

DEPARTMENT OF PHYSICS BY-LAWS

Section I. Composition of the Faculty

- A. The faculty of the Department shall consist of those persons holding tenured or tenure-track appointments in the Physics Department and those individuals holding appointments designated by the University and/or by the College of Natural Science and Mathematics (Hereinafter NSM) as being Promotion Eligible Non-Tenure Track (hereinafter PE-NTT) faculty. PE-NTT faculty are granted eligibility to vote by virtue of a minimum longevity in their present position by the University and/or NSM. PE-NTT faculty have limited voting rights and committee eligibilities as specified in these Bylaws. Any reference to “he” or “him” in these bylaws shall be interpreted to be inclusive of both genders and shall be read to mean “he or she” or “him or her” as appropriate.
- B. Individuals holding Non-Promotion-Eligible Non-Tenure-Track Faculty appointments (Hereinafter NPE-NTT) as defined by the University and/or by NSM shall also be considered Faculty when those individuals have sufficient interaction with the department to warrant such a courtesy. Individuals receiving such appointments may have rights regarding sitting on Dissertation Committees as may be adopted by the faculty upon the recommendation of the Graduate Studies Committee within the policies of the College of Natural Sciences and Mathematics and the University. In addition, such individuals may be given access to the University such as receiving office space, library-use privileges and computer access where warranted. Such NPE-NTT appointments are not in and of themselves specifically intended to be salaried positions, but individuals holding such appointments are not precluded from receiving support from the University, either directly or through specific grants and/or contracts. Such individuals shall have only the minimum voting and participatory rights on departmental committees as mandated by the University and/or NSM and as specifically granted within these Bylaws.

Section II. Faculty Meetings

- A. Attendance at faculty meetings is ordinarily restricted to the Tenured and Tenure-Track, PE-NTT, and NPE-NTT faculty of the department, however other individuals may attend a faculty meeting upon the invitation of the Chair or his designated representative.
- B. A faculty meeting will be held at least once each semester. Meetings may be called by the Chair or by petition of any five members of the Tenured and Tenure Track faculty at any time. The agenda for a meeting shall be issued at least three working days prior to the meeting and no items shall be voted upon unless they appear on the agenda.
- C. The voting faculty shall consist of the Tenured and Tenure-Track, as well as those individuals holding appointments designated by the University and/or by NSM as being PE-NTT. PE-NTT faculty are granted eligibility to vote by virtue of a minimum longevity in their present position by the University and/or unless these By-Laws or the By-Laws or other policies of the University specifically limit voting on the issue to the Tenured and Tenure-Track members

As amended 2020

of the faculty, in which case only the votes of the Tenured and Tenure-Track faculty shall be counted.

- D. A quorum must be present at all meetings. A quorum consists of a majority (more than half) of the Tenured and Tenure-Track faculty (not counting proxies) whose primary appointments are in the Department at the time of the meeting.
- E. The Chair or his or her designated representative shall preside at faculty meetings. The chair shall not exercise a normal vote as a Tenured or Tenure-Track member of the faculty except in cases of tie votes, in which case the Chair may elect to cast a vote to break the tie. The Chair's presence shall count for quorum purposes.
- F. Specific rules to govern the conduct of meetings are contained in these By-laws. Additional or alternative rules may be adopted at any time by a vote of two-thirds of the voting faculty present at the meeting. In the absence of the adoption of such specific rules, meetings will be conducted according to Robert's Rules of Order.
- G. Minutes of the meetings shall be kept by the departmental administrator or a faculty member designated by the Chair. A permanent record of all issues voted on in faculty meetings will be kept on file to be available to all faculty of the Department.
- H. Voting on any issue must follow the rules of conduct, which govern the meetings. Voting will ordinarily be by a show of hands. At the request of any faculty member, voting will be by secret ballot. At the discretion of the Chair, the vote on a specific issue discussed at a faculty meeting may be conducted by departmental mail or email ballot. Faculty members must be given a minimum of three working days to submit mail or email ballots. Any voting faculty member who is unable to attend a faculty meeting may elect to have his vote cast by proxy. Any voting faculty member wishing to cast a proxy vote must have in his possession a written statement of proxy from the absent member. Email from the university email account of the faculty member in question is an acceptable form of written proxy. The Chair is eligible to cast a proxy vote for other members of the department. Proxies from Tenured or Tenure-Track faculty member must be given to another Tenured or Tenure-Track Faculty member. In cases where only Tenured faculty may vote on an issue, the proxy from a Tenured Faculty member shall only be accepted if that proxy is held by another Tenured faculty member.
- I. Elections by the Physics Department shall be conducted as follows: Candidates for election to any position must receive a vote total that exceeds half of the total number of ballots cast. Each voting faculty member is entitled to submit one ballot per vote, and may list a number of votes on each ballot up to but not exceeding the number of positions to be filled. Where more than one position is to be filled, a faculty member may vote for the same candidate with all or any of his available votes, and each such vote will be counted for that candidate. Those candidates receiving a total number of votes which exceeds one half of the number of ballots cast shall be ordered according to ascending vote totals, and the available positions shall be filled from this list starting with the candidate receiving the highest vote total. In the event that a tie vote makes the election result ambiguous, another ballot shall be cast and shall contain only the names of those candidates receiving the tie vote. If on the first or any subsequent ballot all of the available positions are not filled, another ballot shall be cast. Ordinarily, the number of candidates on this ballot shall be no more than twice the number of positions remaining to be filled and the candidates eligible to receive votes in this election shall be those unelected candidates from the previous ballot receiving the greatest vote totals.

