

HANDBOOK  
for  
Massachusetts State University  
Department Chairs

Prepared by the  
Massachusetts State College Association  
and the  
State University Council of Presidents

Fall 2015

## A Message to State University Department Chairs

This is the third edition of the Chair's *Handbook*. Although every attempt has been made to be comprehensive, you may find that certain sections can be improved with further clarification or explanation. We would appreciate your contacting us to let us know where you feel such additions should be made.

If you find any items you believe are incorrect or not in concert with the collective bargaining agreement, please contact the MSCA so we can discuss them with the State University Council of Presidents (COP).

We hope that you will find this *Handbook* to be helpful in meeting the challenges of your role as department chair.

With our best wishes for your success,

*The Employee Relations Committee*

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## INTRODUCTION

It has been said that chairs are responsible for keeping all of the moving parts of an academic department running smoothly and efficiently. Chairs do more than that; within the institution as a whole they represent their departments and advocate for the department's faculty. These activities require more than skill – they require leadership. Chairs set the tone of a department and serve as role models, particularly for junior faculty. Nowhere is this more important than when conflicts arise.

It is, therefore, important that chairs have a good understanding of their rights, their duties and the procedures in place to provide direction to department members and address conflict. Despite good efforts, problems do present themselves and it is one responsibility of a chair to help resolve them in a judicious and consistent manner. It is to everyone's benefit that chairs succeed. The goal of this *Handbook* is to provide chairs with clear explanations of their responsibilities along with suggestions that are specific to the working conditions of the state universities in Massachusetts.

The concept of this *Handbook* was first discussed at meetings of the Employee Relations Committee (ERC), a joint union-management committee established by Article II of the collective bargaining agreement. The ERC meets regularly to resolve problems that arise on campuses and to make plain aspects of the collective bargaining agreement that need clarification. Frequent requests from chairs for help in finding and interpreting information were the impetus for assembling these pages.

Numbers in brackets that you see throughout the *Handbook* are page numbers in the 2014-2017 collective bargaining agreement for the day bargaining unit.<sup>1</sup> The agreement is posted on the MSCA website at [www.mscaunion.org](http://www.mscaunion.org). Questions can be directed to your chapter president, your Vice President or Dean the MTA Consultant Roberta James or the MSCA President's Office.

In almost all respects this *Handbook* is a guide to and a summary of those provisions of the collective bargaining agreement that concern department chairs. This *Handbook* does not replace or modify the agreement. A working knowledge of the relevant provisions of the agreement will therefore be of particular importance to any chair's success.

Other documents relevant to chairs are referenced where applicable and are contained in the appendices of this *Handbook*.

Please note that throughout this *Handbook* references to "Vice President" are references to the Provost/Vice President for Academic Affairs.

The collective bargaining agreement allows the delegation of many of the vice presidents' duties. A new provision in the 2014-2017 contract allows the vice president to assign the responsibility of evaluations to a dean. Deans may also be a resource for assistance or guidance to you.

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<sup>1</sup> This *Handbook* does not address the role of a chair in the Division of Graduate and Continuing Education (DGCE). DGCE chairs are not in the day or DGCE bargaining unit.

Also, the term “department member” has a different meaning in different contexts. If you have a question about a particular situation, consult the collective bargaining agreement, your chapter president or the Office of Academic Affairs.

## **Special Note for Chairs at *MassArt* and in Nursing Departments**

“Salaried part-time faculty” is a special category of faculty. These are part-time faculty at the Massachusetts College of Art and Design and Clinical Nursing Instructors in Nursing Departments at some of the universities who receive a prorated full-time salary (rather than being paid the per-credit rate). These faculty have additional responsibilities that part-time faculty paid on a per-credit basis do not have.

Salaried part-time faculty are mentioned throughout this *Handbook*. It is important that you be aware if any such members are in your department and the special conditions that will affect your dealings with them. We touch on some of these issues but it will be important for you to refer to the collective bargaining agreement in many instances.

Sometimes, for example in the evaluation process, they are treated as full-time faculty are; at other times, for example, in the case of evaluation for tenure, they are not. Sometimes, for example in the number of credits they may teach, they are treated as non-salaried part-time faculty are; at other times, for example in departmental voting rights, they are not.

There is even a difference within this category. Salaried part-time faculty at the Massachusetts College of Art and Design are eligible for promotion; Clinical Nursing Instructors are not.

If you have questions about whether such faculty are in your department please contact your chapter president or the Office of Academic Affairs.

## **Some Advice on Maintaining Departmental Cohesion**

We begin with some general advice. Since the department chair is central in establishing the culture of a department, a chair should model the behaviors that are desirable among members of a department. If a chair is inclusive, respectful, candid and consistent in his or her dealings with other members, then departmental cohesion and cooperation are more likely and fewer problems will arise. To this end, we recommend that you:

1. Have a clear understanding of what the members of the department expect of you and make sure that they have a clear understanding of what you expect of them. Ensure that everyone has a part in establishing what those expectations are.
2. Ask members what they believe they need from you to succeed and do your best to work with them to meet their needs. Everyone should feel valued as a member of the department.
3. Follow all contractual and departmental procedures in both their letter and spirit, even if it feels as though it is not important. Doing this consistently will prevent problems when it *is* important.

4. Ensure that all departmental elections are conducted by written, secret ballot and not by a show of hands or voice vote. Follow this practice even if there is only one candidate.
5. Have regular department meetings with a published agenda to which everyone can contribute items in advance. Listen to what everyone has to say and refrain from interrupting others. Use a speaking list to avoid free-for-alls. Do not allow displays of disrespect at meetings. Allow everyone to have his or her say (once) and then move to a vote or the next item on the agenda. Pick your battles carefully; the fewer, the better.
6. Avoid leading or joining factions within the department. Listen to members' complaints about colleagues but do not reinforce quibbling. Whenever possible suggest that the members deal with problems directly with each other first, but be willing to mediate when appropriate. When conflicts occur be constructive and act to defuse the conflict. At all costs, resist the temptation to retaliate against members who did not support your positions on issues.
7. Involve everyone in the decision-making process even if you think you can predict the outcome. Inform all members of the department at the same time and in the same manner after decisions have been made.
8. Remember to treat all staff members as you do your department colleagues and make clear your expectation that your department colleagues do the same. Staff members are no less important to the smooth operation of the department than the members themselves. All employees should be respected and treated with dignity.

Communication is very important, but we offer a few words of caution.

It is important to keep the members of your department informed and engaged in the business of the department. Doing so helps to assure members that they are a part of the department and neither excluded nor marginalized. However, it is your responsibility, ultimately, to make certain decisions and to keep the department functioning smoothly.

While email is a fast and efficient way to communicate, it should not replace face-to-face meetings when such meetings are called for. An innocent sounding email or reply to someone who is upset about an issue may be misinterpreted and make the problem worse.

Sending a pointed email to an individual, copied to a broader audience, is usually intended to embarrass the individual. This is a recipe for disaster. Do not participate in such emails and ask members of the department to refrain from doing so. An appropriate way of dealing with these situations is for the individuals to speak with each other in person. **It is wise to obtain permission from the sender of an email before forwarding it to anyone else.**

It is best to limit the use of email to items that are informational in nature or to electronically transfer documents that other members may want to edit or comment on while still in draft form. We recommend that department members do not use email to deliberate on key departmental issues. Deliberations should always take place in person.



Professional discussions that should remain confidential (*e.g.*, search committee deliberations, discussion of personnel actions, problems with students, grievance issues, *etc.*) should never be transmitted on campus-based email or via personal email accounts from a university-based computer. These communications should be conducted in face-to-face meetings, in writing or between personal email accounts from non-campus-based computers.

**It is important to remember that because you are public employees, your emails, or a majority thereof, are considered public records.**

## OVERVIEW OF RESPONSIBILITIES

The responsibilities of chairs appear throughout the collective bargaining agreement. A core list is found in Article VI, Section A [62-63]. Below is an abbreviated version of that core list. Consult Article VI, Section A, for a complete description of these responsibilities. Note that “There shall be only one Department Chair in any given department at any given time, and faculty members may not split the term or duties of office” [64].

1. Provide for the scheduling of courses and other departmental functions
2. Make recommendations regarding the curriculum
3. Assist in program reviews
4. Assist in the recruitment of faculty
5. Request supplies, equipment, library holdings, and other departmental necessities
6. Maintain communication with students and faculty regarding departmental matters
7. Oversee advising; assign student advisees on fair and equitable basis; evaluate faculty with respect to the quality of advising
8. Conduct faculty evaluations
9. Advise faculty of the receipt of a substantial complaint
10. Seek to resolve student/faculty complaints and other intra-departmental disputes informally
11. Prepare annual and long-range academic and budgetary plans
12. Maintain an inventory of departmental equipment and develop long-range plans for its replacement
13. Meet with the Vice President, any appropriate dean or deans, department members, and departmental committees to coordinate activities
14. Make recommendations regarding class sizes
15. Supervise clerical and non-unit staff (If you have questions about any supervisory responsibilities, please consult Human Resources concerning relevant provisions of the AFSCME Agreement.)
16. Carry out other duties assigned by the Vice President

Note: the chair is *not* responsible for determining if a faculty member may, consistent with the requirements of the State Ethics Statute, use his/her own textbook in a class or to sign off on this form [63]. That decision lies with the president of the university or other managerial employee designated by the president. A copy of the form for faculty to disclose the use of instructional materials in which the faculty member has a financial interest is posted on the MSCA website at:

**[http://mscaunion.org/contract/DisclosureForm\\_Summer2012.pdf](http://mscaunion.org/contract/DisclosureForm_Summer2012.pdf)**

## EVALUATIONS

Department chairs play a central role in the evaluation of faculty. Chairs both conduct evaluations and manage the evaluation process within the department.

Some general principles apply to the conduct of all evaluations:

1. No member of the bargaining unit shall serve on an evaluation committee or otherwise participate in the conduct of an evaluation if to do so would constitute a conflict of interest or the appearance of a conflict of interest [95].
2. All evaluators are bound to keep confidential all aspects of an evaluation [96]. Evaluations are not to be the subject of gossip, casual conversations, or disclosure to persons other than the candidate and subsequent evaluators. This includes what you observe during a classroom observation.
3. Evaluations shall not include incidental observations [95].

The forms you will need to fill out during the evaluation process are appendices to the collective bargaining agreement. Most of these forms are posted in electronic form on the MSCA website at:

**<http://mscaunion.org/personnel-calendar-and-forms/>**

### **Personnel Calendar**

The deadlines for steps in the evaluation process are set forth in a Personnel Calendar [Appendix M] which is published annually. The Personnel Calendar for academic year 2015-2016 is included as Appendix 1 to this *Handbook*.

### **Peer Evaluation Committee**

For details of the Peer Evaluation Committee see the section below on departmental committees that appears on page 19 of this *Handbook*.

