

BYLAWS GUIDELINES FOR SCHOOLS

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Preface

This is a template for advisory purposes. It is not intended to impose a uniform pattern on all schools but rather to raise issues that all schools should probably either address for themselves or have a reason not to. Nor is it aimed at saying *how* such issues ought to be addressed so much as suggesting options to sharpen the issues. Uniformity is desirable because it makes it easier for us to understand one another and reduces the possibility of being accused of arbitrariness, but it should not come at the cost of recognizing real differences in the situations our several schools are responding to. The Senate does, however, wish to urge that the bylaws should be clear, concise, and constructive. They should be process oriented rather than legalistic, representing a joint effort on the part of administration and faculty to arrive at mutually satisfactory ways to discuss and resolve common problems.

In general, academic tradition and Regents' rules assign primary responsibility for the curriculum and curricular and related policy to the faculty and responsibility for safeguarding the fiscal and property interests of the university, as well as assuring conformance to law, to the administration. At the University level, this division is represented by the rules and policies establishing the distinction between the faculty governance organization and the administration.

The bylaws should indicate how this division of responsibility is worked out at the school and department levels.

According to the amended Handbook of Operating Procedures, the Bylaws are to be approved by the Senate and the President.

The bylaws should be submitted to the Senate by January, 2003.

The general elements that school bylaws should contain or should address are:

PREAMBLE

- 1. Purpose and strategy.** State the general purpose and strategy of the document—the way it attempts to accomplish what it is aimed at.

FACULTY

2. Faculty. The faculty should be defined. Who is to be considered a member should be clear. How disputes on membership might be resolved should be at least suggested. The faculty may be distinguished from a voting faculty. As a general matter of academic policy, voting should be restricted to full time faculty whose continuation in employment is subject to peer review. Since in principle all our meetings are open, if there is a distinction between voting faculty and faculty, the latter must be able to attend meetings. Whether or not there is a distinction between faculty and voting faculty, the bylaws should be clear about how to regard lecturers, senior lecturers, and other non-tenure track faculty with respect to being able to participate in faculty decisions. Are part-time faculty (less than 1/2 time) distinguished from full time faculty for purposes of governance?

3. Meetings and Voting. For general faculty meetings, the bylaws should specify the minimum number of meetings per year or term. They should specify who chairs, what constitutes a quorum, what kinds of actions they can take, who records the meeting, how the records are kept, what notice is required, and who can call a meeting. With respect to the latter, if the Dean calls the meeting, what notice is required? If the faculty can call a meeting, what is the procedure? They should describe the requirement for publishing an agenda and for having an item placed on that agenda. They should indicate who has privilege of the floor and it should indicate who can vote. They should indicate whether proxy votes are allowed or not, and if they are allowed the situations in which they can be used and the manner of their submission should be described. In general, proxies should be discouraged and the bylaws should do everything possible to encourage all faculty to participate in faculty deliberations.

Major policy decisions should be confined to meetings held in a period that corresponds to the nine month terms for which most faculty are appointed.

4. Conduct of business. Generally, there should be a statement that the school follows Roberts Rules of Order unless otherwise provided for in the bylaws. An example of “otherwise” would be the Senate’s use of email ballots.

OFFICERS

5. Dean. The duties and responsibilities of the Dean with regard to academic policy should be indicated. In general, the Dean is the person clearly responsible for the finances and physical resources of the school, while the faculty is responsible for setting and administering the curriculum. The section on the Dean should address, explicitly or implicitly, the way the balance between these two sets of responsibilities is maintained, respecting the integrity of each. The general duties of the Dean with regard to financial and other administrative policies should be indicated. Although it is understood at UTD that the Dean serves at the pleasure of the President, and processes for selecting Deans are set by university and not school policy, there is no harm saying this. The common practice at UTD has been that the deans appoint the members of the school faculty committees. These appointive powers and the procedures for appointment should be indicated—who is appointed and by what process. Here or elsewhere, the role of the Dean in hiring should be described, distinguishing the positions that should be filled with faculty consultation and involvement from to positions that the Dean can fill at his/her discretion.