As amended 2020

In the event that a tie vote creates an ambiguity as to which candidates from the previous ballot are eligible to receive votes, all candidates receiving the tie vote total shall be eligible. In the event that an ambiguous vote result is identically repeated, the Chair shall cast a deciding vote to break the ambiguity. This procedure shall also be used by the Physics Department to fill vacancies and to elect departmental nominees for College Committees and the Faculty Senate when directed to do so by the Committee on College Government. In general, unless otherwise specified in these By-Laws, eligibility to vote in all elections is limited to Tenured or Tenure-Track faculty members.

Section III. Administrative Structure

A. Selection of Chair of the Department

1. The selection of the Chair of the Department will be conducted in accordance with the by-laws of the College of Natural Sciences and Mathematics. Only Tenured or Tenure-Track faculty members are eligible to participate in this selection process unless otherwise mandated by the Dean.
2. It is appropriate but not a requirement for the Department to have a meeting or a series of meetings prior to or during the poll by the Committee on College Government to discuss the matter of selecting a Chair.
3. The Chair must be a Tenured faculty member unless the appointment of a Tenure Track individual is otherwise mandated by the Dean of NSM.

B. Duties of the Chair. The Chair shall have the following duties:

1. To carry out the general administrative and budgetary functions of the Department and to manage the Department Staff. The Chair shall report the details of the Department's budgetary expenditures to the Executive Committee within 3 months of the end of each budgetary year and include the planned budget for the then current budgetary year.
2. To review and approve documents generated either internally or externally that require by College or University regulations and policies to have the concurrence of the Department Chair.
3. To represent the Department in meetings with the administration of this institution.
4. To represent, or select someone to represent, the Department in matters concerning inter-departmental affairs.
5. To keep the faculty of the Department informed of all events affecting the Department or the welfare of the faculty.
6. To preside over the meetings of the Department.
7. To supervise and coordinate the activities of the various units of the Department.

As amended 2020

8. To obtain Professional Activities Reports from the members of the Department as the need arises.
9. Offer admission to the graduate program and assign departmental support to graduate students with the advice of the Graduate Studies Committee.
10. To make the formal faculty teaching assignments with the advice of the Schedules Committee.
11. To act as the Chair of the Personnel Committee and of the Executive Committee.

C. Selection of an Associate Chair for the Department.

An Associate Chair of the Department shall be appointed by the Chair of the Department with the consent of the Dean, and in consultation with the Executive Committee before the beginning of the fall semester and serve for one year at the pleasure of the Chair. The Associate Chair may be reappointed without limit. While the appointment should principally be made to ensure the proper and efficient functioning of the Department, it is desirable that the choice of Associate Chair be made considering the appointment as an opportunity to train faculty members to assume future senior administrative roles within the department and the broader University.

D. Duties of the Associate Chair.

In the absence of the Chair, the Associate Chair shall assume the responsibilities and duties of the Chair. Otherwise, the Associate Chair shall assist the Chair in general administrative duties. Unless elected as a voting member, the Associate Chair shall be a non-voting *ex-officio* member of the Personnel and Executive Committees. The Associate Chair may also be a voting member of any other Departmental, College, University or *ad hoc* Committees as appointed by the Chair in consultation with the Executive Committee.

