

**Florida Agricultural and Mechanical University  
Board of Trustees**



**Academic Affairs Committee Meeting**

**Date: Wednesday, December 3, 2014**

**Time: 8:30 am**

**Location: Band Rehearsal Hall**

**Committee Members:** Marjorie Turnbull, Chair  
Torey Alston, Lucas Boyce, Bettye Grable, and Tonnette Graham

**REVISED AGENDA**

- |     |               |                           |
|-----|---------------|---------------------------|
| I.  | Call to Order | Trustee Marjorie Turnbull |
| II. | Roll Call     |                           |

**ACTION ITEMS**

- |      |  |                               |
|------|--|-------------------------------|
| III. | Tenure Upon Appointment – Marcella David, J.D.     | President Elmira Mangum       |
| IV.  | Approval of Minutes for September 10, 2014 Meeting | Trustee Marjorie Turnbull     |
| V.   | Regulation 4.107 – Students in Military Service    | Interim Provost Rodner Wright |

**INFORMATION ITEMS**

- |       |  |                               |
|-------|--|-------------------------------|
| VI.   | Moment of Recognition – New Program <ul style="list-style-type: none"><li>• Medical Scholars Program – Dr. Michael Smith</li></ul> | Interim Provost Rodner Wright |
| VII.  | Division of Academic Affairs Update <ul style="list-style-type: none"><li>• FAMU Undergraduate Student Success Center</li></ul>    | Interim Provost Rodner Wright |
| VIII. | Update on FAMU DRS   | Dr. Patricia Powell-Green     |
| IX.   | Update on NSF and NIH Fellowships  | Dr. Maurice Edington          |
| X.    | Adjournment  |                               |



**Florida Agricultural and Mechanical University**  
**Board of Trustees**  
**ACTION ITEM**

**Academic Affairs Committee**  
**Date: Wednesday, December 3, 2014**  
**Agenda Item: III**

Item Origination and Authorization				
Policy _____	Award of Bid _____	Budget Amendment _____	Change Order _____	
Resolution _____	Contract _____	Grant _____	Other _____	

Action of Board				
Approved _____	Approved w/ Conditions _____	Disapproved _____	Continued _____	Withdrawn _____

**Subject:** Tenure upon Appointment

**Rationale:** In accordance with Article 15.08, Collective Bargaining Agreement (2010 – 2013), “Tenure may be granted to a faculty member by the Board at the time of initial appointment, upon recommendation of the appropriate administrator. The administrator shall consider the recommendation of the department or equivalent unit prior to making his/her final tenure recommendation.”

*Tenure upon Appointment* is a condition of employment that is offered to a faculty member who has previously held a tenured position. Requests for *Tenure upon Appointment* are approved by the Provost and/or the President. As a practice, the university-wide tenure and promotion committee completed a courtesy review of the documentation. Prior to the review of the documentation by the university-wide tenure and promotion committee, the documentation was reviewed by both the school/college tenure and promotion committee and the dean of the school/college.

**Attachments:** A letter from University of Iowa confirming Professor David’s employment as a tenured professor; application for tenure and/or promotion; curriculum vitae; report and recommendation from College of Law Retention, Promotion, and Tenure Committee; recommendation from the Dean of the College of Law; and recommendation from the university-wide tenure and promotion committee.

**Recommendation:** It is recommended that Marcella David be approved for tenure upon appointment.



COLLEGE OF LAW  
Office of the Dean  
280 Boyd Law Building  
Iowa City, Iowa 52242-1113  
319-335-9034  
Fax 319-335-9019

November 24, 2014

Joyce A. Ingram  
Assistant Vice President and  
Chief Human Resources Officer  
Florida A&M University  
211 Foote-Hilyer Administration Center  
Tallahassee FL 32307  
[joyce.ingram@famu.edu](mailto:joyce.ingram@famu.edu)  
850.412.5146 - Office

Ms. Ingram:

This letter confirms that Professor Marcella David is currently employed as a tenured professor at the UI College of Law. Her tenure decision was approved by the UI College of Law, the UI Provost Office and the State of Iowa Board of Regents in 1999.

If you need additional information, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gordon Tribbey".

Gordon Tribbey  
Assistant Dean for Finance and Administration  
The University of Iowa College of Law  
(319) 335-9137  
[gordon-tribbey@uiowa.edu](mailto:gordon-tribbey@uiowa.edu)



**Center for Teaching**

310 Calvin Hall  
Iowa City, Iowa 52242-1301  
319-335-6048 Fax 319-335-1423  
teaching@uiowa.edu

January 13, 2014

Marcella David  
College of Law  
451 BLB

Dear Marcella,

At the end of each semester the Center for Teaching invites students to send notes of appreciation to their instructors through our Thank-a-Teacher Program. Students reflect on their semester and acknowledge their instructors for their enthusiasm and dedication to teaching.

A student in your Supreme Court Cases that Changed Everything course shared the following about the impact of your teaching:

*I'd just like to thank you for teaching this course. It was wonderful and I can honestly say I looked forward to every class.*

*-Nick Ahlers*

Congratulations and thank you for your outstanding teaching efforts at The University of Iowa. Your hard work and commitment to the success of your students is greatly appreciated.

Sincerely,

*nice job, Marcella!*

A handwritten signature in cursive script that reads "Jean".

Jean Florman  
Director



## Florida A&M University Application for Tenure and/or Promotion



Please submit 25 copies of this application and **only one** (1) portfolio. The portfolio should contain all supporting documents for information provided in each section of this application. **NOTE:** If you are applying for tenure and promotion, the same portfolio can be used..

### SECTION 1: APPLICANT INFORMATION

Semester/Year Fall/2014 Date December 1, 2014

Name of Applicant David Marcella  
LAST FIRST M.

Department Law College/School Law

Home Address 1023 Kirkwood Court, Iowa City, Iowa 52240 E-mail marcella.david13@gmail.com

Home Phone 319.341.9844 Cell Phone 319.621.4409

Applying For  **Tenure**  **Promotion**

Current Rank/Status

Assistant Professor     Associate Professor     Full Professor

Instructor     Instructor Librarian     Assistant Univ. Librarian

Associate Univ. Librarian     University Librarian

Tenure & Promotion Status (Type NA if query is not applicable)

Years in tenure-earning status 19 Date tenure-earning status began July 1995

Years of teaching at FAMU 0 Years since last promotion 15

Documented years credited towards tenure 19  
 (Including years credited from another university)

Promotion Rank Sought

Assistant Professor     Associate Professor     Full Professor

Assistant Univ. Librarian     Associate Univ. Librarian     University Librarian

### Educational Background

Degree/Certification Earned	Field/Discipline	Year	University/Institution
B.S.	Computer & Systems Engineering	1986	Rensselaer Polytechnic Institute
J.D.	Law	1989	University of Michigan School of Law

**SECTION 2: TEACHING**

Please provide evidence of your teaching effectiveness as related to your discipline. Student evaluations, peer reviews, course preparations, syllabi, class organization and activities are selective examples of evidence. All material supporting your teaching efforts should be in the portfolio.

Please see teaching evaluation summaries attached for recent representative courses including: Civil Procedure PreTrial Theory and Practice (Law Skills Course); International Humanitarian Law; First Year Seminar: Supreme Court Cases That Changed Everything (Undergraduate Course); and Advanced Topics In International Law.

Please note that from 2012-2014 my teaching load was reduced as I coordinated our law school's self-study and re-accreditation inspection and various strategic initiatives for the Dean of the Iowa College of Law.

**Other Teaching and/or Professional Experience**

In the space below, list other teaching and professional experiences you have had (including military).

Date(s)	Institution	Position	Responsibilities	Tenure Earning, Non-Tenure Earning, Tenured or N/A
	Please see attached CV			

## SECTION 3: RESEARCH AND CREATIVE ACHIEVEMENT

Total Number of Refereed Publications \_\_\_\_\_ Articles \_\_\_\_\_ Books \_\_\_\_\_ Productions \_\_\_\_\_ Performances \_\_\_\_\_

In the space below, please list articles, books, monographs, productions, and/or performances that are already in print or have been produced and/or those for which you have substantial evidence of acceptance for publication.

Publication/Production Title	Publication/Production Location	Pages	Date
Please see publication list in CV attached			

**Provide an attachment if more space is needed.** Supporting documentation (complete copies of articles, books, letters from publishers, etc...) should be in the portfolio.

### Funded/Sponsored Research Projects

In the space below, please list projects for which you, as PI or Co-PI, have already received funding or confirmation of funding.

Grant Title	Funding Agency	Period/Term	Amount
LSAC/PLUS Grant (diversity programming)	Law School Admission Council	2002-2007	approx \$800,000

### Non-Funded/Sponsored Research Projects

Research Project Title	Date
DNA	

**SECTION 4: PRESENTATIONS AND PROFESSIONAL ACTIVITIES/CONTRIBUTIONS**

In the space below, please list the conferences at which you have given a presentation.

Presentation Title	Conference Name	Date
Please see attached CV		

In the space below, please list professional activities in which you have been actively involved (boards, organizations, institutes, memberships, special initiatives etc....) within the past five years.

Professional activity	Specific role	Date
Please see attached CV		



**SECTION 5: SERVICE - University, Civic, Social and Professional**

In the space below, please list all service you have provided to the university, the community and your profession in the past five years. Please state the specific role you played in providing this service.

Service Provided	Specific Role	Dates
Please see attached CV		

In the space below, please list civic, social and special activities and organizations or clubs in which you have been involved.

