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CONSTITUTION
of the
Department of Mathematics and Statistics
University of Minnesota Duluth

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CONSTITUTION

I. Membership

This Constitution provides for two types of membership in the UMD Department of Mathematics and Statistics; regular and associate. Everyone who is either tenured or on the tenure track in the department is a regular member except that regular members who accept full-time administrative appointments outside of the department shall have their voting privileges suspended for the duration of their appointments. Everyone else who teaches full or part-time in the department and is not also pursuing graduate work at UMD is an associate member as are certain undergraduate and graduate students who are appointed to that status for a fixed period of time.

II. Organization

The Chief administrative officer of the Department of Mathematics and Statistics is the Department Head who will be assisted by an Associate Head, a Director of Undergraduate Studies, a Director of Graduate Studies, a Secretary and other officers approved by the regular members of the department. The Director of Graduate Studies is nominated by the graduate faculty of the Program in Applied and Computational Mathematics. The Secretary need not be either a regular or an associate member but the other officers must be regular members of the department. All officers who are regular department members retain all of the rights and duties of a regular member of the department, (including those of placing items on the agenda, making motions during meetings, and voting on departmental business) except where restricted by this Constitution or its Bylaws.

III. Terms of Office

The normal term of office of the Department Head is four years and not more than two such terms may be served consecutively except as specified in the Bylaws, section II.B.3. The normal term of appointment of other departmental officers shall be one year. The Department Head may replace or reappoint departmental officers with the approval of a majority of the regular members of the department.

IV. Duties

A. Department Head

1. Administrative Duties

- a. The Department Head shall speak for and represent the department in college and university affairs.
- b. The Department Head shall appoint officers of the department with the approval of a majority of the regular members of the department. This task should be a matter of urgent priority whenever vacancies occur.
- c. The Department Head shall appoint standing departmental committees in consultation with the regular members of the department and shall appoint special committees and task forces if circumstances require them.
- d. The Department Head shall be responsible for the department budget and for the expenditure of department fund implementing, insofar as possible, the policies, plans, and priorities of the department in the allocation of these resources.
- e. The Department Head shall assign offices, equipment, and work space to faculty and staff in consultation with regular members of the department.
- f. The Department Head shall prepare and administer Summer Session and Continuing Education activities in accordance with the departmental rotating list and related policies in consultation with the regular members of the department.

2. Personnel

- a. The Department Head shall oversee the development of teaching schedules and teaching assignments for all courses offered by the department. Teaching and service assignments shall be developed in consultation with the affected faculty. The Department Head shall supervise and assign work responsibilities for the departmental office staff..
- b. The Department Head shall oversee the recruitment of faculty and staff and make recommendations to the Administration regarding such positions in accordance with the spirit of this Constitution and its Bylaws as well as with operative Campus and University rules and procedures.
- c. The Department Head shall oversee the preparation of promotion and tenure documents. The Department Head shall also make recommendations to the Administration regarding retention, promotion, tenure, leaves of absence and salary of department faculty after consultation with others as required by University rules.

3. Department Meetings

- a. In consultation with those eligible to attend, the Department Head shall set a schedule for departmental

meetings in accordance with the Bylaws.

b. The Department Head shall arrange for the preparation and distribution of agendas for all department meetings in accordance with the Bylaws.

c. The Department Head shall call and chair meetings in accordance with the Bylaws.

d. The Department Head shall oversee the maintenance of a permanent set of minutes and records of significant departmental policy statements and policy decisions and make such material available for inspection..

4. Policies and Planning

a. The Department Head shall coordinate short-term and long-range planning in consultation with regular members of the department.

b. The Department Head shall provide the department with recommendations and other information that might be useful in the determining and shaping of departmental plans and policies.

