

## FINAL BY-LAWS FOR THE DHAA, April 23, 2017

*N.B: this document almost entirely reflects current practice and policy in the Department. It allows for situations that are unlikely to arise but where a written policy would be very important to have. It is largely based on the mid-1970s Program by-laws, under which we have in effect been operating for the past four decades, but all parts dealing with the relationship between Program and Department have of course been deleted. Other changes have been made to reflect changing structures in the University or College, and still others have been added (mentions of Skype and FaceTime, for example) to take into account new developments in technology.)*

**Name and General Provisions** The Department of the History of Art and Architecture at the University of Massachusetts is administrated, and its day-to-day business conducted, based on the principles of inclusiveness, consensus, mutual respect, and academic professionalism. As a Department in a public institution of higher learning, we recognize our obligations to our students, our responsibilities to fulfill the faith and trust of those who fund us, and our allegiance to the highest standards and ethics of our profession, our discipline, and our institution. These By-laws have been adopted by a majority vote of the faculty.

Federal and state laws, UMass Trustee policies (including, but not limited to, T76-081, the Academic Personnel Policy, aka the “Red Book”), the CBA, and other established university policies will prevail in instances of conflict with these bylaws. These bylaws may not be construed to limit the rights of the Administration as preserved by Article 4 of the CBA. Those rights include, but are not limited to, the management of budgets, the management of curriculum delivery, the management of space and equipment, and the performance of all responsibilities related to personnel actions as prescribed by the CBA and the Red Book. As required by Article 12, these bylaws are subject to review by the Administration and MSP to ensure that the bylaws do not conflict with prevailing laws, policies, and the CBA; such review must occur before the bylaws or their amendments take effect.

**General Principles of these By-Laws:** without specifying in detail procedures that might take into account all possible eventualities and circumstances, these By-Laws assume that in all matters dealt with by the faculty, the following will be scrupulously observed: the rights of faculty colleagues to be fairly heard and equitably treated; the obligations of faculty to share fairly and appropriately in the responsibilities and functions of a smoothly-running department; the obligations of all faculty to act courteously and professionally towards one another. In every aspect of its functioning, faculty members of the Department will govern themselves professionally, fairly, and efficiently, with consideration for individual circumstances, and with the recognition that the success of every faculty member in teaching, service and research is a contribution to the success of the Department as a whole.

**The Chair.** In accord with formal specifications of University governance, the Chair of the Department is selected by the Dean of the College of Humanities and Fine Arts after

full input and consultation with all faculty members in the Department. Following University policy, the Chair shall be a tenured member of the faculty. In established principle and practice, and under ordinary circumstances, the position of Chair will be expected to be rotated among tenured faculty; in principle two consecutive three-year terms will normally be considered as a maximum length of continuing service as chair.

Recognizing the formal role of the Chair as specified in University Policy and the Collective Bargaining Agreement, we acknowledge that the Chair fulfills the statutory responsibilities specified by University policy. From the perspective of the Department, and implicit in these By-Laws, the Chair's role is seen primarily as a builder of consensus, as a guiding voice in dealing with Departmental and University issues, as an effective spokesperson and advocate for the concerns of the Department in the University and the community.

**The Faculty:** The Department's faculty ("the Faculty") includes all faculty members in the Department without regard to bargaining-unit status, tenure status, or full-time equivalency. In general, all members of the Faculty have the right and duty to participate in governance of the Department, including voting on matters brought before the Faculty, except as specified otherwise below and elsewhere in these Bylaws. Except where the composition of an individual's assigned workload or contract would specifically prohibit such an obligation, all members of the Faculty have a responsibility to participate in governance of the Department and in service to the Department, the School/College, and the University. All bargaining-unit Faculty members are considered to be members of the Personnel Committee (see below) may have access to relevant information and may deliberate on all promotion and tenure cases, provided that those individuals do not have separate administrative purview over the same matters.

Non-unit faculty members (department chair/head, associate deans, deans, and other non-unit administrators) may not participate as voting members in personnel actions governed by the CBA. Such non-unit faculty members may not serve on the Personnel Committee and may not participate as members of the Faculty in promotion and tenure cases. Non-unit faculty may participate in other aspects of academic governance (such as curricular decision-making and faculty searches), but non-unit administrators, with the exception of the Chair, are not normally expected to attend all faculty meetings or to serve actively in day-to-day departmental functions, but may do so at their own discretion.

