

# **BYLAWS** (as amended May 3, 2018)

## **DEPARTMENT OF CHEMICAL ENGINEERING UMASS/AMHERST**

### **I. Role of the Department Personnel Committee (DPC)**

The DPC is a committee established according to the Redbook of the University of Massachusetts/Amherst and consistently underlined in the Collective Bargaining Agreement (CBA.)(<http://www.umass.edu/provost/sites/default/uploads/redbook.pdf>).

Its primary purpose is “to assure that departmental faculty participate,....,in the discharge of their primary responsibility” and to “ensure documentation of these faculty decisions.”

The DPC shall be the primary place for all questions related to departmental personnel policy to be presented initially.

The responsibilities of the DPC, as now prescribed by the CBA, include:

- Annual faculty review, merit evaluations, reappointment review, major review prior to consideration for tenure, promotion review, periodic multi-year review, and salary anomaly review.
- Unless otherwise specified by college or university award policies, the DPC will also determine departmental nominations for any College level awards related to research and teaching, the Conti Fellowship, College and University Outreach Awards and others as they may arise. (Some awards may be open to self-nomination.)
- The DPC formally recommends actions to the Department Head. The Head may not deliberate with, vote with, or otherwise attempt to influence the DPC on personnel actions for which the CBA prescribes an independent role for the Head (such as reappointment, promotion and tenure.) However the Head may meet with the Committee to discuss other personnel matters. The Head has the responsibility of forwarding recommendations to the Dean and comments in a separate memorandum on the personnel actions.

## Rules for the Election of the DPC and CPC Representative

The intention of these election rules is to enable and encourage participation of everyone in the department.

1. An election will be held at the end of spring semester (no later than the first week of May) for the DPC and CPC representatives for the following academic year. The election will take place following the sequence described below with discussion at a faculty meeting on a suitable day closest to May 1, as determined by the departmental administrator. The election will be initiated no later than 1 week after the faculty meeting.
2. Election to the CPC will be for a 1-year term.
3. The DPC will be comprised of three tenured faculty members and one untenured-tenure track faculty.
4. Faculty member is defined as all tenure/tenure track faculty. Full, part-time research faculty are not eligible to be members of the DPC or CPC.
5. The primary tasks of the three tenured members of the DPC are;
  - a. Review of AFRs
  - b. Writing recommendations in reappointment, promotion and tenure cases based on deliberations among faculty who are eligible to vote.
  - c. Assignment of Merit
  - d. Nomination and preparation of internal and external awards.

The untenured/tenure-track member will be an observer and not vote on DPC matters.

6. An expanded DPC will be convened for tenure, promotion and reappointment decisions including major review prior to tenure. The expanded DPC will be comprised of all tenured faculty members for reappointments, promotions to Associate Professor with tenure, and all tenure decisions. The expanded DPC will be comprised of all tenured Professors for promotions to Professor.
7. The current chair of the four member DPC will call and run the elections for DPC and CPC.
8. The elections will be initiated by notification, via email from the department manager. The notification email will include:
  - a. The DPC and CPC elections will be held as close to May 1 as possible.
  - b. A request for nominations.
  - c. A general statement describing the role and responsibilities of the DPC and CPC representatives.
  - d. A list of all personnel actions and tasks for the DPC and CPC for the upcoming year. (**With consultation from the DPC Chair.**) It is expected that this will change because of the timing of spring elections.
  - e. An encouragement to self-nominate and to nominate all eligible faculty members.
9. The department manager will collect nominations, by secret ballot.
  - a. All tenured faculty are eligible for the three primary members of the DPC.