Organization/Activity	Specific Role	Dates
Iowa City East Side Artists	artist, treasurer (2014)	2010-present
Please see attached CV		

**Honors, Awards & Recognition**

In the space below, please list all honors and awards you have received during the past five years.

Title	Year Received
Please see attached CV	

## SECTION 6: REFERENCES

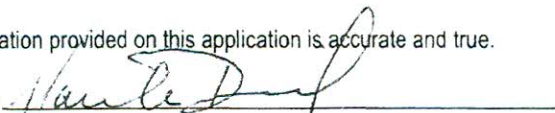
In the space below, please provide the names of the persons who are providing letters of recommendation. At least two of the individuals named should be colleagues from your academic unit.

Name	Position	Mailing Address	E-mail Address

You may provide any additional information that supports your application for tenure and promotion.

I certify that all information provided on this application is accurate and true.

Applicant Signature



Date: November 24, 2014

Office of the Provost and Vice-President for Academic Affairs  
Revised August 2006/ CMH

## MARCELLA DAVID

*Professor of Law & International Studies*

*Associate Dean*

UNIVERSITY OF IOWA COLLEGE OF LAW

451 Boyd Law Building, Iowa City, Iowa 52242

319-335-9133 (o) / 319-335-9098 (f)

Email: [marcella-david@uiowa.edu](mailto:marcella-david@uiowa.edu)

---

### ACADEMIC EMPLOYMENT

#### THE UNIVERSITY OF IOWA - *Administrative*

##### ASSOCIATE DEAN, 2012-present

- Member of dean's advisory group
- Chair of Strategic Planning and Self-Study Committee 2012-2014
- Responsibility for coordinating select strategic initiatives for the dean
- Ultimate administrative responsibility for LLM, visiting scholar, exchange and study abroad programs, including relationships with other institutions
- Responsibility for promoting international curriculum at college
- Assist in developing new student programming and curriculum
- Assist in donor development

##### ASSOCIATE DEAN FOR INTERNATIONAL AND COMPARATIVE LAW PROGRAMS, 2009-2012

- Member of dean's advisory group
- Ultimate administrative responsibility for LLM, visiting scholar, exchange and study abroad programs, including relationships with other institutions
- Responsibility for promoting international curriculum at college
- Assist in developing new student programming and curriculum
- Assist in donor development

##### SPECIAL ASSISTANT TO THE PRESIDENT FOR EQUAL OPPORTUNITY & DIVERSITY AND ASSOCIATE PROVOST FOR DIVERSITY, 2006-2009

- Consulted with president, provost and other university leaders on diversity matters
- Charged with developing and implementing diversity mission for Big Ten University with 30,000 students
- Reorganized several disparate central university diversity offices to streamline services and create efficiencies
- Developed new mission and strategy for Center for Diversity & Enrichment, the campus unit responsible for community outreach and student pipeline development, and for working with current undergraduate students from diverse backgrounds; oversaw continuing operations
- Oversaw Office of Equal Opportunity and Diversity, the campus unit responsible for federal and state equal employment opportunity and affirmative action hiring regulations and reporting for 15,000 employees, and for compliance and complaint investigation
- Coordinated diversity efforts among eleven colleges
- Created, reorganized and promoted faculty diversity hiring and retention programs
- Managed and prioritized budget of \$2.2 million

INTERIM ASSOCIATE PROVOST FOR DIVERSITY, 2004-2006

- Consulted with and advised the provost on diversity matters
- Participated in development of university strategic plan and developed strategic diversity plan
- Managed faculty diversity hiring program
- Coordinated diversity efforts among eleven colleges

INTERIM DIRECTOR OF OPPORTUNITY AT IOWA, 2004-2006

- Director of office for university diversity outreach and minority student pipeline development
- Implemented changes in programming support for underrepresented students (Opportunity at Iowa now part of Center for Diversity & Enrichment)

ASSOCIATE DEAN OF ADMISSIONS, COLLEGE OF LAW, 2003-2005

- Supervised and provided day-to-day oversight of admissions professional staff
- Developed new college of law marketing initiatives, directed recruiting efforts and managed admissions process
- Reestablished connections with minority-serving institutions through outreach events
- Chaired faculty admissions committee and developed and implemented new policy for admissions decisions

DIRECTOR, PHILIP G. HUBBARD LAW SCHOOL PREPARATION PROGRAM, 2002-2005

- Conceptualized, developed, designed and implemented plan for law school preparation program for undergraduates from groups historically underrepresented in the legal profession
- Submitted successful competitive grant application for pilot program; after pilot year, program expanded by granting agency
- Marketed program nationally, recruited participants and directed program for four summers
- Secured total internal and external funding of approximately \$800,000 through 2007

**THE UNIVERSITY OF IOWA COLLEGE OF LAW -Academic**

PROFESSOR OF LAW & INTERNATIONAL STUDIES, 2002-present

PROFESSOR OF LAW, 1999-present

ASSOCIATE PROFESSOR OF LAW, 1995-1999

*Courses*

Civil Procedure

Civil Procedure: Pre-Trial Theory & Practice

Introduction to Public International Law

International Humanitarian Law

Advanced Topics in International Law:

Human Rights

Responding to the Haiti Disaster

Human Rights in the World Community

International Organizations

Foreign Relations Law

International Labor: Law, Ethics & Corporate Responsibility

Supreme Court Cases That Changed Everything, undergraduate seminar

*National  
Service*

*Law School Accreditation Teams*

- Am. Bar Association Site Inspection Team & AALS Reporter, Arizona State University, February 2013
- Am. Bar Association Site Inspection Team (accreditation review), Drexel University Earle Mack School of Law, October 2010
- Am. Bar Association Site Inspection Team & AALS Reporter, University of Tulsa, March 2008
- Am. Bar Association Site Inspection Team, University of Alabama, March 2007
- Am. Bar Association Site Inspection Team & AALS Reporter, University of California at Davis, March 2004
- Am. Assoc. of Law Schools Membership Inspection Team, University of Nevada Las Vegas, 2003
- Am. Bar Association Site Inspection Team, University of Puerto Rico, 2002

*Other National Service*

- Liaison*, Am. Bar Association Diversity Pipeline Council, 2010-2011
- Ex-officio* Member, United States International Council on Disabilities, International Advisory Board 2010-2013
- Reviewer, St. John's University School of Law application for state approval for a Masters of Laws Program in Transnational Legal Practice, 2011
- Governing Board Member, Worker Rights Consortium, Washington, D.C., 2000-2007 (Chair, 2002-2003; Secretary, 2001-2002; Treasurer, 2000-2001)

*University  
Service*

- Member, The University of Iowa Obermann Center for Advanced Studies Advisory Board, 2012-present
- Iowa Law School Foundation Board, Member and Secretary, 2010-present
- Member, International Programs Study Abroad Committee, 2010-present
- Diversity Focus Board Member (2007-2014) and Board President (2009-12)
- Member, International Programs Executive Committee, 2009-12
- Reviewer, International Programs Major Projects Awards, 2011
- Member, Subcommittee on Examination of Promotion and Tenure Policies, of the Provost's Advisory Committee on Publicly Engaged Arts, Research and Scholarship, 2010-2011
- Co-convener, UI Disability Planning and Action Committee, 2008-2009
- Member, The University of Iowa Chicago Center Advisory Board, 2006-2009
- Member, Selection Committee for UI Celebrating Excellence Among Women Distinguished Service Award, 2006-2010, 2011-present
- National Collegiate Athletics Association Site Visit Self-Study Steering Committee, 2005-2006
- Co-Chair, Diversity Action Committee, 2005-2006
- Member, University Strategic Planning Committee 2004-2005
- The University of Iowa Presidential Committee on Athletics, 2003-2005
- Member, New Course Development Committee, The University of Iowa Center for International Programs, Fall 2001
- The University of Iowa Faculty Senate, 1998-2000

*Student  
Development*

Co-convenor, *Latino/a Recruitment Task Force* 2009  
Co-convenor, *Moving Forward Together Diversity Task Force* 2007-2009  
Member, Student Success Team, 2007-2010  
Faculty Advisor, Phi Alpha Delta; undergraduate chapter, 1997-2001  
Faculty Advisor, Black Law Students Association, 1996-2004

*Law School  
Service*

Strategic Planning and Self Study (Member and Chair); Admissions (Member and Chair); Curriculum (Chair); Student Affairs (Member and Chair); Speakers (Member); Student Retention (Member); Tenure Committee (Member); Student Recruitment (Member)  
Hubbard Law School Preparation Program Steering Committee  
Law Study and Legal Careers Undergraduate Learning Community Steering Committee  
International and Comparative Law Program Steering Committee (Member and Chair)  
*Ad hoc* LL.M. Program Review Committee (Member and Chair)

**UNIVERSITY OF PENNSYLVANIA SCHOOL OF LAW**  
VISITING PROFESSOR OF LAW, Fall 1999

*Courses* Civil Procedure  
International Human Rights, seminar

**HARVARD LAW SCHOOL**

FORD FOUNDATION FELLOW IN PUBLIC INTERNATIONAL LAW, 1991-1992

Pursued research in public international law and comparative law, with a focus on human rights issues. Traveled in Iraq (1991) and South Africa (1992) to study the effects of the imposition of economic and cultural sanctions

**UNIVERSITY OF CHICAGO LAW SCHOOL**

VISITING ASSISTANT PROFESSOR OF LAW, 1990-1991

*Courses* American Legal History (with Mary Becker)  
Equal Protection  
Contracts II

