

Policy and Planning Committee
Sub-committee on bylaws.
Recommendations.
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Summary

Bylaws are meant to ensure that departments, centers, and institutes work efficiently, predictably, transparently, and fairly.

Our recommendations are organized in three parts, and two appendices:

Part 1 establishes the main principles that bylaws should serve and proposes minimal requirements for their approval by the A&S. It also stresses that bylaws should be required of all departments, centers, and institutes, and that existing bylaws should be easily accessible.

Part 2 provides a series of questions that departments should be asking when writing new bylaws or revising old ones. The answers, which we leave mostly open and which are likely to vary across units, will constitute a good starting point for bylaws.

Part 3 briefly addresses centers and institutes. Many of the questions we raise in Part 2 are also relevant for the governance of centers and institutes, and addressing them will help these units develop their own bylaws. However, at Columbia such units differ greatly, both relative to departments and among themselves, too much for more detailed suggestions.

The two Appendices provide additional information that departments or centers and institutes may find useful in writing their own bylaws. Appendix A provides links to university documents on resources and regulations of relevance to matters covered by bylaws. Consulting such documents will ensure that bylaws are in compliance with existing policies. Appendix B lists bylaws in Arts and Science that we were able to find.

BACKGROUND

We began by reviewing existing bylaws in A&S and noticed in the process that finding them was not easy.

Out of 27 departments in A&S, we eventually found bylaws for 26. Of these, 12 have bylaws that have been written or revised in the last 10 years; we found no date for six, and the remaining eight are older. Two of the existing bylaws date from 1967.¹ Multiple departments have a version dated 1967, suggesting that 1967 may have been the last time a broad requirement for bylaws was enacted. Regardless of age, departmental bylaws differ greatly in the level of detail they cover. We summarize some of their features in Appendix B.

A&S lists 39 centers and 16 institutes (<https://fas.columbia.edu/centers-and-institutes>), and the list is clearly incomplete.² We could not verify how many of these have bylaws, but we did examine bylaws for nine institutes and two centers. These, too, are listed in Appendix B.

PART 1

Bylaws are meant to ensure that departments work *efficiently, predictably, transparently, and fairly*. Each of these features is important. By providing a known structure, bylaws must facilitate the daily working of a department. Good bylaws must limit the scope for arbitrary decisions by the most powerful department members without weighing the administration of the department with cumbersome procedures. To achieve this goal, departments must function predictably. Thus, bylaws must be transparent and commonly known. In cases where bylaws are insufficient to guide behavior or established rules cannot apply, every effort should be made to protect and if necessary favor younger, less experienced, less powerful members.

Minimal requirements.

- A. *All departments, centers, and institutes must have bylaws. Bylaws must be accessible and they must up-to-date.*

¹ In one case with a recent but very short, one-paragraph amendment.

² The university lists 198 centers and institutes: <https://www.columbia.edu/content/list-centers-and-institutes> .

For departments:

We recommend that current bylaws be part of the required documentation at all ARC reviews and be renewed at least with the same frequency with which such reviews are conducted. Thus:

- (i) At the time of an ARC review, operating bylaws must exist and be at least as recent as the previous ARC review.
- (ii) At the time of an ARC review, operating bylaws must be conveyed to and reviewed by the ARC committee.
- (iii) Review by the ARC committee does not substitute for approval by A&S and the Provost office. It is a pre-requirement for such approvals, which we hope would then become faster and less problematic.

For centers and institutes:

- (i) If a center or institute is subject to ARC review, then the ARC review should include review of the bylaws, as in the case of departments.
- (ii) If a different type of review is relevant, again we recommend that it include review of the bylaws.

Requiring up-to-date bylaws as part of ARC review is a new recommendation. Currently, bylaws have little bite because they are often obsolete, little known by the units' members themselves, and not enforced. Bringing them within the existing system of recurrent academic reviews review should help transparency and relevance.

B. Bylaws must be visible and easily accessible.

We recommend that:

- (i) Bylaws be posted on the unit's web page.
If deemed necessary, the link could be protected by a password or access could be limited to columbia.edu or barnard.edu addresses.
- (ii) All bylaws be collected and easily available upon request from A&S (and/or at the Provost office, if such office is tasked with their final approval at the University level).

