

University of Massachusetts Amherst-Isenberg School of Management
Finance Department ByLaws Fall 2016

The following are the ByLaws for the Isenberg School of Management-Finance Department

1. **Department name & general provision.** In accordance with Article 12 of the UMass-MSP Collective Bargaining Agreement (CBA), these Bylaws have been adopted by a majority vote of the faculty of the Department of Finance in the College/School of Isenberg School of Management at the University of Massachusetts Amherst. 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.
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. In general, all members 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 Non-Unit Faculty. Non-unit faculty (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 core DPCs (or DPCs expanded to become a committee of the whole) 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), provided those faculty do not have separate administrative purview over the same matters.

2.2 Access & Voting Rights. All bargaining-unit Faculty may have access to relevant information and may deliberate on all promotion and tenure cases but may vote only on cases where they have themselves achieved the rank and/or tenure status under consideration for the candidate.

2.3 Graduate Faculty. 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.

2.4 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/College, and the University.

2.5 Rights and Duties of Faculty on Leave. Faculty on full-time paid leave (including parental leave and sabbatical leave but excluding sick leave) maintain their rights during the leave to exercise their rights to participate in the governance of the Department. 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 may be affected by the leave.

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 core DPC to perform the functions assigned to it by the CBA, including reviewing the Annual Faculty Review and the 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/Head.

3.1.2 Composition & Eligibility. The core DPC will consist of three tenure-track Faculty. For all reappointment, promotion, tenure cases within the DPC's purview as determined by the CBA, the core DPC will expand to include all of the Department's Faculty whose rank and tenure status is equal to or greater than that of the proposed personnel action. (For example, only tenured Faculty may vote on applications for tenure.)

3.1.3 Means of Election. By August 15th of each year, the Department Chair/Head will solicit nominations for service on the core DPC from September through August of the ensuing academic year and will confirm the nominees' eligibility and willingness to serve and will announce the nominees to the Faculty. All of the Department's Faculty except for non-unit Faculty are eligible to vote in electing the core DPC. The election should

occur within two weeks after announcement of the nominees. Eligible Faculty who cannot attend the meeting may vote by email to the Department Chair/Head.

3.1.4 Leaderships of the DPC. Once elected, the members of the core 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/Head—such as AFR reviews, reappointment, promotion, tenure, PMYRs, merit-pay allocations, and anomaly recommendations—the DPC will operate independently, and the Chair/Head must not convene or deliberate with the DPC, nor may the Chair/Head attempt by any means to influence the deliberations or judgment of the members of the DPC.

3.1.6 DPC Meetings and Operations. The core DPC should organize and schedule its meetings as necessary to perform its duties and meet the deadlines established by the campus master calendar or by College or Department policies. The DPC, whether meeting as the core or expanded committee, requires a quorum of two-thirds of its eligible members in order to conduct official business; in voting and in drafting written materials, the DPC may conduct its business electronically. When addressing confidential personnel matters, DPC meetings will not be open to non-DPC members.

3.1.7 DPC Responses to the Dean's Queries in RPT Cases. 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. The core 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.

3.2 *Department Executive Committee*

3.2.1 DEC Purview. The DEC advises and assists the Chair/Head in the management of the Department, reports on the DEC members' operational areas, and promotes two-way communications between the Chair/Head and the Faculty.

3.2.2 DEC Composition. The DEC includes the following members: the Department Chair/Head, the Associate Chair/Head, the Graduate Program Director, the Undergraduate Program Director, and—at the discretion of the Chair/Head—one member of the Faculty elected by the Faculty for the exclusive purpose of serving on this committee.

3.2.3 DEC Meetings and Operations. The Chair/Head schedules and convenes meetings of the DEC, which need not be publicly announced or open to non-members except as required by Massachusetts law.

4. 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, however, is by election as described below:

4.1 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. Eligibility for service on the CPC will be limited to full-time tenured faculty who have achieved the rank of Professor.

4.2 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.

5. Department Meetings.

5.1 Frequency. At least once per semester and with at least one week's notice, the Chair/Head will schedule and convene general meetings of the Faculty. The Chair/Head may call and convene additional special meetings as necessary to address urgent business of the Department. By petition of at least 20% of the Faculty, the Chair/Head will convene additional special meetings to address matters raised by the petitioners.

5.2 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 event conflicts with the special meeting.

5.3 Rules of Order. The Department will follow Roberts' Rule of Order in conducting meetings of the Faculty.

5.4 Quorum. The Department may meet and act on the business of the Department with a quorum consisting of at least half of the Faculty.

5.5 Voting. On matters requiring a vote of the Faculty, votes may be made by written proxy or electronically in a method to be determined by the Chair/Head. Voice votes 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.

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. 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.

6.1.2 Number of External Reviews. The Department Chair/Head will make a good-faith effort to secure at least eight "arm's-length" external reviews for every promotion and/or tenure case that requires external reviews. The Chair/Head 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/Head 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/Head 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/Head may receive assistance in describing the "standing" of each external reviewer in the candidate's file, but the Chair/Head 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.

6.1.4 Qualifications of External Reviewers. In general, external reviewers should be well recognized scholars or professionals in the candidate's field, should hold the rank of Professor, 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 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.

6.2 Internal Reviews of RPT Cases.

6.2.1 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.

6.2.2 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.

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

6.4 Participation of Faculty in RPT Cases. Section 2 above describes the permissible participation of the Faculty beyond the core DPC in the consideration of the RPT cases.

6.5 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:

6.5.1 Student Evaluations of Teaching Effectiveness in Classroom Settings. All Faculty should use the centrally administered SRTI instrument to solicit and receive student evaluations in every course section taught. Faculty may not themselves administer or collect student evaluations. Individual Faculty may supplement but may not replace the SRTI instrument with other another instrument(s).

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

6.6 Evident 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 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 evaluations 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.

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 who fail to timely submit an AFR may be subject to discipline. The core DPC and the Chair/Head 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/Head 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 or warning.) The Chair/Head 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/Head. If the Chair/Head 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/Head during the fall semester of the final year of her/his appointment. The DPC will follow the procedures prescribed by Senate Document #82-021, beginning the process no later than October 15 during the final year of the Chair/Head's appointment.

8.1 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 will provide that document to the Faculty no later than October 15th.

8.2 Survey. The DPC will prepare and distribute four confidential surveys no later than November 1st: (1) one to departmental staff; (2) one to all undergraduate majors and all graduate students; (3) one to Heads/Chairs of Departments within the College 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, 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.

8.3 Meetings with Constituencies. The DPC will offer to meet with employee and student groups to receive confidential assessments of the Chair/Head'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/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.

8.5 Draft Report. No later than December 1st, 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.

8.6 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.

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/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.

8.8 Chair/Head Response. The Chair/Head 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 these Faculty, these bylaws are adopted and take effect on [date]. 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.