



January 9, 2024

Office of the Clerk of the Senate  
State House  
Boston, MA 02133

Enclosed herewith please find 3 copies of the rules and regulations adopted and/or amended by the Trustees of the University of Massachusetts in 2023.

The following rules and regulations were adopted and/or amended:

- University Travel Policy, Doc. T22-066 (**established April 12, 2023**)
- University of Massachusetts Board of Trustees By-Laws, Doc. T91-100 (**amended April 12, 2023**)
- Student Government Association Constitution, UMass Amherst, Doc. T94-060 (**amended April 12, 2023**)
- Faculty Senate Constitution, UMass Amherst, Doc. T73-196 (**amended April 12, 2023**)
- Student Government Association (SGA) Constitutional Amendment, UMass Dartmouth, Doc. T23-036 (**amended June 9, 2023**)
- Personnel Policy for Non-Unit Staff, Doc. T94-023 (**amended December 12, 2023**)

The most current policies are also posted on our website: <https://www.umassp.edu/bot/policies>.

The following rules and regulations were rescinded:

- Reduction in Force Policy Non-Unit Staff, UMass Amherst, Boston, Dartmouth, Lowell and the President's Office, Doc. T93-079 (**rescinded December 12, 2023 under amended Non-Unit Personnel Policy**)

The policies are sent to you for forwarding to the Governor, the Commissioner of Administration and Finance and the Joint Committee on Ways and Means, as prescribed in Section 3 of Chapter 75 of the General Laws of the Commonwealth.

If this annual update of the University's rules and regulations can be provided electronically going forward, please provide me with a forwarding email address at [zbarrett@umassp.edu](mailto:zbarrett@umassp.edu).

Thank you!

Zunilka Barrett  
Secretary to the Board of Trustees

## **UNIVERSITY OF MASSACHUSETTS TRAVEL POLICY**

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### **PURPOSE**

The Policy provides systemwide uniformity for addressing safety, security, and compliance during University Travel (as defined below). It also establishes additional requirements for travel to high-risk destinations. This Policy applies to all University Travel and all University Travelers as defined in this policy, regardless of funding source.

### **INTRODUCTION**

The University of Massachusetts (UMass or University) recognizes the import and necessity of travel for educational, research and business purposes in furtherance of the University's mission. In supporting these opportunities, the University must manage the associated travel risks and liabilities while promoting the health, safety, and security of all members of the UMass community.

The University establishes this Policy pursuant to the authority granted in M.G.L. c. 75, § 32 to set requirements and expectations for University Travel. All University Travelers must comply with this Policy, associated Presidential Standards, and applicable campus guidelines.

### **I. DEFINITIONS**

- A. Approver: Duly Authorized university representative with authority to approve travel for budgetary and programmatic purposes.
- B. Campus: Individual academic institution of the University of Massachusetts system (Amherst, Boston, Dartmouth, Lowell, Chan Medical School). For purposes of this policy, the President's Office is also considered to be a campus component.
- C. Campus Travel Risk Review Committee: Committee authorized by each campus or the UMass President's Office (UMPO) to review requests by prospective Traveler(s) from the respective campus/UMPO for University Travel to High-Risk Destinations and to make recommendations to the Travel Risk Approver.
- D. Comprehensively Sanctioned Destination: Countries and geographic regions subject to comprehensive U.S. trade, economic restrictions, or embargo.
- E. Domestic Travel Destination: Any travel destination that is a state or territory of the United States.