5. Adjudication of Disputes

a. The Department Head shall be the final arbiter over differing interpretation of this Constitution and its Bylaws. If members who disagree with a specific interpretation indicate their intention to propose a clarifying amendment, action on the issue that raised the question should be delayed, if possible, until (i) the proposed amendment has been tested by vote, or (ii) those concerned about the interpretation withdraw their objection, or (iii) one week has passed and no proposed amendment has been submitted in writing to regular members of the department.

b. Apart from questions of Constitutional interpretation, any member of the department who feels adversely affected by decisions or actions of the Department Head has the right to appeal for relief to the regular members of the department. The Associate Head shall chair that portion of the meeting during which this item of business is discussed. When all parties to the dispute (including the Department Head) have had a reasonable time to present their cases, the Associate Head shall state the alternatives and call for a written ballot of all regular members (including the Department Head.) If the petitioner's position is supported by the votes of two-thirds of those eligible to vote, the Department Head shall propose alternative courses of action. A petitioner whose position is not supported by the regular members of the department may have other grievance rights under the

collective bargaining agreement.

6. Other Duties and Responsibilities

- a. The Department Head shall promptly inform the department members of decisions made affecting the department.
- b. The Department Head shall make interim and emergency decisions when necessary following applicable departmental policies, practices, and procedures insofar as possible and shall inform the department as soon as practicable afterwards.

B. Associate Head

1. The Associate Head shall call and chair meetings of the department if so requested by the Department Head or so required by the Bylaws.
2. In the event a vacancy occurs in the position of Department Head the Associate Head shall serve as temporary Department Head or until such time as the Dean of CSE appoints a new Department Head or an Acting Department Head.
3. The Associate Head shall initiate the procedures for nominating a Department Head when and as specified in the Bylaws.
4. The Associate Head shall have additional responsibilities as assigned by the Department Head.

C. Director of Undergraduate Studies

1. The Director shall chair a departmental Undergraduate Program Committee which shall monitor the various undergraduate degree programs of the department.
2. The Director shall be responsible for the final departmental review of petitions for substitution of courses or other substitutions in departmental major or minor degree requirements.
3. The Director shall have additional responsibilities as assigned by the Department Head.

D. Director of Graduate Studies

1. The Director shall act as the department's liaison with the UMD Graduate Council and with the University's Graduate School.
2. The Director shall chair a departmental Graduate Program

Committee which shall monitor Graduate Programs within the department.

3. The Director shall oversee the process of admitting students into graduate degree programs as well as the process for nominating candidates for Teaching Assistantships and fellowships.

4. The Director shall have additional responsibilities as assigned by the Department Head.

E. Secretary

1. The Secretary shall collect and tally ballots in accordance with the Bylaws except in those instances where this task is specifically assigned to other persons by the Bylaws.

2. The Secretary shall maintain a master copy of this Constitution and its Bylaws in updated form.

F. Regular Members of the Department

Regular members have fundamental responsibility for:

1. Curriculum.

2. Advisement of students.

3. Department grading practices.

4. Department professional standards.

5. The mathematics and statistics components of degree requirements of majors and minors.

6. The determination of policies to guide the Department Head in carrying out the duties assigned to that position.

7. The formulation of recommendations to the Department Head regarding hiring, promotion, retention, and tenure of present or prospective members of the department.

G. Associate Members of the Department

Associate members of the department are expected to contribute their skills to their assigned duties and to the task of shaping and carrying out department policies.

V. Amending Procedures

A. This Constitution (as distinct from its Bylaws) may be amended by two-thirds of the votes of regular members of the department provided that the proposed amendment has been presented at a previous meeting of the department and has been written out in full on a ballot presented or mailed to each voting member at least seven days before the vote on its adoption is taken.

B. Amendments to the Bylaws may be made by three-fifths of the votes of regular members of the department, but proposed amendments must be considered "special" questions as that term is defined in the Bylaws.

VI. Restrictions

Any provision in this Constitution found to be in conflict with operative Campus and University rules or procedures or with collective bargaining agreements shall be considered null and void. In particular, no voting privileges otherwise guaranteed to faculty or students can be abridged or denied by this document.

