

19 November 2019

Biomedical Engineering Bylaws:

1. **Department name & general provisions.** In accordance with Article 12 of the Agreement between the Board of Trustees of the University of Massachusetts and the Massachusetts Society of Professors/Faculty Staff Union/MTA/NEA, these Bylaws have been adopted by a majority vote of the faculty of the Department of Biomedical Engineering (the “Department”) in the College of Engineering (the “College”) at the University of Massachusetts Amherst (“UMass Amherst”). Federal and state laws, UMass Trustee policies (including, but not limited to, T76-081, the Academic Personnel Policy, aka the “Red Book”), the collective bargaining agreement (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 head (“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 Department Personnel Committees (DPC) 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 *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.

- 2.3 *Part-Time Faculty Appointments Under 50%.* Part-time bargaining-unit non-Graduate Faculty with an FTE less than 50% may have access to relevant information and may deliberate on all non-graduate programmatic and curricular matters but may not vote on such matters.
 - 2.4 *Faculty Appointments of 50% or Greater.* Bargaining-unit, non-Graduate Faculty with an FTE of 50% or greater, without regard to tenure status, should have access to relevant information and may deliberate and vote on all non-graduate programmatic and curricular matters.
 - 2.5 *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 College, and the University.
 - 2.6 *Rights and Duties of Faculty on Leave.* Faculty on full-time paid leave (including parental leave and sabbatical leave but excluding sick leave and administrative leave) maintain their rights during the leave to participate in the governance of the Department. Faculty on full-time paid sick leave, paid administrative 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. The DPC performs the functions assigned to it by the CBA, including conducting the Annual Faculty Review and Evaluation (AFR) 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 (PMYR) 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 Head.

- 3.1.2 Composition & Eligibility. The DPC will consist of five tenure-track Faculty members from the Department. Faculty members of any rank are eligible for election to the DPC. All DPC members may participate in the committee's deliberations but voting on promotion and tenure decisions is limited to tenured faculty members of Associate Professor or Professor rank for tenure of or promotion to Associate Professor and limited to tenured faculty members of Professor rank for tenure of or promotion to Professor rank. To substitute for those DPC members who are not eligible to vote, alternate Faculty members will be chosen first in order from the list of DPC election results and then arbitrarily from the remaining Faculty by the Head.
- 3.1.3 Minimum Number of DPC Members. If less than four Faculty members are available to vote on a DPC decision, the procedures in Article 12.3.3 of the CBA shall be followed.
- 3.1.4 Means of Election. All of the Department's Faculty except for non-unit Faculty are eligible to vote in electing the DPC members. Before May 1, the Department will conduct an election for DPC members for one-year terms in two steps: First, the department will solicit nominations, including self-nominations, for those Faculty members who are willing to serve on the DPC. Second, the department will conduct an election among the Faculty, where each Faculty member can vote for up to five individuals from the list of candidates. The five candidates with the highest number of votes are elected to the DPC. In case of a tie, the Head will determine the elected DPC members by coin toss in the presence of a witness. The list of not elected candidates will be maintained to determine alternates for votes (see Article 3.1.2).
- 3.1.5 Leadership of the DPC. Once elected, the members of the DPC will select their own committee chair.
- 3.1.6 Independence of the DPC. On personnel actions for which the CBA identifies independent roles for the DPC and the Head—such as AFR reviews, reappointment, promotion, tenure, PMYRs, merit-pay allocations, and anomaly recommendations—the DPC will operate independently, and the Head must not convene or deliberate with the DPC, nor may the Head attempt by any means to influence the deliberations or judgment of the members of the DPC. The Head may communicate with the chair of the DPC to coordinate logistics of personnel actions.
- 3.1.7 DPC Meetings and Operations. The 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.

3.1.8 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 (RPT) cases for tenure-system Faculty. The DPC must respond in writing.

3.1.9 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. Merit pay shall be allocated based on an individual's performance in their assigned duties.

3.1.10 DPC Term. The service of the DPC is aligned with the academic year and starts September 1 and ends August 31 of the following year.

