1. **Department name & general provisions.** In accordance with Article 12 of the UMass-MSP Collective Bargaining Agreement (CBA), these Bylaws have been adopted by a 2/3 majority vote of the faculty of the Department of Biostatistics and Epidemiology (the “Department”) in the School of Public Health and Health Sciences (the “School”) at the University of Massachusetts Amherst (the “University” or “UMass”). 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.

### 1.1 Programs

The Department of Biostatistics and Epidemiology is comprised of two separate Programs: Biostatistics and Epidemiology. Each Program will elect a Program head annually. Program faculty will meet separately as agreed upon by Program faculty and will convene Program-specific committees as described below (section 4.4).

2. **Faculty membership, rights, privileges, and responsibilities.** The Department’s faculty (the “Faculty”) includes all faculty in the Department without regard to bargaining-unit status, tenure status, or full-time equivalency. All voting members (see below, 2.1 Voting Rights) of the Faculty have both 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.

#### 2.1 Voting Rights

Except in circumstances as noted below, voting rights for non-personnel matters are extended to all Faculty within the Department, including tenured, tenure-track, research faculty, and non-tenure track at ≥50% FTE with a continuing appointment.

#### 2.2 Duty to Participate in Governance

Except where the composition of an individual’s assigned workload would 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, and the University.

#### 2.3 Rights and Duties of Faculty on Leave

Faculty on paid leave (including parental leave, sabbatical leave, and sick leave) maintain their rights but not their responsibility during the leave to participate in the governance of the Department. Faculty on unpaid leave will negotiate voting rights and responsibilities with the Chair as part of the terms of their leave.

**Department Meetings.**
2.4 **Frequency.** At least once per semester and with at least one week’s notice, the Chair will schedule and convene general meetings of the Faculty. The Chair may call and convene additional meetings as necessary to address business of the Department. By petition of at least three members of the Faculty, the Chair will convene additional special meetings to address matters raised by the petitioners.

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

2.6 **Meeting Agendas.** The Chair will publish the agenda for each Department meeting before the meeting.

2.7 **Rules of Order.** Upon request of any Faculty, meetings will follow a simplified version of Roberts’ Rules of Order in conducting meetings of the Faculty (see Appendix A).

2.8 **Quorum.** The Department may meet and act on the business of the Department with a quorum consisting of more than half of the voting Faculty.

2.9 **Voting.** On matters requiring a vote of the Faculty, except as otherwise specified in these bylaws or under Robert’s Rules if in effect, a simple majority vote of those Faculty who are present and eligible to vote will suffice to carry a motion. All votes will be by secret ballot. Faculty must be present to vote, though “present” is not limited to physical presence: Faculty may join the meeting via phone, Skype, Facetime, etc. with advance permission of the Chair; in such instances, the Faculty will designate a physically present Faculty member to record his/her votes.

2.10 **Minutes and Recordkeeping.** A member of the Faculty will take minutes, and these should be circulated to the Faculty no later than two weeks after the meeting. The Department will maintain records of all meetings, including minutes and votes, for at least five years.

3. **Standing Committees.** The Department maintains the following standing committees.

3.1 **Department Personnel Committee (DPC).**

3.1.1 **DPC Purview.** All of the Department’s Faculty will annually elect a DPC to perform the functions assigned to it by the CBA (per article 12.4), including but not limited to 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 making recommendations for anomaly adjustments to salaries as provided for by the CBA; leading the review process for potential reappointment of the Chair.
3.1.2 Composition, Eligibility & Voting. The DPC will consist of at least three Faculty. The composition of the DPC will be determined annually, based on the year’s upcoming major personnel actions as indicated by the Department Chair. For each major personnel action, the DPC should ideally include at least 2 Faculty (tenured or research track) at or above the rank for the proposed personnel action. Pre-tenure faculty may volunteer for non-voting positions on the DPC for one-year, renewable terms. The goal is to provide experience for pre-tenure faculty on the committee. The participation of the non-voting members is limited to silent observation of Annual Faculty Reviews and Pre-Tenure (4.2) cases. The Chair of the DPC will have discretion as to when and whether to excuse the non-voting members from DPC discussions.