### **Terminology**

#### Review Period

The review period is the period during which the work that is being evaluated was actually performed [100-101]. It may be as short as a single academic year or encompass many. The standard review periods are these:

1. Evaluation for annual tenure-track reappointments:
  - a. During the first year: “Any full-time member of the bargaining unit who is in the first year of his/her employment as such shall be evaluated for the first time... during the next academic year.” [100]
  - b. During the second year: The review period “shall be the period that commences on the date of his/her first employment....” [100]
  - c. During the third year: The one-year period preceding the year in which the evaluation is being conducted. [101]
  - d. During the fourth year: The review period “shall be the unit member’s second and third years of employment.” [101]
  - e. During the fifth year: The one-year period preceding the year in which the evaluation is being conducted. [101]
2. Evaluation for tenure:
  - a. In general, the entire period of the faculty member’s service at the University while on tenure track.
  - b. For faculty who transferred or accepted a new appointment at a state university pursuant to Article XX, Section C(9) see the collective bargaining agreement. [262-263]
3. Evaluation for promotion:
  - a. If there has been a prior promotion, the entire period since the last promotion, including the “evaluation period” (described below) for that last promotion. For example, if a faculty member was last evaluated for promotion during academic year 2005-2006, was promoted with effect on September 1, 2006 and is now being evaluated for another promotion in 2012-2013, then the review period for this latest promotion *includes* academic year 2005-2006 and all ensuing academic years up to the point in the fall semester of academic year 2012-2013 at which he or she submits his or her materials.
  - b. If there has been no prior promotion, the period since the faculty member’s initial appointment to a tenure-track position.
  - c. Salaried part-time faculty at the Massachusetts College of Art and Design are eligible for promotion. Their time in rank is prorated based on the number of credits they teach each year. Clinical Nursing Instructors are *not* eligible for promotion.

4. Full-time temporary faculty: the review period for a full-time temporary faculty member is the same as that of a tenure-track faculty member. That is, if at the beginning of a fall semester a full-time temporary faculty member is in his/her third or fourth consecutive semester of employment as a full-time temporary faculty member, then the review period is the period of consecutive semesters of employment as a full-time temporary faculty member up until that fall semester. Such an evaluation does not constitute an evaluation for reappointment.

During the conduct of any evaluation, it is permissible to consider a faculty member's performance during any prior review period. [98-99] For example, when evaluating a tenure-track faculty member for reappointment during his or her fifth year of service it is permissible to consider his or her performance, not just during the immediately preceding year, but during prior years as well.

In general, the review period ends when the evaluation itself begins, *i.e.*, when the candidate (for reappointment, promotion, tenure or post-tenure review) submits materials for the evaluation.

#### Evaluation Period

The evaluation period follows the review period; it is the period during which the evaluation itself takes place [93-94]. An evaluation period also begins (and falls within) the review period for the next evaluation.

Generally speaking, the documentary materials used in the conduct of an evaluation are materials that have been generated during the review period and must be submitted at the commencement of the evaluation period. A few materials that may not be available until the evaluation period has begun are nonetheless treated as falling within the review period.

Classroom observations conducted during the fall semester of an evaluation period are the most important of these. The Student Instructional Report II (SIR II) reports for the previous spring may not arrive before the candidate submits materials. However, when they become available, the chair must include them in the materials for the evaluation already in progress, along with any written comments the candidate cares to include relative to them.

#### Review Year

One term in Article VIII-C, which deals with post-tenure review, may cause confusion. In Article VIII-C the term "review year" means the same thing as evaluation period in Article VIII [141].

### **Materials Used in Evaluations**

Except as explained below, a dossier of materials is the basis for every evaluation [102-111]. Certain of the materials the faculty member must submit; others the chair must assemble [113-

114]. Among the materials for which the chair is responsible, two – student evaluations and classroom observations – are described below.

Candidates being evaluated for reappointment during their third and fifth years of employment submit only a narrative [107]. However, department chairs are still required to include with the candidate's narrative student evaluations administered during the previous academic year and classroom observations conducted during the previous academic year [107].

Although a faculty member may include some student evaluations and classroom observations, it is your responsibility, under the contract, to ensure that all such materials are included.

When a faculty member is teaching a DGCE course (graduate or undergraduate) as part of his/her day teaching load that course is treated as if it were a day course for evaluation purposes, e.g., course materials for that course should be included in the dossier, student evaluations (see below regarding the correct form) shall be conducted and the course can be subject to classroom observations.

### Student Evaluations

In this section and the next (Classroom Observations), the term “faculty member” refers to both faculty and librarians who teach courses within your department.

Student evaluations shall be used when evaluating the teaching effectiveness of faculty members. They are to be used to the extent possible “to discern the pattern or patterns evidenced with reference to teaching effectiveness” [102, 108] and “shall be used giving due consideration to the number of courses and sections that were taught” by the faculty member being evaluated [102, 108].

The chair must arrange for the administration of student evaluations.

#### A. Evaluation Instruments

1. Student evaluations of lecture and laboratory courses are administered using the SIR II instrument [Appendix C-3]; and in all such courses the faculty member must prepare the Instructor's Cover Sheet [Appendix C-2].
2. In all other instructional settings student evaluations are administered using the Student Instructional Rating Form for Non-lecture and Non-laboratory Courses [Appendix C-4].
3. The university is responsible for administering the web-based version of SIR II to students enrolled in distance education courses.
4. When a faculty member is teaching a DGCE course (graduate or undergraduate) as part of his/her day teaching load, the student evaluation form that is to be used in such a course is either the SIR II [Appendix C-3] or the Student Instructional Rating Form for

Non-lecture and Non-laboratory Courses [Appendix C-4], as appropriate. The form appearing in the DGCE contract is *not* the correct form.

## B. Procedures for Administering Student Evaluations

### 1. Frequency

The department chair is responsible for obtaining student evaluations. When required to be obtained, student evaluations must be administered before the end of the academic semester. Student evaluations are required to be administered for:

- a. Full-time temporary and tenure-track faculty: in all sections of all courses each semester.
- b. Tenured faculty: in one section of each type of course annually, unless the unit member, the chair or the Vice President has requested that student evaluations be given in additional sections or courses.
- c. Part-time faculty: in all sections of all courses each semester.

### 2. Procedures

- a. The chair or his/her designee from the bargaining unit must administer student evaluation forms at a time arranged in advance with the faculty member.
- b. No faculty member shall administer student evaluations in his/her own classes.
- c. Pursuant to the directions in Appendix C-1, the person administering the forms shall:
  - Explain the use of the forms
  - Distribute forms to the students
  - Indicate that written comments are prohibited
  - Collect the completed forms
  - Record on the Instructor's Cover Sheet the number of completed forms returned
  - "The person administering the [student] evaluation forms shall deliver them to the Department Chair, who shall transmit them to the Vice President."
  - The chair should assure that no forms are altered or discarded – for any reason – after students have filled them out.
- d. The faculty member whose class is being evaluated shall not be present nor shall a summary of the results be made available to the faculty member until final grades for his/her classes have been submitted.

### 3. Miscellaneous Provisions

“No faculty member shall be given a negative evaluation by sole reason of the fact that his/her student evaluations... are less favorable than those of some other member of his/her department” [103, 109].

Moreover, no such comparison of faculty members in one department with those in another is allowed [103, 109].

“No student evaluation... shall be published or conveyed to any person save in accordance with the provisions of [Article VIII], of Article II and of Article XVI.” [102, 108]

Because no student evaluations were administered at the time, the absence of student evaluations from the record for the following semesters shall not be considered either positively or negatively when evaluating a faculty member’s teaching effectiveness [104, 109]:

- Fall 1999
- Spring 2000
- Fall 2000
- Fall 2003
- Spring 2004
- Fall 2004
- Spring 2005
- Fall 2005

Because student evaluations of distance education courses may not have been administered prior to the spring semester of 2008, the absence of student evaluations from the record for such courses prior to the spring semester of 2008 shall not be considered either positively or negatively when evaluating a faculty member’s teaching effectiveness [104, 110].

Due to technical difficulties student evaluations were not administered for distance education courses during the spring semester of 2008 at Fitchburg and Salem State Universities. Therefore, the absence of student evaluations from the record for such courses prior to the fall semester of 2008 at these two universities shall not be considered either positively or negatively when evaluating a faculty member’s teaching effectiveness [1046, 110].

A faculty member may choose to include student evaluations for DGCE courses that he/she taught under the DGCE contract (not as part of his/her day teaching load). Such evaluations may carry little or no weight in the eye of the evaluator. Faculty cannot be required to include such student evaluations and no such evaluations shall be considered if the faculty member does not include them.

#### Classroom Observations

Classroom observations must be conducted and incorporated into the evaluation record when evaluating the teaching effectiveness of faculty members.



The chair must conduct classroom observations in connection with each evaluation of a faculty member for reappointment, promotion, tenure or post-tenure review. Chairs also conduct classroom observations of full-time temporary faculty and part-time faculty. A record of each classroom observation must be recorded on Appendix D-1(a) (classroom observation) or D-1(b) (an electronic observation) of the Agreement, as may be appropriate.

Frequency:

The frequency of the conduct of classroom observations and the courses/sections to be observed are given in the table below; see the Agreement for the specific language [104-106, full-time; 110, part-time].

<b>Faculty Status and Personnel Action</b>	<b>Courses/Sections Observed<sup>2</sup></b>	<b>Which Semester(s)?</b>
First-year for reappointment	One section of each course.	Fall and Spring semesters.
Second-year for reappointment	One section of each type of course; no more than two observations.	Fall and Spring semesters.
Third-year for reappointment	One section of each type of course; no more than two observations.	Fall and Spring semesters.
Fourth-year for reappointment	One section of each type of course; no more than two observations.	Fall and Spring semesters.
Fourth-year for promotion from Instructor to Assistant Professor	One section of each type of course; no more than two observations.	Fall and Spring semesters of fourth year (none in Spring if promotion denied prior to being conducted).
Fifth-year for reappointment	One section of each type of course; no more than two observations.	Fall and Spring semesters.
Sixth-year for tenure	One section of each type of course; no more than two observations.	Fall semester of sixth year if none conducted previous spring, unless candidate for promotion evaluation the following year.
During any terminal year	None.	None.
Any other faculty	One section of each type of	Last Spring semester of review

<sup>2</sup> If no more than two observations are required and the faculty member is teaching both distance education and in-class courses, one observation in each. This does not apply to post-tenure review in which only one observation is conducted.

member for promotion	course; no more than two observations.	period (Fall semester of evaluation period if not done in the Spring).
Full-time temporary	One section of each type of course; no more than two observations.	First and third semesters.
Part-time	One section of each course.	The semester of an evaluation.
Post-tenure review	One observation only.	Fall semester of the evaluation.

Meetings with the Faculty Member:

The chair **must** meet with a full-time member of the faculty both before and after each classroom observation [105]. The chair need meet with a part-time member of the faculty only before each classroom observation [110], but a chair may meet after the classroom observation at the request of the either the faculty member or the chair.

It is required that the post-observation meeting include a review and discussion of the chair's draft D-1(a) or D-1(b) form. That way, the faculty member may provide clarifications or explanations before the final form is completed.

### **Frequency of Evaluation**

It should be noted that faculty hired at the rank of Instructor may not remain at the rank of Instructor for more than five years. The instructor must apply for and be evaluated for promotion in the fourth year of tenure-track employment. Prior to the beginning of his/her fifth year, an Instructor will be given written notice that he/she is to be promoted to the rank of Assistant Professor at the beginning of next year or that he/she is beginning a one-year terminal appointment [260].