Section IV. Committees

A. The committees of the Department shall consist of the following standing committees and such ad hoc committees as may be appointed by the Chair in consultation with the Executive Committee:

1. Executive Committee
2. Personnel Committee
3. Graduate Studies Committee
4. Library Committee
5. Schedules Committee
6. Seminar Committee
7. Space and Facilities Committee
8. Undergraduate Studies Committee
9. Awards Committee

B. The membership of all committees with the exception of the Executive Committee and the Personnel Committee shall be made by the Chair in consultation with the Executive Committee.

- C. While the principal purpose of assigning committee memberships and the choosing of committee chairs shall be to ensure the proper and efficient functioning of the Department, it is desirable that those assignments and choices be made with a conscious effort to allow faculty members to develop administrative leadership skills.
- D. Unless otherwise specifically stated, the Chair of the Department will be a non-voting *ex officio* member of all departmental committees. The Associate Chair will be a non-voting *ex officio* member of all committees unless the Associate Chair has been elected or appointed as a voting member of that committee.
- E. Each committee, except the Executive Committee and the Personnel Committee, shall have its Chair appointed by the Department Chair.
- F. The term of office of each committee shall be from June 1 through May 31 of the following year.
- G. Major recommendations by each committee shall be submitted to the faculty for approval. Such recommendations will come before the Faculty as a motion with a second. The meetings of all committees except the Personnel and Executive Committees shall be open to all members of the faculty. During any committee vote, only the voting members of that Committee shall be allowed to vote. Recommendations concerning promotions, tenure, terminations, and salary increments shall not be submitted for approval by the faculty at large.
- H. For matters not defined or for which an *ad hoc* committee is not appointed, the Department shall act as a committee of the whole.
- I. Standing Committees.
 - 1. Executive Committee.
 - a. The Executive Committee of the Department shall consist of four Tenured members of the faculty plus the Chair of the Department, unless otherwise provided. Two members of this Committee will be selected by election each spring semester with term of office commencing June 1 and lasting two years. Only the tenured and tenure-track members of the department shall be permitted to participate in the election of the members of the Executive Committee. The Chair of the Department will serve as the Chair of this Committee and the Associate Chair shall be a non-voting *ex-officio* member.
 - b. This Committee shall function in an advisory capacity to the Chair on the following issues:
 - (i) Development of long-range growth plans for the Department.
 - (ii) Interpretation of departmental policy as set forth by the majority of the voting faculty.
 - (iii) Supervision and determination of major equipment purchases for the Department.
 - (iv) Salary increments for the faculty, based on the Professional Activity Reports.

- (v) Appointment of members and the chair for the various permanent non-elected departmental committees as well as the creation and membership of any *ad hoc* committees that may need to be formed. If a majority of the Executive Committee objects to any committee appointment the Chair must remove the objected to faculty member from the committee in question.
 - (vii) The desirability of pursuing opportunities to hire new faculty members within some specific area of physics and the creation of *ad hoc* Search Committees as described in Section V(A).
 - (viii) The administrative budgetary expenditures of the Department. The Committee may delegate to the Chair the right to make decisions regarding individual *ad hoc* expenditures with a total amount below some limit without consulting the Executive Committee. The Chair may solicit inputs on such budgetary matters via email where granted that right by the Executive Committee. Executive Committee members shall have the right to request an accounting of Departmental administrative expenditures at any time. The Committee shall receive the reports on the budget from the Chair as specified in Section III.B.1.
 - (ix) Any other matters deemed appropriate by the Chair for their consideration.
- c. Conduct any Post-Tenure Reviews as mandated by University Policy. When conducting any Post-Tenure Review procedure, only the elected members of the committee may participate. Thus, the Chair and Associate Chair may not participate unless either or both are specifically elected to participate in the Post-Tenure Review process by a majority vote of the tenured faculty conducted within the same academic year prior to the initiation of any such Post-Tenure Review procedure during that academic year.
- d. The Executive Committee shall have the responsibility to create *ad hoc* Committees for the purpose of conducting performance, post-continuing employment review, and/or merit salary increment evaluations of PE-NTT or NPE-NTT faculty members; such Committees shall have representation of the PE-NTT or NPE-NTT faculty within the department as appropriate for the rank of the NTT Faculty member being evaluated. Such NTT Committee members shall have an equal to or higher rank with respect to the NTT faculty member being evaluated. Where sufficient numbers of PE-NTT or NPE-NTT faculty members are not available, the Executive Committee may solicit nominations for such members from outside the Physics Department, but within NSM.
2. Personnel Committee.
- a. The Chair of the Department shall be the non-voting chair of the Personnel Committee. In addition to the Chair, this committee shall consist of six tenured faculty members of the Department, four of which must hold the rank of Professor. Two members of this committee shall be elected for a three-year term of office in the spring semester of each year. In the event that an elected member of the Personnel Committee is unable to serve the entirety of his or her term for any reason, a replacement shall be elected as expeditiously as possible to serve out the remainder of that member's term.