4. Associate Dean for Undergraduate Education. Having evolved from the Masters, these have more or less established roles in coordinating the undergraduate program, preparing catalog copy, and communicating with the scheduling office on course scheduling. These responsibilities should be delineated. In addition, the bylaws should specify how they are appointed (for example by the Dean or by the Dean with approval or confirmation of the faculty) qualifications, powers and duties. For example, must they be tenured? A persistent weak spot in the administration of our undergraduate programs has been supervision of lecturers. Is this officer responsible? (If not, someone else should be).

5. Associate or Assistant Dean for Graduate Education. Parallel to the Masters, in most schools these have established roles in coordinating the graduate programs, preparing catalog copy, and communicating with the scheduling office on course scheduling. If the current proposal for the Graduate Council is adopted, they will be ex officio members of that Council. Where these functions have devolved on programs, as in NS&M, the relation of the Associate Dean for Graduate Studies for graduate studies to whoever does it in the programs should be indicated. Does the Associate Dean for Graduate Education have no responsibility at all (does copy go right from programs to the Dean?) or is there some limited responsibility?

The bylaws should specify how the Associate Dean for Graduate Education is appointed (for example by the Dean or by the Dean with approval or confirmation of the faculty), their qualifications (tenured only?), powers and duties. Is the Associate Dean for Graduate Education responsible for assigning TAs? Is the Associate Dean for Graduate Education responsible for hiring and supervising lecturers? (If not, the bylaws should somewhere else say who is.) What is the role of the Associate Dean for Graduate Education in setting up ad hoc committees for dissertations?

6. Other Officers. If there are other academic officers, apart from staff and the like who act under the authority of the Dean or either of these Associate Deans, they should also be named and the bylaws should indicate the way they are appointed, their powers, their duties, their terms, and what kind of review they are subject to.

In the School of Management, there is one Associate Dean for both Graduate and Undergraduate Education, under whom is an Assistant Dean for Undergraduate Education and an Assistant Dean for Graduate Education. In this case, the duties and responsibilities associated with all three positions should be indicated.

STANDING COMMITTEES

7. Faculty Personnel Review Committee. This is a standing committee mandated by U T Dallas Policy Memorandum 75-III. 22-3. The operant portion of this is:

Faculty Personnel Review Committees are chaired by the Dean of the School and must include at least four tenured faculty members from the School appointed by the Dean or elected by the faculty. If appointed, service on the Personnel Review Committee should rotate among the tenured faculty on a staggered annual cycle with no appointment to exceed two years. If elected, terms should be for two years with no member succeeding themselves. Only tenured faculty may serve on this committee, and recommendations regarding tenured Associate Professors may be made only by tenured Professors.

All faculty members other than Professors will have their previous year's work reviewed annually by the Faculty Personnel Review Committee. This annual review will lead to one of three recommendations:

1. To retain the faculty member for another year without review, or
2. To recommend that an ad hoc committee be composed to assess the faculty member's suitability for reappointment, tenure, and/or promotion, or
3. In the case of faculty in their first or second year of service, to not reappoint the faculty member.

Note that this says “at least” four faculty. There can be more. Note also that nothing specifies *how* the appointment is to be made. It can, for example, involve nomination from the faculty or confirmation by the faculty. Note also that it reviews “all faculty,” not just tenure track. How this is done might be spelled out. For example, does it include reviewing the files of lecturers who may teach just one or two courses? If so, what input or advice is required? (If not, who does review these should be indicated elsewhere.) Note also that nothing precludes assigning additional duties, such as to review applications on opportunity hires.

Finally, our UTD policy on faculty development leaves, adopted last year, charges the Personnel Review Committee with reviewing applications for such leaves and making recommendations to the Dean. It was the intent of this charge that the committee meet together as a body and make its recommendations independently of the Dean. Bylaws should note this and can specify the process.