A. Tenure-track faculty:

- For reappointment: annually by the chair starting in the second year of employment [99], and by the Peer Evaluation Committee only in the second and fourth years of employment [115]. Although there is no formal evaluation in the first year, department chairs are still required to conduct classroom observations and administer student evaluations [101, 104].
- For tenure: by the chair and by the Peer Evaluation Committee if (a) the candidate requests [119], (b) the candidate is a faculty member in social work [135] or (c) if the candidate is being evaluated for "tenure with promotion"[135-136]. The chair also serves as a consultant to the Committee on Tenure [127].

B. Tenure-track faculty **hired without tenure at the rank of Associate Professor or Professor** (three-year probation):

- For reappointment: by the chair and the Peer Evaluation Committee in the second year of employment [99].
- For tenure: by the chair and, by the Peer Evaluation Committee if (a) the candidate requests [119], (b) the candidate is a faculty member in social work [135] or (c) if the candidate is being evaluated for “tenure with promotion”[135-136]. The chair also serves as a consultant to the Committee on Tenure [127].

C. Full-time temporary faculty: due to the limitation of at most four consecutive semesters of employment as a full-time temporary faculty member, full-time temporary faculty are evaluated at most once during any period of consecutive semesters of employment as such. The evaluation is required if a full-time temporary faculty member begins a fall semester which is his/her third or fourth consecutive semester of employment as a full-time temporary faculty member.

D. Part-time faculty [100]:

- First semester of employment (even if the faculty member is not yet a unit member)
- Every sixth semester thereafter, or in the semester he/she teaches his/her 32<sup>nd</sup> credit (11<sup>th</sup> course at Framingham State), whichever is sooner
- Not more than once per academic year, unless required by the Vice President
- Vice President can require more frequent evaluations

E. Post-tenure review [139-143]:

- First eligible during the seventh year after tenure or the last post-tenure review, but post-tenure review is not compulsory
- Faculty member must give notice of candidacy to the Vice President by April 1<sup>st</sup> of the preceding academic year
- Faculty member may not rescind decision after April 1<sup>st</sup> except in the case of medical emergency
- One classroom observation by the chair in the fall semester of the year of review
- No evaluation by the chair or Peer Evaluation Committee; the Vice President is the only evaluator

F. Leaves of absence as they affect evaluations [130-134]:

This is a complicated issue that is dependent on each individual faculty members’ situation. We advise that you direct faculty to pages 130-134 of the collective bargaining agreement and advise them to contact their chapter president or the MSCA President’s office to understand how the leave will affect their particular situation.

## Criteria for Evaluations

### Full-time Faculty and Salaried Part-time Faculty [96-97]

- Teaching effectiveness
- Academic advising
- Continuing scholarship
- Other professional activities, *e.g.*, public service or university service
- Alternative professional responsibilities (Article XII, Section D), if any
- Additional criteria at the Maritime Academy (see Article VIII-A)

### Part-time Faculty [97]

- Teaching effectiveness
- Academic advising of students they are assigned to teach
- Article XII obligations [197]

### Application of Criteria

“In applying these criteria, regard shall be had to the fact that the State Universities are primarily teaching institutions.” [97]

“The basis for every evaluation shall be professional quality demonstrated with reference to each of the applicable criteria.” [99]

“[I]n the case of a promotion, meritorious performance as demonstrated by the candidate’s evaluations....” [258, 259]

Where the faculty member selects an activity or activities on Appendix A-1 under “continuing scholarship” or “professional activities,” only the activity or activities selected can be evaluated. For example, if the faculty member only selects “public service,” do not negatively judge the faculty member if there is no evidence of “contributions to the professional growth and development of the University community.” Recall that candidates being evaluated for reappointment during their third and fifth years of employment submit only a narrative [112]. Supporting materials are not to be included.

Other professional activities “are not to be ignored or discounted on the basis that the faculty member received compensation for that work.” [97]

### Promotion and Tenure

Certain supplementary criteria apply when a faculty member is evaluated for promotion or tenure.

**Promotion:**

Whenever a faculty member is a candidate for promotion, he or she must, by September 1<sup>st</sup> of the evaluation period, either have fulfilled the requirements that pertain to the rank to which the promotion is sought [259] or be eligible to have those requirements waived under the so called “waiver clause” [257-258 (first paragraph of Section B)]. In the case of every promotion, the candidate’s overall performance must be judged “meritorious... as demonstrated by the candidate’s evaluations conducted in accordance with the provisions of Article VIII of the Agreement...” [258-259]

**Tenure:**

Whenever a faculty member is a candidate for tenure, “the President, before making recommendations to the Board, [must] have substantial evidence, determined through professional evaluation, that the candidate will be a constructive and significant contributor to the continuous development of high quality education in the institution. It is the responsibility of the candidate for tenure to produce such substantial evidence based on his/her prior academic and professional work.” [153]

**Tenure with promotion:**

“Beginning with evaluations in academic year 2015-2016, whenever a unit member at the rank of Assistant Professor/Assistant Librarian/Associate Librarian is a candidate for tenure and has satisfied the time in rank and years of experience requirements for promotion to the next higher rank, the unit member shall be considered for tenure with promotion. The unit member must satisfy the requirements of Article IX and must demonstrate meritorious performance.” [99]

## DEPARTMENTAL ADMINISTRATION

### **Assignment of Faculty Work**

#### Scheduling/Course Assignments

The chair is responsible for scheduling all classes offered by the department (even if the instructor is not in the department).

- The assignment of courses and schedules to each faculty member, in order to attempt to equitably distribute the workload of the department, must take account of a series of considerations that are detailed at Section A(4)(a) of Article XII of the agreement [201-202].
- Preliminary schedules must be distributed, in writing, after consultation with faculty members [201].
- A final written schedule, which is subject to approval by the Vice President, must be provided to each faculty member [202].
- Only the Vice President can change a teaching schedule or cancel a class within thirty (30) days prior to the first day of classes in any semester [202].
- The department chair shall notify the chapter president of any changes in teaching schedules or course cancellations that occur within thirty (30) days of the beginning of an academic semester [202].

#### Faculty Workweek, Work Year, Workload

- No involuntary assignment is to be made after 4:30 p.m. or on Saturday or Sunday [198].
- The academic year runs from September 1 through May 31 (except when otherwise provided at the Maritime Academy) [198-199].
- Faculty are required to provide a syllabus to each student and the chair [196,197].
- Faculty may request special schedules for academic reasons [198].
- Assignments may be made on fewer than five days a week [198].
- Full-time “faculty members shall maintain at least three (3) posted office hours per week, on at least two (2) separate days and during such hours shall be available in their offices to advise students on academic matters by appointment or otherwise” [199]
- Part-time faculty are not required to keep scheduled office hours. However, “It shall also be the responsibility of each such part-time faculty member to: (1) be available to advise students in person (at a time mutually agreed upon by the student and the faculty member) or electronically....” [196]
- A faculty member may not teach more than seventy-two (72) semester hours of credit of instruction during the three academic years 2014-2015, 2015-2016 and 2016-2017 (eighteen (18) courses at Framingham State); where that number is exceeded, adjustments

must be made as promptly as practicable so that the contractual average is maintained over time [198].

- Compensatory adjustments for extraordinary workloads should be made as promptly as is practicable [212-214].
- A faculty member may request to perform some or all of his/her duties and responsibilities at a location other than his/her regular campus location. Such arrangements are made with the Vice President and memorialized in a written agreement. The president, at his/her sole discretion, may grant such requests. [213-214]
- Part-time faculty “when first employed, attend an orientation session.”[196]

## **The Conduct of Departmental Business**

### Departmental Procedures

Each department must have in place certain written departmental procedures which should be reviewed and updated periodically. These procedures must be published and made available to all department members (see Appendices 4 and 5 of this *Handbook* for suggestions) and copies should be provided to the Office of Academic Affairs. The procedures must address the following matters:

- The selection process for department chair nominees [65]
- The membership and selection process for the Departmental Undergraduate Curriculum Committee [70-71]
- The membership and selection process for all departmental *ad hoc* committees [72]
- The membership and selection process for establishing search committees and conducting searches [72-73]

### Attendance and Voting

- Part-time faculty have no obligation or entitlement to attend meetings, but may be permitted to attend when invited as a guest, if their input in a particular issue would be helpful; part-time faculty may not vote on any departmental matter [62].
- Full-time temporary faculty may not vote in any departmental election [62] but are otherwise entitled to participate in departmental affairs.
- Faculty on a leave of absence on a full-time basis relinquish the right to take part in campus activities, including voting privileges and participation in or attendance at departmental meetings [54].
- Only the following members may vote in department chair elections and only when not on a leave of absence on a full-time basis: full-time tenured and tenure-track faculty [64] and salaried part-time faculty [16, 62]. However, salaried part-time faculty who teach less than one-half time are entitled to one-quarter vote [16].

## Departmental Committees

- Undergraduate Curriculum Committee: Every department must have constituted an Undergraduate Curriculum Committee. The number and selection of faculty members is determined by written departmental procedures; membership includes the department chair and two students [71].
- Graduate Committee: Each department that sponsors a graduate program must constitute a Graduate Committee. Its membership consists of graduate faculty (as determined by the University President) within the department selected by the department chair; the chair of the committee is selected by majority vote of the committee members [71-72].
- Departmental *ad hoc* committees: *Ad hoc* committees may be established by the chair when needed; membership is determined by written departmental procedures [72].
- Search committees: “Whenever a vacancy is to be filled within a department, members of the department shall assist in the recruitment and interviewing of candidates, provided that the filling of such vacancy shall have been duly authorized by the President. Such assistance shall be rendered upon the request of the Vice President or the Department Chair and shall be rendered pursuant to such procedures as may be established from time to time by the department...” [72-73] Search committees may include faculty from other departments if (a) the faculty member teaches in the department conducting the search, (b) there are insufficient faculty within the department to populate the search committee (here the additional faculty/librarians must come from cognate departments), or (c) if the vacancy notifies that the successful candidate will teach in another department, members of that department may be included. [73]
- Peer Evaluation Committee: Every department must constitute a Peer Evaluation Committee [134-135]. If the department has twelve or more full-time members and the Peer Evaluation Committee must conduct eight or more evaluations, then the department may, at its discretion, establish a second Peer Evaluation Committee (see third page of Appendix 2).
  - The chair is responsible for ensuring that the Peer Evaluation Committee is annually established no later than September 30<sup>th</sup>. [134-135]
  - Composition: two tenured members must be elected by the department from the department; a third member may be selected in each case by the candidate from the department or from a cognate department (the selected member can serve on more than one Peer Evaluation Committee) [134-135].
  - Department chair plays no role in the candidate’s selection of the third member of the Peer evaluation Committee.
  - Peer Evaluation Committee selects its own chair.
  - Elected members may be drawn from cognate department(s) when it is not possible to elect either or both of the two members required to be elected from within the department [135].
  - Cognate departments are designated as such by the Vice President [4].



- No Department Chair shall serve on any Peer Evaluation Committee, regardless of whether the Chair is from the department or a cognate department [135].
- A candidate for post-tenure review can serve on a Peer Evaluation Committee as long as that Peer Evaluation Committee is not evaluating the Department Chair who is conducting the classroom observation of the post-tenure review candidate.