Graduate Faculty Status: Only Faculty who have been designated Graduate Faculty by the Dean of the Graduate School may deliberate and vote on graduate program and graduate curricular matters. Part-time bargaining-unit non-Graduate Faculty members with continuing appointments may have access to relevant information and may deliberate and vote on all non-graduate programmatic and curricular matters.

Faculty members on full-time paid leave (including parental leave and sabbatical leave, but specifically excluding sick leave), maintain the rights during the leave to exercise their rights to participate in the governance of the Department, including the Personnel Committee, at their own discretion and according to their circumstances of being able to attend meetings and execute functions due to proximity to campus. Statutory requirements mandate that faculty on full-time paid sick leave and on full-time unpaid

leave forfeit their rights of governance for the duration of such leave. Unless the leave is taken in an emergency, faculty on leave must make prior arrangements for students whose grades or status may be affected by the leave.

Faculty meetings: the Chair will normally schedule meetings in advance for an entire semester. That schedule should normally be determined and published before the end of the preceding semester. The scheduling of faculty meetings shall be arranged in consultation with the Directors of the Graduate and Undergraduate Programs and the Chair of the Departmental Personnel Committee, in order that the faculty may in a timely and deliberate manner arrive at decisions regarding university activities governed by administrative and other deadlines as specified in the academic calendar or by the administration. The schedule of faculty meetings shall respect accommodation for campus events and other events such as association meetings, and religious holidays.

Emergency faculty meetings may be convened by the Chair subject to the availability of a quorum able and willing to attend the meeting. A quorum for all faculty meetings shall consist of a majority of the faculty in residence plus one. For faculty meetings not requiring votes by secret ballot, and subject to approval by the faculty, members may in special circumstances be allowed by vote to participate in faculty meetings via electronic media such as Skype or FaceTime. By petition of at least 20% of the Faculty, the Chair is obligated to convene additional special meetings to address matters raised by the petitioners, subject to the availability of a quorum able to attend.

All Faculty of the Department are expected to attend all general faculty meetings and to attend all special meetings unless university-related duties or important professionally-related events conflict with the special meeting.

The Chair/Head will publish the agenda for each regular Department meeting early enough so that members may have adequate time to prepare and review materials for the meeting. The Chair/Head will publish the agenda for any special meeting at the time of the meeting's announcement.

*On matters requiring a vote of the Faculty*, except for Personnel Committee votes that must be taken by secret ballot after a full course of written and oral deliberations, votes may be taken either by proxy or electronically, in a method to be determined by the Chair with the agreement of the faculty. Voice votes or votes by a show of hands on any matter are acceptable unless any individual member of the Faculty requests otherwise, in which case the vote must occur by secret written ballot. Except as otherwise specified in these bylaws, a simple majority vote will suffice to carry a motion.

Conduct of meetings: In the interests of time and good inter-personal relations, and based on the principle of mutual respect and recognition of all points of view, faculty meetings may be conducted by the Chair in a manner sufficiently informal to expedite procedures and consensus, providing that the right of all to be heard is respected. In the order of business, the first items on the agenda for each faculty meeting will normally be announcements from the Chair and any other faculty members, and the approval of the minutes of the previous meeting. The last item on the agenda for each faculty meeting will be action on a motion to adjourn. Discussion of business will normally be

conducted informally, with the Chair coordinating the meeting; all faculty members will respect the right of colleagues to be heard. Votes will normally be taken by a show of hands. For any issue, any faculty member may request a secret written ballot, and for all issues, should any faculty member feel that the informal conduct of the meeting impairs his/her faculty rights, the meeting shall then be conducted for that issue or for that session under the procedures of Roberts Rules of Order, newest edition.

Minutes of faculty meetings are normally taken either by the Chair or by a faculty member who volunteers to undertake the task. Minutes will be circulated to all faculty members no later than two weeks after the meeting, and in ample time to be reviewed before their approval at the beginning of any subsequent meeting. The Department will maintain records of all meetings, including minutes and votes, for at least five years.

**Faculty Departmental Administrative Positions:** Members of the faculty chosen by vote of all qualified regular faculty members (see above) are expected to serve from time to time as needed in two major administrative roles: Director of the Graduate Program (for which the incumbent will be awarded released time from one course a year) and Director of the Undergraduate Program (which may either include a release of one course a year, or in the case of the incumbent being in the rank of lecturer, may constitute a contractual part of the incumbent's duties). Both of these positions are regarded as "major" administrative responsibilities. In the case of faculty elected rather than contracted to fulfill these positions, a normal elected term will normally consist of two years, with modifications in length possible due to sabbaticals, research opportunities, personal circumstances, and willingness to serve.