- b. Only untenured tenure-track faculty are eligible for the untenured track position.
  - c. Only tenured Professors are eligible for the CPC.
  - d. The Department Head and all tenured faculty members who are not represented by the MSP, e.g. faculty holding part-time administrative positions outside of the Department, are not eligible to serve on the DPC, expanded DPC or CPC.
10. After a three-day collection period, the department manager will announce the list of nominated faculty.
11. Faculty will have 2 business days to turn down a nomination.
12. If fewer than 3 nominations are received, the ballot will be expanded to include all eligible faculty.
13. The Chair of the DPC will distribute the ballot at least 2 days prior to the designated election meeting.
14. Time will be allocated at the faculty meeting to facilitate discussion.
15. After the meeting, there will be two consecutive elections, first for the CPC and then for the DPC. For the CPC election, faculty members will have 3 days to turn in a secret ballot to the department manager in writing or by email. For the CPC, faculty members can vote for one tenured faculty member.
16. There will be no discussion with the department manager regarding the votes or voting process during the election period.
17. Votes will be counted by the department manager and confirmed by another staff member. There shall be a runoff vote for the CPC member if there is a tie or no candidate has an absolute majority. This vote will include those with the highest number of votes, or those with the highest and second highest number of votes, respectively. A simple majority of cast votes will suffice in this runoff vote. The department manager will announce the results and the elected CPC member will be eliminated from the DPC ballot as necessary.
18. For the subsequent DPC election, faculty members will have 3 days to turn in a secret ballot to the department manager in writing or by email. For the DPC, faculty members can vote for up to three different tenured faculty members and one untenured faculty member from the list of nominated candidates.
19. Votes for the DPC will be counted by the department manager and confirmed by another staff member. The three tenure track faculty members receiving the most votes will serve as the DPC. In the case of a tie, a runoff vote will be taken.
20. The newly elected DPC will be activated on June 15. This will allow continuation from the academic year into the summer, and allow time to prepare tenure and promotion cases for the upcoming academic year.
21. The first task of the new DPC will be the election of a committee chair.

## Tenure, Promotion and Reappointment

1. The Department must conduct a tenure review by the first semester of the candidate's Tenure Decision Year. The schedule shall follow the Campus Master Calendar, and months specified in the following (based on due dates in AY 2017/2018) may shift accordingly. The Department Head meets with the candidate in May (or September) to review the process. At that time, tenure candidates are asked to sign a waiver form pertaining to the right of access to external letters. In June (or October), the Head solicits a list of external reviewers from the candidate and creates a second, the Department Head's list of reviewers, as specified in the Redbook. Potential reviewers are contacted in July (or November) and packets are sent to external reviewers in early August (or December) with a late September (or January) return date. The DPC reviews the case in late October producing an evaluation and recommendation, which is forwarded to the Department Head, who in turn writes an evaluation and recommendation. The faculty member receives a redacted copy of the DPC and Head's letter and can add additional material or make comments. The entire file is then sent to the Dean's office in early November (or March). The criteria used in making these judgments should conform to the requirements for tenure as delineated in the Redbook and as prescribed by the CBA.
2. Promotion to the rank of Associate Professor usually occurs at the same time as tenure review and should conform to the requirements of the Redbook and as specified in the CBA.
3. a) Promotion to the rank of Professor is not required at any specific time. In most cases, promotion to Professor occurs in the 6<sup>th</sup> year in rank as Associate. The faculty member may request that they be considered for promotion earlier or later. In addition, the DPC may identify faculty members, who, on the basis of known accomplishments, might be eligible for early promotion; however, such faculty should be advised that a DPC's endorsement for early promotion is no guarantee of a successful application for promotion.  
b) After promotion to Professor has been requested by a faculty member or identified by the DPC, the Department Head meets with the faculty member in July to discuss the case and the process. At that time, the candidate signs a waiver form and the Head asks for a list of reviewers, both internal and external. The Head then contacts the reviewers to ascertain their availability. The candidate then submits a personal statement, an updated CV and publications, all of which are sent to reviewers. In addition, the Department Head solicits letters of evaluation from faculty on campus, from within and outside of the department, and from graduate and undergraduate students.
4. a) Reappointments for the period through the tenure decision year (TDY) are typically conducted in the 4<sup>th</sup> year of service for a new faculty member whose tenure decision is in the 6<sup>th</sup> year of service and who received an initial four-year appointment. The purpose of this review is to provide the candidate with feedback regarding strengths and weaknesses so that they can make adjustments to achieve tenure and to reappoint through the tenure decision year (TDY). The Department Head will meet with the faculty member in the fall (or the spring) semester to describe the process and to indicate what the faculty member

needs to provide for review, including a personal statement, an updated CV, relevant publications, teaching portfolio and a list of faculty and students who can comment on their work (the CBA lists all contents required for the promotion file). The waiver is discussed and the candidate must sign the waiver to indicate whether he/she has waived rights of access to internal and/or external letters.

b) All materials for the review should be submitted to the Head by the end of the second week of December (or August). The expanded DPC deliberates on the case in January (or September) and the file moves to the Dean's office in February (or October). The review of the DPC and that of the Head are independent of each other and are each submitted to the Dean. The criteria used in this review must conform to the standards delineated in the Redbook and the CBA.