- b. The Personnel Committee shall have the primary responsibility for reviewing the performance of all faculty members as required to provide recommendations to the Chair and NSM concerning promotion, tenure, and in the case of probationary appointments, all mandatory reviews. With respect to Mandatory Reviews, Promotion and Tenure, the Personnel Committee shall administer the following procedures:
- (i). Mandatory Reviews—When required by University policy or by specific direction for a faculty member, the Personnel Committee will conduct any required Mandatory Review and provide an appropriate recommendation to the Chair and to the College of Natural Sciences and Mathematics. The faculty member being reviewed is responsible for supplying the Committee with all relevant materials needed to support such a review. The Committee will advise the faculty member being reviewed in writing no later than June 1 of the academic year prior to the academic year during which the review will be conducted regarding the minimum material and information required by the Committee and the date by which it must be received. Mandatory Reviews may result in a recommendation for termination, in which case the general university policies regarding such actions and the rights of appeal associated with them will apply.
 - (ii). Promotion—Any faculty member below the rank of Professor may request consideration for promotion in the coming academic year. The Personnel Committee must receive such a request in writing by June 1 of the academic year prior to the academic year in which the faculty member wishes to be considered. (An earlier deadline may be set by either the College or the University.) It is the responsibility of the faculty member to supply the Committee with any materials and information needed to support such an action. The Personnel Committee may at its discretion accept such requests after June 1 for the coming academic year so long as they deem that they have sufficient time to conduct the needed review within any promotion procedural deadlines imposed by the College of Natural Sciences and Mathematics. —The Committee will forward all recommendations for Promotion and Tenure made by the Committee in writing to the Dean via the Chair, separately from any written recommendations made by the Chair. The general University policies regarding such actions and the rights of appeal associated with them will apply.
 - (iii). Tenure—Independent of any Mandatory Tenure Reviews, any untenured faculty members will be reviewed each year. The Chair will notify each faculty member that a review is forthcoming and invite the faculty member to submit any pertinent information for the Committee’s consideration. The Committee must advise the faculty member as to the acceptability of that faculty member’s progress towards tenure. Any untenured faculty member may request consideration for tenure in writing by June 1 of the academic year prior to the academic year in which the faculty member wishes to be

considered, even if there are one or more years left before a Mandatory Tenure Review must occur. (An earlier deadline may be set by either the College or the University.) Such a request is processed under the same conditions as promotion request under paragraph 2(b)(ii)

- c. A committee member may not be present during a consideration concerning him or her. An associate professor may not vote on recommendations for promotion to the rank of professor.
- d. The Committee shall also make recommendations to the faculty for the appointment of specific candidates as a new faculty member when such candidates are presented to them at the recommendation of the Chair with the advice of the Executive Committee and/or any *ad hoc* Search Committee that may have been created to conduct such a search. The Committee may delegate to the Chair the right to make such recommendations directly to the faculty regarding Adjunct Faculty Appointments.
- e. The Committee shall have the responsibility to recommend to the faculty for their consideration, suggested standards to be used for evaluation purposes in the following situations:
 - (i) When the Executive Committee considers the performance of faculty members for merit salary increments or Post-Tenure Review.
 - (ii) When The Personnel Committee conducts reviews for promotion and tenure considerations.
- f. The Committee shall have the responsibility to create *ad hoc* Committees for the purpose of evaluating PE-NTT faculty members for promotion; these Committees shall have representation of the PE-NTT faculty within the department. Where sufficient numbers of PE-NTT faculty members are not available, the Personnel Committee may solicit nominations for such members from outside the Physics Department, but within NSM. In matters related to promotion, the PE-NTT members shall have a higher rank than the individual being considered for promotion. Such *ad hoc* Committees shall report directly to the faculty and not the Personnel Committee.