The role of Graduate Program Director includes, but is not limited to, the following: fulfillment of statutory University responsibilities associated with the position; administration in consultation with all faculty the process of graduate recruitment and admissions; administration of graduate examinations; leading and coordinating graduate academic and career advising; advising organized graduate student groups within the Department; assisting in the training of Teaching Assistants, coordinating the assignment of Teaching Assistants subject to approval by the faculty; representing the Department in matters dealing with the Graduate School; and any other duties assigned by the faculty to that position.

The role of Undergraduate Program Director includes, but is not limited to, the following: fulfillment of statutory University responsibilities associated with the position; administration and coordination of recruitment and admissions activities; coordination of undergraduate academic counseling responsibilities undertaken by all faculty members; advising organized student groups within the Department; representing the Department in appropriate matters dealing with the College and University; coordinating career advice and other Departmental functions undertaken for the benefit of undergraduates; and any other duties assigned by the faculty to that position.

In addition to the two "major" positions, faculty may be designated by vote of their colleagues to fulfill other Departmental administrative functions as need or other circumstances may dictate. These may include, but are not limited to, the roles of Chair of the Personnel Committee, (discussed above) Schedule Officer (responsible for all

course scheduling functions following University procedures and regulations), Media Coordinator (responsible for the Departmental publicity, website and social media), and any other ad hoc positions the faculty may see fit to define and fill, that are not assigned to any of the designated positions, major and otherwise, mentioned here. Normally there will be no released time associated with these positions.

**Standing Committees:** Since ours is a small Department, functions normally delegated to smaller committees in large Departments, such as an Executive Committee, a Curriculum Committee, or a Departmental Personnel Committee, will in DHAA normally be undertaken by the faculty as a whole.

Departmental Personnel Committee: Following University regulations, the Departmental Personnel Committee is responsible for all personnel actions in which the Faculty has primary responsibility as defined in the Red Book. In the Department of the History of Art and Architecture, all bargaining-unit faculty members (as defined above), regardless of rank or tenure, constitute the Personnel Committee. The Chair of the Personnel Committee, who must be tenured, will be elected by the vote of Committee members each spring to serve a one-year term in the following year, and will normally be expected to serve at least two consecutive one-year terms. Meetings of the Personnel Committee will normally be scheduled in conjunction with regular Faculty meetings, which will be announced and scheduled at the beginning of every semester, and will take into account normal University procedures and deadlines. No released time will be involved with this position. A quorum of the Personnel Committee will consist of a majority of the faculty in residence plus one.

Duties of the Personnel Committee, as defined in the Collective Bargaining Agreement include reviewing the Annual Faculty Review and evaluation of every member of the Department's Faculty; reviewing and making recommendations on all promotion and tenure applications within the Department; reviewing and making recommendations on all reappointments of tenure-track faculty within the Department; reviewing and making recommendations on all promotions of non-tenure-system faculty; participating in Periodic Multi-Year Review of faculty as prescribed by the CBA; reviewing and determining Pool A allocations of merit pay among the Department's eligible faculty as provided for by the CBA; reviewing and recommending Pool B allocations of merit pay to the Chair and Dean as provided for by the CBA; reviewing and making recommendations for anomaly adjustments to salaries as provided for by the CBA; leading the review process for potential reappointment of the Chair/Head.

In their role as members of the Personnel Committee, all faculty members will be careful to avoid any conflict of interest or the appearance of conflict of interest, and will recuse themselves from voting on individual matters if such conflict of interest is deemed to be in effect. As mentioned above, faculty members on leave who are willing and able to attend and participate in Personnel Committee meetings may do so at their own discretion. Due to the necessity of a secret written ballot, to be cast after careful consideration of all the Committee deliberations, Skype or FaceTime participation in Personnel Committee meetings requiring a secret ballot is not permitted. For other business, participation via Skype or FaceTime may occur with the concurrence by vote of a majority of those present physically.

On personnel actions for which the CBA identifies independent roles for the DPC and the Department Chair—such as AFR reviews, reappointment, promotion, tenure, PMYRs, merit-pay allocations, and anomaly recommendations—the DPC will operate independently, and the Chair must not convene or deliberate with the DPC, nor may the Chair attempt by any means to influence the deliberations or judgment of the members of the DPC. The DPC may however on its own initiative consult with the Chair and ask for the wisdom and advice of the Chair on any matter it deems appropriate.