8. Executive Committee. The general function of executive committees is to advise Deans or Chairs and to approve such actions of these officers or faculty policies as are delegated to them to deal with. UTD schools and departments have not had executive committees up to now, although they are common elsewhere. It is a common practice in UTD schools, however, to have the Associate and or Assistant Deans form a council with the Dean to provide advice of important matters, although this arrangement has not been formalized in any school. The present draft bylaws of the School of Social Sciences makes provision for one, with six members elected from the faculty for staggered two year terms. There are at least three advantages to this. First the committee can meet more frequently than the entire faculty can. Second, the committee can be delegated matters such as approval of routine, minor, or relatively transient committees and changes in administrative assignments without having to detail them in the legislation of the entire school, including the bylaws. Third, the executive committee can resolve disputes that might arise in individual faculty groups or that might concern the interpretation of the bylaws as a representative body of the faculty, instead of in effect having to leave them to the Dean as an appointee of the administration. In general, the executive-committee-and-Dean decision-making structure ought to provide a more open and public way to resolve issues than the Dean alone or Dean-and-Dean’s cabinet type of organization.

If a school has an executive committee, the bylaws should specify its membership, how they are selected or elected (if elected, for example, by plurality or by a weighted vote such as is used for the Senate elections), their areas of authority, their duties, terms of office, and qualifications for office.

In other universities, the functions of the personnel committee and the executive committee are often combined in an executive committee that is elected by the faculty. At UTD this would be difficult if the PRC is elected, but could be done if the PRC is elected. In this case, it would only be necessary for by-laws to assure that at least four of the elected members meet the requirements for the PRC in regard to rank and terms of service. If a School submits bylaws that combine the functions of PRC with an executive committee along these lines, the Senate will consider this to be consistent with its intent in 75-III. 22-3.

9. Periodic Performance Evaluation Committee. (School Peer Review Committee). A School Periodic Performance Evaluation Committee (or School Peer Review Committee) is mandated by U T Dallas POLICY MEMORANDUM 97-III.22-79. Section VIII.A of that memorandum specifies that:

The School Peer Review Committee (SPRC) is appointed by the Dean in accordance with an election by secret ballot with a nominations procedure decided by the School and restricted to the tenured faculty in the School. The SPRC is not identical to and may be a different committee than the Faculty Personnel Review Committee as described in Policy Memorandum 75-III.22-3 (which deals with promotion, reappointment, and tenure), though some or all of the members of the SPRC may be members of the Faculty Personnel Review Committee. But in all cases, the SPRC will be an elected body.

The procedures of this committee are set out in the memorandum in substantial detail. The School bylaws must be consistent with the Policy Memorandum, but should specify further details such as exactly how the election is to be carried out, who is to be eligible, the way their meetings are to be conducted, and their terms. For example, in a school like ECS it might be advisable to specify the representation by discipline.

10. Committee on Effective Teaching. A school Committee on Effective Teaching is mandated by POLICY MEMORANDUM 96-III.21-70, which requires in part:

- A. A teaching evaluation procedure developed and administered by an independent faculty committee.
- B. Written objective standards for evaluating teaching performance. These standards must include student course evaluations, teaching load contributions, diversity of courses covered, course development and administration, and factors such as thesis and dissertation supervision.
- C. Procedures for periodic collection of reliable and verifiable information related to teaching performance including periodic classroom visits by designated faculty to gather direct observation information that supplements information taken from sources such as course syllabi and student course evaluations.
- D. Some mechanism for faculty to comment on their evaluations and provide information they feel is pertinent to the teaching evaluation process.

Although the policy memorandum does not specifically say that such committees should be elected, “independent” was clearly meant to mean independent of the Dean, so election is at least strongly suggested. In any case, the bylaws should specify how the membership is

constituted, the terms, how they report their results and to whom, and how their procedures are established, whether by the committee, the school, or both in some combined process.