## AWARDS & DISTINCTIONS

THE DISTINGUISHED ACHIEVEMENT AWARD, The University of Iowa, Iowa City, Iowa, April 2011: *Awarded to a staff and faculty member who has distinguished herself or himself and the University through her or his accomplishments. The award is given for an outstanding achievement or a lifetime record of service or achievement. The recipient may be affiliated with any part of the University. Candidates should have significant years of service within the University community in a professional or service capacity; their contributions should demonstrate significant impact through attributes such as leadership, innovation, and/or subject matter expertise; and should be considered role models for women and/or girls.*

FACULTY IN RESIDENCE IOWA N.E.W. LEADERSHIP SUMMER INSTITUTE, The University of Iowa, Iowa City, Iowa, May 2012: *Invited to serve as one of three faculty in statewide women's leadership program open to women enrolled in Iowa post-secondary institutions and Iowa women enrolled in post-secondary institutions outside of Iowa. Iowa N.E.W. Leadership is an intensive 5-day residential institute designed to empower women using a curriculum that develops knowledge and skill in key areas, including: strategic communication, policy analysis, philanthropy, negotiation, community development, professional sustainability, relationship-building, productive engagement with difference, conflict and collaboration*

## PUBLICATIONS

“Looking Back: The Obama Administration and International Law” (currently in progress)

“The Legal Challenges of Globalization - A View From the Heartland: International Law and Practice in Times of Change,” 13 Wash. U. Global Stud. L. Rev. \_\_\_\_ (forthcoming)

“Trademark Unraveled: The US Olympic Committee versus Knitters of the World,” 14 Minnesota Journal of Law, Science and Technology 705 (2013)

“Violence, Peace and Law: Burns Weston and the Realistic Quest for Peace and Justice,” 22 Iowa Journal of Transnational Law & Contemporary Problems 635 (2013)

“What Now Kemo Sabe?: Book Review of *White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good*,” by William Easterly (Penguin 2006), 55 University of Buffalo Law Review 307 (2007)

“Misdelivered Message: Book Review of *You the People: The United Nations, Transitional Administrations, and State-Building*,” by Simon Chesterman (Oxford 2004), 37 George Washington International Law Review 831 (2005)

“Not by the Sword: Death by Default in Iraq” and “After-words: At the End of the Day,” an Introduction and Conclusion to a Symposium Edition on the Iraq Sanctions Regime, Iowa Journal of Transnational Law & Contemporary Problems, vol. 11 (2002) (M. David, guest editor)

“A Funny Thing Happened on the Way to the Multiple Choice Exam: Schoolroom Lessons of *Bush v. Gore*,” 51 Journal of Legal Education 1 (2001)

- “Book Review of *Human Rights in Political Transitions: Gettysburg to Bosnia*,” (Zone Books 1999) (C. Hesse & R. Post, eds.), 19 *Berkeley Journal of International Law* 412 (2001)
- “Rubber Helmets: The Certain Pitfalls of Marshalling Security Council Resources to Combat AIDS in Africa,” 23 *Human Rights Quarterly* 560 (2001)
- “The United States Government and Women,” in *Women’s International Human Rights Law*, vol. III, 878-941 Transnational Press (2001)
- “Phallic Dreams, Reality’s Promise: A Commentary,” 3 *Iowa Journal of Gender, Race & Justice* 669 (2000)
- “Grotius Repudiated: American Objections to the International Criminal Court and the Commitment to International Law,” 20 *Michigan Journal of International Law* 337 (1999)
- “Passport to Justice: Internationalizing the Political Question Doctrine for Application in the World Court,” 40 *Harvard International Law Journal* 83 (1999)
- “Learning From the Past: Schoolroom Tales, Life Lessons, A Commentary,” 2 *Iowa J. Gender Race & Justice* 127 (1998)
- “United Nations Human Rights Procedures,” 4 *Journal of Intergroup Relations* 64 (1997)
- “*Shaw v. Reno*: A Mirage of Good Intentions with Devastating Racial Consequences,” 62 *Fordham Law Review* 1593 (1994) (with A. Leon Higginbotham, Jr. and Gregory A. Clarick)
- “Remember the Alamo!” 2 *Reconstruction*, No. 1, 72 (1992)

#### **OTHER PUBLICATIONS**

- “Fostering Trust for International Peace,” Perspectives Column, ABA Insights on Law & Society: The United Nations and the Rule of Law, vol. 11, no. 3 (July 2011)
- “Difference on Diversity,” Guest Opinion, Daily Iowan (November 7, 2008)
- “War Without End,” Op-ed, European Law Students’ Association – Iceland newsletter (March 2005)
- “Tortured Logic,” Op-ed, International Herald Tribune (May 24, 2004)



## KEYNOTE ADDRESSES

- “On Leadership,” Iowa NEW Leadership Conference, The University of Iowa, May 2014, Iowa City, Iowa
- “Beyond Tolerance . . . Being the Next Generation of Educators,” Iowa City Community School District in-service training day, January 2010, Iowa City, Iowa
- “Diversity & Inclusion: Next Steps for The University of Iowa,” Diversity Leaders’ Convocation, The University of Iowa, September 2009, Iowa City, Iowa
- “Beyond Tolerance . . . Teaching Diversity to a New Generation,” College of Education Inaugural Spring Diversity Conference, The University of Iowa, April 2009, Iowa City, Iowa
- “Diversity Straight Up: Equality, Equity & Justice in 21<sup>st</sup> Century Iowa,” Diversity Leaders’ Convocation, The University of Iowa, October 2008, Iowa City, Iowa
- “Diversity Straight Up: Equality, Equity & Justice in 21<sup>st</sup> Century Iowa,” Grant Wood Area Education Association, August 2008, Cedar Rapids, Iowa
- “Lessons for Public Sector Women Leaders,” Way Up Conference, November 2007, West Des Moines, Iowa
- “Fostering a Climate that Embraces Diversity,” Iowa Business Council, June 2007, Pella, Iowa
- “Continuing the Mission of Dr. Martin Luther King, Jr.,” sponsored by Interfaith Council, January 2007, Iowa City, Iowa
- “From Abu Ghraib to Sudan: The US, UN, and the International Criminal Court,” Johnson County United Nations Association United Nations Day Dinner, October 2005, Iowa City, Iowa
- “The United Nations and the International Criminal Court,” United Nations Association, Linn County Chapter, March 2005, Cedar Rapids, Iowa
- “Bad Memories, Hard Truths: Palestine and Israel,” Polk County Women Attorneys’ Annual Dinner, June 2002, Des Moines, Iowa
- “Questioning Minds Want to Know,” Seventh Annual Celebration of Excellence and Achievement Among Women, The University of Iowa, March 2002, Iowa City, Iowa

## **PRESENTATIONS, ADDRESSES AND WORKSHOPS**

Discussant, "Lean In: Women, Work, and the Will to Lead Book Discussion," sponsored by The University of Iowa College of Law, November 2013, Iowa City, Iowa

Discussant, "Girl Rising: Human Rights Perspectives," sponsored by Girls on the Run of Eastern Iowa, October 2013, Iowa City, Iowa

Panelist, "The Legal Challenges of Globalization – a View From the Heartland: International Law and Practice in Times of Change," International Law Weekend – Midwest, Washington University in St. Louis School of Law, Whitney R. Harris World Law Institute, September 2013, St. Louis, Missouri

Panelist, "Ethical Perspectives on the News: Snowden/Manning: Heroes or Traitors?"  
Moderator, "Now My Future Begins," sponsored by the Inter-Religious Council of Linn County, broadcast on KCRG-TV- 9, September 2013, Cedar Rapids, Iowa

Provost's Forum, Refugees in the Heartland, The University of Iowa, April 2013, Iowa City, Iowa

Discussant, Lutie A. Lytle Black Woman Faculty Workshop, Suffolk University Law School, June 2012, Boston, Massachusetts

Panelist, "Trends and Challenges in ABA-Approved Semester Abroad Programs," International Legal Education Abroad Conference sponsored by American University Washington College of Law, April 2012, Washington, D.C.