3.2 *Undergraduate Curriculum Committee (UCC)*

The UCC reviews and advises the department on matters related to the curriculum affecting undergraduates. This includes courses up to and including the 500-level. The UCC develops a plan for course offerings. The Department Head provides the number of effective instructors to the UCC accounting for sabbaticals, buyouts, pre-tenure release, etc. The UCC provides the Department Head the courses to be offered and the instructor for each course according to the BME Department Guidelines on Faculty Teaching Load and Buyout Policy. The UCC may also play a role in the ABET accreditation process. The UCC is appointed by the Head and includes the Undergraduate Program Director.

3.3 *Graduate Curriculum Committee (GCC)*

The GCC reviews and advises the department on matters related to the curriculum affecting graduates. The GCC develops a plan for course offerings. This includes courses from the 500-level and above. The GCC shall coordinate with the UCC on 500-level courses. The GCC is appointed by the Head and includes the Graduate Program Director.

3.4 *Additional Committees*

The Head may appoint additional departmental committees at her or his discretion.

4. **Tenure-System Faculty Search Committees & Procedures.** The Department will conduct individual tenure-system faculty searches as follows:

- 4.1 *Appointment of 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 Head will solicit from among the Faculty interested in serving on the search committee. The Head will appoint members of the committee from among those expressing interest and from other members of the Faculty whose service on the committee would benefit the search process. Students are eligible to serve as members of such search committees. In selecting members, the Head 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 and inclusion goals, and that will achieve efficient execution of the search. For senior and open-rank searches, the composition of the committee should be weighted toward senior members of the Faculty. The Head will designate the committee chair from among its members.
- 4.2 *Purview of Search Committees in Tenure-System Searches.* Committees charged with conducting searches for tenure-system faculty will collaborate with the Head 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 promote the recruitment of a diverse applicant pool; will receive and screen applications; will conduct initial interviews by phone/video 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 Department's Faculty after the last campus interview in order to present the findings of the search committee and receive comments from the faculty at large; will write a recommendation that reflects the Committee's assessment of strengths and weaknesses of each finalist 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 Committee will limit its vote to distinguish between acceptable and unacceptable candidates.

4.3 *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 for other applicants). The Head and any Faculty who wish to view applicant materials may do so only after first signing a confidentiality statement.

4.4 *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. The Department's non-tenure-system faculty are welcome to similarly engage in the search and selection process.

4.5 *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:

4.5.1 Personal Relationship. 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 themselves 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 themselves from the committee's work, including deliberations over other applicants.

4.5.2 Close Professional Relationship. 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 themselves from any deliberations involving the applicant but may vote along with other department faculty on all applicants.

4.5.3 Distant Professional Relationship. 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 themselves 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.

5. **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:
 - 5.1 *Committee Composition.* While the composition of committees for tenure-system faculty searches should be weighted toward tenured faculty (or, in the case of senior searches, faculty of equal or higher rank), 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.
 - 5.2 *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.
 - 5.3 *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.
6. **Representation by Faculty on College- and University-Level Committees.** Faculty may volunteer for or may agree to be appointed by the 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:
 - 6.1 *College Personnel Committee (CPC).* All of the Department's Faculty will 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 Associate Professor or Professor. By May 1 in a relevant year, the current Chair of the DPC will conduct an election to select the Faculty representative to serve on the CPC for a three-year term starting in September of the ensuing academic year.

If the elected representative is an Associate Professor, a Full Professor may serve as a temporary replacement for CPC business that requires a

vote by Full Professor. This alternate Faculty members will be chosen first in order from the list of CPC election results and then arbitrarily from the remaining Faculty by the Head.