- F. Duly Authorized: With the authority of the University per Policy, Standard, or campus procedures.
- G. Elevated Cyber Security Risk Destination: Any International Travel Destination designated by the Systemwide Travel Risk Management Advisory Committee or the campus as posing substantive cybersecurity risk to a University Traveler and/or the University.
- H. High-Risk Destination(s): Any Comprehensively Sanctioned Destination(s); any country, region, province or city, including Domestic Travel Destinations and International Travel Destinations, designated by the Systemwide Travel Risk Management Advisory Committee or the campus as posing substantive health, safety, security risk to a University Traveler and/or the University.
- I. High-Risk Travel Destination Request Review Protocol: The pre-departure process for identifying, reviewing, and approving or denying proposed University Travel to High-Risk Destinations.
- J. International Travel Destination: Any travel destination that is not a state or territory of the United States.
- K. Personal Side Trip: Personal Travel made by a University Traveler while on approved University Travel.
- L. Personal Travel: Travel that is not University Travel including any Personal Side Trips.
- M. Travel Risk Approver: Duly Authorized University representative(s) designated by the campus or UMPO with authority to approve or deny Travel to High-Risk Destinations, generally after evaluating recommendations of the Campus Travel Risk Review Committee.
- N. Travel Risk Management Advisory Committee (TARMAC): Systemwide, five-campus and the UMass President's Office (UMPO) advisory committee established per Section II(G) of this Policy and authorized to designate and periodically review the University's systemwide High-Risk Destinations and advise on travel compliance and management protocols.
- O. Unauthorized Travel: Any travel that has been denied or is unapproved by the Campus as University Travel.
- P. University Business: Any activity, practice, commerce, trade, service, research, education, etc. in furtherance of the University's mission and functions.
- Q. University Device(s): Electronic devices such as laptops/computers, tablets, mobile phones, smartphones, and the like which are owned by the University and used to collect, store, access, transmit, carry, use, or hold University Data whether during or outside of normal working hours and whether it is used at a normal place of work or not.
- R. University Data: Data created, received, maintained or transmitted by or on behalf of the University through the course of its academic, administrative, research, or outreach activities.
- S. University Property: University-owned equipment, specimens and/or materials.

- T. University Travel (“Travel”): Any travel by Travelers for University Business regardless of funding source. University Travel includes, but is not limited to:
  - i. Travel in the course and scope of the Traveler’s employment at the University.
  - ii. Travel financed, in full or part, through university funding, grants, scholarship, or sponsorship.
  - iii. Travel sponsored, arranged, endorsed, promoted, or administered by the University, or by university faculty or staff members.
  - iv. Travel that is credit-bearing, or necessary for meeting a course or degree requirement, including graduate research at the University.
  - v. Travel that involves the physical transport of University Property regardless of funding source for such travel.
  - vi. Travel directly related to a university-sponsored grant or contract.
  - vii. Travel to an International Travel Destination when the Traveler will be performing any university-related work remotely on a regular basis.
  
- U. University Traveler(s) (“Traveler”): Duly Authorized employee, student, recognized student group or organization, trustee and Special State Employee as defined in MGL Chapter 268A, or non-employee (e.g., speaker, lecturer, student, visiting professor, candidate for university employment, guest etc.) on University Travel.
  
- V. University Travel Registry: Platform for maintaining critical travel information of University Travelers for safety and security purposes.

## **II. POLICY**

- A. Prior Approval: All University Travelers must obtain budgetary, programmatic and, as necessary, risk approvals for University Travel prior to departure.
  
- B. Registration of Travel: All University Travelers must register University Travel in the University Travel Registry and obtain associated approvals prior to departure.
  
- C. Travel Expenses: The Business and Travel Expense Policy (T92-031, Appendix C) governs expenses associated with all University Travel.
  
- D. Authority to Restrict Travel: The University reserves the right to restrict, deny, or postpone any University Travel in its sole discretion if the risks associated with the proposed travel outweigh the benefits to the professional or business purpose of the travel.
  
- E. Authority to Require Travelers to Evacuate: The University reserves the right to require Travelers to leave or evacuate a given location when, in its sole judgement and discretion, it determines that continued presence in that location may severely endanger health, safety or well-being of University Travelers or others.
  - i. University Travelers who fail to heed University instruction to evacuate do so at their own risk and are on notice that the University may not be able to respond with assistance. Such Travelers may forfeit emergency travel assistance and insurance coverage, academic credit, tuition payments or expense reimbursement, and may be held responsible for additional expenses incurred by the University due to the Traveler’s refusal to follow policy. In addition, such Traveler(s) may be subject to local administrative requirements or law enforcement actions related to specific local conditions or restrictions.