### Department Meetings

The chair should establish a schedule of department meetings each semester or year. It is important for members of the department to meet in person and engage in conversations about department, school or college, and university issues.

The chair (or his/her designee) serves as the presiding officer at department meetings. It is typically not necessary to adhere strictly to *Robert's Rules*; however, the presiding officer must maintain order and see to it that meetings are conducted efficiently and that the agenda is covered. To that end:

1. Ensure that everyone has the opportunity to be heard *on the subject under discussion*. You are not required to allow participants to repeat the same points or address themselves to extraneous matters. You should prevent meetings from becoming unfocused or repetitious.
2. Consistent with the item above, bring matters to a vote so that business can be accomplished and the meeting can proceed. Everyone benefits from an efficiently run meeting.
3. When bringing a matter to a vote, present a clear statement of the resolution or motion on which the members of the department are being asked to vote.

### **Summary of Departmental Meeting Attendance, Committee Service and Voting Rights**

Type of appointment	May attend meetings?	May serve on committees?	May vote in elections?	May vote on non-election matters?
Tenured/tenure-track	Yes	Yes	Yes <sup>3</sup>	Yes
Full-time temporary	Yes	Yes	No	Yes
Salaried part-time faculty	Yes	Yes	Yes <sup>4</sup>	Yes <sup>5</sup>
Other part-time faculty	At dept's discretion	No	No	No

<sup>3</sup> For the election of the departmental member of the Committee on Tenure, only tenured members of the department may vote.

<sup>4</sup> Salaried part-time faculty who teach less than one-half time are entitled to one-quarter vote.

## **Recruitment of Faculty**

### Full-time faculty<sup>5</sup>

1. When requested by the Vice President or department chair, the recruitment of full-time faculty will involve the use of a search committee, which is to be constituted in accordance with written departmental procedures [72-75].
2. The department chair remains separate from the search committee but can – and should – participate in the interviewing of candidates. The chair has access to all application materials submitted by candidates [72].
3. The committee’s recommendations are made to the department chair [72].
4. The department chair has the right to make independent recommendations [72].
5. The selection process must conform to Equal Employment Opportunity guidelines [74].
6. Applicants from within the bargaining unit who are full-time faculty or librarians have the right to have their names submitted to the university president if they have the minimum advertised qualifications for the position. If they are not less qualified than the most qualified outside applicant, they are to be ranked as the top candidate (*i.e.*, given added consideration) [261-262].
7. The “Conflict of Interest Law,” M.G.L. Ch. 268A, §6, prohibits a person from participating in a search if he or she or any family member or domestic partner intends to apply for the position since such a person would have a financial interest in the outcome of the search.
8. Full-time temporary faculty may hold their appointments as such for a maximum of four consecutive semesters. After four consecutive semesters they may be appointed to a tenure-track position or, before being eligible for an appointment to a new full-time temporary position, hold no more than a part-time position for at least one semester [260-261].

### Part-time faculty

1. Part-time faculty recruitment is conducted or supervised by the chair [74].
2. In departments of six or more full-time faculty, no more than 15% of three- and four-credit courses (20% at the Massachusetts College of Art and Design) may be taught by part-time faculty. Certain sections are exempted in the computation [263].
3. Persons not in the bargaining unit (other than non-unit part-time faculty) may not teach more than one credit-bearing course per academic year; the total number of courses that can be taught at a university by non-unit individuals is limited [213].

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<sup>5</sup> This includes full-time temporary faculty and salaried part-time faculty.

## CONDITIONS OF CHAIR'S APPOINTMENT

### **Selection of a Chair**

- Election of a nominee takes place between February 1 and April 30 in the year the term of the current chair expires [65].
- Chair terms begin on July 1 and are three years in duration [64].
- Chairs of departments with five or more full-time members are limited to three consecutive three-year terms (nine consecutive years). They must then sit out one term (three years) before being eligible to be nominated for another term [64].
- For the purpose of determining if a term limit exists (see the preceding bullet), the number of full-time members in the department (excluding those on unpaid leave on a full-time basis) is determined “on the date when the procedures for selecting a Chair are to be conducted.” [64-65]

### **Chair's Workload and Compensation**

- The chair stipend is \$2,700 per semester [70].
- A chair's work year includes up to fifteen days outside the academic year as determined by the President. No more than ten of those days may fall within fifteen days after the end of an academic year or fifteen days prior to the start of an academic year or both. No more than five of those days can be scheduled between June 16<sup>th</sup> and August 16<sup>th</sup> (chairs at the Maritime Academy have slightly different language). Notice of their scheduling must be given by April 15<sup>th</sup> of each academic year [70].
- A chair's minimum teaching workload reduction is based on the full-time equivalent (FTE) faculty count in the department as of the previous October 1<sup>st</sup> [68-69].
- A chair's responsibilities may be discharged by the Vice President if the chair is not available [63].

### **A Non-tenured Chair**

- A non-tenured chair may not evaluate a candidate for tenure or serve as a consultant to a Committee on Tenure [116].
- When the chair is not tenured the tenured members of the department must elect one from among themselves to serve in the capacity of chair for all of the tenure evaluations in the department [116].

## Evaluation of Chair

### As Chair

The chair's performance as chair is evaluated periodically.

Frequency:

- First term as chair – during the second and third years [124]
- Each subsequent consecutive term – during the third year [124]

Peer Evaluation Committee:

- In conducting its evaluation, the committee solicits comments from all members of the department [124]. The committee records its evaluation on Appendix D-4 [124].

As a Post-tenure Review Candidate

- When being evaluated under post-tenure review, the chair may not conduct classroom observations of any other post-tenure review candidate or serve as a consultant to the Vice President about any other post-tenure review candidate [141].
- In that circumstance, the tenured members of the department must elect one from among themselves to serve in the capacity of chair for all of the post-tenure reviews in the department [141].

### For Reappointment, Promotion or Tenure

The evaluation procedure follows those for faculty being evaluated for the same personnel action except that there is no evaluation by a chair. The first evaluation in the evaluation process is therefore conducted by the Peer Evaluation Committee. Evaluations of the chair as chair (see above) are a part of the record used in any evaluation of the chair for reappointment, promotion or tenure.

## CONFLICT RESOLUTION

### **Complaints against Faculty Members**

Chairs are usually the first recipients of complaints against faculty members in their department.

The first thing to ascertain about a complaint is whether the complainant wishes to remain anonymous to the faculty member.

If so, no action can be taken regarding the faculty member based on the complaint (see Appendix 3). This would include changing a grade, removing a student from the faculty member's class, or referencing the complaint in an evaluation of the faculty member.

However, if the chair believes that the complaint is substantial and may affect the faculty member's employment status, the chair must advise the faculty member of the receipt of the complaint [63]. This is required even if the complainant is to remain anonymous. In the latter case, the faculty member should be informed about the complaint in such a way as to protect the complainant's anonymity and the faculty member should be assured that no action will be taken as long as the complainant remains anonymous. Sometimes, just knowing of a complaint can resolve a problem before it becomes compounded by repetition.

The chair is expected to seek, "where appropriate," to resolve complaints informally. While this is a matter for the chair's discretion, the decision about what is appropriate should favor attempts to resolve complaints.

"Resolving informally" means that it needs to be made clear to both the complainant and the faculty member that the process is "off the record" and confidential. Statements made by the complainant, the faculty member, the chair or any other participant cannot be used outside the resolution process, whether in casual conversations, evaluations or in forums for adjudication. The purpose of an informal resolution process is to encourage cooperation and conciliation. This purpose is defeated if the "informal resolution" process is actually an investigation that could lead to negative consequences for either the faculty member or the complainant.

### **Complaint Letters in the Official Personnel File**

The chair is not permitted to place documents in a faculty member's Official Personnel File [8, 252]. Only the University administration is authorized to do so.

### **Union Representation**

The Massachusetts collective bargaining law, M.G.L. Chapter 150E, as interpreted by the Massachusetts Labor Relations Commission (now known as the Massachusetts Department of Labor Relations), grants public sector unionized employees what are called *Weingarten* rights. *Weingarten* permits an employee to have a union representative in a meeting at which the employee is being investigated if the employee reasonably believes that the investigation could

lead to discipline. In such situations, the union representative may participate in the meeting, but cannot interfere with the conduct of the meeting or speak in the faculty member's stead.

If the chair is engaged in an informal resolution discussion with a faculty member, this is – as indicated above – not an investigation that could lead to discipline. It is outside the investigation process. Therefore the faculty member does not have *Weingarten* rights to a union representative during informal resolution discussions with a chair.

Even though the faculty member does not have a right to a union representative in such situations, the following considerations may be reason to permit the presence of a union representative when discussing an informal resolution with a faculty member.

- The faculty member may be traumatized by the idea of a complaint and the presence of a union representative is reassuring.
- The union representative has had some experience or training in dealing with complaints against faculty and can bring an outside perspective to the problem.
- The union representative can help maintain calm and knows when to ask for a brief break if emotions are getting too intense.

Whether you do or do not permit a union representative to participate in an informal resolution discussion is entirely within your discretion. In no event, however, is the faculty member to be penalized in any way for requesting union representation.

### **Privacy Rights**

Certain information that Department Chairs may be privy to is confidential. Examples are:

- Student educational records, pursuant to the Family Education Rights and Privacy Act (“FERPA”).
- Personnel information, such as evaluations or employee disciplinary matters.
- The names of unit members bringing grievances under the collective bargaining agreement.

Check with Academic Affairs about whether and to whom information can be disclosed.

## GRIEVANCES

You may find that a faculty member files a grievance challenging something you have done as department chair, such as an evaluation, a scheduling decision or how you have handled a complaint. When this happens, the faculty member may be represented by the MSCA. You would be represented by the University's administration.

Occasionally, a chair files a grievance when there is a question of the chair's contractual rights. For example, if you believe you did not receive the correct instructional release time or chair stipend, you would have the right to file a grievance. In such a situation you would have the right to be represented by the MSCA.

The most frequent grievances involving department chairs concern evaluations. These may concern your exercise of academic judgment. It is important that the statements you make in evaluating faculty not be arbitrary, capricious or in bad faith. Evaluations have been the subject of grievances by faculty and arbitrators have issued decisions addressing what is meant by "arbitrary or capricious" and "bad faith." Appendix 6 of this *Handbook* contains excerpts from arbitrators' decisions on this subject.

The best way to avoid grievances concerning evaluations is to follow the contractual procedures with care and to base the academic judgments that are called for on the relevant contractual criteria only.

## APPENDIX 1 – 2015-2016 Personnel Calendar

### Appendix M-1: Evaluation of Full-Time Unit Members and Salaried Part-Time Faculty Reappointment during the FIRST Year<sup>6</sup>

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day. Dates in boldface are contractual dates. Written responses are due the specified number of days *after receipt* by the candidate.