BYLAWS

I. Membership

At least one undergraduate student majoring in one of the department's degree programs and at least one graduate student from the department shall be associate members. These students will be elected by all the regular members of the department, taking into account the suggestions, if any, of student organizations. If those voting cannot support any student candidate by a required two-thirds vote after at most two ballots, the Department Head may either authorize further balloting or may appoint the student associate members from among the most strongly supported candidates.

II. Procedure for Nominating a Department Head

Subject to provisions of the Constitution of the College of Science and Engineering, the Department of Mathematics and Statistics shall specify the process to be used to produce departmental nominees.

A. Reasons for Initiating

The procedural steps shown in Part B below must be initiated by the Associate Head whenever any of the following circumstances prevail:

1. The Department Head notifies the department in writing of his/her intention to resign.
2. The Department Head plans to be off campus for longer than one academic term (in which case the Head must notify the department as early as possible in writing of his/her intentions) and approval for an interim Department Head has been granted by the Dean of CSE.
- 3.
4. At least two-fifths of the regular members of the department sign a petition to the Associate Head, requesting that a secret vote of the regular members be taken to determine if nomination procedures should be initiated and this vote has majority support.
5. It is the third regular academic semester from the end of the current term of the Head, and none of the above possibilities has occurred.

The Department Head shall be kept informed of the status of nomination procedures. In particular, the Associate Head shall inform the Department Head of the existence of a petition as mentioned in No. 4 above (without divulging the names of the

The Chancellor c

petitioners) before a vote of confidence is taken.

B. Nomination Procedure

To be done stepwise:

0. The Associate Head will expedite the forming of a Department Head Committee consisting of the regular members of the department and one associate member elected by the associate members to:

1. Vote by secret ballot, in which each committee member has exactly one vote, to determine whether to undertake an internal search limited to only tenured members of the Department or a national search to include all possible candidates.

*If the majority vote for an internal search, go to Step 3 below.

2. Elect a working subcommittee of four of its members: one professor, one associate professor, one assistant professor or instructor, and one without regard to rank to:

(a) Meet with the Dean to discuss the feasibility of a national search, and, if the Dean approves, to discuss the drafting of a position description and to request the Dean to appoint a search committee.

(b) Notify the department of the results of part (a) above.

(c) After candidates are interviewed, the Department Head Committee shall vote, following Steps 3 through 8 below.

3. A secret ballot shall be conducted, during which each member of the Department Head Committee rank orders at most three of the candidates interviewed from the national search, or in the case of an internal search, nominates and rank orders at most three persons from a list made up of all tenured members of the department. If the current Head has served a maximum number of terms normally allowed, he/she shall not be included in this list unless the following occurs: At least two-fifths of the Department Head Committee sign a petition to the Associate Head requesting that a secret vote (as an important question) of the Department Head Committee be taken to include the current Head in the list, and this vote passes with at least a two-thirds majority of those voting for or against.

4. The ballots shall be tallied by the Secretary by adding the rankings for each candidate.

5. The names of those nominated, together with their tally scores, shall be revealed and in the case of an internal search withdrawals may be permitted at this time (not earlier!!).

6. If anyone has withdrawn, a second secret nomination vote

shall be conducted using a ballot listing in alphabetical order (without first-round tally scores) only those persons who scored highest, next to the highest, or third highest on the first round after the names of those withdrawing have been removed. Every member of the Department Committee will be given one vote of 3, one of 2, and one of 1 to rank these names, and any or all of these votes may be cast.

7. The Secretary shall tally these ballots. In the event that the second highest vote total is nonzero while the third highest is zero, the names of the two leading vote-getters will be submitted to the Dean. If more than three candidates achieve the three highest nonzero scores, the committee will reduce the nomination list by one by drawing lots among the lowest ranking candidates whose ties must be broken. Repeat Step 7 until, at most, three names remain.

8. Eliminate the candidate in third position if he/she has less than one-fifth of the total of all tallies cast on the final round of balloting.

9. The committee will submit to the Dean the final list of candidates, their tally scores, a brief explanation of the procedures used, and a departmental position statement including all positions that received substantial support. A copy of this report shall be circulated among all members of the department.