## II. Merit Process

There are two groups of faculty, A and B. The merit raise amount for each faculty member in each group will be determined based on formulae for even and odd years. These formulae depend on the number of faculty members in each group, the cumulative inflation for the time between when the merit raises were conferred, and the total department allocation for merit in that year. Because merit raises are often allocated several years after the year of performance, it is important when determining the cumulative cost-of-living inflation that the difference is for the years between *allocation* and not performance. If odd years are allocated on the same year as even years the cumulative COL would be zero. If multiple years pass, the COL is cumulative. COL does not affect even-year allocations. Note that even-year allocations are always the year *preceding* the odd year. If the odd-year department allocation is considerably less than the allocation in the proceeding even year, the individual allocation for group A ( $I_{A,O}$ ) can be negative based on these formulae. In this circumstance, the individual allocation for group A ( $I_{A,O}$ ) will be raised to 10% of the department average ( $0.1 \cdot Al_O/n$ ), with group B receiving the balance. The difference from the proceeding even year for group B will then be made up in the following even year. This process will start for the 2014-2015 academic year (even, year 1). New faculty will be added so that the number in each group is as close as possible. After every four years, the process will be evaluated and re-authorized by a vote of the faculty.

### Even-year allocation

$$I_{A,E} = 1.1 \cdot Al_E/n$$

$$I_{B,E} = [Al_E - a(I_{A,E})]/b$$

### Odd-year allocation

$$dif = (I_{A,E} - I_{B,E}) \cdot (1 + COL)$$

$$I_{B,O} = Al_O/n + dif(a/n)$$

$$I_{A,O} = [Al_O - b(I_{B,O})]/a$$

### Definitions:

$Al_E, Al_O$  - total department allocation in even and odd years, respectively

$I_{A,E}, I_{B,E}, I_{A,O}, I_{B,O}$  - individual merit allocation for groups A and B in even and odd years

*COL* - cumulative cost-of-living inflation rate between allocation of even and odd year  
*a, b, n* - number of faculty members in groups A, B and the entire faculty ( $n=a+b$ )  
*dif* - even year difference adjusted for inflation by the cumulative cost-of-living inflation rate

### **III. Department Head Evaluation**

The department will conduct a review of its Head during the fall semester of the final year of their appointment (which would have been for 3-5 years). The DPC will follow the procedures that conform to requirements of Senate Doc. 82-021. This review should commence no later than by the first week of October during the Head's final year.

1. Prior to the evaluation, the DPC will invite the Head to prepare a written statement of administrative achievements. This statement will be made available to all parties involved in the evaluation process.
2. The DPC will offer to meet with the Department Head to discuss the evaluation process.
3. The DPC will prepare and send confidential questionnaires to departmental staff, and all undergraduate and graduate students. Different confidential questionnaires (from those sent to students) will be sent to Heads/Chairs of Departments within the College and those outside of the Department that have interacted with the Head. The questionnaire will include specific questions regarding overall performance, both administrative, interpersonal, and management of departmental interactions. These questionnaires will provide space for extended comments.
4. Departmental faculty will be expected to submit confidential written evaluations in lieu of questionnaires. The department manager will collect the questionnaires and the faculty evaluations.
5. Within one week of receiving these questionnaires and confidential evaluations, the DPC will have separate meetings with department staff and with department faculty to discuss these comments and to solicit additional comments on the Head's performance.
6. At the conclusion of the meeting with the faculty, the faculty will vote on a recommendation regarding reappointment if the Head is seeking another term.
7. The DPC will then meet and prepare a draft memo that provides a balanced summary of the information collected and the results of the faculty vote recommending for or against reappointment.
8. The DPC will provide the department faculty with a draft of its memo and meet with the faculty to discuss the evaluation process and results.
9. The DPC will prepare a final memo for transmission to the Dean. The memo will include a statement that the confidential written evaluations submitted by the department faculty and the confidential questionnaires received by students will be made available by request. The Chair of the DPC will provide the Head with a copy of the memo and will afford the Head an opportunity to prepare a written response for simultaneous transmission to the Dean.
10. All data collected with the review will be transmitted to the Dean by the DPC, together with its recommendation.