Personnel Committee meetings will be convened and conducted under the guidance of the Committee Chair; the number, duration, and timing of such meetings will be arranged in order to enable the Committee to fulfill its functions in a timely manner under the University's deadlines for personnel actions. All votes on specific personnel matters will be undertaken by secret paper ballot, and the Chair of the Committee will request the assistance of at least one other Committee member in the tabulating of such ballots. The business of the Personnel Committee, including votes for appointment, reappointment, tenure, and periodic multi-year tenure review, will be undertaken in compliance with all University rules and regulations. All Personnel Committee decisions involving remuneration, including merit pay, will be undertaken in conformity with the long-established and specific merit voting and awarding policy, detailed in a separate document ("DHAA Merit procedures") that is considered to be a fully operable part of these By-Laws. As of this writing (April 2017) an ad hoc committee is working on recommendations to DHAA faculty on possible modifications to our long-established internal DHAA merit procedures. Those recommendations, if approved by vote, may be incorporated into the procedures and formally appended to these By-Laws.

Under the CBA and the Red Book, a dean must consult with the DPC if she/he is considering making a recommendation that differs from the recommendation of the DPC in reappointment, promotion, and tenure cases for tenure-system Faculty. When the CBA authorizes the award of merit pay and authorizes the DPC to recommend or determine the amounts of merit pay to be allocated to individual members of the Faculty, the DPC must adhere to the CBA's terms for eligibility and the basis of evaluation for such allocations. The DPC may not exclude from consideration any merit-eligible member of the Faculty based on tenure status, rank, full-time equivalency, or constraint of assigned duties,

**Short-term and Ad Hoc Committees** From time to time, the Department Chair may establish, and the faculty may by vote elect members to serve on, committees to perform regular short term or ad hoc functions. These committees will include Graduate Admissions Committees, (normally reading applications for a short time each semester) Administrative Staff Search Committees (assisting the Chair in the hiring of administrative staff), and Tenure-System Search Committees. Graduate Admissions Committees are normally elected annually in the spring to assist the Graduate Program Director in admissions decisions for the following year.

*Search Committees for Tenure-System Faculty.* When the Provost and the College's Dean have authorized a search for a tenure-system faculty member, the Chair will solicit from among the faculty interest in serving on the search committee. The Chair will normally nominate search committee members from among those expressing interest and from other members of the Faculty whose service on the committee would benefit the

search process; these nominations will be subject to faculty confirmation by vote. As a matter of principle, membership on search committees should rotate among faculty, with no faculty member serving as a search committee chair for more than one consecutive term, unless faculty agree by vote that circumstances allow for no alternative choice. Students are not eligible to serve as members of such search committees; however, students should be given opportunities to meet faculty candidates and to provide feedback to the search committee. In selecting members, the Chair will attempt to compose a committee that is representative of the Department, that ensures well qualified consideration of applicants' credentials, that promotes the achievement of the University's diversity goals, and that will achieve efficient execution of the search. The Chair/Head will designate the committee chair from among its members, subject to confirmation by the faculty.

*Purview of Search Committees in Tenure-System Searches.* Committees charged with conducting searches for tenure-system faculty are expected to collaborate with the Chair in developing the position description, advertising/recruitment plan, facilities plan, and other elements of the hiring requisition; will work with the Chair to fulfill the advertising/recruitment plan; will collaborate when appropriate with the Office of Equal Opportunity and Diversity with regard to promoting the recruitment of a diverse applicant pool; will receive and screen applications; will conduct initial interviews by phone, by Internet video connection, or at professional meetings (as applicable); will propose a campus-interview list; will make confidentially available to the Faculty the application materials of approved campus interviewees—provided the Faculty individually agree to maintain that confidentiality as described below; and will organize campus visits, including public sessions open to all Faculty and students, for approved interviewees.

Finally, the Search Committee will organize a meeting of all of the Department's Faculty after the last campus interview in order to deliberate and vote (by secret ballot) on the ranking of the acceptable finalists, and following that meeting will write a recommendation that reflects the Faculty's ranking and rationale for that ranking and may offer the committee members' independent assessment of the finalists. If the Hiring Authority for the search has asked for an unranked list of acceptable finalists, the Faculty will limit its vote to distinguish between acceptable and unacceptable candidates, and the search committee will use its recommendation to report that information and to describe the strengths and weaknesses of the acceptable finalists.