- F. Compliance with Laws and Regulations: Travelers are required to comply with applicable state, federal and international laws, including but not limited to the anti-bribery provisions of the U.S. Foreign Corrupt Practices Act (“FCPA”), which prohibits bribery of foreign officials; 18 USC Section 201, which prohibits bribery of US officials; and MGL Chapter 268A, the MA conflict of interest law.
  
- G. Travel with University Devices and/or University Data.
  - i. University Travelers traveling with University Devices, University Data, or by accessing University Data remotely shall not create data security or other confidentiality risks that cannot be effectively mitigated.
    - 1. Whether on University Travel or Personal Travel, Travelers traveling with University Device(s) and/or University Data must comply with cybersecurity, connectivity, telecommunication requirements as set forth in the Presidential, University Information Technology Services (UITS), and/or campus Information Security or Technology departmental standards and guidelines.
  - ii. University Travelers must not travel with University Devices and/or University Data to International Travel Destinations with elevated cyber security risks. For clarity, this extends to international Personal Travel.
    - 1. Campuses may grant authority to travel with University Devices and/or University Data when mitigation measures can effectively be achieved.
      - a. Traveler must obtain such approval from their respective campus prior to Travel.
  
- H. University Travel to or Through High-Risk Destinations.
  - i. This Policy establishes a University Travel Risk Management Advisory Committee (TARMAC) which is a systemwide advisory committee with representation from each campus and the President’s Office (UMPO). TARMAC is authorized and charged with assessing and monitoring travel-related risks, designating High-Risk Destinations or criteria for designating High-Risk Destinations, advising the system on travel compliance and management protocols, and periodically reviewing this Policy and the associated Presidential Standards.
    - 1. The composition of TARMAC is detailed in the Presidential Standards.
    - 2. Each Campus Travel Risk Review Committee maintains the authority to designate additional High-Risk Destinations for their campus.
    - 3. TARMAC will serve as a resource for the Campus Travel Risk Review Committees.
    - 4. Each Campus, through its Travel Risk Review Committee and Travel Risk Approver, has the authority to approve or deny Travel to a High-Risk Destination by their respective Traveler(s) [see Section II.(H)(ii) and II.(I)].
  - ii. Generally, University Travel to or through High-Risk Destinations is not allowed.
  - iii. The University recognizes that, on occasion, there may be a compelling reason to consider allowing University Travel to or through a High-Risk Destination. In such cases, and always prior to departure, Travel Risk Approvers must approve or deny all University Travel to, or through, a High-Risk Destination(s).
    - 1. Each Campus, through its Travel Risk Review Committee and Travel Risk Approver, has the authority to approve or deny Travel to a High-Risk Destination by their respective Traveler(s).
      - a. The Travel Risk Approver is authorized to approve or deny requests to travel to or through High-Risk Destinations, generally after reviewing the recommendations of the Campus Travel Risk Review Committee.

