; in doing so the Committee shall consider budget-item proposals suggested by

individual Faculty and instructional staff members, by the Faculty Library Committee and other Faculty committees, by administrators, and by representatives of the several student groups;

- (3) Propose allocations of the resources provided in each budget to the several programs, and, as appropriate, determine guidelines for administrative allocation of the limited funds made available for particular activities;
- (4) Annually review the Faculty's progress in fulfilling its academic plans, the effectiveness of the administration of the school, and the progress of the school in such areas as Continuing Legal Education, placement, alumnae-alumni affairs and student activities;
- (5) Consult with the Equal Opportunity Committee on the Equal Opportunity policies of the Law School and act to further wherever possible those policies;
- (6) Serve as the Planning Committee of the Faculty, for both long-range and short-range purposes including preparation of all steps necessary to achieve and maintain membership in the Association of American Law Schools and all aspects of accreditation by the American Bar Association;
- (7) Review with the Dean the financial self-sufficiency of the centers associated with the Law School;
- (8) Review with the Dean the functions, plans and performance of the Law School Development Office;
- (9) Review all new program proposals before their presentation to the Faculty and report to the Faculty on their estimated budget impacts;
- (10) Review all policies and practices with respect to purchase, maintenance and disposal of technological equipment for faculty, students, staff and centers and Computer Services Department training of faculty and staff in the use of computer technology.
- (11) Prepare an annual assessment of achievement of mission, values, commitments and implementation measures in our Strategic Plan and present to the Faculty for consideration strategic indicators as measures of progress on the Strategic Plan and our institutional effectiveness.

(d) Admissions Committee.

This Committee shall have principal responsibility for formulation of admissions standards for the J.D. program for approval by the Faculty, oversight of the Office of Admissions and development of policies and practices for use of technology by that Office. The Associate Dean for Student Affairs and the Assistant Dean of Admissions shall be members of the Committee *ex officio*. The Committee shall advise and assist the Assistant Dean for Admissions on all matters regarding the recruitment and matriculation of students, including but not limited to:

- (1) Formulation and implementation of policies and procedures for recruitment and admission of students and for financial aid;
- (2) Implementation of the diversity policies of the School as they involve student recruitment, admissions and financial aid; and
- (3) Review of individual applications for admission as necessary.

(e) Career Development Committee.

The Associate Dean for Student Affairs and the Assistant Dean of Career Development shall be members of this Committee *ex officio*. The Committee shall provide oversight to the Office of Career Development, develop policies and practices for use of technology by that Office and advise and assist the Assistant Dean for Career Development on all matters regarding career planning and job placement, including but not limited policies and procedures for:

- (1) Counseling of students;
- (2) Recruitment of employers for on and off campus interviews;
- (3) Assistance of students in obtaining judicial clerkships, externships and internships; and
- (4) Counseling of alumni.

(f) Curriculum Committee.

The Associate Dean for Academic Affairs and the Assistant Dean/Registrar will be members of this Committee *ex officio*. This Committee shall develop policy and procedures for the academic curriculum and instruction of the School and for appointments to the Faculty, including but not limited to:

- (1) Recruitment for appointment to academic positions;
- (2) Appointment of adjunct faculty;
- (3) Content of individual courses, credit therefore, and content of the curriculum as a whole;
- (4) Approval of new or altered courses and credits therefore;
- (5) Approval of guided research and credits therefore; and
- (6) Integration of centers associated with the Law School with the academic life of the School.

(g) Faculty Development Committee.

This Committee shall develop and implement policies and procedures to develop the capabilities and realize the potential of the Faculty for excellence in teaching and scholarship, including but not limited to:

- (1) Mentoring untenured faculty members;
- (2) Development of tenured faculty;
- (3) Instruction in and encouragement of computer assisted instruction; and
- (4) Arranging major lectures (Dyson, Blank, Sloan & Garrison) on a two year schedule; and
- (5) Arranging Faculty colloquia.

(h) Library Committee.