3. Graduate Studies Committee.

- a. The Graduate Studies Committee shall consist of at least six Tenured or Tenure-Track Faculty members of the Department as well as up to two appropriate PE-NTT faculty members at the discretion of the Chair in consultation with the Executive Committee, and shall have the following duties:
 - (i) Consider and make recommendations concerning changes in the curriculum and conduct of the graduate program.
 - (ii) Supervise any graduate qualifying or comprehensive examinations.
 - (iii) Publicize the graduate program to attract superior graduate students.

- (iv) Evaluate the performance of each graduate student.
- (v) Make recommendations to the Chair concerning the awarding and continuance of departmental support as well as the general admission of applicants to the program.

4. Library Committee.

- a. The library Committee shall consist of at least two Tenured, Tenure-Track, and/or PE-NTT faculty members, and they shall have the following duties:
 - (i) Recommend acquisitions of appropriate books, serials, and audio-visual material by the University library or the Physics Department.
 - (ii) Supervise the use of and materials present in any general space allocated for undergraduate physics majors.

5. Schedules Committee.

- a. The Schedules Committee shall consist of no more than three Tenured or Tenure-Track, as well as up to one appropriate PE-NTT faculty members who shall make recommendations to the Chair regarding:
 - (i) the preparation of course schedules in conformity with degree requirements and student development needs.
 - (ii) an equitable distribution of teaching loads among the faculty.

6. Seminar Committee

- a. The Seminar Committee shall consist of five Tenured, Tenure-Track or appropriate PE-NTT faculty members and shall be responsible for making all arrangements to provide speakers for the weekly departmental colloquia/seminars. The budget to fund the expenses of bringing external speakers shall be approved by the Chair with the advice of the Executive Committee.
- b. The Seminar Committee shall solicit inputs from the faculty regarding candidates to invite for departmental colloquia/seminars.

7. Space and Facilities Committee

- a. The Space and Facilities Committee shall consist of three Tenured faculty members, which may include the Associate Chair, and shall make recommendations to the Chair for the safe and efficient allocation of the space and facilities assigned to the department.
- b. They may recommend the adoption by the faculty of general space allocation procedures and policies to be followed in executing their duties.

8. Undergraduate Studies Committee.

- a. The Undergraduate Studies Committee shall consist of at least six Tenure Tenure-Track or appropriate PE-NTT Faculty members, at least three of which must be tenure-track faculty members, and shall have the following duties:
 - (i) Make recommendations concerning the conduct and curriculum of the undergraduate program.
 - (ii) Establish and periodically update a syllabus for each multi-section undergraduate physics course.
 - (iii) Assume responsibility for approval, election or adoption of textbooks used in undergraduate courses.
 - (iv) Publicize the undergraduate program to attract superior undergraduate students.
 - (v) Assume responsibility for counseling all undergraduate physics majors.
 - (vi) Supervise the preparation of all undergraduate degree plans.

9. Awards Committee

- a. The Awards Committee shall consist of at least four Tenure, Tenure-Track or appropriate PE-NTT Faculty members, and shall have the following duties:
 - (i) Assemble information concerning campus awards for the purpose of recommending students, faculty, and staff for such awards.
 - (ii) Prepare nomination packets and make recommendations to the Chair concerning faculty, staff, and students for appropriate campus-wide awards.
 - (iii) Assemble information concerning state, national, and international awards for the purpose of recommending students, faculty, and staff for such awards.
 - (iv) Prepare nomination packets and make recommendations to the Chair concerning faculty, staff, and students for appropriate state, national, and international awards.
- b. Make recommendations concerning the existence of departmental awards.
- c. Recommend the recipients of departmental awards.

I. *Ad Hoc* Committees

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1. *Ad hoc* Committees may be created by the Chair with the recommendation of the Executive Committee for a single purpose for a fixed period of time, and they are dissolved upon completion of their assigned tasks. Such Committees may have any number of Tenure, Tenure-Track or appropriate PE-NTT or NPE-NTT Faculty members as deemed reasonable by the Chair with the advice of the Executive Committee unless otherwise specified in these bylaws, and each such Committee shall have one member designated as the Committee's Chair. The Committee Chair shall be responsible for reporting the results of the Committee's efforts to the Department Chair who shall communicate them further as may be required in these bylaws.