C. Bylaws must cover some minimal areas.

General statements of purpose, although welcome, are not bylaws. We recommend that at least the following subjects be covered by bylaws.

For departments:

- (i) Definition of membership.
- (ii) Voting rights and quora.
- (iii) Chair and officers' selection and tasks.
- (iv) Procedures for implementation of university policies on hiring and promotions procedures.
- (v) Procedures for implementation of university policies on mentorship.
- (vi) Responsibilities and discretion on budget allocations.
- (vii) Responsibilities and discretion on non-financial allocations.
- (viii) Provisions for managing conflicts of interest on fellowships, searches, hires, allocation of resources.
- (ix) Internal grievances.
- (x) Provisions for approval and amendment of bylaws.

For centers and institutes:

- (i) Procedures for the appointment of the director.
- (ii) Responsibilities and term of service of the director.
- (iii) Procedures for the appointment of the advisory board.
- (iv) Responsibilities of the advisory board.
- (v) Provisions for conflicts of interest.
- (vi) Rules of financial disclosure.
- (vii) If hosted in a department, reporting structure between the officers of the center or institute and the officers of the department.

D. A&S or the university more broadly should provide guidance on how to avoid conflicts of interest

Existing university policies cover financial conflicts of interest. Policies need to be developed that address conflicts of interest in searches (academic and not), hiring, promotions, graduate student admissions and fellowships, and use of resources more broadly.

E. Systematic information should be collected on centers and institutes and reviews should be enforced.

We recommend that information on institutes and especially on centers be collected more systematically. We understand that new centers and institutes are subject to five-years reviews, while older centers are not. We

recommend that all centers and institutes be subject to some form of review, whether formal ARC review for larger ones, as part of departmental review for centers and institutes housed in departments, or more informal but regular and periodic review for smaller or one-person centers.

PART 2.

Existing departmental bylaws differ greatly because departments differ. To help departments write internal rules that best reflect their own needs, we present here a series of questions. Organized answers to these questions will yield a good starting draft for bylaws.

Membership

Who are the members of the faculty of the department?

Full, Joint, Adjunct, Affiliate, Lecturer, etc.

Do Barnard faculty members have special status in the department?

How do rights and responsibilities in the department differ between faculty members with different types of appointments?

Which members teach and advise students, sponsor PhD dissertations, participate in the administration of the department, serve on various sorts of committees, and which members are responsible for the department's governance?

Governance

Does the department have an Executive Committee (EC) or a Steering Committee? How is it constituted? What are its functions?

Who has the right to attend faculty meetings? How does this right depend on the subject matter of the meeting?

Who has the right to vote at which meetings? Are all votes equal? Does the department have a clear policy on absentee ballots—are they allowed? Does the answer depend on the subject matter of the meeting?

Voting procedures should be described in detail for:

- (a) Matters pertaining to general faculty meetings, excluding voting on specific hirings.

It is good practice is to involve all concerned department members, regardless of seniority.

(b) Junior hiring.

Departments should be encouraged to involve all regular faculty in decisions concerning junior hirings. And similarly with regard to the composition of junior hiring committees – see below. If specific voting procedures apply to junior hiring decisions, they should be specified.

(c) Senior hiring.

Voting on senior hires may be limited to EC members or be extended to all regular faculty. One common practice is assign voting rights to each member on all hirings at or below the member's own rank.

Voting procedures relevant for senior hirings should be specified.

What constitutes a quorum at faculty meetings? Does this depend on the type of meeting? What are the provisions for absentee/electronic voting? How are they collected and counted?

What are the rules for passage of motion on different questions?

Some questions may be decided by simple majority, while others may require a supermajority (e.g., appointments).

A&S is currently proposing referring to Robert's Rules for its faculty deliberations.³ Such rules are very exhaustive and can offer very useful material but may be too complex for departmental bylaws.

How does the department select its leadership?

Chair and potentially Vice Chair; senior hiring committee? Director of Graduate studies? Director of Undergraduate Studies?

The selection of the department Chair carries particular weight. The standard should be transparency and openness of the selection process, as well as transparency of the terms attached to the position. The PPC issued guidance on the topic in April 2017, and we report its recommendations in Appendix A.