Action Required	Date
Classroom/direct observations by Chair/Library Director/LPAC <sup>7</sup>	11/9/15
Chair/Library Director/LPAC transmits observations to the next step (VP or Dean)	11/16/15
Evaluation/recommendation by Dean ( <b>only if VP assigned evaluations to the Dean</b> ) (Transmit to candidate who has <b>seven days</b> to respond to the Dean's evaluation.)	11/30/15
Dean transmits to Vice President	12/7/15
Vice President concurs with Dean's evaluation (if assigned) or conducts evaluation (Transmit to candidate who has <b>seven days</b> to respond to the Vice President's evaluation.)	2/5/16
Vice President transmits to President (copy to candidate)	2/12/16
Non-renewal notification deadline	<b>3/15/16</b>
Faculty who expect to be candidates <sup>8</sup> for promotion and/or tenure in 2016-2017 should give notice to Chair	4/1/16
Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans	<b>4/8/16</b>

**Evaluation of any Alternative Professional Responsibilities (Article XII, Section D), shall be completed no later than thirty (30) days after the end of the semester in which they were undertaken.**

<sup>6</sup> Includes unit members hired December 2, 2014 through December 1, 2015.

<sup>7</sup> For librarians, Library Director or Library Program Area Chair (LPAC) conducts direct observation. If librarian is teaching a credit-bearing course, Department Chair also conducts classroom observations.

<sup>8</sup> Faculty should give notice to Chair by **4/1/16** so classroom observations can be conducted during the Spring 2016 semester. If classroom observations cannot be conducted in the spring, they should be conducted in the Fall 2016 semester, no later than two (2) weeks before the Chair's evaluation is due.



**Appendix M-1: Evaluation of Full-Time Unit Members and Salaried Part-Time Faculty  
Reappointment during the SECOND Year**

Actions must be taken **no later than** the dates indicated. Deadlines falling on a weekend or holiday are moved to the next business day. Boldfaced dates are contractual dates. Responses are due the number of days *after receipt* by the candidate.

<b><u>Action Required</u></b>	<b><u>Date</u></b>
Candidate submits materials (include Appendices A-1/A-2 and B)	9/15/15
Candidate selects third member of Peer Evaluation Committee <sup>9</sup>	<b>9/30/15</b>
Classroom observations by Peer Evaluation Committee	10/5/15
Classroom/direct observations by Chair/Library Director/LPAC <sup>10</sup>	10/9/15
Evaluation by Peer Evaluation Committee (transmit to candidate who has <b>ten days</b> to respond to PEC's eval.)	10/13/15
Peer Evaluation Committee transmits to Chair/Library Director/LPAC (copy to candidate)	10/23/15
Evaluation by Chair/Library Director/LPAC (Transmit to candidate who has <b>ten days</b> to respond to the Chair's/LD's/LPAC's evaluation)	10/30/15
Chair/Library Director/LPAC transmits to next step (VP or Dean – copy to candidate)	11/12/15
Evaluation/recommendation by Dean ( <b>only if VP assigned evaluations to the Dean</b> ) (Transmit to candidate who has <b>seven days</b> to respond to the Dean's evaluation.)	12/1/15
Dean transmits to Vice President	12/8/15
Vice President concurs with Dean's evaluation (if assigned) or conducts his/her own evaluation (Transmit to candidate who has 7 days to respond to the Vice President's evaluation.)	12/29/15
Vice President transmits to President (copy to candidate)	1/5/16
<b>Non-renewal notification deadlines</b>	<b>1/15/16</b>
Faculty who expect to be candidates <sup>11</sup> for promotion and/or tenure in 2016-2017 should give notice to Chair	4/1/16
Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans	<b>4/8/16</b>

**Evaluation of any Alternative Professional Responsibilities (Article XII, Section D), shall be completed no later than thirty (30) days after the end of the semester in which they were undertaken.**

<sup>9</sup> Peer Evaluation Committees must be formed no later than **9/30/15**. Candidate selects the third member of the committee. Given the early deadlines for classroom observations, it is recommended that PECs be formed as early as possible.

<sup>10</sup> For librarians, Library Director or Library Program Area Chair (LPAC) conducts direct observation. If librarian is teaching a credit-bearing course, Department Chair also conducts classroom observations.

<sup>11</sup> Faculty should give notice to Chair by **4/1/16** so classroom observations can be conducted during the Spring 2016 semester. If classroom observations cannot be conducted in the spring, they should be conducted in the Fall 2016 semester, no later than two (2) weeks before the Chair's evaluation is due.

## Appendix M-1: Evaluation of Full-Time Unit Members and Salaried Part-Time Faculty

### Reappointment during the THIRD and FIFTH<sup>12</sup> Years

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day. Dates in boldface are contractual dates. Written responses are due the specified number of days *after receipt* by the candidate.

<u>Action Required</u>	<u>Date</u>
Candidate submits only a narrative addressing evaluative activities undertaken	9/15/15
Classroom/direct observations by Chair/Library Director/LPAC <sup>13</sup>	11/6/15
Evaluation by Chair/Library Director/LPAC (Transmit to candidate who has <b>ten days</b> to respond to the Chair's/LD's/LPAC's evaluation)	11/20/15
Chair/Library Director/LPAC transmits to next step (VP or Dean – copy to candidate)	12/2/15
Evaluation/recommendation by Dean ( <b>only if VP assigned evaluations to the Dean</b> ) (Transmit to candidate who has <b>seven days</b> to respond to the Dean's evaluation.)	1/4/16
Dean transmits to Vice President	1/11/16
Vice President concurs with Dean's evaluation (if assigned) or conducts his/her own evaluation (Transmit to candidate who has 7 days to respond to the Vice President's evaluation.)	2/15/16
Vice President transmits to President (copy to candidate)	2/22/16
Faculty who expect to be candidates <sup>14</sup> for promotion and/or tenure in 2016-2017 should give notice to Chair	4/1/16
Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans	<b>4/8/16</b>
Non-renewal notification deadline	<b>9/1/16</b>

**Evaluation of any Alternative Professional Responsibilities (Article XII, Section D), shall be completed no later than thirty (30) days after the end of the semester in which they were undertaken.**

<sup>12</sup> During the fifth pro-rated year salaried part-time faculty shall also be reviewed by the Peer Evaluation Committee.

<sup>13</sup> For librarians, Library Director or Library Program Area Chair (LPAC) conducts direct observation. If librarian is teaching a credit-bearing course, Department Chair also conducts classroom observations.

<sup>14</sup> Faculty should give notice to Chair by **4/1/16** so classroom observations can be conducted during the Spring 2016 semester. If classroom observations cannot be conducted in the spring, they should be conducted in the Fall 2016 semester, no later than two (2) weeks before the Chair's evaluation is due.

**Appendix M-1: Evaluation of Full-Time Unit Members and Salaried Part-Time Faculty  
Reappointment during the FOURTH Year**

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day. Dates in boldface are contractual dates. Written responses are due the specified number of days *after receipt* by the candidate.

<b><u>Action Required</u></b>	<b><u>Date</u></b>
Candidate submits materials (include Appendices A-1/A-2 and B)	9/15/15
Candidate selects third member of Peer Evaluation Committee <sup>15</sup>	<b>9/30/15</b>
Classroom observations by Peer Evaluation Committee	10/9/15
Evaluation by Peer Evaluation Committee (transmit to candidate who has <b>ten days</b> to respond to PEC's eval.)	10/23/15
Peer Evaluation Committee transmits to Chair/Library Director/LPAC (copy to candidate)	11/3/15
Classroom/direct observations by Chair/Library Director/LPAC <sup>16</sup>	11/6/15
Evaluation by Chair/Library Director/LPAC (Transmit to candidate who has <b>ten days</b> to respond to the Chair's/LD's/LPAC's evaluation)	11/20/15
Chair/Library Director/LPAC transmits to next step (VP or Dean – copy to candidate)	12/2/15
Evaluation/recommendation by Dean ( <b>only if VP assigned evaluations to the Dean</b> ) (Transmit to candidate who has <b>seven days</b> to respond to the Dean's evaluation.)	1/4/16
Dean transmits to Vice President	1/11/16
Vice President concurs with Dean's evaluation (if assigned) or conducts his/her own evaluation (Transmit to candidate who has 7 days to respond to the Vice President's evaluation.)	2/15/16
Vice President transmits to President (copy to candidate)	2/22/16
Faculty who expect to be candidates <sup>17</sup> for promotion and/or tenure in 2016-2017 should give notice to Chair	4/1/16
Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans	<b>4/8/16</b>
Non-renewal notification deadline	<b>9/1/16</b>

**Evaluation of any Alternative Professional Responsibilities (Article XII, Section D), shall be completed no later than thirty (30) days after the end of the semester in which they were undertaken.**

<sup>15</sup> Peer Evaluation Committees must be formed no later than **9/30/15**. Candidate selects the third member of the committee. Given the early deadlines for classroom observations, it is recommended that PECs be formed as early as possible.

<sup>16</sup> For librarians, Library Director or Library Program Area Chair (LPAC) conducts direct observation. If librarian is teaching a credit-bearing course, Department Chair also conducts classroom observations.

<sup>17</sup> Faculty should give notice to Chair by **4/1/16** so classroom observations can be conducted during the Spring 2016 semester. If classroom observations cannot be conducted in the spring, they should be conducted in the Fall 2016 semester, no later than two (2) weeks before the Chair's evaluation is due.

## Appendix M-1: Evaluation of Full-Time Unit Members and Salaried Part-Time Faculty

### Promotion Only

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day. Dates in boldface are contractual dates. Written responses are due the specified number of days *after receipt* by the candidate.

<u>Action Required</u>	<u>Date</u>
<u>Candidate submits materials (including Appendix A-1 or A-2)</u>	<u>9/15/15</u>
<u>Candidate selects third member of Peer Evaluation Committee<sup>18</sup></u>	<u><b>9/30/15</b></u>
<u>Classroom observations by Peer Evaluation Committee</u>	<u>10/16/15</u>
<u>Evaluation by Peer Evaluation Committee (transmit to candidate, <b>ten days</b> to respond to the evaluation)</u>	<u>10/23/15</u>
<u>Peer Evaluation Committee transmits to Chair/Library Director/LPAC (copy to candidate)</u>	<u>11/6/15</u>
<u>Classroom/direct observations by Chair/ Library Director/LPAC<sup>19</sup></u>	<u>11/12/15</u>
<u>Evaluation by Chair/Library Director/LPAC (transmit to candidate, <b>ten days</b> to respond to the evaluation)</u>	<u>11/25/15</u>
<u>Chair/Library Director/LPAC transmits to Committee on Promotions<sup>20</sup> via VP (copy to candidate)</u>	<u>12/4/15</u>
<u>Evaluation by Committee on Promotions (transmit to candidate, <b>seven days</b> to respond to the evaluation)</u>	<u>1/22/16</u>
<u>Committee on Promotions transmits to VP (copy to candidate) (Transmit to candidate who has <b>seven days</b> to send VP a response to the committee's recommendation.)</u>	<u>1/29/16</u>
<u>Evaluation/recommendation of Dean (<b>only if VP assigned evaluations to the Dean</b>) (Transmit to candidate who has <b>seven days</b> to send VP a response to the committee's evaluation.)</u>	<u>2/12/16</u>
<u>Dean transmits evaluation/recommendation to Vice President</u>	<u>2/19/16</u>
<u>Vice President concurs with Dean's evaluation or conducts his/her own evaluation (Transmit to candidate who has <b>seven days</b> to respond to the evaluation.)</u>	<u>3/12/16</u>
<u>Vice President transmits to President (copy to candidate)</u>	<u>3/19/16</u>
<u>Faculty intending to apply for promotion or tenure<sup>21</sup> during AY 2016-2017 should give notice to Chair</u>	<u>4/1/16</u>
<u>President recommends to Trustees (copy to candidate)</u>	<u>4/2/16</u>
<u>Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans</u>	<u><b>4/8/16</b></u>

<sup>18</sup> Peer Evaluation Committees must be formed no later than **9/30/15**. Candidate selects the third member of the committee. Given the early deadlines for classroom observations, it is recommended that PECs be formed as early as possible.