Section V. Addition of New Tenured, Tenure-Track and/or PE-NTT Faculty Members

- A. The Executive Committee shall have the prerogative of recommending the general areas of physics from which candidates should be sought for any new hiring opportunities that may arise. The Executive Committee may initiate the formation of a Long Range Hiring Plan for general adoption by the department. In forming their recommendations for inclusion in any such Long Range Hiring Plan, the Executive Committee shall consider the general area or areas of physics that would further the long-range growth plans of the Department. The Executive Committee shall solicit input from the faculty and shall hold open hearings before presenting any such Long Range Hiring Plan to the Department. The Executive Committee may proceed to recommend implementation of the most recent Long Range Hiring Plan that shall have been approved by the department within the last five years, without the requirement to solicit input from the department as a whole. Upon receipt of authority from the Administration to conduct a search for a new faculty member, the Executive Committee shall recommend the membership of an *ad hoc* Search Committee of at least 5 Tenure Tenure-Track (or appropriate PE-NTT Faculty members if the search is to be for a PE-NTT faculty member) from the department to solicit and review applications in accordance with any guidelines received from the Administration.
- B. The recommendations of any such *ad hoc* Search Committee must be obtained in accordance with all applicable university, state and Federal guidelines, and are presented directly to the Personnel Committee as a motion with a second for their consideration. *The ad hoc* Search Committee will be responsible for arranging interviews and seminars with those candidates it deems most suitable. Any faculty member desiring to talk with these candidates may do so. The Recruiting Committee will solicit recommendations from the faculty and forward its evaluations to the Personnel Committee, who will recommend to the faculty those candidates to whom it feels an offer should be made and at what rank the offer should be made. Only the Tenured and Tenure Track Members of the department shall vote on the consideration of Tenure-Track candidates. Only Tenured members of the department shall vote on candidates for Tenured positions. PE-NTT Faculty members may also participate in the voting for the hiring of a PE-NTT candidate who is being considered for their same classification within the PE-NTT ranks.
- C. If the faculty approves the candidate by a simple majority vote, the Department Chair will so inform the Dean of the department's recommendation including the final vote tally, and after consultation with the Executive Committee a recommendation for the salary level to be included in any offer shall be forwarded as well.
- D. In the event that the hiring recommendation contains a recommendation that the individual be made an offer that includes tenure, that aspect of the recommendation will be referred back to

As amended 2020

the Personnel Committee, who will consider the matter and prepare a separate recommendation for transmission to the NSM Policy Committee for their consideration regarding the matter of the granting of tenure only.

Section VI. Post-Tenure Review Procedures:

- A. In accordance with the provisions of Section (IV)(H)(1)(b)(vi) above, the Executive Committee will function as the initial evaluating body when conducting any Post-Tenure Reviews mandated by University Policy. The standards to be used in the Post-Tenure Review process shall be those adopted by the majority vote of the tenure-track faculty upon the recommendation of the Personnel Committee. Any such standards shall apply only to the extent that they are otherwise in compliance with University Policy. The standards may be changed by the faculty at any time, but do not take effect until the academic year following the academic year in which they were adopted. Any information gathered by the Executive Committee during their normal merit performance evaluations for the purpose of recommending salary increments may also be used for Post-Tenure evaluations. A Post-Tenure Review finding of unsatisfactory by the participating members of the Executive Committee must be unanimous.
- B. Upon a finding of unsatisfactory as the result of a Post-Tenure Review of any faculty member by the Executive Committee, the matter shall be referred to the Personnel Committee. The Personnel Committee shall review the findings of the Executive Committee with regard to that faculty member. After affording that faculty member an opportunity to be heard, that Committee shall vote to either concur with or overrule the finding of the Executive Committee. The outcome shall be determined by a majority vote of the faculty on the Personnel Committee who hold the same or higher faculty rank as the faculty member being reviewed. Should the Personnel Committee fail to concur by such a majority vote with the finding of the Executive Committee, the process is terminated. However, if the Personnel Committee votes to concur with the finding of the Executive Committee, the faculty member being reviewed shall have any rights of appeal in accordance with University Policy.
- C. Upon a finding of unsatisfactory as the result of a Post-Continuing Employment Review of any PE-NTT faculty member by the Ad-Hoc Committee of Section I1d (hereafter referred to as the First Committee), the matter shall be referred to the Ad-Hoc Committee of Section I2f (hereafter referred to as the Second Committee). The Second Committee shall review the findings of the First Committee with regard to that PE-NTT faculty member. After affording that PE-NTT faculty member an opportunity to be heard, the Second Committee shall vote to either concur with or overrule the finding of the First Committee. The outcome shall be determined by a majority vote of the faculty on the Second Committee who hold the same or higher faculty rank as the PE-NTT faculty member being reviewed. Should the Second Committee fail to concur by such a majority vote with the finding of the First Committee, the process is terminated. However, if the Second Committee votes to concur with the finding of the First Committee, the PE-NTT faculty member being reviewed shall have any rights of appeal in accordance with University Policy.