Does the department have any standing committees? How are they constituted? What are their functions?

Responsibilities of the department officers

³ <http://www.rulesonline.com/>

What are the functions and responsibilities of the Chair? How long is the term of service?

Of the Director of Graduate Studies? Of the Director of Undergraduate Studies? How long is the term of service?

The DGS and DUS are positions of responsibility and very demanding of faculty time. The position of DUS has traditionally lower compensation and status within departments, and the recent equity survey shows that it is disproportionately held by women faculty. All effort should be made to assign these positions equitably, protecting junior faculty as well as faculty with a record of unusually high past service, and whenever possible accompanying the positions with course reduction.

The tasks of the DGS and DUS should be clear and precise, as well as their compensations. If the positions are held by tenure-track faculty, rotation should be explicitly discussed.

A list of past DGS and DUS should be kept and appended to the department report at the time of its ARC review.

Operations

Who on the faculty participates in decisions related to searches and promotions? Does the answer depend on whether the position is tenure-track or not? Does it depend on how senior the position is?

How are search committees formed? Are they selected by the Chair? Are there rules on rotation on such committees? How is the Chair of the search committee selected?

Because of the importance of senior hires in the life of a department and of the university at large, the selection and terms of service of the senior hiring committee are particularly important. We recommend that both be described in detail in the bylaws. Is the committee fully appointed by the chair or are some members elected? Is the committee composed exclusively of senior faculty or does it include members of the junior faculty? What is the length of service? We also recommend that the composition of the senior hiring committee be recorded so that a list of members will be available at the time of the ARC review, covering the period since the preceding ARC review.

How does the department satisfy its obligation of mentorship towards its junior members?

A&S requires all departments to have a detailed mentorship policy. The question here is how the department intends to implement this mandate in practice. For example, how is feed-back from junior reviews communicated? We recommend that, in addition

to an oral summary from the chair, a written copy of the review report be given to the junior faculty member (amended for anonymity of the reviewers, if that is considered necessary). As always, the goal is to achieve as much transparency and accountability as possible.

What standards does the department follow to address real and perceived conflicts of interest in hiring, promotion, and in general decision making?

A conflict of interest is any situation that might cause an impartial observer to reasonably question whether a person's actions are influenced by considerations of private interest. "Private interest" can include financial interests, interests related to personal relationships, or interests related to other outside activities. The current conflict of interest policy at the university level centers on financial conflict. We recommend that departments complement such policy with procedures aimed at possible conflicts in the distribution of internal departmental resources widely understood—be it membership, faculty positions and promotions, students' fellowships, space and research funds. The first step should be disclosure of a possible conflict. If the conflict exists, the second step should be required recusal from both deliberations and decisions.

Does the department have procedures in place to deal with internal grievances, before referring them to the dean or addressing them through the resources existing at the University level?

Resources

How does the Department review and decide on the allocation of offices, lab and research space, and common space?

It is good practice for a department to maintain an up-to-date inventory of the use of its available offices and space. Discussions about space use should be inclusive and transparent.

How does the Department review and decide the allocation of graduate fellowships and research funds?

Who manages and decides on the allocation of department income from endowments, professional programs, indirect cost returns from grants, and other sources?

Is there a yearly scheduled meeting where the chair presents and discusses the departmental budget?

It is good practice for a department to keep its faculty well informed of the financial aspects of its operation. We recommend an annual report to the faculty on departmental incomes and expenditures.

What standards does the department follow to address real and perceived conflicts of interest over allocation of resources?

Bylaws approvals and amendments

How and when are bylaws approved and amended?

PART 3.

Principles of Bylaws for Centers and Institutes

Different centers and institutes have different origins. But, no matter their origin, we believe that they should exist in the expectation of a collaborative role with colleagues with similar interests. Requiring bylaws is a step towards encouraging this goal.

As stated earlier, we recommend that bylaws be required for *all* centers and institutes, not only, as currently anticipated, for new units only.

There should be a clear, standard process for appointing directors.

Directors of centers and institutes should have stated terms. It should be stated in the bylaws whether a term can be renewed, and how many times this is possible.