<sup>19</sup> For librarians, Library Director or Library Program Area Chair (LPAC) conducts direct observation. If librarian is teaching a credit-bearing course, Department Chair also conducts classroom observations.

<sup>20</sup> The Committee on Promotions must be elected no later than **9/30/15**.

<sup>21</sup> Faculty should give notice to Chair by **4/1/16** so classroom observations can be conducted during the Spring 2016 semester.

## Appendix M-1: Evaluation of Full-Time Unit Members

### Tenure Only<sup>22</sup>

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day. Dates in boldface are contractual dates. Written responses are due the specified number of days *after receipt* by the candidate.

<u>Action Required</u>	<u>Date</u>
Candidate submits materials (including Appendix A-1 or A-2)	9/15/15
Classroom/direct observations by Chair/ Library Director/LPAC <sup>23</sup>	9/15/15
Evaluation by Chair/Library Director/LPAC (Transmit to candidate, <b>ten days</b> to respond to the evaluation and to request <sup>24</sup> PEC. If a PEC is requested or required, then also the date the candidate selects the third member of PEC.)	9/29/15
Chair/Library Director/LPAC transmits to the next step (copy to candidate)	10/9/15
Classroom observations by PEC (if candidate requested or is required to have a PEC evaluation)	10/23/15
Evaluation by Peer Evaluation Committee (if requested or required) (Transmit to candidate who has <b>seven days</b> to respond to the evaluation.)	10/30/15
Peer Evaluation Committee transmits to Committee on Tenure <sup>25</sup> via VP (copy to candidate)	11/12/15
Committee on Tenure meets with candidate (candidate has <b>seven days</b> to provide additional information)	2/5/16
Evaluation/recommendation by Committee on Tenure (Transmit to candidate who has <b>seven days</b> to respond to the evaluation.)	2/12/16
Committee on Tenure transmits to Vice President (copy to candidate) (Transmit to candidate who has <b>seven days</b> to respond to the evaluation.)	2/19/16
Evaluation/recommendation by Dean ( <b>only if VP assigned evaluations to the Dean</b> ) (Transmit to candidate who has <b>seven days</b> to respond to the evaluation.)	2/26/16
Dean transmits evaluation/recommendation to Vice President	3/5/16
Vice President concurs with Dean's evaluation or conducts his/her own evaluation (Transmit to candidate who has <b>seven days</b> to respond to the evaluation.)	3/12/16
Vice President transmits evaluation/recommendation to President (copy to candidate)	3/19/16
Faculty intending on applying for promotion or tenure <sup>26</sup> during AY 2016-2017 should give notice to Chair	4/1/16
President recommends to Trustees (copy to candidate)	4/2/16
Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans	<b>4/8/16</b>

<sup>22</sup> A unit member who applies for tenure and who has met the time requirements for promotion to the next higher rank will only be evaluated for tenure, but will be promoted at the time tenure is granted.

<sup>23</sup> For librarians, Library Director or Library Program Area Chair (LPAC) conducts direct observation. If librarian is teaching a credit-bearing course, Department Chair also conducts classroom observations.

<sup>24</sup> For faculty in the Salem School of Social Work, Westfield Program in Social Work and Bridgewater Master of Social Work Program; or any unit member who has met the time requirements for promotion to the next higher rank, evaluation by the Peer Evaluation Committee is mandatory.

<sup>25</sup> The Committee on Tenure should be formed no later than **10/31/15**.

<sup>26</sup> Faculty should give notice to Chair by 4/1/16 so classroom observations can be conducted during the Spring 2016 semester.

## Appendix M-1: Evaluation of Full-Time Unit Members

### Promotion and Tenure

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day. Dates in boldface are contractual dates. Written responses are due the specified number of days *after receipt* by the candidate. **Given the complicated calendar below, the promotion-tenure portfolio is to be maintained in the Office of Academic Affairs as of October 1, 2015.**

<u>Action Required</u>	<u>Date</u>
Candidate submits single portfolio for promotion and tenure (including Appendix A-1 or A-2)	9/15/15
Classroom/direct observations by Chair/Library Director/LPAC	9/15/15
Chair/Library Director/LPAC evaluation for tenure (Transmit to candidate who has <b>ten days</b> to respond to the Chair's evaluation and request PEC evaluation for tenure, if candidate requests or is required to have a PEC evaluation for tenure, candidate selects third member.)	9/29/15
Candidate selects third member of Peer Evaluation Committee for promotion evaluation	<b>9/30/15</b>
Chair transmits tenure evaluation and response, if any, to next step (copy to candidate)	10/9/15
Classroom observations by Peer Evaluation Committee for promotion evaluation	10/16/15
Promotion evaluation by Peer Evaluation Committee (Transmit to candidate who has <b>ten days</b> to respond to the PEC's promotion evaluation.)	10/23/15
Tenure evaluation by Peer Evaluation Committee (Only conducted if requested or required. Committee transmits to candidate who has <b>seven days</b> to respond to the PEC's tenure evaluation.)	10/30/15
Peer Evaluation Committee transmits promotion evaluation to Chair/Library Director/LPAC (copy to candidate)	11/6/15
Peer Evaluation Committee transmits tenure evaluation to Committee on Tenure via Vice President (if such evaluation was requested or required, copy to candidate)	11/12/15
Promotion evaluation by Chair/Library Director/LPAC (Transmit to candidate who has <b>ten days</b> to respond to the Chair's promotion evaluation.)	11/24/15
Chair/Library Director/LPAC transmits promotion evaluation to Committee on Promotions via Vice President (copy to candidate)	12/4/15
Committee on Tenure transmits evaluation/recommendation to Vice President (copy to candidate who has <b>seven days</b> to respond to the Committee's evaluation.)	1/22/16
Committee on Promotions transmits to Vice President (copy to candidate who has <b>seven days</b> to respond to the Vice President's evaluation)	1/29/16
Tenure evaluation and promotion evaluation by Dean ( <b>only if VP assigned evaluations to the Dean</b> ) (Transmit to candidate who has <b>seven days</b> to respond to the Dean's evaluation.)	2/19/16
Vice President concurs with Dean's evaluation/recommendation or conducts his/her own evaluation (Transmit to candidate, <b>seven days</b> to respond to the Vice President's evaluation.)	3/12/16
Vice President transmits to President (promotion and tenure, copy to candidate)	3/19/16
President recommends to Trustees (promotion and tenure, copy to candidate)	4/2/16
Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans	<b>4/8/16</b>

## Appendix M-1: Evaluation of Full-Time Unit Members and Salaried Part-Time Faculty

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day. Dates in boldface are contractual dates. Written responses are due the specified number of days *after receipt* by the candidate.

### Department Chair Evaluation as Chair

<u>Action Required</u>	<u>Date</u>
Chair selects third member of Peer Evaluation Committee <sup>27</sup>	<b>9/30/15</b>
Receipt of comments from department by Peer Evaluation Committee	11/12/15
Evaluation by PEC (transmit to Chair who has <b>ten days</b> to respond to the PEC's evaluation)	12/1/15
Peer Evaluation Committee transmits to Vice President (copy to Chair)	12/16/15

### Sabbatical Approval Deadlines

<u>Action Required</u>	<u>Date</u>
Candidate submits proposal for 2016-2017 leave to Chair/Library Director/LPAC <b>(Note: A year-long sabbatical at half-pay earns only a half year of creditable service.)</b>	<b>10/1/15</b>
Chair/Library Director/LPAC recommends to Vice President	10/9/15
Vice President recommends to President	10/30/15
President recommends to Trustees	11/12/15

## Appendix M-2: Evaluation of Part-Time Faculty

<u>Fall 2015 Semester</u>	<u>Date</u>	<u>Spring 2016 Semester</u>	<u>Date</u>
Candidate submits material	9/15/15	Candidate submits material	1/22/16 <sup>28</sup>
Evaluation by Chair, including classroom observations (transmit to faculty member, <b>ten days</b> to respond to the Chair's eval.)	11/13/15	Evaluation by Chair, including classroom observations (transmit to faculty member, <b>ten days</b> to respond to the Chair's eval.)	4/2/16
Chair transmits to Vice President (copy to faculty member)	11/20/15	Chair transmits to Vice President (copy to faculty member)	4/16/16

<sup>27</sup> Peer Evaluation Committees must be formed no later than **9/30/15**. Candidate selects the third member of the committee.

<sup>28</sup> At Massachusetts Maritime Academy, the second Friday of the Spring 2016 Semester.

### Appendix M-3: Post-Tenure Review

All actions must be taken **no later than the dates indicated**. Deadlines falling on a Saturday, Sunday or holiday are moved to the next business day.

<u>Action Required</u>	<u>Date</u>
Candidate submits materials to Vice President	<b>9/30/15</b>
Classroom observation by Chair	11/20/15
Vice President ( <b>or Dean if the Vice President delegated responsibility for assessments</b> ) completes review and transmits assessment to candidate (Chapter President notified of the results only of the assessments.)	<b>4/1/16</b>
Upon receipt of Vice President's/Dean's assessment	<b>ten days</b> to submit a response in writing and request a meeting
Meeting held	<b>ten days</b> after submitting the Response to the Vice President/Dean (candidate may bring union representative)
Vice President's (Dean's) final assessment	<b>five days</b> after the meeting
Upon receipt of Vice President's (Dean's) final assessment	<b>five days</b> to appeal to the President in writing and request a meeting in writing
If no meeting is requested	<b>five days</b> for the President to make a final decision
If meeting is requested, it must be held	<b>ten days</b> after the appeal (candidate may bring union representative)
President's final decision	<b>five days</b> after the meeting
Members who are eligible ( <b>see pages 151-152 of the 2014-2017 collective bargaining agreement</b> ) and who wish to be reviewed under post-tenure review during the 2016-2017 academic year <b>must give notice to the Vice President.</b>	<b>4/1/16</b>
Vice President shall give notice to candidates for personnel actions if the responsibility for evaluations during the 2016-2017 academic year is to be assigned to deans	<b>4/8/16</b>



## APPENDIX 2 – September 1, 2015 “Eligibility” Memorandum

### Memorandum of Understanding Concerning Eligibility for Membership on Evaluation Committees Under the BHE/MSCA Collective Bargaining Agreement

#### A. General Rules

##### 1. Tenure

**Only persons who hold tenure are eligible to serve on evaluation committees.**

A non-tenured Department Chair or Library Program Area Chair is not eligible to serve as consultant to a Committee on Tenure.