Panelist, "Ethical Perspectives on the News: 9/11 Ten Years Later" sponsored by the Inter-Religious Council of Linn County, broadcast on KCRG-TV- 9, September 2011, Cedar Rapids, Iowa

Panelist, "The Status of African-American Rights and the Legacy of Martin Luther King, Junior," Iowa United Nations Association, January 2011, Iowa City, Iowa

Panelist, "Ethical Perspectives on the News: Arizona Immigration Law" sponsored by the Inter-Religious Council of Linn County, broadcast on KCRG-TV- 9, June 2010, Cedar Rapids, Iowa

Moderator, "Women's Rights, Children's Rights, and U.S.-Muslim Relations," Transnational Law & Contemporary Problems Symposium, The University of Iowa College of Law, March 2010, Iowa City, Iowa

Panelist, "Ethical Perspectives on the News: Racial Profiling" sponsored by the Inter-Religious Council of Linn County, broadcast on KCRG-TV- 9, February 2010, Cedar Rapids, Iowa

Workshop, "Conversation on Diversity," VA Hospital Multicultural Committee MLK programming, February 2010, Iowa City, Iowa

- Report, "Diversity & Inclusion: Next Steps for The University of Iowa," Presidential Forum, The University of Iowa, December 2009, Iowa City, Iowa
- Discussant, "The 60th Anniversary of the Universal Declaration of Human Rights: Remembrance and Future Visions" Keynote by Micheline Ishay, UDHR@60 Colloquium 2008: The Challenge of Universal Rights: Realizing Dignity and Justice for All, The University of Iowa Center for Human Rights, October 2008, Iowa City, Iowa
- Remarks & Workshop Facilitator, "Equality, Equity & Justice and the Responsibility of Educators in 21<sup>st</sup> Century Iowa," Way Up Conf., November 2008, Coralville, Iowa
- Panelist, "Labor Rights and Realities in Thailand and Cambodia," The University of Iowa Center for Human Rights, October 2008, Iowa City, Iowa
- Remarks, "Building Community: The Perils of Just Doing Your Job," New Faculty of Color Reception, The University of Iowa, September 2008, Iowa City, Iowa
- Moderator, "Words Matter: Racialized Speech," The University of Iowa, March 2008, Iowa City, Iowa
- Panelist, "A Committed Vision for an Inclusive, Diverse and Welcoming UI Community," The University of Iowa My Iowa Student Leadership Conference, October 2007, Cedar Rapids, Iowa
- Remarks, "Building Community: Good (and Bad) Reasons to Leave The University of Iowa," New Faculty of Color Reception, The University of Iowa, September 2007, Iowa City, Iowa
- Panelist, "What's the Climate? Attracting and Retaining Diverse Talent," Diversity Focus: Diverse Leadership Conference, September 2007, Cedar Rapids, Iowa
- Workshop Facilitator, "Fostering a Climate that Embraces Diversity," Iowa Corrections Association & Iowa Association of Chiefs of Police and Peace Officers 2007 Spring Conference, May 2007, Des Moines, Iowa (*with* Dr. Dorothy Simpson-Taylor)
- Presentation, "Women's Legal Rights," 2007 Women's League Midwest Region Spring Conference "Praise for Her Works," April 2007, Iowa City, Iowa
- Panelist, "The Justification of War?," Sponsored by UI Freethinkers, The University of Iowa, March 2006, Iowa City, Iowa
- Moderator, "China: Law, Finance, Security: Security Across the Taiwan Strait," sponsored by The University of Iowa College of Law, February 2006, Iowa City, Iowa.
- Panelist, "Ethical Perspectives on the News: The Future of Humanitarian Intervention, Part II," sponsored by the Inter-Religious Council of Linn County, broadcast on KCRG-TV 9, October 2004, Cedar Rapids, Iowa

- Remarks, "Women of the World: Equality Under the Law," Linn County Women's Equality Day Celebration, August 2004, Cedar Rapids, Iowa
- Panelist, "One Year After 'Victory' in Iraq: International and Domestic Perspectives," Robert J. Dole Institute of Politics, May 2004, Lawrence, Kansas
- Remarks, "The Implications for the United Nations' International Criminal Court after Saddam's Capture," United Nations Association, Des Moines Chapter, February 2004, Des Moines, Iowa
- Remarks, "The United Nations and its Relationship with Member Nations," American Association of University Women, Waverly Chapter, January 2004, Waverly, Iowa
- Commentator, "The Intersection of Race and Disability From The Post Civil War Period To Present," The University of Iowa Journal of Gender, Race, and Justice Symposium, October 2003, Iowa City, Iowa
- Panelist, "Ethical Perspectives on the News: The Future of Humanitarian Intervention, Part I" sponsored by the Inter-Religious Council of Linn County, broadcast on KCRG-TV-9, September 2003, Cedar Rapids, Iowa
- Panelist, "The United States and the International Criminal Court," Iowa Women for Peace Forum, "Friend or Foe: The Changing Role of the United States in International Organizations," March 2003, Cedar Rapids, Iowa
- Presenter, "The US and the UN," Presentation at an Iraq Roundtable Discussion, The University of Iowa, October 2002, Iowa City, Iowa
- Panelist, "The International Criminal Court – The Way Ahead: US Policies Regarding the International Criminal Court," at 2002 International Law Weekend, American Branch of the International Law Association, October 2002, New York, New York
- Panelist, "All in a Good Day's Work: The Phenomenon of Corporate Codes of Responsibility," Center for International Legal Studies, Forum on International Labor Law, January 25, 2002, Kitzbuhel, Austria
- Presidential Lecturer, "Sanctioning States, Punishing People: Transnational Enforcement of International Obligations," The University of Iowa, November 2001, Iowa City, Iowa
- Remarks, "International Human Rights and the UN Sanctions on Iraq," Middle East Education Week, The University of Iowa, October 2001, Iowa City, Iowa

Remarks, "Sanctioning Iraq," Stanley Foundation Conference on U.S. and Cuba Relations, March 2001, Charleston, South Carolina

Panelist, "Non-State Actors and Their Impact on International Human Rights Law," AALS Workshop on Human Rights: Teaching and Scholarship, New Issues, New Approaches, October 2000, Alexandria, Virginia

Remarks, "Marshaling Security Council Resources to Combat AIDS in Africa: A Deeply Flawed Idea," XVth Conference of the International Association of Democratic Lawyers, October 2000, Havana, Cuba

Panelist, "Recent Developments in Human Rights, Corporate Responsibility and Economic Sanctions: What International Business and Trade Lawyers Need to Know," American Bar Association Section of International Law and Practice Spring Meeting, April 2000, Washington, D.C.

Chair, Panel on "Human Rights and Humanitarian Intervention: The Legality of NATO, Yugoslav and the Kosovo War," American Society of International Law Annual Conference, April 2000, Washington, D.C.

Panelist, "Legal Reform for the 21<sup>st</sup> Century," International Women's Rights Conference: 2000 and Beyond, Vermont Law School, March 2000, South Royalton, Vermont

Moderator, "The Competition Between Rights in International Politics: Balancing the Rights of Nation-States, Groups, and Individuals," 40<sup>th</sup> Strategy for Peace Conference, sponsored by the Stanley Foundation, October 21-23, 1999, Airlie Center, Warrenton, Virginia

Panelist, "Rendition of Foreign Criminals from Foreign Soil," conference on Post-Cold War International Security Threats: Terrorism, Drugs and Organized Crime, University of Michigan Law School, February 1999, Ann Arbor, Michigan

Chair, Panel on "Rethinking the Enforcement of Human Rights," American Society of International Law Annual Conference, March 1999, Washington, D.C.

## **PROFESSIONAL DEVELOPMENT**

Teaching International Humanitarian Law Workshop, April 9-10, International Committee of the Red Cross and The University of California at Berkeley Boalt Law School, Berkeley, California

Harvard Graduate School of Education Management Development Program, June 13-27, 2008, Cambridge, Massachusetts

Committee on Institutional Cooperation Academic Leadership Program, 2004-2005, various locations at Big Ten partner institutions

Spanish Immersion Language Training, Centro Panamericano de Idiomas, July 2001, San Juan, Costa Rica

Labor Arbitration Training Session, conducted by Federal Mediation and Conciliation Service, August 2-5, 2001, Dallas, Texas

## INVESTIGATIVE INTERNATIONAL COMMISSIONS

- Study Tour to Thailand and Cambodia to investigate labor conditions of garment workers with Worker Rights Consortium, January 2008
- Fact-finding mission to Puebla, Mexico to investigate allegations of sweatshop labor practices with Worker Rights Consortium, January 2001
- As a member of the International Study Team of the Gulf Crisis, traveled to Iraq to study the impact of the Allied bombardment and the applications of sanctions on Iraqi citizens, August–September 1991

## EDUCATION

**University of Michigan Law School**, Class of 1989  
*Doctorate of Jurisprudence, magna cum laude, Order of the Coif*

*Honors:* Contributing Editor, *Michigan Law Review*  
Henry M. Bates Travel Fellow  
Clarence Darrow Fellow  
*AmJur* Book Awards: Constitutional Law, Contracts I, Contracts II  
Member, Black Law Students Alliance

**Rensselaer Polytechnic Institute**, Class of 1986  
*B.S., Computer & Systems Engineering, cum laude*  
*Sophomore Studies: University of Sussex, England*

*Honors:* Bell Communications Research Engineering Scholar  
Bell Laboratories Engineering Scholar  
Dean's List, Tau Beta Pi, Eta Kappa Nu  
Member, Society of Women Engineers

## PROFESSIONAL ASSOCIATIONS & ADMISSIONS

New York State Bar, 1993-present  
U.S. District Court, S.D.N.Y., 1993-present  
American Bar Association, 1993-present  
National Bar Association, 1995-present  
American Society of International Law, member 1995-present,  
member Executive Council 1999-2002, member Arthur Helton Fellowship Selection  
Committee 2005-present  
Association of American Law Schools, Chair, Section on International Human Rights (2001)  
National Society of Black Engineers  
Foreign Relations Council, Iowa City, Iowa  
United Nations Association, Iowa City, Iowa

## OTHER PROFESSIONAL WORK EXPERIENCE

### **Litigation Associate**

PAUL, WEISS, RIFKIND, WHARTON & GARRISON; NEW YORK, 1992-1995

#### *Professional experience:*

State trial, federal trial and appellate experience in commercial litigation, constitutional law, family law and employment discrimination; served on firm hiring committee; served as mentor to summer associates and new associates

*Professional activities:*

Staff member, New York Commission for the Study of Youth Crime and  
Violence and Reform of the Juvenile Justice System  
Mentor, New York City Bar Association, High School Mentor Program  
Various *pro bono* clients

**Judicial Clerkships**

*Selected as Law Clerk to Justice William J. Brennan, Jr.*  
Supreme Court of the United States, 1990 Term  
(Did not serve due to Justice Brennan's retirement.)