Directors should be accountable to a body of colleagues with a stake in the center's or institute's activities, normally an executive committee or an advisory board. The members of that body should have terms. They should be appointed in a way that allows them to have an independent voice. (That is, they should not simply be appointed by the director.) They should meet at regular, established intervals.

There should be procedures in place for required financial disclosure.

There should be a clear and participatory process for the unit's major decisions, including expenditures, appointment of visitors, space assignments, and distribution of other resources.

If the center or institute has teaching responsibilities, there should be clear and transparent rules for the appointment of lecturers and the role and compensation of faculty members (if any). These guidelines should address the questions posed in Part 2 for departments

Where centers or institutes are housed within departments, the reporting structure between the officers of the center or institute and those of the department should be clear.

Centers and institutes should have stated conflict-of-interest policies.

Appendix A

Existing university resources can help to specify the answers to some of these questions. The Faculty Handbook provides resources and recommendations on various aspects of departmental organization that are relevant for bylaws. (We note however that the most recent version is from 2008). PPC has also provided guidance on a number of issues.

The links below were accessed during October 2018.

On the duties of the Chair:

<http://www.columbia.edu/cu/vpaa/handbook/organization.html>

<http://fas.columbia.edu/department-chair-workshops>

Because of the power and responsibilities invested in the Chair, the procedures for selection of the Chair are a crucial component of faculty governance. The PPC has recently issued precise recommendations. We reproduce them at the end of this Appendix.

On the Director of Undergraduate Studies

<http://www.college.columbia.edu/facultyadmin/dus>

On the Director of Graduate Studies

<https://gsas.columbia.edu/student-guide/policy-handbook/directors-graduate-studies>

Promotion and Tenure

PTC Guidelines: <https://fas.columbia.edu/files/fas/content/2018-19%20ptc%20tenure%20review%20guidelines.pdf>.

Tenure Review Advisory Committee (TRAC) Guidelines:

<https://provost.columbia.edu/sites/default/files/content/Faculty%20Affairs/Tenure%20Guidelines%202018-19.pdf>

Mentorship

<https://fas.columbia.edu/faculty-resources/junior-faculty-resources>

Contract Renewals of non-tenured research faculty

https://eoaa.columbia.edu/files/eoaa/content/Outside_Medical_Center_0.pdf

<https://fas.columbia.edu/2014-15-review-full-time-non-tenured-research-faculty>

Searches and Hiring of New Faculty. Guidelines from provost office:

<https://provost.columbia.edu/sites/default/files/content/BestPracticesFacultySearchHiring.pdf>

Space

<https://fas.columbia.edu/administrator-resources/facilities/space-policy-arts-and-science-departments-centers-and-institutes>

Grievances: Faculty, Graduate Student, Undergraduate Student.

<http://www.columbia.edu/cu/vpaa/handbook/instruction.html#grievance>

<http://www.columbia.edu/cu/vpaa/handbook/appendixb.html#grievance>

Conflict of Interest

Partial policy (does not cover PTC, tenure evaluations, hires).

<http://www.columbia.edu/cu/vpaa/handbook/appendixe.html> (Conflict of

Interest/Commitment)

<http://www.columbia.edu/cu/vpaa/handbook/appendixf.html> (Commercial interests)

Centers and Institutes

<https://provost.columbia.edu/content/centers-institutes-columbia>

New centers and institutes are explicitly required to have a description of how the director is chosen and how membership is defined. No such requirement currently applies to all existing centers and institutes.

Recommended procedures for the election of department chairs (PPC guidance April 2017)

- At the beginning of the process, the department chair or a committee appointed for the purpose will ask all members of the faculty to nominate candidates, including themselves. All the relevant information about the stipend, teaching release, leave credits, and other conditions of a chair's service will be included in this call for nominations.

- Departments shall fully engage all members of the faculty in the chair selection process. Departments might appoint a committee to expand or refine the list of candidates. Any tenured faculty member who meets reasonable, well defined qualification standards may run for the position even if she or he is not selected by a committee. Whether a committee is used or not, a list of candidates will be made available to the voting members of the department.

- After at least three weeks, faculty members will vote "yes," "no" or "abstain" for each name on the ballot. The winning candidate will obtain a majority according to the practices established in the department or the criteria established in its by-laws.

