

MSP'S DEPARTMENTAL BY-LAWS TEMPLATE

These and other by-law resources can be found on the MSP website at [http://umassmsp.org/policies %2526amp%3B other guidance documents](http://umassmsp.org/policies_%2526amp%3B_other_guidance_documents)

I. Statement of Principles

Example: Effective governance supports structures and practices that help to create a collegial environment and efficient procedures with which to conduct the affairs of the department. Nothing in this document should be construed as contrary to University policies; rather it is intended to facilitate the work of the department as it is outlined in the MSP Collective Bargaining Agreement.

II. Departmental Units (if applicable)

[This section should outline the membership, roles, and responsibilities of any programs or area of studies housed within the Department.]

[The MSP suggests that departments consider specifying a designation for an MSP Department Representative with the responsibility of reporting relevant information at departmental level meetings and assuring compliance with applicable collective bargaining language.]

III. Department Head/Chair

Each department shall be headed by a chair who is responsible for ensuring proper procedures are followed at the departmental level. Other roles and responsibilities include: advocating for faculty resources, overseeing allocation of resources, coordinating administrative matters related to personnel actions, keeping faculty informed of their rights and responsibilities, appointment of administrative positions, ensuring compliance with University policies and collective bargaining agreements, evaluation of staff, and developing and maintaining long range planning. *[See also 3.5 and 6.4 of the Redbook]*

A. Selection of Department Head or Chair

The Dean, after consulting with the Department Personnel Committee (DPC) shall appoint a Search Committee that includes a majority of members from the department as well as representatives of closely related departments. The Search Committee presents its recommendation to both the department and the Dean, and if a majority of the department accepts the recommendation and the Dean agrees, then the Dean shall proceed with the appointment with the concurrence of the Provost.

If a majority of the department accepts the recommendation, but the Dean does not, the Dean shall meet with the department to achieve a resolution. If that fails, the matter shall be referred to the Provost for resolution.

If a majority of the department rejects the recommendation, the Dean shall meet with the department and the Search Committee to try to resolve the matter. If no resolution is achieved, the Dean may re-open the search with the same or different search committee or simply refer the matter to the Provost for resolution. *[see Senate document no. 90-029A]*

B. Resignation or Removal of Head/Chair

A chair wishing to resign writes a letter of resignation to both the Dean and the Department. Should the Dean and the Department disagree on its acceptance, the matter shall be referred to the Provost.

If, at any time, the Dean, the Department, or a sizable portion therein, seeks removal of a Chair, it would be of vital importance, and in the interest of harmony, for the Dean to consult prior to making a decision. In the case of disagreement, the matter shall be referred to the Provost. *[see Trustee Doc. 70-62A]*

C Interim Head/Chair Appointments

In an emergency, the Dean, in consultation with the Department Personnel Committee (DPC) shall appoint an acting Chair or Head. The normal term should not exceed one year. The appointing authority may extend the term of office only with the consent of the DPC. *[See Senate Doc. 90-092A, sec. 13]*

[MSP suggested process for making interim appointments]:

The process for determining a “consensus candidate” for the position of interim chair should include nominations and self-nominations to a department appointed search committee or DPC, along with a letter of interest and CV. A list of nominations will be presented at a Department meeting, with nominations from the floor accepted. A secret ballot will be used to determine the successful candidate. The DPC or search committee can determine if a run-off ballot is needed. The successful candidate’s name will be forwarded to the Dean, who upon approval, will make the appointment.

D. Term of Office for Heads, Chairs, and Directors

The appointment of a faculty member as Chair/Head of a Department or Director of an Academic Program should normally be made for a period of at least three but not more than five years. For Chair/Head, the term of office shall be determined by the Dean in consultation with the DPC. Terms for Directors shall be determined by the Dean or Provost in consultation with those individuals within, and affiliated with, the program.