7. Department Meetings.

- 7.1 *Frequency.* At least twice per semester and with at least one week's notice, the Head will schedule and convene general meetings of the Faculty and Staff. The Head may call and convene additional and special meetings as necessary to address urgent business of the Department. By petition of at least one-third of the Faculty, the Head will convene additional special meetings to address matters raised by the petitioners.
- 7.2 *Faculty Duty of Participation.* All Faculty and Staff 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.
- 7.3 *Meeting Agendas.* The Head will publish the agenda for each regular Department meeting before the meeting. The Head will publish the agenda for any special meeting at the time of the meeting's announcement.
- 7.4 *Rules of Order.* The Department will follow Roberts' Rules of Order in conducting meetings of the Faculty.
- 7.5 *Quorum.* The Department may meet and act on the business of the Department with a quorum consisting of at least half of the Faculty.
- 7.6 *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 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.
- 7.7 *Minutes and Recordkeeping.* A Faculty or staff member will take minutes, which will be circulated to the Faculty no later than one day after the meeting. The Department will maintain records of all meetings, including minutes and votes, for at least five years.

8. 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.

8.1 *External Reviews of RPT Cases.*

8.1.1 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.

8.1.2 Number of External Reviews. The Department Head will make a good-faith effort to secure at least six "arm's-length"¹ external reviews for every promotion and/or tenure case that requires external reviews. The 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. At least five "arm's-length" external reviews are required for the DPC to evaluate a case.

8.1.3 Identification and Solicitation of External Reviewers. The CBA charges the Head with soliciting external reviewers and permits the candidate to suggest external reviewers, some or all of whom may be solicited by the Head. The 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 Head may receive assistance in describing the "standing" of each external reviewer in the candidate's file, but the 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.

¹ An arm's-length reviewer is one who is not the candidate's personal friend, doctoral or post-doctoral advisor, or recent collaborator. Recent collaboration on work that involves a large number of collaborators, ..., does not place a reviewer at less than arm's length (from "Promotion and Tenure Recommendations for Tenure-Stream Faculty" memo, by John McCarthy, Acting Provost & Senior Vice Chancellor for Academic Affairs, September 14, 2017).

8.1.4 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 Amherst. External reviewers who do not meet these criteria may be appropriate and acceptable, but in describing the "standing" of such reviewers, the Head should carefully explain why such reviewers are appropriate for the task of commenting on the candidate's having met the relevant standards.

8.1.5 Candidate's Rights Regarding External Reviewers. Before making such solicitations, the Head 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. 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 Head should assess whether a true conflict exists and, if one does, should eliminate, mitigate, or manage the conflict.

8.2 *Internal Reviews of RPT Cases.*

8.2.1 Identification & Solicitation of UMass Amherst Faculty & Staff Reviews. The candidate and the 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 Head must individually solicit such internal reviews.

8.2.2 Identification and Solicitation of Student Reviews. The 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 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.

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

- 8.4 *Participation of Faculty in RPT Cases.* The Faculty has delegated its authority for an RPT case to the DPC. The DPC may solicit input from Faculty members who are permitted to participate according to Section 2.
- 8.5 *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:
- 8.5.1 Student Evaluations of Teaching Effectiveness in Classroom Settings. All Faculty should use the centrally administered Student Response To Instruction (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 instruments.
- 8.5.2 Student Reviews. As described in Section 8.2.2., solicited letters from individual students shall be considered in the evaluation of teaching effectiveness.
- 8.5.3 Contributions to Program & Curriculum Development. Applications for RPT should include evidence of the candidate's contributions to program and curriculum development (if any).
- 8.6 *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 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.

9. **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 DPC and the 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.
10. **Review of the Department Head.** If the 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 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 Head's appointment.
 - 10.1 *Self-Evaluation.* As an initial step, the 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.
 - 10.2 *Survey.* The DPC will prepare and distribute confidential surveys no later than November 1st: (1) one to departmental staff; (2) one to undergraduate majors and graduate students; (3) 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.
 - 10.3 *Dean's Evaluation.* The DPC will request the Dean to provide a written assessment of the Department Head's performance during the evaluation period.
 - 10.4 *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) and invite feedback.

- 10.5 *Final Report.* The DPC will finalize its report and will then submit it to the Dean, simultaneously providing a copy to the Head and Faculty (excluding raw and other confidential data).
- 10.6 *Head's Response.* The Head may prepare and submit to the Dean a written response to the final report.
11. **Implementation of these bylaws:** By at least a two-thirds majority vote of the Faculty, these bylaws are adopted and take effect on 11/1/2019. 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.
12. **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 approval of the Faculty.