3.1.3 Means of Election. At a Department meeting prior to the end of the preceding academic year, the Department Chair will solicit nominations for service on the DPC from September through August of the ensuing academic year. Annual eligibility will be based on upcoming personnel actions, as reported by the Department Chair. The regular (voting) candidates will be presented to the entire faculty of the department as a slate of candidates for a simple majority-rule vote on the group as a whole. The non-voting candidates will be presented to the entire faculty of the department as a separate slate for a simple majority-rule vote on the non-voting group as a whole.

3.1.4 Leadership of the DPC. Once elected, the members of the DPC will select their own committee chair.

3.1.5 Independence of the DPC. On personnel actions for which the CBA identifies independent roles for the DPC and the Chair—such as APR reviews, reappointment, promotion, tenure, PMYRs, merit-pay allocations, and anomaly recommendations—the DPC will operate independently. Thus, while the DPC chair or other members of the DPC, as s/he feels necessary, may request consultation on procedural matters from the Department Chair, the Chair must not attempt by any means to influence the deliberations or judgment of the members of the DPC.

3.1.6 DPC Meetings and Operations. The DPC requires the participation of all of its eligible voting members in order to conduct official business related to major personnel actions. In voting and in drafting written materials, the DPC may conduct its business electronically. DPC members may request to participate in DPC meeting electronically in extenuating circumstances (e.g. when away from the University on official University business); such requests must be approved by the DPC Chair in advance. When addressing confidential personnel matters, DPC meetings will not be open to non-DPC members. The DPC should keep a record of its meetings and transactions, which the Department should retain for five years and should be available to subsequent DPC members; the DPC need not keep meeting minutes.

3.1.7 DPC Responses to the Dean’s Queries in Reappointment, Promotion, and Tenure (RPT) Cases. Under the CBA and the Red Book, a dean must notify in writing and 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. The DPC must respond in writing.
3.1.8 **DPC Consideration of Merit Pay.** 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. To be considered for merit pay in a given academic year, Faculty must have completed a timely submission of an AFR for that year.

3.1.9 **DPC Consideration of Anomaly Pay.** The DPC will follow the CBA and, where consistent with the CBA, Provost guidelines for determining recommendations regarding faculty eligible for anomaly pay increases.

3.2 **Graduate Admissions Committee.**

3.2.1 **Composition and Eligibility.** Each Program will appoint its own committee of faculty to review Program applications and make recommendations to the Graduate School. Eligible faculty may be of any rank, tenure status, and appointment. Leadership of the Admissions Committee will be determined by Committee members.

3.3 **Curriculum and Academic Policies Committee.**

3.3.1 **Composition and Eligibility.** Each Program will appoint its own committee of faculty to review Program curriculum and academic policies and make recommendations to Program and Department faculty. Eligible faculty may be of any rank, tenure status, and appointment. Leadership of the Curriculum Committee will be determined by Committee members.

3.3.2 **Interaction between Program Committees.** The Department Curriculum and Academic Policies Committee will be comprised of the sum total of the individual Programs’ curriculum committees. Representatives from each Program committee will meet as the Department Curriculum and Academic Policies Committee at least once per semester to address curricular issues relevant to both Programs.

3.4 **Other service responsibilities requiring annual Faculty participation.** Faculty will be asked to serve on other committees as needed at the Program, Department, School and University levels. At a minimum, these include the committees listed below. Additional service responsibilities may be assigned as needed and determined by the Chair and/or faculty.

3.4.1 **Epidemiology Program.** Epidemiology Program head, MPH exit exam, Doctoral qualifying exam

3.4.2 **Biostatistics Program.** Biostatistics Program head, MS exam, Doctoral qualifying exam

3.4.3 Undergraduate advisory committee
4. **Representation by Faculty on School- and University-Level Committees.** Faculty may volunteer for or may agree to be appointed by the Chair to serve on School- and university-level committees and in similar roles. Service on the following committees, however, is by election as described below:

4.1 *School Personnel Committee (SPC).* All of the Department’s Faculty will annually elect one representative to the SPC to perform the functions assigned to it by the CBA. Eligibility for service on the SPC will be limited to full-time tenured faculty.