The care and support of the Law Library and library staff are the duty of this Committee. The Library Director and the Associate Dean for Academic Affairs will be members of this Committee *ex officio*. (AMENDED 9/3/80 and 5/98) This Committee shall:

- (1) Formulate and propose to the Faculty all basic library policies, particularly acquisitions policies;
- (2) Develop and keep current a plan for library development;
- (3) Review all matters of operation and use of the Law Library, including advice to the Administration and Budget Committee on the requirements of the Law Library budget;
- (4) Solicit, channel and assign priorities to requests for book purchases from Faculty members and students;
- (5) Oversee and determine policies for the Faculty Law Library and report to the Faculty regularly;
- (6) Recruit, screen, and identify potential candidates for Law Librarian, including interviewing of visiting candidates and assuring maximum Faculty participation in the interview and appointment process, and recommend a person to the Faculty for appointment as Law Librarian; and
- (7) Review Library policies and practices for training faculty and students in the use of technology for research.

(i) Promotion and Tenure Committee.

This Committee shall be composed of all tenured members of the Faculty and shall be chaired by the Dean. It shall have such authority as delegated to it by the Faculty in the Regulations Governing Tenure, Promotion and Reappointment or otherwise, or as delegated to it by the Dean.

ARTICLE V. AD HOC COMMITTEES

Section 1.

The Faculty may constitute and disband such ad hoc Committees as from time to time may be required. In doing so, it shall specify the exact charge to the ad hoc Committee, the membership size, and the length of time for the Committee's existence. Ad hoc Committees shall be constituted by, and adhere to the same procedure as do the Standing Committees, mutatis mutandis. *(This Section was extensively amended by the faculty on March 25, 1998. All ad hoc committees previously listed here were deleted.)*

ARTICLE VI. UNIVERSITY SERVICE

Section 1. University Committees.

Law Faculty and Deans shall serve on such University Committees or undertake special assignments as may from time-to-time be requested by the Trustees, President or University Administration. Such service shall be considered by the Dean and Nominating Committee when making assignments of Law School responsibilities and Committee work. Faculty members and Deans serving on University Committees shall report about their activities to the Law School Faculty at regular intervals, but at least annually.

Section 2. The University Senate.

The Nominating Committee shall propose to the Faculty each Spring one delegate and one alternate delegate for election as the Law Faculty's representative to the University Senate. Such representatives shall report regularly to the Faculty regarding the deliberations of the Senate.

ARTICLE VII. ACADEMIC FREEDOM

Section 1.

The Law School and University depend for their excellence and strength upon respect for academic freedom as recognized by the Association of American Law Schools and the American Association of University Professors. To assure close support for the principles of academic freedom the Model Code of Procedure for Academic Freedom and Tenure Cases, approved by

the Committee on Academic Freedom and Tenure of the Association of American Law Schools, (December 27, 1967), 21 J. LEGAL EDUCATION 222-234 (1968) is adopted and incorporated herein by reference.

ARTICLE VIII. EFFECTIVE DATE, AMENDMENT AND CONSTRUCTION

Section 1. Effective Date.

This Constitution shall come into effect immediately upon adoption by a majority of the Faculty, and its approval by the Trustees of the University. The Committee on Planning and Review shall function as the first Nominating Committee on or before August 31, 1979, and a Nominating Committee shall be elected by the Faculty in January or February, 1980, to propose new Committees in the Spring of 1980. Any changes in Committee assignments or decisions required or jurisdictional questions arising between Committees between August 31, 1979 and May of 1980, shall be made by the Committee on Promotion and Tenure.

Section 2. Amendment and Repeal.

A motion to amend or repeal the Constitution shall be presented in writing by a Faculty member at any regular or special Faculty meeting. A vote on such motion shall not be taken until the next regular meeting of the Faculty, unless four-fifths of the Faculty present and voting agree to suspend such limitation. Approval by two-thirds of the Faculty present shall be necessary to amend or repeal the Constitution. In no event shall the Constitution be amended or repealed by any special meeting between June 1 and August 20. Amendments of the Constitution shall be communicated to the Trustees of the University for their approval as soon as possible after adoption. Amendments become effective immediately upon their adoption by the Faculty, subject to approval by the Trustees.

Section 3. Consistency with Other Regulations.

The provisions of this Constitution shall comply with and be interpreted in harmony with the standards of American Bar Association and the Association of American Law Schools. Nothing in these Rules shall be construed in a manner inconsistent with any applicable Rules of Pace University and its Board of Trustees, the State of New York, the American Bar Association or the Association of American Law Schools.