*Access to Confidential Applicant Materials.* The Department will place in a secure online location the application materials of candidates who have been approved for campus interviews (but not for other applicants). The Department Chair and any faculty members who wish to view applicant materials may do so only after first signing a confidentiality statement that specifies the following:

- ▶ She/he will not disclose or distribute the contents of such confidential information to anyone outside the Department's Faculty or academic administration.

- ▶ She/he will not disclose or distribute the contents of such confidential information to any of the candidates, including the candidate who may be ultimately employed.
- ▶ She/he will not make a physical (including printed) or electronic copy of any of the materials.
- ▶ She/he will not contact any of the parties who have provided confidential references.
- ▶ She/he will abide by university policies in using the information disclosed in the materials. In particular, she or he will adhere to the university's guidelines on impartiality/objectivity in the university's non-discrimination policy.
- ▶ Except for applicants' CVs and cover letters, confidential materials should not be made available to students.

*Role of Faculty in Tenure-System Searches & Selection.* All tenure-system members of the Department's Faculty have a duty to engage in the search and selection process from the beginning of the campus-interview phase through the meeting at which the Faculty rank the acceptable finalists. In order to fulfill that duty, the Faculty should inform themselves by reviewing candidates' application materials and attending candidates' public sessions. The Department's non-tenure-system faculty are welcome to similarly engage in the search and selection process but they do not have a duty to do so; they are also welcome to join with the tenure-system Faculty in deliberating the ranking of the finalists but may not vote on that ranking.

*Conflicts of Interest.* A real or perceived conflict of interest between an applicant and a Faculty member engaged in the search process must be disclosed and must be managed, mitigated, or eliminated. The principles underlying the above prescription include:

- ▶ Neither professional nor personal relationships between applicants and evaluators should influence the selection decision.
- ▶ Neither professional nor personal relationships between applicants and evaluators should *appear* to influence the selection decision.
- ▶ When such relationships exist, the evaluator must disclose the relationship.

Management, mitigation, or elimination of such conflicts should occur as follows:

Search committee members engaged in a ***personal*** relationship with an applicant must disclose the relationship to others involved in the evaluation of the candidate and must recuse him/herself from any deliberations involving that particular applicant. In most cases, a search committee member with a personal relationship with an applicant who has reached the campus-interview list should recuse him/herself from the committee's work, including deliberations over other applicants.

Search committee members engaged in a ***close professional*** relationship with an applicant must disclose the relationship to others involved in the evaluation of the



candidate and must recuse him/herself from any deliberations involving the applicant but may vote along with other department faculty on all applicants.

A search committee member with a *distant* professional relationship (few collaborations or collaborations older than five years) with an applicant who has reached the shortlist need not recuse him/herself from the committee's work but should disclose the relationship to others involved in evaluation of the candidate. The Faculty member may participate in all discussions of that applicant and need not abstain from voting on any applicant.

**Non-Tenure-Track (NTT) Faculty Search Committees & Procedures:** The Department will conduct individual non-tenure-track faculty searches using the same procedures as those described above for tenure-system faculty searches with these exceptions:

*Committee Composition.* Committees composed for NTT searches need not favor senior or tenure-system faculty and should include at least one current NTT faculty member if the Department has such a faculty member available whose workload composition would permit such participation.

*Purview of Search Committees in NTT Searches.* The purview of the search committee in NTT faculty searches is the same as that for tenure-system faculty searches except that in lieu of convening to deliberate on the finalists, the committee may solicit feedback from all of the Department's Faculty after the last campus interview; will write a recommendation that reflects the Faculty's feedback, the committee's ranking of the acceptable finalists, and the committee's rationale for that ranking.

*Role of the Faculty in NTT Searches.* The Department's Faculty have a duty to engage in searches for NTT faculty whose appointments are 50% FTE or greater due to the potential for such faculty eventually achieving continuing appointments

**Representation by Faculty on College- and University-Level Committees.** Faculty may volunteer for or may agree to be appointed by the Chair/Head to service on college- and university-level committees and in similar roles. Service on the following committees, however, is by election as described below:

*College Personnel Committee (CPC).* All of the Department's Faculty will annually elect one representative to the CPC to perform the functions assigned to it by the CBA. Service on the CPC will normally be undertaken by full-time tenured faculty who have achieved the rank of Professor.