*Law Clerk to Judge Louis H. Pollak*  
United States District Court, Eastern District of Pennsylvania, 1989-1990

**Summer Associate Positions**

Cahill, Gordon & Reindel; New York (1990)  
Paul, Weiss, Rifkind, Wharton & Garrison; New York (1989)  
Perkins, Coie; Seattle (1988)  
Fish & Neave; New York (1987)

**Technical and Laboratory Positions in Engineering**

Bell Communications Research, Inc., and  
Bell Laboratories, Inc. of New Jersey, summers 1982-1986

**COMMUNITY SERVICE**

Presenter, "Traveling to Antarctica," to various classes at Weber and Lucas Elementary  
Schools, 2011  
Member, Investment Committee for the Iowa Diocese of the Episcopal Church, 1996-present  
(oversight of \$11 million in parish and diocesan investments)  
Presenter, "What *is* Public International Law, Anyway?," 11 & 12 Grade Workshop, 6<sup>th</sup>  
Annual International Law Day, University of Iowa, November 6, 2002  
Board member, Riverside Theatre Company of Iowa City 1997-2002  
(Vice-Chair, 2001-02)  
Moderator, Ethical Perspectives on the News, KCRG-TV-9, 2005-2006  
(each month hosted a thirty minute news program aired on network television)

**MISCELLANEOUS**

International Travel Destinations:

Galapagos Islands, South Africa, Iraq, Jordan, Great Britain, Europe, Australia, New  
Zealand, India, Hong Kong, Cuba, Mexico, Costa Rica, Canada, Thailand, Cambodia,  
Uganda, the Arctic, and Antarctica

Hobbies and Interests:

Music, Mysteries & Science Fiction, Star Trek, Knitting, Travel, Photography

**Report and Recommendation  
for Promotion and Tenure of  
Professor Marcella David  
Florida A & M University College of Law  
Retention, Promotion, and Tenure Committee**

**Standards for Faculty:**

**Professor:** *The rank of Professor is to be accorded to persons who have achieved excellence in teaching, scholarship and research and service. Scholarship sufficient to evidence such excellence should include substantial publication, such as publication of articles of high quality in recognized professional journals, or the substantial equivalent, as in publishing books. The rank should normally be reserved for persons with of least seven years of full-time teaching experience.*

**Criteria for Tenure:** *The criteria for faculty tenure shall require evidence of highly competent teaching and research and other scholarly activities, services, and contributions to the University and to society. Faculty employees considered for tenure normally shall hold the terminal degree: the President and Provost and Vice President for Academic Affairs may consider the following factors:*

- a) Professional Experiences*
- b) Work Experiences*
- c) Demonstrated contributions to the teaching discipline*
- d) Record of publications*
- e) Certification, and*
- f) Exceptional scholarly or creative activities.*

**Teaching:** *Appraisal of teaching performance shall be based upon classroom visitations by other faculty members, a review of the course syllabi, and teaching materials prepared by the candidate. Effective teaching includes classroom instruction and a broad range of faculty-student relationships including ready availability to students in the faculty member's office both after class and in advising and encouraging co-curricular and extra-curricular student activities. Furthermore, the faculty member should demonstrate the following traits: command of the subject matter, familiarity with advances and developments in the areas taught, ability to organize materials and present them with force and logic capturing the students' attention, ability to arouse curiosity in the students towards further and more independent learning, ability to stimulate students in creative work, ability to prepare a sound and effective examination or other analysis of student comprehension, a sound judgment in grading, and maintaining a high standard of achievement and fairness.*

**Service:** *Each faculty member is expected to render substantial service, apart from teaching (as herein defined) to the Law School, University, profession, community and/or state, without remuneration. Service may encompass any manner of contribution of one's professional knowledge and skills to the improvement of the School of Law, the University, the*



*law, government, the administration of justice, or the legal profession. Among the kinds of service that may be considered are the following:*

- a) advising student organizations;*
- b) serving on special law school committees (in addition to the general service on standing committees upon which all faculty members are expected to serve as a part of general governance);*
- c) serving on University committees'*
- d) serving on committees or projects of the Bar and other professional groups;*
- e) participating in continuing legal education programs; and*
- f) assisting governmental units and public officials.*

## **Report on Professor Marcella David**

### **Background**

Associate Dean Marcella David has been a full professor for approximately 15 years at Iowa College of Law. As Associate Dean, she serves on the Dean's advisory board and Chairs the Strategic Planning and Self-Study Committee. Prior to becoming Associate Dean, she was the Associate Dean For International and Comparative Law Programs at Iowa. Associate Dean David's administrative experience was also show cased when she served as Special Assistant to the President For Equal Opportunity and Diversity and Associate Provost for Diversity. Associate Dean David has over 20 years of law teaching and administrative experiences.

In addition to her law school teaching experience, Professor David also carried the title of Professor of Law and International Studies. In her capacity of professor in the law school, she taught Civil Procedure, Introduction to Public International Law, Advanced Topics in Human Rights, International Organizations, Foreign Relations Law, International Labor: Law, Ethics and Corporate Responsibility. Human Rights in the World Community, and International Humanitarian Law. She has also taught an undergraduate seminar entitled "Supreme Court Cases That Changed Everything."

Professor David received the "Distinguished Achievement Award" at the University of Iowa which is "awarded to a staff and faculty member who has distinguished herself or himself and the University or his accomplishments. The award is given for an outstanding achievement or a lifetime record of service or achievement." She also received the accolade of "Faculty in Residence." As a recipient of this accolade, Professor David was invited to serve as one of three faculty in statewide women's leadership open to women enrolled in Iowa post-secondary institutions and Iowa women enrolled in post-secondary institutions outside of Iowa. She participated in an "intensive 5 day residential institute designed to empower women using a

curriculum that develops knowledge and skill in key areas, including: strategic communication, policy analysis, philanthropy, negotiation, community development, professional sustainability, relationship-building, productive engagement with difference, conflict and collaboration.”

Prior to teaching at Iowa College of Law, Professor David taught Civil Procedure and International Human Rights at the University of Pennsylvania School of Law and taught American Legal History, Equal Protection, and Contracts at the University of Chicago Law School. She was also a Ford Foundation Fellow in Public International Law at Harvard Law School where she pursued research in public international law and comparative law, with a focus on human rights issues.

### **Review of Teaching**

It was reported by Gail B. Agrawal who is the Dean and F. Wendell Miller Professor of Law at the University of Iowa College of Law that Associate Dean and Professor of Law Marcella David is “the consummate classroom teacher.” Dean Agrawal reported that Professor David is “deeply committed to her students,” and “an innovative teacher.” Notwithstanding her “heavy administrative and leadership responsibilities,” it was reported that she taught an overload.” In addition to her administrative duties, she “taught a freshman undergraduate honors seminar on Supreme Court cases (as an overload); civil procedure to first-year law students; legal analysis, writing and research to foreign-trained lawyers; upper-class law electives in international humanitarian law and public international law; and an upper-level, writing-intensive intersession course on civil procedure pre-trial theory and practice.” It was noted that Professor David “enjoys taking on new subject areas and teaching a wide-range of students,” including supervising law students in their field placements as part of the clinical program.

Dean Agrawal indicated that Professor David “piloted the law school’s first simultaneous on-line course on the legal profession.” Professor David has demonstrated a commitment to under-represented students. She “taught regularly in the law school’s month-long, summer residential pipeline program for undergraduates from under-represented group and in a multiday ‘Bridging the Gap’ program,” which was also “hosted for undergraduate students from under-represented groups.”

Dean Agrawal reported that Professor David’s students “appreciate that she is always well-prepared for class and accessible to them outside of class” that she is “praised for interesting classroom discussions and good feedback on student assignments.” Dean Agrawal considers Professor David as a highly regarded and well-liked teacher.”

As evidenced by Dean Agrawal’s statements regarding Professor Marcella David’s teaching, it is clear that Professor David meets the FAMU COL’s standard of excellence that is afforded to the rank of Professor and the statements, by Dean Agrawal, also are evidence that Professor David

meets the high quality of teaching standard that is afforded to individuals seeking tenure at the COL.

### **Review of Service**

When considering the service requirement for tenure and the rank of professor, it is expected that faculty members contribute substantial service to the academic, professional, and non-professional communities of which they are a part of, without renumeration and in addition to their teaching load. Professor David clearly meets the service standard.

### **Law School Service**

Professor David has served as a member and as Chair of the Strategic Planning and Self Study, Admissions, Student Affairs, International and Comparative Law Program Steering Committee, and the Ad Hoc LL.M. Program Review Committee. She has also served as a member on the Tenure, Student Recruitment, Hubbard Law School Preparation Program Steering, Speakers, Law Study and Legal Careers Undergraduate Learning Community Steering committees, and as Faculty Advisor for Black Law Students Association.