5. **Faculty Search Committees & Procedures.** The Department will conduct individual faculty searches as follows:

5.1 *Appointment of Search Committees for Faculty.* When the Provost and/or the School’s Dean have authorized a search for a tenure-system or non tenure-system faculty member, the Chair will solicit from among the faculty interest in serving on the search committee. The Chair will appoint members of the committee. In selecting members, the Chair will attempt to compose a committee that is representative of the Department, which 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. It is recommended that at least one member of the search committee be from the opposite Program from the open position (i.e. a Biostatistics faculty member should serve on a search for an Epidemiology faculty position). Search committees should include at least one tenure-system faculty. For senior and open-rank searches, the composition of the committee should be weighted toward senior members of the Faculty. Once appointed, members of the search committee will select their own committee chair.

5.2 *Purview of Search Committees.* Committees charged with conducting searches for tenure-system faculty will follow the “Search Procedure” guidelines as defined by the University of Massachusetts Office of Human Resources ([https://www.umass.edu/humres/search-procedure](https://www.umass.edu/humres/search-procedure)). These committees will 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 Department’s Hiring Manager to fulfill the advertising/recruitment plan; will work with the Office of Equal Opportunity & Diversity with regard to promoting the recruitment of a diverse applicant pool; will receive and screen applications; may 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; will organize campus visits, including public sessions open to all Faculty and students, for approved interviewees; will organize a meeting of all of the Program’s Faculty after the last campus interview in order to deliberate and vote (by secret ballot) on the finalists. If the Hiring Authority for the search has asked for a ranked list, the Department’s faculty will vote on the ranking and the committee 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 search committee will use its recommendation to report that information and to describe the strengths and weaknesses of the acceptable finalists.
5.3 **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 the application materials of the other applicants). The Department Chair and any Faculty who wish to view applicant materials may do so only after first signing a confidentiality statement and attesting that s/he has no conflict of interest, as defined in section 6.5, 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.
- Except for applicants’ CV’s and cover letters, she/he will not make a physical (including printed) 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 who have not been appointed to the Search Committee.

5.4 **Role of Faculty in Tenure-System Searches & Selection.** All tenure-system members of the Program’s Faculty have a duty to engage in the search and selection process. The Search Committee should give all Department Faculty an opportunity to provide feedback on candidates interviewed on campus.

5.5 **Conflicts of Interest.** A real or perceived conflict of interest between an applicant and a Department Faculty member must be disclosed in writing as soon as it is realized 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:

5.5.1 **Search committee members engaged in a personal relationship** with an applicant must disclose the relationship in writing 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, and is not eligible to vote along with other Program faculty.

5.5.2 **Search committee members engaged in a close professional relationship** with an applicant must disclose the relationship in writing 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 Program faculty on all applicants.
5.5.3 Search committee member with a distant professional relationship with an applicant who has reached the shortlist need not recuse him/herself from the committee’s work but should disclose in writing 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.

6. 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.

6.1 External Reviews of RPT Cases.

6.1.1 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). Reappointments of tenure-system faculty during their probationary periods do not require external reviews. Promotions for research faculty require external reviews. Neither reappointments nor promotions for Lecturers require external letters; however, as permitted by the CBA’s Article 21, Lecturers may request external reviews.

6.1.2 Number of External Reviews. The Department Chair will make a good-faith effort to secure a minimum of six “arm’s-length” external reviews for every promotion and/or tenure case that requires external reviews. 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 particular contributions to collaborative work.

6.1.3 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. The Chair may consult with the DPC or other members of the Faculty in identifying appropriate external reviewers but may not delegate the solicitation process 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.