**Commented [JGB1]:** This committee is required by the CBA.

*College Review Committee (CRC).* The CRC reviews the promotion applications of Lecturers and Senior Lecturers and is elected at large across the College by Faculty with any form of the title Lecturer. The Department's Faculty with any form of the title Lecturer will annually nominate from among themselves one person to stand for election to the CRC.

**Commented [JGB2]:** This committee is required by the CBA for NTT promotion cases.

**Department Specifications for Reappointment, Promotion, and Tenure (RPT).** All standards and most procedures related to reappointment, promotion, and tenure of

Faculty are governed by the CBA and the Red Book. The following additional terms do not alter or interpret those standards and procedures but instead set department-level specifications where the CBA and Red Book permit local control.

External Reviews of RPT Cases.

*Personnel Actions Requiring External Reviews.* All promotion and all tenure cases for tenure-system faculty require external reviews (as specified in the Red Book and CBA). While reappointments of tenure-system faculty during their probationary periods do not require external reviews, the Personnel Committee or the individual being evaluated may ask the Chair to request external reviews if such information is deemed crucial to the Committee's making an informed decision. Neither reappointments nor promotions for non-tenure-system faculty require external reviews; however, as permitted by the CBA's Article 21, Lecturers may request external reviews.

*Number of External Reviews.* The Department Chair/Head will make a good-faith effort to secure an appropriate number of "arm's-length" external reviews for every promotion and/or tenure case that requires external review, in order to provide the Personnel Committee and other campus elements of the evaluation process with the best possible and most reliable evidence on which to base a decision. We recognize however that the numerical availability, willingness to contribute to the process, and appropriateness of external reviewers may vary extensively from case to case and from sub-discipline to sub-discipline. The Chair may solicit and add to the file any number of reviews from reviewers "close" to the candidate. Such close reviews are especially helpful in cases where the reviewer can describe the candidate's development as a researcher, and candidate's particular contributions to collaborative work, to disciplinary associations and organizations, Five-College service activities, paid or unpaid consulting activities, and other activities where a colleague works in close proximity and/or association with colleagues from outside institutions.

*Identification and Solicitation of External Reviewers.* The CBA charges the Chair with soliciting external reviewers and permits the candidate to suggest external reviewers, some or all of whom may be solicited by the Chair/Head. The Chair may consult with the DPC or other members of the Faculty in identifying appropriate external reviewers but under the CBA may not delegate this responsibility to others. Similarly, the Chair may receive assistance in describing the "standing" of each external reviewer in the candidate's file, but the Chair is ultimately responsible for ensuring that that description clearly and completely makes the case for why each external reviewer is well positioned to perform the review; this description should be crafted for academic audiences who are unfamiliar with the pertinent scholarly field. Under most circumstances, the solicitation of external reviews should occur no later than three months before the candidate's file submission deadline.

*Qualifications of External Reviewers.* In general, external reviewers should be well recognized scholars or professionals in the candidate's field, should have extensive academic experience, should have active scholarly programs, and should be at institutions that are at least peers of UMass. External reviewers who do not meet these criteria may also be appropriate and acceptable, but in describing the "standing" of such reviewers,

the Chair/Head should carefully explain why such reviewers are appropriate for the task of commenting on the candidate's having met the relevant standards.

*Candidate's Rights Regarding External Reviewers.* Before making such solicitations, the Chair/Head must show the solicitation list and solicitation message to the candidate, who may comment on the list or message but may not demand changes to either. The list should include some of the external reviewers suggested by the candidate. If the candidate identifies a conflict of interest with any of the proposed reviewers, the Chair/Head should assess whether a true conflict exists and, if one does, should eliminate, mitigate, or manage the conflict.

#### Internal Reviews of RPT Cases.

*Identification & Solicitation of UMass Faculty & Staff Reviews.* The candidate and the Chair/Head may identify potential reviewers internal to UMass Amherst. Such internal reviews are not required and should not be regarded as substitutes for external letters. Internal letters may be especially helpful in cases where the reviewer can describe the candidate's particular contributions to collaborations within the department or across campus. The Chair/Head must individually solicit such internal reviews.

*Identification and Solicitation of Student Reviews.* The Chair/Head may solicit confidential comments from individual students. Written, signed comments from individual students—especially from those for whom the candidate has served as an advisor, mentor, or collaborator—are especially helpful in identifying the candidate's work outside the classroom. Such reviews should be individually solicited. The Chair/Head may also solicit comments from groups of students; responses to such non-individual solicitations are never protected by the candidate's waiver of access rights, and any "group solicitations" should advise potential respondents that their responses will not be confidential.