### **University Service**

Professor David's service to the university includes the following:

Member, The University of Iowa Obermann Center for Advanced Studies Advisory Board;  
Member and Secretary, Iowa Law School Foundation Board;  
Member, International Programs Study Abroad Committee;  
Board President and Board Member, Diversity Focus;  
Member, International Programs Executive Committee;  
Reviewer, International Programs Executive Committee;  
Member, Subcommittee on Examination of Promotion and Tenure Policies, of the Provost's advisory Committee on Publicly Engaged Arts, Research and Scholarship;  
Member, Selection Committee for UI Celebrating Excellence Among Women Distinguished Service Award;  
National Collegiate Athletics Association Site Visit Self-Study Steering Committee;  
Member, University Strategic Planning Committee;  
The University of Iowa Presidential Committee on Athletics;  
Co-convener, Latinola Recruitment Task Force;  
Co-convener, Moving Forward Together Diversity Task Force;  
Member, Student Success Team; and  
Faculty Advisor, Phi Alpha Delta (undergraduate chapter).

### **National Service**

Professor David's service in the national community has been equally as extensive as her service for the law school and university. She has served on several ABA Law School Accreditation Inspection Teams. She was a member of ABA Site Inspection Teams for Drexel University Earle Mack School of Law, University of Tulsa, University of Alabama, University of California at Davis, University of Nevada Las Vegas, and the University of Puerto Rico. She has served as Liaison for the American Bar Association Diversity Pipeline Council, as Ex-officio of the United States International Council on Disabilities, International Advisory Board, and as Governing Board Member, Worker Rights Consortium in Washington, DC. She also served in the capacity of Secretary and of Treasurer of the Worker Rights Consortium. Her interest in LL.M. programs is also reflected in her service as Reviewer for St. John's University School of Law application for state approval for a Masters of Laws Programs in Transnational Legal Practice.

## Review of Writings of Marcella David

Conducted by Professor Robert Abrams for the College of Law RPT Committee

### Articles Reviewed:

*Trademark Unraveled: The U. S. Olympic Committee Versus Knitters of the World*, 16 MINNESOTA JOURNAL OF LAW, SCIENCE, AND TECHNOLOGY 705-764 (2013).

*A Funny Thing Happened on the Way to the Multiple Choice Exam: Or, the Schoolroom Lessons from Bush v. Gore*, 51 JOURNAL OF LEGAL EDUCATION 1-14 (2001).

*Shaw v. Reno: A Mirage of Good Intentions with Devastating Racial Consequences*, 62 FORDHAM LAW REVIEW 1593-1659 (1994) (co-author with Hon. A. Leon Higginbotham, Jr., Gregory A. Clarick).

The three articles chosen span the publishing career of Professor David from the earliest years of her associateship at the Paul, Weiss et al firm, where Judge Higginbotham was of counsel while simultaneously being Special Counsel to the Congressional Black Caucus, to one of her most recent publications. The one piece from her mid-career was chosen because it appeared in a peer-reviewed journal and, importantly, concerned how a topical subject could be introduced into law school teaching and examinations. All three are very well written and researched. The bookend pieces are highly substantive and quite lengthy (in the 60 page range), while the Journal of Legal Education piece is less than half that length, as is usually the case in that journal.

The trademark piece explores the influence of public reaction to publicized trademark cease and desist letters, which letters often are criticized as being too effective because of their power to intimidate their recipients, thereby extending the legal protection of trademark beyond its appropriate limits. Although Professor David disclaims great expertise in trademark law or the Olympic movement, she demonstrates considerable knowledge of the workings of the Amateur Sports Act of 1978 that grants special status and rights to the U. S. Olympic Committee that trench on copyright law and the core principles of the nation's primary trademark law, the Lanham Act. Against that background, Professor David explores the misuse and overreaching of the USOC when they issued and tried to enforce a cease and desist letter to the knitting community (of all unlikely adversaries). In the end, using that prism, she is able to mount a strong critique of the use of trademarks to stifle competition and then suggest very sensible legal reforms for the area.

The *Shaw v. Reno* article is a blistering then-contemporary critique of the Supreme Court's decision in that case. The Court applied strict scrutiny to strike down race-conscious redistricting in North Carolina that was used to create minority-majority districts and thereby increase minority representation and meaningful participation in governance that had been denied in the past through purposeful discrimination. The article extensively describes the history and persistence of racial discrimination in voting and elections in North Carolina and the South more generally in both narrative and tabular forms. After a brief description of the 1991 redistricting plan that was struck down by the Supreme Court, the most forceful part of the article recounts and harshly criticizes several aspects of the Court's decision all of which are lumped under the heading of "Misguided Presumptions." These included the characterization of race-conscious redistricting as a flawed

comparison to political apartheid, the notion that the African Americans included in the districts had “little in common other than the color of their skin”, the indulgence of the Court in stereotyping and its use of trite and under-articulated concepts of segregation and representative democracy. In its final section the article explains the importance of racial pluralism in Congress.

The shorter middle article is lighter fare, but is both interesting and engaging, offering insights into subjects that are often taken for granted in teaching and testing of law students. In the wake of the 2000 presidential election that led to the Supreme Court’s decision in *Bush v. Gore*, Professor David attended the AALS Annual Meeting at which the Constitutional Law Section, of course, had a most impressive panel discussing that case. One (possibly the only) supporter of the decision was Professor Douglas Kmeic. He argued in favor of the case by positing an example raised by two students at a state university enrolled in different sections of the same class taught by different professors taking the same multiple choice examination. In one class answer a is marked correct, in the other, answer a is marked incorrect, at which point Kmeic argues that there is a patent violation of the right to equal treatment and a violation of equal protection similar to the logic of the *Bush v. Gore* majority. (N.B.: I did not attend that conference and do not fully get the gist of the Kmeic argument). In reflecting on that argument, however, Professor David led the inquiry into the very interesting channel in which she explored the extent to which a supposedly objective test posing identical choices could nevertheless have different answers in the two sections taught by different teachers. In doing so she was able to show the degree to which contextualism leads to rationally-based different answers to a single “objective” multiple choice question without raising an issue of unequal treatment or signifying a possible violation of the right to Equal Protection. To close the article she turned that analysis back on Kmeic’s defense of *Bush v. Gore* and found his position unpersuasive.



*Excellence With Caring*

# Florida Agricultural and Mechanical University

COLLEGE OF LAW

201 BEGGS AVENUE  
ORLANDO, FLORIDA 32801

TELEPHONE: (407) 254-3268  
FAX: (407) 254-3213

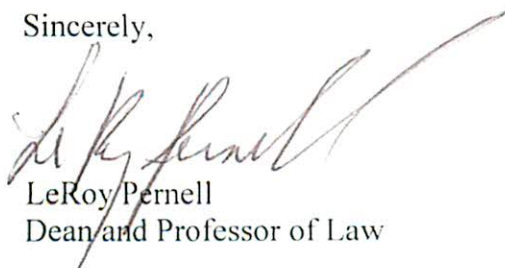
December 1, 2014

Interim Provost Rodner Wright  
Florida A&M University  
Tallahassee, Florida

Dear Interim Provost Wright:

It is with great enthusiasm that I, consistent with my prior approval of the recommendation of the College of Law Retention, Promotion and Tenure Committee, reaffirm my recommendation of Prof. Marcella David as a Full Professor with tenure in the College of Law. I am privileged to have had an opportunity through my participation on the Provost Search committee as well as my general knowledge of the reputation of the outstanding legal scholar, while she served on the faculty of the University Of Iowa College Of Law, to carefully assess her credentials. I am confident that she will be a much valued addition to the mission, and quality of the Florida A& M University College of Law.

Sincerely,



LeRoy Pernell  
Dean and Professor of Law

**Singleton, Valeria R.**

---

**From:** Cloud, Sandra M.  
**Sent:** Monday, December 01, 2014 3:50 PM  
**To:** Singleton, Valeria R.  
**Subject:** FW: Professor Marcella David

FYI

---

**From:** Abazinge, Michael D.  
**Sent:** Monday, December 01, 2014 3:34 PM  
**To:** Wright, Rodner B.  
**Cc:** Barge-Miles, Linda F.; Cloud, Sandra M.  
**Subject:** Professor Marcella David

Provost Wright:

The University Wide Tenure and Promotion Committee met today (12/01/2014) at 11:00am in the Provost's Conference Room. The committee deliberated on Professor David's credentials and voted unanimously to recommend her for tenure. The vote was as follows:

14.....YES

0.....NO.

If you need further clarification, please contact me.

Thanks,  
Michael

*Michael Abazinge, Ph.D.*

Chair, University Wide Tenure and Promotion Committee.





**Florida Agricultural and Mechanical University  
Board of Trustees  
ACTION ITEM**

**Academic Affairs Committee  
Date: Wednesday, December 3, 2014  
Agenda Item: IV**

Item Origination and Authorization			
Policy _____	Award of Bid _____	Budget Amendment _____	Change Order _____
Resolution _____	Contract _____	Grant _____	Other _____

Action of Board				
Approved _____	Approved w/ Conditions _____	Disapproved _____	Continued _____	Withdrawn _____

**Subject:** Academic Affairs - Minutes (September 10, 2014)

**Rationale:** In accordance with the Florida Statutes, a governmental body shall prepare and keep minutes or make a tape recording of each open meeting of the body.

**Attachments:** Minutes for September 10, 2014

**Recommendation:** Approve the minutes of September 10, 2014.

**Florida Agricultural and Mechanical University  
Board of Trustees**



**Academic Affairs Committee Minutes  
Trustee Marjorie Turnbull, Chair**

**Date: Wednesday, September 10, 2014**

The meeting was called to order by Committee Chair Marjorie Turnbull. The following Trustees were present: Torey Alston, Tonnette Graham, Narayan Persaud, and Marjorie Turnbull. A quorum was established.