##### 2. Leaves of Absence and Partial Year of Employment

Except as described in paragraphs (a), (b) and (c) below, (i) any person who is or will be on a scheduled leave of absence on a full-time basis (e.g., for a sabbatical) or an anticipated leave on a full-time basis (e.g., for a long-term illness) for an academic semester or longer, and (ii) any person who will be, or is expected to be, employed for no more than a single academic semester is, in any such case, disqualified from serving on any evaluation committee during the academic year (or years) in which the full-time leave or the partial year of employment occurs.

a. A person who will be on a leave of absence on a full-time basis during the spring semester of an academic year is not disqualified from serving on an evaluation committee if the work of the committee will have been completed prior to the end of the preceding fall semester.

b. A person who is on a leave of absence on a part-time basis (e.g., someone whose full-time employment consists of part-time sick leave in conjunction with part-time employment) is not thereby disqualified from serving on any evaluation committee.

c. A person whose partial year of employment will encompass the whole of the fall semester of an academic year is not disqualified from serving on an evaluation committee if the work of the committee will have been completed prior to the end of that fall semester.

##### 3. Conflicts

No one is permitted to evaluate someone who is or will be evaluating him or her in the same academic year (this rule informs many of the particular rules that are set out below).

No unit member may serve on his/her own evaluation committee. No member of the bargaining unit shall serve on an evaluation committee or otherwise participate in the conduct of an evaluation if to do so would constitute a conflict of interest or the appearance of a conflict of interest. No unit member, for example, shall participate in the evaluation of his or her spouse or domestic partner.

The chapter president, chapter vice president and the grievance officer of each chapter shall be disqualified from serving on any evaluation committee, but shall not be disqualified from evaluating faculty or librarians in their role as Department Chair or as Library Program Area Chair.

4. Dual Roles

No member of the bargaining unit who is a candidate for a particular personnel action should be twice evaluated for that personnel action by another individual member of the bargaining unit; this rule does not prohibit Department Chairs from both evaluating candidates for tenure in his/her department and serving as consultants to the Committee on Tenure.

**B. Peer Evaluation Committee (PEC)**

1. General Rules of Eligibility

Subject to the rules of disqualification that are set out below, only the following members of the bargaining unit are eligible to serve as members of a PEC:

- a. in the case of the two members selected by the department/library, only persons who are members of the department/library or (but only absent a sufficient number of eligible members from within the department/library) persons who are members of a cognate department; and
- b. in the case of the single member selected by the person to be evaluated, only someone who is a member either of the department/library or of a cognate department.

2. Rules of Disqualification

Even if otherwise eligible to serve on a PEC, the following members of the bargaining unit are disqualified from doing so:

- a. the Chair of any department or a Library Program Area Chair;
- b. a candidate for promotion;
- c. a member of the Committee on Promotions, but only as a standing member of a PEC that will evaluate any candidate for promotion; he or

she can serve as the third member selected by a candidate if that candidate is not being evaluated for promotion;

- d. a member of the Committee on Tenure, but only as a standing member of a PEC that will evaluate any candidate for tenure; he or she can serve as the third member selected by a candidate if that candidate is not being evaluated for tenure; and
- e. a person undergoing post-tenure review, but only for evaluations of a Department Chair who will be conducting a classroom observation of that person that year.

3. Conduct of Classroom Observations

Whether members of the PEC conduct classroom observations in the fall or spring semester, the members of the Committee must be eligible to serve on the PEC during the semester in which the observations take place. The PEC established in the preceding fall semester must conduct any classroom observations that occur during the spring semester.

4. Number of Committees

If in a department/library with twelve or more full-time members, eight or more evaluations are required to be conducted by the PEC (for reappointments, promotions, tenure or evaluation of a Department Chair as a Chair or Library Program Area Chair as LPAC) in any academic year, the department/library may, at its discretion, establish two peer evaluation committees (but not more), and in that event the persons to be evaluated by each committee should be assigned by lot.

**C. Committee on Promotions**

1. Rank

Subject to the rules of disqualification that are set out below, only members of the bargaining unit holding the rank Professor, Associate Professor, Senior Librarian, Librarian or Associate Librarian are eligible to serve as members of the Committee on Promotions.

2. Rules of Disqualification

Even if otherwise eligible to serve on the Committee on Promotions, the following members of the bargaining unit are disqualified from doing so:

- a. the Chair of any department or a Library Program Area Chair;
- b. a candidate for promotion;

- c. the standing members of the Committee on Tenure; and
- d. a person undergoing post-tenure review whenever his or her Department Chair or Library Program Area Chair is a candidate for promotion.

3. Departmental/Library Limits

No more than one person from any one department or from the library can serve on the Committee on Promotions.

**D. Committee on Tenure**

1. Rules of Disqualification

Even if otherwise eligible to serve on the Committee on Tenure, the following unit members are ineligible to serve:

- a. the Chair of any department or Library Program Area Chair (except as a consultant to the Committee on Tenure);
- b. any member of the Committee on Promotions to serve as the departmentally elected member of the Committee on Tenure if the candidate for tenure is also a candidate for promotion.

2. Departmental/Library Limits

No more than one person from any one department or from the library can serve as a standing member of the Committee on Tenure.

## **APPENDIX 3 – Handling of Anonymous Complaints**

### **Policy on Handling Anonymous Complaints**

The Board of Higher Education, acting by the Council of State College Presidents (“the Board”), and the Massachusetts Teachers Association, acting by the Massachusetts State College Association (“the Association”), agrees as follows:

1. The administration of each College shall not take adverse action against any unit member on the basis of anonymous complaints, including complaints where the complaining individual is known but does not want his or her identity disclosed, whether such complaints are made orally or in writing, unless the unit member agrees to the action; no record of any action so taken shall be placed in the unit member’s personnel file or used in connection with the making of any decision under Article VIII, VIII-A, VIII-B, VIII-C, IX, XII, XII-A, XII-B, XIII, XX or XX-A of the parties’ collective bargaining agreement.
2. Adverse action means any administrative action based on a suspicion, belief or conclusion of inappropriate conduct or wrongdoing by a unit member.
3. This agreement does not prohibit the administration from orally informing the unit member of the fact that such a complaint has been made and disclosing the nature and substance of the complaint; nor does it prohibit the administration from informing any member of the bargaining unit concerning his or her legal obligations.
4. This policy is consistent with and not limited by the attached Memorandum of Agreement made the 3<sup>rd</sup> day of December 1996.
5. Nothing in this Policy governs the manner in which complaints that are not anonymous may be used or dealt with.
6. Annually, during the month of September, each College shall distribute this Policy and the attached Memorandum of Agreement to each of the following persons: the Vice President for Academic Affairs, all Deans who hold academic positions, including all School Deans and/or Directors, the Library Director, and all Department Chairs.

COUNCIL OF PRESIDENTS

MASSACHUSETTS STATE COLLEGE  
ASSOCIATION

By: /s/ Mark Peters

By: /s/ Donna Sirutis

Attachment: 12/3/96 Memorandum of Agreement

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is made this 3<sup>rd</sup> day of December, 1996, by and between the Board of Higher Education, acting by the Council of State College Presidents (the “Board”), and the Massachusetts Teachers Association, acting by the Massachusetts State College Association (the “Association”).

WHEREAS the Board and the Association are parties to a collective bargaining agreement (the “Agreement”) that was made between them as of July 1, 1995; and

WHEREAS the Board and the Association wish to clarify certain matters pertaining to complaints should students make them about one or another member of the bargaining unit to which the Agreement is of application;

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants set forth below, the Board and the Association hereby agree as follows:

1. The parties recognize and agree that the chair of an academic department has the discretion to make known to a member of the faculty the nature and substance of a complaint that a student, whose identity is known to the chair, has made about such member of the faculty, and the chair may do so without disclosing the identity of the student making such complaint whenever the student has not authorized the disclosure of his or her identity.

2. Only if a student, by a signed writing, authorizes the disclosure of his or her identity to a member of the faculty about whom he or she has made a complaint, may such complaint be used in connection with the evaluation of such faculty member pursuant to Articles VIII, IX and XX of the Agreement or, pursuant to Article XVI of the Agreement, be recorded in such faculty member’s personnel file as a part of or in connection with any statement of concern or discipline that is contained in official personnel correspondence.

WHEREFORE the parties hereto hereunder set their signs and seals on the dates inscribed below.

COUNCIL OF PRESIDENTS

MASSACHUSETTS STATE COLLEGE  
ASSOCIATION

By: /s/ Thomas Aceto  
Chair

By: /s/ Frederick M. Doherty

## APPENDIX 4 – Procedures for Department Committees

Department: \_\_\_\_\_ University: \_\_\_\_\_

- I. Departmental Undergraduate Curriculum Committee
  - A. Describe the membership
    1. Indicate the number of members
      - a. Department chair must serve as member
      - b. Committee must contain at least two students
    2. Describe procedure for selecting faculty members (include length of term)
    3. Describe procedure for selecting student members (include length of term)
  - B. Describe process for identifying a committee chair
  - C. Duties and responsibilities per Article VI, Section H(1)
  - D. Committee recommends to appropriate governance body via department chair
  
- II. Departmental Graduate Committee (if applicable)
  - A. Description of membership
    1. Graduate faculty only
    2. Number of members determined by department chair
    3. Members appointed by department chair
  - B. Committee chair (selected by majority vote of the committee)
  - C. Duties and responsibilities per Article VI, Section H(1)
  - D. Committee recommends to the graduate dean via department chair
  
- III. Other Standing Committees
  - A. Describe the membership (faculty and students)
  - B. Describe procedure for selecting members (include length of term)
  - C. Describe duties and responsibilities
  - D. Describe procedure for identifying committee chair
  
- IV. Departmental *Ad Hoc* Committees
  - A. Established by department chair
  - B. Describe the membership (faculty and students)
  - C. Describe procedure for selecting members
  - D. Describe procedure for identifying committee chair
  
- V. Search Committees
  - A. Established at request of Vice President or department chair
  - B. Describe the membership (include length of term)
  - C. Describe procedure for selecting members
  - D. Describe procedure for identifying committee chair
  - E. Search committee reports through the department chair

## APPENDIX 5 – Sample Departmental Procedures

### Conduct of Department Meetings

1. The department chair is the presiding officer. If the chair is unavailable and the meeting must be held, the members present should elect a chair *pro tem*. It is the responsibility of the presiding officer to maintain order at the meeting, including adherence to the agenda, use of proper motions and establishment of a speaker's order for all discussions.
2. A schedule of departmental meetings for the semester should be established by the chair at the beginning of each semester and distributed to all department members. Meetings should take place between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Meetings should be scheduled to maximize participation (*i.e.*, avoid days and times when a large number of members have a scheduled class). If there is insufficient business or the chair knows a quorum cannot be attained, the meeting may be canceled at the discretion of the chair.
3. At the chair's discretion, special meetings of the department may be called in order to make decisions which cannot be postponed until a regularly scheduled department meeting. The specific agenda and the reason for the special meeting must be given to all members of the department. Notification must be given at least two (2) working days in advance of the special meeting. Department members should be contacted via their home telephone number; additional notification via e-mail, office telephone numbers and written memoranda may also occur.
4. A written agenda, with all items and proposals to be considered, shall be distributed to all members of department at least three (3) working days in advance of the meeting. The members present at the meeting may vote to change the order of agenda items. Members of the department may submit items for the agenda to the chair at least five (5) working days prior to the meeting or from the floor at the meeting.
5. A quorum is a majority of the eligible voting members of the department. Part-time faculty and faculty on any leave of absence on a full-time basis are not eligible to attend department meetings. If a quorum is not present, discussion may occur but no votes may be taken.
6. Voting is by a show of hands or a voice vote. Secret ballots shall be used when individuals are being elected to a position (chair, committee appointments, *etc.*) Votes by mail or email may be allowed when proposals have been submitted to all department members ahead of time. Proxy voting is not permitted under any circumstances.