*Waiver of Rights of Access to Review Letters.* A candidate for RPT may waive or decline to waive her/his rights of access to internal and external review letters that have been individually solicited. The decision whether or not to waive those rights belongs exclusively to the candidate, and neither the Chair/Head nor any other member of the Faculty should pressure the candidate to decide one way or another.

*Evaluation of Teaching Effectiveness for RPT.* The CBA's Article 33 requires that every department develop or adopt one or several modes appropriate to the evaluation of teaching in that unit and procedures for the administration of student evaluations of teaching. In compliance with that requirement, the Department adopts the following:

*Student Evaluations of Teaching Effectiveness in Classroom Settings.* All Faculty may use either the centrally administered SRTI instrument to solicit and receive student evaluations in every course section taught, or an alternative means of student evaluation deemed appropriate and sufficient by vote of the Department Personnel Committee. Faculty may not themselves administer or collect student evaluations.

*Student Evaluations of Teaching Effectiveness Outside Classroom Settings.* Annually, the Chair and/or the Graduate Program Director may conduct a confidential survey of all students who are working under the individual advisement/direction of a Faculty member, seeking feedback on the effectiveness of that Faculty member's instruction. The survey instrument(s) will be developed and periodically reviewed/ revised by the DPC, subject to the adoption of the Faculty. The results of such surveys may be added to the Faculty member's AFR and to any applications for RPT.

*Peer & Expert Evaluations of Teaching Effectiveness.* Untenured Faculty in their probationary period and NTT Faculty intending to seek promotion should seek consultation and formative evaluations of their teaching effectiveness from the Institute for Teaching Effectiveness & Faculty Development and/or from experienced colleagues within the Department. Such Faculty, and also tenured Faculty expecting to apply for promotion within a year or two should solicit evaluations through direct observation of their teaching from peers inside or outside the Department. While peer and expert evaluations are not required of any Faculty member, they help provide valuable evidence in making a case for reappointment, promotion, and/or tenure.

*Contributions to Program & Curriculum Development.* Applications for RPT should include evidence of the candidate's contributions to program and curriculum development (if any).

*Evidence of Effective Service for RPT.* Applications for RPT should include evidence of the candidate's contributions to service. The CBA and Red Book require that all tenure-system Faculty engage in service. NTT faculty members are required to engage in service only if it is part of their assigned duties. The CBA requires that service to the faculty union and service outside the Department be considered at the department level as part of any Faculty member's AFR or evaluation for RPT purposes. In general, the consideration of service should be inclusive, acknowledging the contributions that candidates make both inside and outside the Department and inside and outside the university. The extent to which service outside the university is relevant to a case for RPT depends on the pertinence of that service to the individual's professional profile or to advancement of the university's mission. Service may include that provided in governance or management of the Department, the College, the University, or the profession; that representing outreach to extend knowledge beyond the university/professional community; and that intended to promote community engagement as a benefit both to the university community and to the off-campus community. Especially important is evidence of leadership in making service contributions.

**Annual Faculty Review and Evaluation.** The CBA's Article 33 requires use of the bargained AFR form by every member of the Faculty who is 50% FTE or greater. Faculty who fail to timely submit an AFR may be subject to discipline. The Departmental Personnel Committee and the Chair should substantively and candidly conduct their evaluations of each Faculty member's AFR and may supplement the AFR submitted with information that is not in the AFR but that is relevant to the Faculty member's performance of her/his assigned duties. Such supplemental information may not be added for any other purpose, and such information may be added only if it is reliable and from a known source; anonymous letters regarding the Faculty member's

**Commented [JGB3]:** The CBA requires evaluations of teaching effectiveness including student evaluations. UMass has traditionally relied on the SRTI to meet that requirement, but the SRTI does not capture what goes on outside the classroom, which is especially important for Graduate Faculty. While the approach described here is just one of several possibilities, we believe that every department should try to capture what goes on outside as well as inside the classroom.

performance may not be added. (For example, the Chair may not append to the AFR a letter of warning that has been added to the Faculty member's personnel file but could add students' letters of complaint about the Faculty member's teaching, which may have resulted in the letter of warning.) The Chair may add summaries of information received directly from other Faculty and students even if that information has been conveyed confidentially; however, the Faculty member under review always has the right to refute or qualify such information in writing, which must be appended to and permanently filed with the AFR.