#### **IV: Faculty Search Procedures**

1. A faculty search is initiated by the Department Head in consultation with the Dean, typically in early September. The Department Head and the Dean will be responsible for securing the necessary salary and startup resources for hiring a new tenure-system faculty member.
2. The Department Head will appoint a faculty search committee consisting of Chemical Engineering faculty members and, if appropriate, faculty members from other Departments whose expertise is relevant to the research area of the search.
3. The Department Head will designate a tenured Professor or Associate Professor to serve as Chair of the faculty search committee. The Department Head and the Chair of the faculty search committee will be responsible for the timely completion of all necessary paperwork related to launching the faculty search, preferably by the end of September and no later than mid-October.
4. The open faculty position will be advertised broadly to ensure a diverse population of applicants. All faculty will be encouraged to identify suitable candidates and encourage them to apply for the position.
5. The faculty search committee will conduct an evaluation of all applicants in closed meetings, according to University regulations, and will propose a short list of the most qualified applicants that will be invited for campus interviews. Ideally, this task will be completed by mid-December to allow scheduling of faculty interviews early in the spring semester.
6. The search committee may decide to conduct pre-screening interviews of candidates from a longer list using video-conferencing in order to identify the short list of the most qualified applicants that will be invited for campus interviews.
7. The faculty search committee will discuss the qualifications of the short listed candidates that will be invited for campus interviews with the faculty in a faculty meeting. All faculty members will be encouraged to participate in the interviews of faculty candidates.
8. Shortly after the completion of all interviews, the search committee will call a faculty meeting to discuss and rank the faculty candidates. All tenure-system faculty, including all faculty members who are holding part-time administrative positions outside of the Department, will be invited to participate in the discussion and vote. The meeting will be chaired by the search committee Chair. The Department Head will be invited to attend the meeting as a non-voting observer.
9. Faculty who cannot attend the meeting will be allowed to communicate their comments on the suitability of each candidate for a faculty position in the department and their ranking of the candidates by sending an email to the faculty search committee members ahead of the meeting.
10. Each candidate will be discussed at the meeting and a vote will be taken to rank the candidate's suitability for a faculty position in the department. A 2/3 majority of the voting faculty (including absentee ballots) will be required to recommend a candidate for hiring. Candidates that do not receive this level of support will be eliminated from further consideration.

11. A vote will be subsequently taken to rank the candidates that were recommended for hiring. The rankings received in absentee ballots will also be taken into account and a final ranking of the candidates recommended for hiring will be developed.
12. The outcome of the faculty search, including the final ranking or grouping of the candidates recommended for hiring, will be communicated by the search committee Chair in a memorandum to the Department Head.
13. The Department Head, in consultation with the Dean, will proceed to develop offers to the recommended candidates and will communicate to the faculty if any deviations from the originally proposed order were deemed necessary.
14. The Department Head will periodically inform the faculty on the status of the hiring process, including any planned second visits of candidates who have received an offer.

#### **V: Department Meeting**

The Department Head will meet with the faculty at least three times per semester for the purpose of conducting departmental business. The schedule of these meetings shall be set by the first week of the semester. The agenda for such meetings will be published by email. Faculty are expected to attend and participate in department meetings.

#### **VI: Service Obligations**

Department faculty will rotate through major service obligations including principal committees, graduate program director and undergraduate program director. In making such appointments, the Head may consult with the DPC.

#### **VII: Conflict with Contract Clause**

If any article of these Bylaws were to conflict in any way with the parameters of the CBA, of University policies, or of Massachusetts State or Federal law, the latter would prevail as governing authority.

#### **VIII: Date of Ratification and Periodic Review**

These Bylaws were approved by a higher than 2/3 majority of all voting faculty on March 5, 2015. Any amendment of these Bylaws requires approval by a 2/3 majority of all voting faculty. Once approved by the administration, these Bylaws will be in effect as of May 1, 2015. A mandatory review and ratification of the Bylaws will take place every four years at the annual faculty retreat.



ADDED TO THE BYLAWS ON NOVEMBER 10, 2016

With 17 people participating in the vote (Dave Ford opted out as he is leaving the dept) that was held electronically (votes sent to Maggie electronically).

***We propose the following clarification to the bylaws regarding voting procedures. This clarification is meant to be consistent with Roberts Rules of Order, and would be included as a footnote at the end of the bylaws document.***

17 voted yes on 1.

***Proposed Footnote 1, Quorum:*** For clarification, all faculty votes, unless otherwise specified in the relevant portion of the bylaws, will require a quorum of 2/3 of all tenure-system faculty, including all faculty members who are holding part-time administrative positions outside the department. The quorum will be determined by the number of faculty participating in the voting process. Participating means casting votes, abstaining, providing blank or invalid votes.

13 yes on 2 and 4 voted no.

***Proposed Footnote 2, Definition of Voting Faculty:*** For clarification, henceforth, voting faculty will mean faculty casting votes. Non-votes, blank, invalid and abstentions will not be counted as cast votes and will not be considered in the vote count. To recommend a candidate for hiring the number of votes in favor must constitute at least a 2/3 majority of the cast votes, and also constitute a majority of the tenure-system faculty.