The first action item was the approval of the minutes for the meeting of June 4, 2014. There were no corrections. Trustee Persaud moved approval of the minutes, and the motion was seconded by Trustee Alston. The motion carried.

Next, Dean Pernell presented an update on the College of Law's compliance with ABA Standard 405. Pursuant to Standard 405 of the ABA Standards on Accreditation of Law Schools regarding provision of security of position for non-tenure track faculty, the faculty of the College of Law voted during its regular faculty meeting on March 20, 2013, in favor of the College of Law having multi-year contracts and approved the document "Job Security for Certain Non-Tenure-Track Faculty." Trustee Persaud moved approval for the College of Law to provide multi-year contracts for designated non-tenure-track, full-time instructional law faculty (other than visitor) in accordance with the faculty-approved document "Job Security for Certain Non-Tenure-Track Faculty" and in compliance with Standard 405 of the ABA Standards on Accreditation of Law Schools. The motion was seconded by Trustee Alston, and the motion carried.

Interim Provost Wright presented the requests for leave of absence. In accordance with BOT Policy Number 2005-21, the University will consider requests for unpaid leave of absence from regular employees who have at least one year of continuous service. The University grants leave of absence for the following reasons: parental, medical, educational, military service, and personal. Dr. Jeremy Levitt has requested a leave of absence that will afford him the opportunity to obtain vital decanal experience at a leading university in North America. During the leave of absence, Dr. Levitt will serve as the Dean of the Faculty of Law and Vice-Chancellor's Chair at the University of New Brunswick. The experience gained can be used to strengthen FAMU College of Law's curriculum and international programmatic activities.

In addition, Dr. Marcia Owens requested a leave of absence that will allow her time to assume the role of caregiver for her parents who live in Jackson, Mississippi. Trustee Alston moved approval of the Request for Leave Without Pay for Dr. Jeremy Levitt for two years and approval of the Request for Leave Without Pay for Dr. Marcia Owens from October 1, 2014, through May 8, 2015. The motion was seconded by Trustee Graham, and the motion carried.

Next, the Vice President of Research, Dr. Redda, presented the Export Control Policy. As a public institution of higher education, Florida A&M University (FAMU) networks, employs and collaborates with international partners on research, education and services through the establishment of international exchange programs, education of international students, attendance at conferences abroad, payments to foreign

**Florida Agricultural and Mechanical University  
Board of Trustees**



entities/individual, and the co-authorship of many international business ventures. FAMU is committed to the highest level of compliance with the provisions as to export control established by the U.S. Department of Commerce through its Export Administration Regulations (“EAR”), the U.S. Department of State Controls through its International Traffic in Arms Regulations (“ITAR”), the Arms Export Control Act (“AECA”), and the Department of the Treasury Office of Foreign Assets Control (“OFAC”). The University is also dedicated to educating its employees, professors, students, researchers, contractors, and collaborators about the applicability of U.S. export control laws and regulations in the University setting and will resolve to conduct research in harmony with U.S. export control laws and regulations. There was a motion by Trustee Alston to approve the Export Control Policy, effective fall 2014. The motion was seconded by Trustee Graham, and the motion carried.

As the final action item, Dean Taylor presented an update on the USDA Brooksville Land Acquisition. The U.S. Department of Agriculture is desirous of transferring 3,800 acres of land in Brooksville, Florida, to Florida A&M University. The perceived benefits are: the value of the land in 25 years will be significantly higher than present value; the potential source of future revenue and equity for future development and investment; no contractual restrictions after 25 years and the land can be put to multipurpose uses; provides FAMU with ability and capacity to work with large scale commercial farming enterprises; and provides FAMU with the resource base and capacity to develop new program areas as well as enhance and strengthen its land-grant mission.

Trustee Alston moved approval of the recommendations:

1. FAMU should take the necessary steps as required by the Memorandum of Understanding to have the land transferred to the university by September 30, 2015.
  - a. Complete the (National Environmental Policy Act) NEPA Study,
  - b. Complete the survey work of the land, and
  - c. Meet any other requirements as stipulated by Florida Statutes.
2. The ownership of the land should be in the name of Florida A&M University.
3. FAMU should provide an annual allocation of \$350,000 to operate and maintain the Center.
4. Submit the necessary proposal to Florida Board of Governors for FAMU to receive the land and operate it as a Research and Education Center.
5. The College of Agriculture and Food Sciences take the necessary steps to implement the proposed Plan of Work, including the Beginning Farmers and Ranchers Program.

The motion was seconded by Trustee Graham, and the motion carried.

The first information item was an update from Interim Provost Wright on the Division of Academic Affairs:

# Florida Agricultural and Mechanical University

## Board of Trustees



- Faculty Planning Conference – Annually the Division of Academic Affairs coordinates a Faculty Planning Conference to welcome back faculty and to start the new academic year. It is also an opportunity for the President to give a “State of the University” address and the Provost to do likewise for Academic Affairs. This year we held a one-day conference at the College of Law on August 4<sup>th</sup> and a two-day conference on August 13 – 14, 2014 at the main campus. The theme was “Transformative Change for Growth and Student Success”. The University distributed mini iPads to over 600 full-time faculty members to aid them in improving their classroom teaching and student success. Faculty Development Workshops are also planned throughout the year.
- FAMU DRS – FAMU DRS was rated as a “C” school by the Florida Department of Education in 2013, and we anticipate further improvement with our school grade when it is released in December 2014. The graduation rate for the class of 2014 was 100 percent, which is a five percent increase from the class of 2013. The current enrollment is 495. Of significant note, fifty-eight percent of the graduates were males. The class of 2014 received a high amount of scholarship dollars with eighty-eight percent of the students receiving some form of academic and athletic scholarship award
- FAMU-FSU College of Engineering Study – As you know during the 2014 legislative sessions funds were appropriated to the Board of Governors to engage a third party to study the FAMU-FSU College of Engineering. The consultant selected was the Collaborative Brain Trust (CBT). They visited both campuses in late July to meet with the presidents and members of their leadership team. They have returned this week to meet separately with the various constituencies, including faculty, students, staff, current and former deans, as well as alumni, at the College of Engineering. In addition, they will meet with administrators on both campuses they could not meet with during their last visit.
- Dean Searches – There are two open searches underway: the dean of Graduate Studies and Research and Assistant Vice President for International Programs. We hope to finalize both searches soon. We were unsuccessful in filling the Dean of College of Education, and Interim Dean Patricia Green-Powell will remain as the dean while we re-advertise.
- Center for Undergraduate Student Success - The Office of Academic Affairs has established the Center for Undergraduate Student Success to enhance academic learning experiences for all FAMU students. As the academic success of FAMU students is the University’s highest priority, the Center for Undergraduate Student Success would leverage all of the University resources to help students achieve their academic goals with excellence. FAMU offers a number of services to students, including academic advisement, tutorial services, academic mentoring, testing service, and many other services that collectively embody the University’s “Excellence with Caring” motto.

The Center will include two Directors: Director of Academic Success: Mrs. Brittanian Gamble and Director of Academic Integration and Student Transitional Services: Dr. Brenda Spencer.

**Florida Agricultural and Mechanical University  
Board of Trustees**



In addition, updates on the *Recently Funded Research and Training Awards and Licensure Exam Pass Rates* were provided in the committee material.

Next, the recognition of the professional accomplishments of two faculty members:

- Professor Deleso Alford is a tenured Associate Professor in the College of Law and briefly discussed her research regarding the omission of the women affected by the U.S. Public Health Service Syphilis Study at Tuskegee.
- Dr. Ronald Lumpkin is an Assistant Professor and Director of Student Services in the School of Architecture and Engineering Technology briefly discussed his research regarding the relationship between building design and occupant effectiveness -- the school building's impact on raising student achievement.

As the final information item, Dean Kimbrough presented an update on the Black Television News Channel (BTNC). BTNC representatives and SONY engineers have begun its architectural design and engineering processes in the School of Journalism & Graphic Communication. SONY is preparing its engineering plan for BTNC's and FAMU SJGC's operations, which includes upgrades to existing student facilities. There will be opportunities for campus-wide involvement in the creation of original music scores, interior designs, newsroom environments, marketing and promotions.

There being no further discussion, the meeting was adjourned 11:13 a.m.

Respectfully submitted,

Marjorie Turnbull, Committee Chair



**Florida Agricultural and Mechanical University  
Board of Trustees  
ACTION ITEM**

**Academic Affairs Committee  
Date: Wednesday, December 3, 2014  
Agenda Item: V**

Item Origination and Authorization			
Policy _____	Award of Bid _____	Budget Amendment _____	Change Order _____
Resolution _____	Contract _____	Grant _____	Other _____

Action of Board				
Approved _____	Approved w/ Conditions _____	Disapproved _____	Continued _____	Withdrawn _____

**Subject:** Regulation 4.107 – Students in Military Service

**Rationale:** In accordance with Chapter 1004.07, Florida Statutes, each “state university board of trustees shall establish policies regarding currently enrolled students who are called to, or enlist in, active military service.”

**Attachment:** New Regulation 4.107, Students in Military Service

**Recommendation:** It is recommended that the Florida A&M University Board of Trustees in accordance with the Florida Board of Governors’ Regulation Development Procedure approve Regulation 4.107, Students in Military Service, for notice and adoption after the expiration of the thirty (30) day notice period, provided there are no public comments, in accordance with the Florida Board of Governors’ Regulation Development Procedure.