**Review of the Department Chair.** If the Chair wishes to be reappointed to another term in that position, the Department's Faculty, led by the DPC, will normally review the record of the Chair during the fall semester of the final year of her/his appointment. The DPC must follow the procedures prescribed by Senate Document #82-021 beginning the process where possible no later than the end of October during the final year of the Chair's appointment, in order to give the process sufficient time to proceed in an orderly manner.

*Self-Evaluation.* As an initial step, the Chair/Head will prepare a written self-evaluation of her/his administrative achievements during the current appointment and under ordinary circumstances will provide that document to the Faculty no later than October 15<sup>th</sup>.

*Survey.* The DPC will prepare and distribute four confidential surveys no later than November 1<sup>st</sup>: (1) one to departmental staff; (2) one to all undergraduate majors and all graduate students; (3) one to Chairs of Departments within the College and to those outside of the Department who have interacted with the Chair; and (4) one to the Department's Faculty. Each survey will include specific questions regarding overall performance, both administrative, interpersonal, and management of departmental interactions. These surveys will provide space for extended comments. Raw data and summaries of responses to these surveys will be reviewed by the DPC, will be redacted to protect the identities of all respondents, and will be included with the DPC's report to the dean but will not be available to faculty, staff, or students. I

*Meetings with Constituencies.* The DPC will offer where appropriate to meet with employee and student groups to receive confidential assessments of the Chair's performance. Summaries of information gathered in such meetings will be included with the DPC's report to the dean but will not be available to faculty, staff, or students.

*Meeting with the Chair/Head.* After most data collection is complete, the DPC will invite the Chair/Head to meet to discuss the initial findings of the data collection process. The Chair/Head may decline to meet.

*Draft Report:* Normally no later than December 1<sup>st</sup>, the DPC will complete and distribute to the Faculty a draft report (excluding raw or other data that could compromise the confidentiality of those contributing to this process), including a summary of findings, an assessment of areas of success and of needed improvement, and a non-binding recommendation regarding whether the Chair/Head should be reappointed. The report should assiduously limit its assessment to areas within the purview and control of the Chair/Head.

**Commented [JGB4]:** Timing may vary from one department to another, depending on the size of the department and the other commitments that the DPC may have in fall semesters.

*Concluding Meeting of the Faculty.* Before the end of fall semester, the DPC will convene the Faculty to discuss the draft report and to receive recommendations for revision of the document.

*Final Report.* The DPC will finalize its report and will then submit it to the Dean, simultaneously providing a copy to the Chair/Head (excluding raw and other confidential data). The Dean may ask to meet with the DPC to discuss the report, but neither the DPC nor the Dean is obliged to meet.

*Chair/Head's Response.* The Chair/Head may prepare and submit to the Dean a written response to the final report.

The above procedures for evaluation of Chair/Head, which are both complex and require adherence to a lengthy and detailed time-line, may be modified or abbreviated in any case where, for any compelling reason, the evaluation of the chair must take place in a much shorter than than normal period of time.

**Implementation of these bylaws:** After approval by the Provost's office and the MSP, by at least a two-thirds majority vote of the Faculty at either a regular faculty meeting or a faculty retreat, these bylaws will be considered to be formally adopted by the Faculty. adopted and take effect on The terms of these bylaws supersede existing policies or practices of the Department to the extent that they address or conflict the matters addressed by such policies and practices. However, if ongoing processes would be unreasonably disrupted by implementation of these bylaws, individual provisions of these bylaws may be deferred until those processes are complete, provided that such deferral lasts no longer than one year beyond the final approval vote by Faculty cited in this paragraph. Deferral of individual provisions will not result in deferral of other provisions.

**Amendment of these bylaws:** By majority vote, the Faculty may elect an ad hoc committee to review and propose amendments to these bylaws. Adoption of any such amendments, including their dates of effectiveness, requires a two-thirds majority vote by the Faculty in two consecutive regularly-scheduled faculty meetings.

**Principles of fairness and equality in teaching, service, and research:** without specifying in detail procedures that might take into account all possible eventualities and circumstances, these By-Laws assume that in all matters dealt with by the faculty, the following will be scrupulously observed: the rights of faculty colleagues to be fairly heard and equitably treated; the obligations of faculty to share fairly and equally in the responsibilities and functions of a smoothly-running department; the obligations of all faculty to act courteously and professionally towards one another. In every aspect of its functioning, faculty members of the Department will govern themselves professionally, fairly, and efficiently, with consideration for individual circumstances and with the recognition that the success of every faculty member in teaching, service and research is a contribution to the success of the Department as a whole.