C. The Department Head's Unusual Circumstances

If a "crisis" occurs in the position of Department Head and it is not covered by any other section of this Constitution or its Bylaws, the full and associate professors in the department, together with tenured faculty of other academic ranks, shall form a special committee to meet with the Dean of CSE or his/her representative with full power to resolve the problem by negotiation. Thereupon, the special committee will dissolve and the department will return to the governance of this Constitution and its Bylaws.

III. Department Meetings

A. General Rules for Department Meetings

1. Caller and Chairperson

The Department Head or, by the authority of the Department Head, the Associate Head may call and chair department meetings. In addition, a quorum (as defined in 2 below) may call a department meeting.

2. Quorum

Two-fifths of the regular members of the department

constitute a quorum for department meetings, although voting on "special" and "important" items (as defined in 4 below) and on motions to delay actions are subject to restrictions by other sections of these Bylaws.

3. Conduct of Meetings

The Department Head may conduct meetings in any harmonious manner acceptable to the participants, except that (1) any person who is in attendance and who is eligible to vote may insist that specified items of business be handled under *The Standard Code of Parliamentary Procedure*, by Alice Sturgis, except where otherwise regulated by this Constitution and its Bylaws and (2) any person eligible to vote on an issue brought to test can insist that a secret ballot be used by everyone voting.

4. "Important" Questions and "Special" Questions

a. So-called "important" questions are items of business judged to be of sufficient importance to require that a written ballot be distributed to all resident voting members. (Members are considered "resident" if the Department Head has been told how they can be contacted within three days.) So-called "special" questions are items of business that, by their nature, require consideration only by regular members of the department.

b. Items may be classified as "important" by the Department Head or by 25% of the votes of regular department members present or voting by proxy.

c. Items may be classified as "special" (1) by 50% of the votes of the regular department members present at a Regular Department Meeting or voting by proxy or (2) by petition or approval of 50% of the regular members.

d. Proposed amendments to the Bylaws must be considered both "important" and "special."

5. Petitions to Delay or Classify Items

Any person absent from a meeting, but entitled to be present in a voting capacity, may petition to delay action for consideration. Such petitions shall be deemed properly lodged motions before the body, whether or not they are seconded, and such motions take precedence over any other motions on the items in question. If several petitions exist, petitions to delay will have first priority. Such motions are debatable (here, reasons, if any, submitted with the petition may be made known), but they cannot be tabled or amended. When brought to a vote, the original petition and any other proxies on that question shall be counted and those who proposed these petitions, for these issues only, will be counted in determining the number of votes needed for passage or defeat of these proxy motions.

6. Balloting on "Important" Questions
 - a. Ballots are to be returned to the Secretary (unless otherwise specified on the ballot) before a deadline, which must appear on the ballot. Such deadlines should permit time for thoughtful consideration by on-campus voters and at least some time for reflection for those responding by mail. (No one may demand more than seven days for this latter reason alone, although longer periods of time may be authorized and shorter periods might be acceptable to all concerned.)
 - b. Returned ballots must be signed to be counted. Nonsecret, "important-question" ballots are permitted, but if secrecy is necessary, adequate secrecy will be defined to be that provided by double-envelope ballots (that is, an unmarked ballot in an unmarked envelope in a signed envelope).
 - c. If a prompt decision is required on an "important" question, the Department Head may accelerate the tallying by instructing the Secretary to begin counting votes as soon as enough ballots are in hand to produce a decision that is at least theoretically possible. If, due to contrary votes, the issue is not resolved when this is first done, the Secretary may be authorized to tally votes as they come in and to report the result when further tallying would no longer affect the outcome. The Department Head may thereupon proceed to act upon the issue involved, even though time remains on the deadline for balloting.
7. Minutes of Meetings
 - a. Tentative minutes of all regular and special meetings will be prepared either by the Secretary or by a secretary pro tem. Among other things, such minutes should contain an accurate transcription of motions made, and they should include a record of the votes pertaining thereto. Except for formal motions, the Department Head may instruct the preparer to omit sensitive or delicate matters, but such decisions may be overturned by three-fourths of the votes of members eligible to have been at the meeting being described.
 - b. Until the tentative drafts of minutes have been approved, distribution should be restricted to participants and to those who were eligible to attend but were absent. After approval, distribution should be as directed by the Department Head (specifically, the Department Head will decide which, if any, minutes of meetings should be made available to students who are not associate members), but no regular or associate member of the department should be denied approved minutes of meetings they were eligible