E. Review of Heads/Chairs

Heads/chairs shall be evaluated during every third year in office in a review process initiated by the Department Personnel Committee. By petition of a majority of the departmental faculty, an evaluation may be requested at any time. *[See Senate Document 82-021 for evaluation procedures]*

IV. Department Meetings (Committee of the Whole)

Department meetings, which include all full and part-time faculty members, [MSP urges full discussion to determine voting rights and privileges of each faculty sub-group should distinctions be made; many departments include all faculty who are at least 50% FTE as full participants in departmental governance] shall be convened by the chair for the purpose of sharing information, seeking counsel from members of the department, receiving reports and recommendations from standing committees, and conducting other departmental business.

This section should also outline the following:

- Schedule and frequency of meetings
- Notification of meetings
- Distribution of agendas and minutes
- Normal department voting procedures
- Mechanism through which special meetings may be called or agenda items may be added

MSP Recommendations:

MSP recommends that important votes be conducted via secret ballot outside department meetings in order to avoid undue pressure on faculty; this also relieves quorum needs.

MSP also recommends that all faculty (50% or greater), regardless of rank, should be full voting members of the department.]

V. Department Personnel Committees (DPCs)

The MSP contract mandates that faculty at the department level establish, once a year, a personnel committee in order to exercise the responsibilities described in the collective bargaining agreement. These include: review of AFRs; distribution of merit; reappointments, promotions and tenure; anomaly requests and PMYR processes. The term of service for DPCs should be from Sept. 1 until the end of the spring semester. *Only* members of the MSP bargaining unit are eligible to serve on and participate in the discussions within the DPC.

A. Election and Constitution of the DPC

MSP recommends that this section specifies the number of people to serve on the DPC, the method through which the DPC is elected by the department, the regular term of service (including term limits), and any particular voting restriction that your department observes (such as, allowing only faculty who hold the rank or higher to vote on promotion and tenure cases). The Department should constitute the committee in such a way as to avoid tie votes if possible (for example, electing an odd number of people).

B. Duties of the DPC Chair

The Chair of the DPC should be elected by the members of the committee and should be a full time, tenured faculty member in the department. The Chair will schedule and convene regular meetings, and will communicate promotion decisions in writing to the affected member and the Chair in a timely manner. The Chair is also responsible for adhering to the MSP collective bargaining agreement and Red Book policies. The DPC Chair also addresses any apparent conflict interests by voting faculty members who should be recused from particular decisions.

C. DPC Vacancies

Should a member not be able to serve out their elected term, the department may choose to elect another member through their normal departmental voting process.

VI. College Personnel Committee

If the College includes a mandate that the department have a representative on the College Personnel Committee (CPC), then the election process, terms of service, and restrictions on who can serve should be outlined.

MSP Recommendation: The MSP recommends that any CPC representative should not also be a member of the DPC.

VII. Other Department Committees

The charge and membership of each standing committee of the department should be outlined. Most departments include a Graduate Studies and/or Application Committee, an Undergraduate Curriculum Committee, a Nominating Committee, and a Long Range Planning Committee. Other committees might include Budget and Planning, Diversity and Social Justice, or Workplace Policies and Issues.

The department chair in consultation with the faculty may determine the need for other ad hoc committees to insure the smooth management of the department or for special planning and reviews (such as AQADs).

The department should also outline the election process, term of service, membership on the committee, method of securing student participation (if applicable), frequency of meetings, and the specific duties of each committee.

VIII. By-law adoption and amendments

- Procedures for amending
- Manner of voting
- Sufficiency of vote for passage of amendments
- Effective date of approved amendments

Suggested Language:

By-laws shall be adopted by a vote of at least two-thirds of all eligible faculty in the department, not counting abstentions. Should the by-laws not be approved, the department shall convene a meeting to discuss any disagreements in order to facilitate an amended document and re-vote. [MSP recommends the adoption of department by-laws in order to avoid the imposition of by-laws by the administration.]

By-laws will be become effective immediately upon the results of voting.

Amendments to the by-laws can be brought by any elected committee or by ten percent of the total eligible faculty members before the last department meeting of the year. The proposed amendment must be circulated for at least ten days before the department meeting. After discussion, and amendment, the proposal must again circulate as a written referendum before a final vote of the department by secret ballot.