- iv. Each campus and the UMPO shall designate a Travel Risk Approver with the authority and responsibility to approve or deny travel requests from their respective campus/UMPO for any Travel to or through High-Risk Destinations.
  - v. Each campus and the President's Office shall appoint a Campus Travel Risk Review Committee responsible for reviewing travel requests from their respective Travelers to High-Risk Destinations and making recommendations to the respective Travel Risk Approver.
- I. High-Risk Travel Destination Request Review Protocol.
- i. Each campus and UMPO must develop and implement a pre-departure High-Risk Travel Destination Request Review Protocol for identifying and reviewing all anticipated University Travel to or through High-Risk Destinations for the respective campus or UMPO.
    - 1. High-Risk Travel Destination Request Review Protocol must be compliant with this Policy, associated Presidential Standards and associated campus guidelines.
  - ii. University Travelers seeking to travel to or through a High-Risk Destination must request and obtain travel authorization in accordance with High-Risk Travel Destination Request Review Protocol.
    - 1. Approval of Travel to High-Risk Destination.
      - a. University Traveler authorized to travel to a High-Risk Destination must comply with all pre-departure requirements which may include, but are not limited to:
        - i. Enrollment with the U.S. Department of State, "Smart Traveler Enrollment Program" (STEP) or the equivalent citizen service of the University Traveler's country of citizenship.
        - ii. Registration with the University's international emergency travel assistance provider.
        - iii. Obtaining a required license from the U.S. Department of Treasury Office of Foreign Assets Control for travel to a Comprehensively Sanctioned Destination, if applicable.
        - iv. Completing and acknowledging completion of a safety, cybersecurity and security training or briefing.
    - iii. Denial of Travel to High-Risk Destination.
      - 1. If the Travel Risk Approver denies a request to travel to a High-Risk Destination, the travel shall not be considered University Travel and shall not be supported with University funds. Any Traveler who makes the personal decision to travel to a High-Risk Destination despite the denial does so as a private individual and without university support. The University has no obligation(s) or liability in connection with such unauthorized travel, and such travel may not be eligible for support through the University emergency travel assistance program or University insurance coverage.
- J. Export Control Requirements for Travel to International Travel Destinations.
- i. When traveling to any International Travel Destination, University Travelers are considered "exporters" of any tangible items and technical information they take with them and/or share abroad. Therefore, all University Travelers traveling to International Travel Destination(s) on University Travel shall comply with all established laws, regulations and requirements specific to Export Control, including requirements for the proper handling, transfer, access, storage, control, and release of export-controlled commodities, hardware, software, information, technology, and technical data.
    - 1. Campuses shall implement an export control review process for University Travel to International Travel Destination(s).

- K. International Emergency Travel Assistance and Insurance Program.
- i. The University international emergency travel assistance and international travel accident and sickness insurance program provides risk management and emergency support and services for Travelers on approved international University Travel.
  - ii. Travelers are responsible for reviewing all materials relating to University international travel assistance and international travel accident and sickness insurance program and for cooperating with the University in the event that any claim needs to be filed.

### **III RESPONSIBILITIES**

- A. Each campus is responsible for designating responsibility for compliance with this Policy and applicable state and federal law.
- B. Each campus is responsible for designating responsibility for compliance oversight of the U.S. export control and economic sanctions requirements for the University.
- C. The Travel Risk Management Advisory Committee (TARMAC) is responsible for designating, monitoring, and periodically updating the University's designation of High-Risk Travel Destinations as well as advising the system on travel compliance and management protocols. TARMAC is also responsible for periodically reviewing this Policy and the associated Presidential Standards.
- D. Each campus is responsible for reviewing and approving or denying individual requests received from University Travelers from their respective campus for travel to or through High-Risk Travel Destinations.

### **IV. STANDARDS**

The President, in consultation with the Chancellors and the Vice President for Administration & Finance and Chancellors, will issue administrative standards to implement this policy.

### **V. RELATED POLICIES**

- [Business and Travel Expense Policy Doc. T92-031, Appendix C, as amended.](#)

**UNIVERSITY OF MASSACHUSETTS  
PRESIDENTIAL ADMINISTRATIVE STANDARDS  
FOR THE UNIVERSITY TRAVEL POLICY**

These presidential administrative standards (“Standards”) pertain to the University of Massachusetts Travel Policy (Doc. T-22-066) (the “Policy”). In accordance with the Policy, these Standards apply to travel by a duly authorized University of Massachusetts employee, student, Trustee, or associate traveling on university business regardless of the source of funds.