Section VII. Departmental Grievance Procedures

- A. In general, where an appellate process is not otherwise specifically provided for in these by-laws or other University policies, the members of the department may grieve with respect to

As amended 2020

any decision made by the Department Chair or any Departmental Committee that is specifically directed at them or is about them directly, such as occurs during annual merit reviews.

- B. To initiate a grievance, the faculty member in question shall notify the Department Chair in writing of their desire to have their grievance heard and to set out with particularity the decision that they wish to be addressed and an outline of their reasons for and evidence to support their contention that the decision in question was incorrect or otherwise deficient.
- C. Upon receipt of written grievance as required in paragraph B, the Department Chair shall determine the Committee or individual responsible for the decision being questioned. The Executive Committee shall sit as the hearing body in all grievances that are not based on its own decisions. If the decision being grieved is one made by the Executive Committee, then the Personnel Committee shall sit as the hearing body. The decision of the hearing body shall be the final decision on the matter by the department, and qualify the individual to proceed if they so desire to avail themselves of any grievance procedures that may be provided by the College or the University. In the event that the matter being grieved is not based on a decision made at the Departmental level, the Department Chair may, without referring the matter to the Executive Committee, render the decision to pass the matter on directly, making it eligible for adjudication at the College or University level. If the person filing the grievance holds a PE-NTT or NPE-NTT appointment, upon her or his request, the hearing body will be augmented by at least one appropriate individual with a similar appointment, who may, at the discretion of the chair be from another NSM department.
- D. The hearing body shall convene a hearing at a convenient time for the faculty member and the hearing body members in as timely a manner as is practical. The faculty member filing the grievance shall provide at least 3 days in advance of the hearing the party or entity accused of rendering the flawed decision with a clear statement of the reasons why the decision was flawed and any evidence to support that assertion. The faculty member may also request specific documentary evidence from the individual or entity who, in the faculty member's opinion, rendered the flawed decision regarding the decision that is within their power to release to the extent allowed by and or required by law or other University policies. Testimony regarding oral comments made during normal deliberations leading to the decision in question, shall not be required to be divulged unless their content is subject to disclosure by the law or University policy, such as in the case of invidious discrimination. At the hearing, both the faculty member and the individual or entity accused of making the flawed decision shall have the right to make statements and present evidence to the hearing body, who shall have the right to adopt any reasonable procedure to conduct the hearing. The decision of the hearing body shall be determined by a vote of its members. A tie vote shall be considered as a decision in favor of the faculty member. Where the hearing body finds in favor of the faculty member, the hearing body shall also render a decision as to the disposition of the matter.

Section VIII. Amendments

These by-laws may be amended at any time by a majority vote of all the Tenured and Tenure-Track faculty, provided that a copy of the proposed amendment or amendments is given to each faculty member at least five working days in advance of the vote. In cases where the amendments affect the hiring, promotion or other matters pertaining to PE-NTT faculty, then PE-NTT faculty may vote.

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Section IX. Disclaimer

There is no intent in the wording of these By-laws to imply discrimination by sex. Whenever the masculine gender is used, it shall be construed to also mean the feminine gender.

Nothing in these Bylaws should be construed to supersede provisions of the Statutes of the State of Texas or the Policies of the University of Houston as described in the Faculty Handbook and other materials provided by the Office of the Provost or the Bylaws of the College of Natural Sciences and Mathematics.

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