to attend or the right to study the permanent file of similar minutes maintained by the Secretary.

B. Regular Meetings

1. Definition

Regular meetings are meetings open to all faculty of the department along with one official graduate student representative and one official undergraduate student representative.

2. Scheduling

The Department Head will determine a schedule for regular meetings at a recurring time established in consultation with those eligible to attend. At least one regular meeting of the department will be held each semester.

3. Agenda

a. The person calling the meeting shall distribute an agenda by the day before each regular meeting. Everyone eligible to attend may, at any time, submit to the Secretary items for the agenda and may examine items others have submitted.

b. Any regular or associate member or any subset of members may sponsor an item on the agenda either in the sponsor's (or sponsors') own interest or on behalf of one or more nonmembers. The agenda should indicate the sponsor(s) for each item unless the submitter(s) request(s) anonymity.

c. Items for action need not be submitted as motions in their final form, but each should be described in sufficient detail that a reasonably perceptive department member should be able to discern the nature of the business involved.

d. At meetings the Department Head may reorder items on the printed agenda, except that items not discussed at one regular meeting must be given high priority at the next regular meeting, unless the original sponsors agree to displacement or the item has been withdrawn.

4. Voting at Regular Meetings

a. Unless otherwise regulated, items appearing on a printed agenda require, for passage, support of a simple majority of the votes. Items of business introduced during regular meetings but not suggested by the item descriptions on the printed agenda require, for passage, a majority of the votes of those eligible to vote, whether present or not.

b. Except when voting to classify items as "important" or "special" or when voting to delay action on items,

proxy votes will not be accepted. Absent members may, however, submit statements expressing opinions on agenda items. Such statements should be read or distributed before votes on the items in question are taken.

C. Special Meetings

1. Definition

Special meetings are meetings at which only special questions may be considered and from which associate and student representatives may be barred from attending and/or voting.

2. Scheduling

The Department Head or, by authority of the Department Head, the Associate Head may call and chair a special meeting at 24-hours notice (or shorter notice by consent of 3/4 of those eligible to attend), and such a meeting must be called within one week if requested by five or more regular members.

3. Secretary

The Secretary or a secretary pro tem is required at all special meetings.

4. Agenda

A printed agenda is not required for special meetings.

5. Voting at Special Meetings

Unless otherwise restricted, items considered at special meetings require, for passage, a simple majority of the votes of those present and eligible to vote. Except when voting to classify items as "important" or when voting to delay action on items, neither absentee votes nor proxy votes will be accepted. Absent members may, however, submit statements expressing opinions about the business at hand. Such statements must be read or distributed before votes on the items are taken.

VI. Revisions of the Constitution and Bylaws

A. As this Constitution and its Bylaws are amended and expanded, informal updating should be accomplished by correcting individual pages to conform to a master copy that the Secretary should maintain in updated form. At intervals of not more than four years, however, a vote must be taken at a regular meeting to see if there is need and support for a more formal revision.

B. If the Constitution and/or the Bylaws are retyped and reprinted for any reason, errors in spelling, grammar, punctuation, and style

can be corrected and any renumbering, reordering, or renaming of sections can be accomplished without considering these editorial changes as amendments. If this is done, however, everyone eligible to have copies should be furnished with the revised document(s); and if three or more members of the department thereupon challenge specific changes as constituting substantive amendments, the challenged modifications shall be considered proposed amendments and appropriately brought to a vote.