**Table of Contents**

- I. Introduction
  - a. Applicability
  - b. Definitions
- II. Standards
  - Section 1.01: Prior Approval
  - Section 1.02: Registration of Travel
  - Section 1.03: Travel Expenses
  - Section 1.04: Authority to Restrict Travel
  - Section 1.05: Authority to Require Travelers to Evacuate
  - Section 1.06: Compliance with Laws and Regulations
  - Section 1.07: Personal Travel
  - Section 1.08: Designation of High-Risk Travel Destinations
  - Section 1.09: High-Risk Travel Destination Request Review Protocol
  - Section 1.10: Travel with University Devices and/or Data
  - Section 1.11: International Travel Export Control & Sanctions Requirements
  - Section 1.12: International Emergency Travel Assistance and Insurance Program

**I. INTRODUCTION**

These Standards provide guidance on the implementation of the University Travel Policy (“Travel Policy”), established pursuant to the authority granted in M.G.L. c. 75, § 32 to: set requirements and expectations for University Travel; provide systemwide uniformity for addressing safety, security, and compliance during University Travel; set forth approval requirements for domestic and international travel and travel to high-risk destinations; and set forth requirements pertaining to University Devices and Data when traveling to International Destinations.

All University Travelers must comply with the Policy, these associated Standards, and applicable Campus guidelines.

- a. Applicability
  - The Travel Policy and these Standards apply to all University Travel and all University Travelers as defined in the Policy, regardless of funding source.
- b. Definitions
  - i. Approver: Duly Authorized university representative with authority to approve travel for budgetary and programmatic purposes.
  - ii. Campus: Individual academic institution of the University of Massachusetts system (Amherst, Boston, Dartmouth, Lowell, Chan Medical School). For purposes of the Policy, the President’s Office is also considered to be a campus component.

- iii. Campus Travel Risk Review Committee: Committee authorized by each campus or the UMass President’s Office (UMPO) to review requests by prospective Traveler(s) from the respective campus/UMPO for University Travel to High-Risk Destinations and to make recommendations to the Travel Risk Approver.
- iv. Comprehensively Sanctioned Destination: Countries and geographic regions subject to comprehensive U.S. trade, economic restrictions, or embargo.
- v. Domestic Travel Destination: Any travel destination that is a state or territory of the United States.
- vi. Duly Authorized: With the authority of the University per Policy, Standard, or campus procedures.
- vii. Elevated Cyber Security Risk Destination: Any International Travel Destination designated by the Systemwide Travel Risk Management Advisory Committee or the campus as posing substantive cybersecurity risk to a University Traveler and/or the University.
- viii. High-Risk Destination(s): Any Comprehensively Sanctioned Destination(s); any country, region, province or city, including Domestic Travel Destinations and International Travel Destinations, designated by the Systemwide Travel Risk Management Advisory Committee or the campus as posing substantive health, safety, security risk to a University Traveler and/or the University.
- ix. High-Risk Travel Destination Request Review Protocol: The pre-departure process for identifying, reviewing, and approving or denying proposed University Travel to High-Risk Destinations.
- x. International Travel Destination: Any travel destination that is not a state or territory of the United States.
- xi. Personal Side Trip: Personal Travel made by a University Traveler while on approved University Travel.
- xii. Personal Travel: Travel that is not University Travel including any Personal Side Trips.
- xiii. Travel Risk Approver: Duly Authorized University representative(s) designated by the Campus or UMPO with authority to approve or deny Travel to High-Risk Destinations, generally after evaluating recommendations of the Campus Travel Risk Review Committee.
- xiv. Travel Risk Management Advisory Committee (TARMAC): Systemwide, five-campus and the UMass President’s Office (UMPO) advisory committee established per Section II(G) of the Policy and authorized to designate and periodically review the University’s systemwide High-Risk Destinations and advise on travel compliance and management protocols.
- xv. Unauthorized Travel: Any travel that has been denied or is unapproved by the Campus as University Travel.
- xvi. University Business: Any activity, practice, commerce, trade, service, research, education, etc. in furtherance of the University’s mission and functions.
- xvii. University Device(s): Electronic devices such as laptops/computers, tablets, mobile phones, smartphones, and the like which are owned by the University and used to collect, store, access, transmit, carry, use, or hold University Data whether during or outside of normal working hours and whether it is used at a normal place of work or not.
- xviii. University Data: Data created, received, maintained or transmitted by or on behalf of the University through the course of its academic, administrative, research, or outreach activities.
- xix. University Property: University-owned equipment, specimens and/or materials.
- xx. University Travel (“Travel”): Any travel by Travelers for University Business regardless of funding source. University Travel includes, but is not limited to:
  - 1. Travel in the course and scope of the Traveler’s employment at the University.