In accordance with Robert's Rules, a majority vote is a majority of the votes cast when a quorum is present; abstentions are not votes.

7. Minutes shall be taken by a secretary *pro tem* appointed by the chair for the term of the meeting; such appointments should rotate among department members. Minutes will include the names of members present, motions adopted or not adopted, reports and announcements. Unless points are made in discussion which clarify the motion or actions



to be taken, discussion of motions are not summarized in the minutes. Minutes shall be signed by the secretary *pro tem* and distributed to all department members within ten (10) working days after the meeting. Minutes must be approved at subsequent department meeting.

8. If the chair deems it necessary, and no member of the department objects, voting on a specific issue that would otherwise need to be handled via a special department meeting may be conducted via email or telephone so long the issue is not one in respect of which confidentially is a concern.
9. The chair is authorized to make decisions on an emergency basis. The chair should notify the department members of any such emergency decisions as soon as practicable. Such notice might appropriately be given via home telephone.
10. Non-voting guests (including part-time and full-time faculty and faculty on a leave of absence on a full-time basis, such as a sabbatical leave) may attend meetings at the invitation of the chair or by majority vote of the members present at any meeting.

## **Recruitment of Full-time Faculty**

### **I. General Provisions**

The procedures for the recruitment of all faculty in the department shall conform to applicable Affirmative Action/Equal Employment Opportunity guidelines of the University, state and federal law and the BHE/MTA collective bargaining agreement.

These procedures shall only apply to the recruitment of full-time faculty, whether tenure-track or temporary, when either the Vice President for Academic Affairs or the department chair has requested that the department assistance in the recruitment for the position. The hiring of part-time faculty is conducted under the auspices of the department chair. The chair may request assistance in the hiring of part-time faculty.

These procedures may be amended by a majority vote at a department meeting.

### **II. Job Descriptions**

The department chair shall call a meeting of the department to discuss the job description. The department chair shall then submit a written proposed job description for the approval of the department members at least ten (10) working days prior to the deadline for submission to the administration.

If the department fails to approve a job description at the end of the meeting the chair may call further meetings for the purpose of discussing the job description or submit his/her own job description to the administration. Copies of any such submission shall be provided to the members of the department.

### III. Search Committees

Once the job description has been approved for advertisement by the administration, a search committee shall be formed, the size of which shall be determined by the department chair. Members of the department may submit their names for nomination to search committees. If more members are nominated than are required on the committee, then an election shall take place. Members of the department shall vote by secret ballot and the department chair shall tally the votes.

Once constituted, the search committee shall elect its own chair. The search committee chair shall be responsible for communication with the members of the department, the department chair and the administration. The search committee chair shall ensure that the committee adheres to all procedures.

In compliance with appropriate university and collective bargaining requirements, the search committee shall devise its own method of reviewing job applicants, identifying those applicants to be interviewed, and gathering feedback regarding interviewed candidates from members of the department.

Only full-time<sup>29</sup> members of the MSCA bargaining unit are entitled to the “added consideration” provisions contained in Article XX of the BHE/MTA agreement.

### IV. Interviewing Candidates

All members of the department, including the department chair, shall be invited to participate in on-campus interviews with all candidates to be interviewed. Copies of applicant materials shall be made available to members of the department prior to interviews, if possible.

### V. The Role of the Department Chair

The search committee shall recommend, simultaneously and in writing, the names of finalists to the department chair and the Affirmative Action/Equal Employment Opportunity Officer, in accordance with college procedures. The department chair shall then meet with the search committee to discuss the relative strengths and weaknesses of each finalist.

When the department chair has prepared his/her recommendation regarding which candidate(s) should be offered the position, the department chair shall communicate that recommendation, in writing, to all members of the search committee at least five (5) working days prior to submitting the chair’s and committee’s recommendation(s) to the administration.

At the request of either the search committee or the department chair, another meeting shall be held to discuss the chair’s and/or committee’s recommendation(s).

### VI. Notification Procedures

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<sup>29</sup> This includes salaried part-time.

After the administration has informed the department chair that an applicant has accepted an offer of employment, then, within ten (10) working days thereafter, he/she shall inform the members of the department in writing of the name of the successful candidate.

Upon the conclusion of the search, the search committee chair or designee shall notify all other candidates that the search has concluded. If for any reason a search fails, then the department chair shall notify the members of the department in writing as soon as practicable.

## **Departmental Committees**

### **I. Eligibility**

Unless precluded from serving by contractual or statutory provisions, all full-time members of the department who are not on a leave of absence on a full-time basis are eligible to serve on departmental committees.

### **II. Nominations**

Unless otherwise specified by contractual or statutory provisions, the department chair shall determine the number of members to serve on a committee and, if applicable, the number of student members.

#### Departmental Membership

The department chair shall request nominations for all committees in writing at least five (5) working days before nominations are to close. Members may nominate themselves; members shall not nominate others without the express consent of the other person.

#### Student Membership

Whenever appropriate or required contractually, students shall be appointed to serve on departmental committees. Unless otherwise specified, student nominees shall be full-time, matriculated students majoring in a major offered by the department. In all cases student members must be in good academic standing.

The chair shall solicit from members of the department the names of student nominees. Members may submit names of student nominees after obtaining permission from the student to be nominated; such nominations shall be in writing. The chair shall then appoint the requisite number of students to the appropriate committee and inform all members of the department of these appointments in writing.

### **III. Election**

The tenured and tenure-track members of the department eligible to vote in a departmental election shall elect the members of committees.

The department chair shall distribute to eligible voting members a ballot listing the names of all nominees. This ballot shall be clearly labeled as such and shall not include any other departmental communications. Ballots shall include the specific date, time and place for their return. At least five (5) working days shall be given for return of ballots. A receipt shall be given to voters when the ballot is returned.

Election shall be by plurality. Tie votes will require a run-off election. The ballot shall list only the names of the tied nominees.

#### IV. Voting

All members of a committee are eligible to vote on business items. Only tenured and tenure-track members of the department are eligible to vote in any "election" (*e.g.*, the election of a chair, vice chair or secretary).

#### V. Recommendations

With the exception of the Departmental Graduate Committee and any search committee, all recommendations from departmental committees shall be distributed to the members of the department at least three (3) working days after submission to the department chair and at least three (3) working days prior to discussion or action at a departmental meeting called for that purpose.

## APPENDIX 6 – Arbitrary, Capricious, Bad Faith

The arbitrator determined that a negative recommendation by the Committee on Tenure was in part based on the Chair's and some Committee members' adverse reaction to the candidate's having filed discrimination complaints and grievances. The arbitrator wrote, "Inclusion of such matters barred by the Agreement violated the Agreement's express terms, tainted the process and resulted in a decision that was less than fair, and that can be and is deemed arbitrary and made in bad faith, although not necessarily purposefully so by all members of the committee."

Arbitrator Marcia L. Greenbaum

Decision of February 14, 1994 in *Massachusetts Higher Education Coordinating Council and Massachusetts State College Association*

In assessing whether a recommendation to deny promotion was arbitrary and capricious, the arbitrator asked how the Vice President reached her decision. "Did she reach judgment in complete disregard of the facts? Were her conclusions grounded on whim or caprice?" The arbitrator concluded that the Vice President had established a factual basis for her judgment and so had not acted arbitrarily or capriciously.

Arbitrator Paul J. Dorr

Decision of January 10, 1996 in *Massachusetts Higher Education Coordinating Council and Massachusetts State College Association*

Citing various judicial opinions, the arbitrator said, "So long as there is a rational basis for the decision, and it is supported by substantial evidence, it will not be found to have been arbitrary and capricious. . . . Just because an administrator exercises poor judgment does not mean that he or she was arbitrary or capricious. . . . Bad faith is not simply bad judgment or merely negligence. 'It imports a dishonest purpose or some moral obliquity. It implies a conscious doing of wrong. It means a breach of a known duty through some motive of interest or ill will. . . .'" (Citations omitted.)

Arbitrator James S. Cooper

Decision of October 12, 1994 in *Massachusetts Higher Education Coordinating Council and Massachusetts State College Association*

## APPENDIX 7 – Sample Chair Calendar

Below is a sample calendar that we hope chairs will find useful. We realize that each university has different time-frames for scheduling (Bridgewater and Salem scheduling a year in advance, while most of the other universities schedule the following semester during the current semester), hiring, and such, however, most of the universities have a common timeframe for most of the tasks that chairs are required to perform in a year.

Month	Task
September	Send opening memo to department with information about new personnel, department meeting dates (if known) for the semester (or year), and reminder to consult personnel calendar
	Ask faculty to provide course syllabi and office hours for posting
	Remind candidates for personnel actions of pending deadlines
	Oversee election of Peer Evaluation Committee by September 30 and inform PEC members of pending personnel actions
	Convene departmental curriculum committee, graduate committee (for departments with graduate programs), search committees (if necessary), and ad hoc committees
	Assign new advisees to department advisors
	Consult with faculty to begin scheduling process for spring semester
	Begin conducting classroom observations
October	Finalize spring semester teaching schedule with Vice President and Registrar
	Provide department members with draft spring teaching schedules in writing
	Continue conducting classroom observations
	Check personnel calendar for deadlines
November	Finish conducting classroom observations
	Hire part-time faculty for spring semester
	Complete formal personnel evaluations (see personnel calendar)
December	Oversee administration of student evaluations
January	Send opening memo to department with information about new personnel, department meeting schedule (if known) for the semester, and reminder to consult personnel calendar
	Welcome and orient new faculty
	Assign new advisees to department advisors
	Ask faculty members to provide course syllabi and office hours for posting
	Consult with faculty to begin scheduling process for fall semester
February	Finalize fall semester teaching schedule with Vice President and Registrar
	Provide department members with draft fall teaching schedules in writing
	Begin conducting classroom observations
March	Continue conducting classroom observations
	Develop budget and full-time faculty requests for the upcoming academic year
	Remind faculty members of deadlines regarding personnel actions for upcoming academic year
April	Finish conducting classroom observations

	Hire part-time faculty for fall semester
	Oversee administration of student evaluations
	Collect end-of-year assessment data
	Monitor department budget
May	Hold end-of-year department meeting, discuss assessment results, develop strategic plan for the upcoming academic year, and discuss department budget allocation
	Prepare end-of-year report and assessment plan for Academic Affairs
	Review department brochures, handbooks, and website, and work with clerical support staff to update all materials
	Prepare job descriptions for tenure-track searches that will begin in the fall
	Hire additional part-time faculty as needed
	Identify office space and equipment needs for upcoming year