- Ballots will be secret and anonymous.

- The incumbent chair will submit the results of the vote to the EVP of Arts and Sciences.

Appendix B: Existing bylaws

Dept	Vice/Deputy chair	DGS	DUS
Anthropology		Appointed by chair	Appointed by chair
Art history		Appointed by chair	Appointed by chair
Astronomy		Appointed by chair	Appointed by chair
Biological Sciences			
Chemistry		Appointed by chair	Appointed by chair
Classics		Appointed by chair	Appointed by chair
E3B		Appointed by chair	Appointed by chair
East Asian Lang		Unclear	Unclear
DEES	Vice-chair	Unclear	Unclear
Economics		Unclear	Unclear
English	Associate chair	Appointed by chair	Appointed by chair
French		Appointed by chair	Appointed by chair
Germanic languages		Appointed by chair	Appointed by chair
History	Yes	Appointed by chair	Appointed by chair
Italian	Optional deputy chair	Appointed by chair	Appointed by chair
LAIC		Unclear	Unclear
Math		Unclear	Unclear
MESAAS		Appointed by chair	Appointed by chair
Music	Vice-chair	Unclear	Unclear
Philosophy		By secret ballot	By secret ballot
Physics	Associate chair	Unclear	Unclear
Political Science	Deputy chair	Appointed by chair	Appointed by chair
Psychology		Appointed by chair	Appointed by chair
Religion		Elected by majority	Elected by majority
Slavic languages		Appointed by chair	Appointed by chair
Sociology		Appointed by chair	Appointed by chair
Statistics		Appointed by chair	Appointed by chair

Dept	Executive committee	Revised
Anthropology	All faculty members	
Art history	None	
Astronomy	No	
Biological Sciences		
Chemistry	All tenured members of department	2012
Classics	All tenured members of department	
E3B	No	
East Asian Lang	All faculty members	2016
DEES	None	2014
Economics	All full professors	1967 with 2012 amendment
English	All tenured members of department	2017
French	All tenure ladder members	2017
Germanic languages	All tenured professors	2011
History	Tenure ladder faculty	2001
Italian	All tenured professors	2003
LAIC	All tenured professors	2016
Math	Full and associate professors	1967, short 2014 amendment
MESAAS	Yes, everyone	2017
Music	No	1988
Philosophy	All tenured members of advisory council	2014
Physics	No	
Political Science	All tenured faculty	2003
Psychology	All tenured faculty	1967
Religion	All full professors	2003
Slavic languages	No	2003
Sociology	All full and tenured dept members	2005, revising now
Statistics	Full professors	2010

Institute/Center
The Center for the Study of Ethnicity and Race
Heyman Center for the Humanities
Institute of comparative literature and society
Institute of Latin American Studies
Institute for Religion, Culture and Public Life
Institute for Research on Women, Gender, and Sexuality
Ins. For Social and Economic Research and Policy
Center of Japanese Culture
South Asia Institute
Columbia Society of Fellows in the Humanities
Weatherhead East Asian Institute
Center for Korean Studies

Institute/Center	Director	Assoc director
CSER	Tenured member by secret ballot	
Heyman	Appointed by majority vote of EC	
ICLS	Nominated by EC	Appointed by director
ILAS	Nominated by EC	
IRCPL	Nominated by FAC	
IRWGS	Majority vote in EC	Nominated by EC?
ISERP	Appointed by EVPAS in consult with EC	
Keene	Unclear	Unclear
SAI	Elected by EC	Appointed by director
SOF	Elected by GB	
Weatherhead	Nominated by EC	

Institute/Center	Degrees	DGS	DUS
CSER	UG and MA Am. Studies	Appointed by chair	Appointed by chair
Heyman	MA MARS-REERS		NA
ICLS	2 UG majors; grad certificate	Unclear	Unclear
ILAS	UG major and MA	Appointed by director	
IRCPL	NA	NA	
IRWGS	UG; grad certificate	Appointed by director	Appointed by director
ISERP	QMSS	Unclear	Unclear
Keene	NA	NA	NA
SAI	MA	Appointed by director (MA)	
SOF	Postdoctoral Fellows		
Weatherhead	UG concentr; MARSEA		