6.1.4 Qualifications of External Reviewers. In general, external reviewers should be well recognized scholars or professionals in the candidate’s field, should have active scholarly programs, and should be at institutions that are at least peers of UMass. For tenure and promotion to Associate Professor, reviewers should be at the rank of Associate Professor or higher. For promotion to Professor, reviewers should be at the rank of Professor. External reviewers who do not meet these criteria may be appropriate and acceptable, but in describing the “standing” of such reviewers, the Chair should carefully explain why such reviewers are appropriate for the task of commenting on the candidate’s having met the relevant standards.
6.1.5 **Candidate’s Rights Regarding External Reviewers.** Before making such solicitations, the Chair must show the solicitation list and solicitation message to the candidate, who may comment on but may not demand changes to the list or message within five (5) business days. The list should include some/all of the external reviewers suggested by the candidate. If the candidate identifies a conflict of interest with any of the proposed reviewers, the Chair should assess whether a true conflict exists and, if one does, should eliminate, mitigate, or manage the conflict.

6.2 **Internal Reviews of RPT Cases.**

6.2.1 **Identification & Solicitation of UMass Faculty & Staff Reviews.** The candidate and the Chair may identify potential reviewers internal to UMass Amherst. 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 must individually solicit such internal reviews.

6.2.2 **Identification and Solicitation of Advisee Reviews.** The candidate and Chair may identify current and former students and mentees from whom to solicit evaluative letters. 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.

6.2.3 **Solicitation of SPHHS Faculty and Staff Reviews.** The DPC should request evaluative letters for candidates from among SPHHS faculty and staff. Solicitations can be made via email to faculty listserves. Responses to these general announcements will not be protected by the candidate’s waiver of rights of access, if one has been signed.

6.2.4 **Solicitation of SPHHS Student Reviews.** The DPC should request letters of support for candidates from among current Department students. Solicitations can be made via email to student listserves. Responses to these general announcements will not be protected by the candidate’s waiver of rights of access, if one has been signed.

6.3 **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 nor any other member of the Faculty should pressure the candidate to decide one way or another.

7. **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 at <50% FTE will be evaluated following the process specified in CBA’s Article 33.2. Faculty who fail to submit an AFR on time will be ineligible for merit pay if it is given for that academic year. The DPC 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 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.

8. **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 conduct a review of the Chair during the first semester of the final year of her/his appointment. The DPC will follow the procedures prescribed by Senate Document #82-021.

8.1 **Self-Evaluation.** As an initial step, the Chair will prepare a written self-evaluation of her/his administrative achievements during the current appointment and will provide that document to the Faculty.

8.2 **Survey.** The DPC will prepare and distribute four confidential surveys: (1) one to departmental staff; (2) one to students within the Department; (3) one to Heads/Chairs of Departments within the School and to those outside of the Department who have interacted with the Head; and (4) one to the Department’s Faculty. Each survey will include specific questions regarding overall performance, including 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.

8.3 **Meetings with Constituencies.** The DPC will offer 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.

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

8.5 **Draft Report.** 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 should be reappointed. The report should limit its assessment to areas within the purview and control of the Chair.

8.6 **Concluding Meeting of the Faculty.** The DPC will convene the Faculty to discuss the draft report and to receive recommendations for revision of the document.

8.7 **Final Report.** The DPC will finalize its report and will then submit it to the Dean, simultaneously providing a copy to the Chair (excluding 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.
8.8 Chair’s Response. The Chair may prepare and submit to the Dean a written response to the final report.

9. Implementation of these bylaws: By at least a two-thirds' majority vote of the Faculty, these bylaws are adopted and take effect on January 1, 2018. 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 effective date cited in this paragraph. Deferral of individual provisions will not result in deferral of other provisions.

10. 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’ vote of the Faculty.

APPENDIX

Sponsorship Policy

1) Faculty member(s) interested in having the department or program sponsor an event will make this request to the chair, along with a description of the event, the basis for the request and pros and cons of sponsorship.
2) The chair has the discretion to either: 1) decide to sponsor the event; or 2) or opt to bring the request to the faculty for a vote.
3) If the chair opts to bring the request forward for a vote, the chair may schedule an in-person department meeting for discussion of the request. Faculty not able to attend the in-person meeting but wanting more information are welcome to contact those in attendance for more information.
4) After discussion, the request will be subject to a vote of the full faculty via email (closed ballot). Given the timeliness of most requests, 48 hours will be allowed for voting but may be extended at the discretion of the chair if a quorum of faculty votes are not received.
5) The request will pass if votes are cast by a quorum of the faculty and if the request is supported by a majority of those casting votes.