11. Committee for Undergraduate Studies. In general, the bylaws should indicate the process by which the undergraduate program is developed and implemented, specifically describing who is responsible for planning, preparation of catalog copy, and scheduling courses. If this is done by an undergraduate program committee, then the bylaws should specify the who the members are, how they are appointed or selected (for example, appointed by Dean, or appointed by Dean upon nomination by faculty in the school or disciplines, or appointed by Dean and confirmed by faculty), their terms, their duties in relation to these functions, and the conduct of the meetings (eg: chaired by Associate Dean for Undergraduate Education?, some number per term?).

If there is no school committee, then the bylaws should indicate what does the work instead. If, as in NS&M, it is done in the departments, the details can be in the department bylaws, but the way it works and is brought together at the school level should be in the school bylaws.

12. Committee for Graduate Studies. In general, the bylaws should indicate the process by which the graduate program is developed and implemented, specifically describing who is responsible for planning, preparation of catalog copy, and scheduling courses. If this is done by an graduate program committee, then the bylaws should specify who the members are, how they are appointed or selected (for example, appointed by Dean, or appointed by Dean upon nomination by faculty in the school or disciplines, or appointed by Dean and confirmed by faculty), their terms, their duties in relation to these functions, and the conduct of the meetings (eg: chaired by Associate Dean for Graduate Education?, some number per term?).

Does the Committee on Graduate Education have a role in setting up dissertation committees? Does it have a role in evaluating or assigning TAs?

If there is no school committee, then the bylaws should indicate what body has this responsibility instead. If, as in NS&M, it is done in the departments, the details can be in the department bylaws, but the way it works and is brought together at the school level should be in the school bylaws.

13. Other committees. Each school has a library representative and most have a library committee. As of a couple of years ago, the relations between these were coordinated and now the library representative should also be the chair or at least a member of the library committee if there is a library committee. The bylaws should describe whatever the arrangement is, again giving mode of appointment, powers, duties, and term of office. A & H has a development committee to assist in fundraising, which other schools might want to consider emulating, and a nominating committee analogous the Senate Committee on Committees that nominates faculty for appointment by the Dean to the various committee positions. While the University Cleanroom Committee is not a school committee, because of its importance the ECS and NS&M bylaws might want to notice it. As with the listed

committees, bylaws in general should say what the committee is, what its membership is, what the qualifications for membership are, what the method of appointment or election is, and what the term of office is.

The bylaws may provide for individual program committees associated with the various degree programs in the schools or combinations thereof, or they may provide a general pattern for all program committees. In either case, however, there should be clear provisions for who is to be on such committees, how disputes about who is to be on them are to be resolved, who chairs them, and what their relation is to the school committees.

For committees of a temporary nature, the bylaws should provide a way to form them, establish their operating rules, and dissolve them.

14. Provisions for amending the bylaws. All bylaws should include a provision for amending the bylaws. The A & H requirement is that a simple majority suffices if the amendment is circulated well in advance of the meeting, but 2/3 is required if the amendment comes from the floor during the meeting. The social science draft calls for 2/3 and requires advance notification. When we see what we get, we might discuss whether there should be a uniform rule across the university.

HIRING ISSUES

15. Hiring. Somewhere in either the school or departmental bylaws, clear procedures should be laid out for establishing ad hoc committees with appropriate expertise for hiring new full time faculty. Responsibility should also be assigned for hiring part time faculty, adjunct or associate faculty, and for making non-tenure-track special appointments, with definitions of each. There should also be provisions for the evaluation and dismissal of part time faculty, since these are not covered in the general University policies on promotion and tenure. Who has to find a remedy if a lecturer fails to show up in the middle of a semester? The bylaws need not spell out the whole policy, but they should indicate who is in charge of developing it and it should be done in such a way that if that responsible person or group fails to do what is required it will come to general notice.