**Regulations of  
Florida A&M University**



**4.107 Students in Military Service**

- (1) Any student, while enrolled at Florida A&M University, called to or enlisted in active military service shall not incur academic or financial penalties for performance of active military service on behalf of the United States of America.
  - (a) Active military service means active duty verified by official orders or appropriate military certification with any branch of the United States Army, Air Force, Navy, Marine Corps, Coast Guard, National Guard of the State of Florida, or other service as provided in the Florida Statutes.
- (2) Such student shall be permitted the option of either completing the course or courses at a later date without penalty or withdrawing from the course or courses with a full refund of fees paid. If the student chooses to withdraw, the student's academic record shall reflect that the withdrawal was due to active military service.

*Specific Authority: Article IX, section 7(c), Florida Constitution, Board of Governors Regulation 1.001; History: New \_\_\_\_\_.*



**Florida Agricultural and Mechanical University  
Board of Trustees  
INFORMATION ITEM**

**Academic Affairs Committee  
Date: Wednesday, December 3, 2014  
Agenda Item: VI**

**Subject:** Moment of Recognition – Medical Scholars Program

**Summary:** The Charles E. Schmidt College of Medicine at Florida Atlantic University (FAU) has partnered with Florida A&M University (FAMU) to establish a first-of-its-kind Medical Scholars Program (MSP) between the two institutions. FAU and FAMU have signed an affiliation agreement to formally establish the MSP with the overall goal of attracting and enrolling outstanding high school seniors who have made an early and informed decision to ultimately pursue a doctoral degree in the field of medicine. The primary goal of this program is to admit academically talented high school students to the MSP at FAMU, with a conditional acceptance to FAU's College of Medicine. The students will have to successfully complete the MSP and satisfy the requirements of the Liaison Committee on Medical Education (LCME), American Association of Medical Colleges (AAMC), American Medical College Application Service (AMCAS) and FAU's College of Medicine.

**Purpose:** To introduce undergraduate premedical students to problem-based learning (PBL) in order to stimulate independent and self-directed learning as well as develop problem solving skills, team building, communication and leadership skills. Introducing and developing these skills in the undergraduate students will provide additional skills and experience as they transition to the College of Medicine where the medical curriculum places an emphasis on PBL as a core component of student instruction.

**Curriculum & Requirements:** The Medical Scholars Program (MSP) curriculum will consist of one (1) course each semester at FAMU. The MSP courses (2 credit hours) throughout the student's four years at FAMU will focus on the following:

- Professionalism
- Ethics
- Problem-based learning (PBL)
- Inter-professional education

**While at FAMU, the MSP student must fulfill the following requirements:** Maintain a science and overall GPA of 3.50 each semester. Single semester GPAs lower than 3.50 will trigger an automatic review by the MSP committee for continuation in the program.

- Participate in the PBL curriculum, preplanned medical experiences, reading and study skill examinations.
- Participate in an ongoing enrichment and community service program.
- Adhere to and exhibit at all times during undergraduate enrollment the high moral and ethical values required of those who study and practice medicine. Failure to exhibit and abide by such values may result in automatic dismissal from the MSP and forfeiture of scholarship. Students who are dismissed from the MSP or who wish to leave the MSP





## Florida Agricultural and Mechanical University Board of Trustees INFORMATION ITEM

may continue their undergraduate studies at FAMU provided they meet FAMU's eligibility requirements.

**MSP students will also be required to fulfill non-classroom (extracurricular) requirements such as:**

- Clinical education: physician shadowing, direct patient contact (in hospital, clinic or physician's office)
- Enrichment/community service focused on health services

### **Admission Criteria**

- Applicants must be U.S. citizens or permanent residents of the United States with an alien registration receipt card in their possession at the time of application to the MSP.
- Applicants must have an un-weighted high school average of at least **3.50**.
- Applicants must have a minimum SAT (**critical reading, math and writing**) composite score of 1800 or minimum ACT composite score of 27.
- Applicants must have completed four high school units each of English and math as well as one high school unit each of biology and chemistry at a high school located in the U.S.
- Applicants must be in their last year of high school at the time of application. Students who have already graduated from high school are ineligible.
- Applicants must submit a completed application to FAMU-based Medical Scholars Program.
- Applicants must submit a recommendation letter from their high school college counselor (or similar individual) and letters from three high school teachers (one of whom must be a science teacher) who taught the applicant.
- Other requirements as reasonably determined by either party.



**Florida Agricultural and Mechanical University  
Board of Trustees  
INFORMATION ITEM**

**College of Medicine Requirements**

***The following requirements must be fulfilled in order for an MSP student to be eligible for matriculation in the College of Medicine.***

1. The MSP student must graduate from FAMU in four years (barring exceptional circumstances) with all required courses for admission to the College of Medicine.
2. The MSP student must successfully complete the MSP requirements.
3. The MSP student must obtain letters of progress or recommendation from MSP Director who directed the student's enrichment and community service program listed previously.
4. The MSP student must complete and submit a verified *American Medical College Application Service (AMCAS)* application (including personal statement and letters of recommendation from faculty sent through the AMCAS letters program) and a secondary application.
5. The MSP student must achieve a *Medical College Admission Test (MCAT)* composite score of  $\geq 25$ .
6. The MSP student must achieve a cumulative undergraduate GPA of 3.50 and a science GPA of at least 3.50 (both determined by AMCAS).
7. The MSP student must complete at least two successful interviews by members(s) of the College of Medicine Admissions Committee.
8. The MSP student must fulfill other requirements as necessary or determined by the LCME, the AAMC, AMCAS or the College of Medicine.



**Florida Agricultural and Mechanical University  
Board of Trustees  
INFORMATION ITEM**

**Academic Affairs Committee  
Date: Wednesday, December 3, 2014  
Agenda Item: VII**

**Subject:** Division of Academic Affairs Update

**Summary:** Provost's opening remarks.

**Attachment:** Overview of the FAMU Undergraduate Student Success Center

# Florida A&M University Undergraduate Student Success Center

## Overview

The academic success of Florida A&M University (FAMU) students is the top priority of University administrators, faculty, and staff members. Great emphasis has been placed on student recruitment, retention, progression, and graduation. University leadership continues to focus on the success of first-time-in-college (FTIC) students with particular attention on the matriculation patterns for “access opportunity students” formally known as “profile admits.” With a **first year retention rate of 82%** and **6-year graduation rate of 41%**, the entire University community will continue to enhance the programs and services that promote sustainable student success.

Thus, the Office of Academic Affairs, through Title III funding, has established the Florida A&M University Undergraduate Student Success Center **to enhance** academic learning experiences for all FAMU students. As the academic success of FAMU students is the University’s highest priority, the FAMU Undergraduate Student Success Center will leverage all of the University resources to help students achieve their academic goals with excellence. FAMU offers a number of services to students, including academic advisement, tutorial services, academic mentoring, testing service, and many other services that collectively embody the University’s “Excellence with Caring” motto.

## Vision

To maximize students’ potential for academic and career success in the global marketplace.

## Mission

To foster a collaborative and comprehensive learning environment that empowers students to engage in their own learning and that leverages university resources to help students achieve academic success.

## Goals

1. To improve academic performance for all learners.
2. To improve retention and graduation rate for all FAMU students.
3. To improve student progression and timely matriculation.
4. To provide high-quality, proactive academic support services.
5. To promote critical thinking and life-long learning for all FAMU students.

## Definition of Academic Support Services

FAMU defines *academic support services* as the set of services that directly support student learning in relation to academic course work and that promotes student success in the

University's academic programs. These services promote effective interaction between students and faculty as a complement to the academic mission of the University.

### **Academic Support Services**

- First-Year Experience Program
- Second-Year Experience Program
- Honors Program
- Advisement Services
  - Student Academic Advisement
  - Student Athlete Academic Advisement
  - Advisement for Undeclared Majors
  - Support and Training for Academic Advisors
  - Support Services Counseling
- Academic Coaching
  - Academic Referral System
- Structured Progress Monitoring Program
  - Early Alert System
  - SAP Monitoring
- *Access* Bridge Program
- Academic Tutoring/Learning Services
- Athletics Academic Support Services
- Supplemental Instruction Program
- Mentoring Programs
- Living-Learning Communities
- TRIO Program
- Career Counseling
- Diagnostic/Placement Testing
- Financial Aid/Debt Counseling
- Transfer Student Services

### **Links to Other Support Services**

- Student Orientation
- Enrollment Management
- Library Learning Services
- Learning Disability Support Services (CEDAR)
- Service Learning/Internship Services
- Testing Services
- Instructional Technology Services
- Student Ombudsperson
- Career Center



**Florida Agricultural and Mechanical University  
Board of Trustees  
INFORMATION ITEM**

**Academic Affairs Committee  
Date: Wednesday, December 3, 2014  
Agenda Item: VIII**

**Subject:** FAMU DRS

**Summary:** An update will be provided on the strategies to be used for the school improvement initiatives and resources needed.



**Florida Agricultural and Mechanical University  
Board of Trustees  
INFORMATION ITEM**

**Academic Affairs Committee  
Date: Wednesday, December 3, 2014  
Agenda Item: IX**

**Subject:** Update on NSF and NIH Fellowships

**Summary:** An update will be provided on University efforts to increase the number of FAMU STEM students who annually apply for and receive graduate fellowships from agencies such as the National Science Foundation. Dr. Maurice Edington, dean of the College of Science and Technology, will discuss the college's initiatives to increase student awareness of funding opportunities and enhance the quality of student applications.