2. Travel financed, in full or part, through university funding, grants, scholarship, or sponsorship.
  3. Travel sponsored, arranged, endorsed, promoted, or administered by the University, or by university faculty or staff members.
  4. Travel that is credit-bearing, or necessary for meeting a course or degree requirement, including graduate research at the University.
  5. Travel that involves the physical transport of University Property regardless of funding source for such travel.
  6. Travel directly related to a University-sponsored grant or contract.
  7. Travel to an International Travel Destination when the Traveler will be performing any university-related work remotely on a regular basis.
- xxi. University Traveler(s) (“Traveler”): Duly Authorized employee, student, recognized student group or organization, trustee and Special State Employee as defined in MGL Chapter 268A, or non-employee (e.g., speaker, lecturer, student, visiting professor, candidate for university employment, guest etc.) on University Travel.
- xxii. University Travel Registry: Platform for maintaining critical travel information of University Travelers for safety and security purposes.

## II. STANDARDS

### Section 1.01: Prior Approval

- a. Travelers must obtain budgetary, programmatic and risk (see Sections 1.09, 1.10, 1.11) approval prior to departure and in accordance with the timeframes set by their respective campus.
  - i. Campuses may grant an exception to compliance with their respective timeframes.
- b. Campuses have the discretion to grant blanket approvals to Travelers for domestic University Travel.

### Section 1.02: Registration of Travel

- a. Registration of University Travel not only makes it possible to deliver destination-specific travel advice, but also assists the University in identifying and supporting Travelers potentially impacted by itinerary-specific threats and/or compliance requirements and in providing, as appropriate, assistance in response to events that might present health, safety and security risks to Travelers.
- b. Travelers must register all *in-state (Massachusetts) overnight* and *out-of-state (outside of Massachusetts) domestic* Travel and *international* Travel in the University Travel Registry prior to departure and in accordance with the timeframes set by their respective campus.
  - i. Each instance of Domestic overnight University Travel approved through a blanket approval is required to be registered.
- c. Travelers must update the University Travel Registry with any changes in Travel itinerary such as travel dates, destinations and on-site contact information as soon as the information becomes available.
  - i. Changes to Travel may be subject to review and approval.
  - ii. Changes to Travel are subject to University Device and Data restrictions (see Section 1.10).

### Section 1.03: Travel Expenses

- a. Travel expenses are governed by the [Business and Travel Expense Policy](#) (T92-031, Appendix C) and associated [Standards](#).
- b. Travelers must abide by the [Business and Travel Expense Policy](#) and associated [Standards](#) for allowability of travel expenses and reimbursement of travel expenses.

#### **Section 1.04: Authority to Restrict Travel**

- a. Travelers must abide by the [Business and Travel Expense Policy](#) and associated [Standards](#) for allowability of travel expenses and reimbursement of travel expenses:
  - i. The risk associated with the Travel, despite mitigation measures, poses an unacceptable risk to health, safety, or well-being of the Traveler or
  - ii. The risk associated with the Travel, despite mitigation measures, poses an unacceptable liability risk to the University.
- b. Restrictions may include delay, abbreviation or indefinite postponement of Travel to a given location.
- c. Such restrictions can be implemented prior to, or during, Travel.
- d. Such restrictions may include prohibiting the Traveler from traveling with University Devices and/or University Data or accessing University Data during Travel. See Section 1.10.

#### **Section 1.05: Authority to Require Travelers to Evacuate**

- a. In accordance with [M.G.L. c. 75, § 32](#), the University has the authority to require a Traveler to leave or evacuate a given location in the event of a voluntary or mandatory evacuation order by the U.S. Government or when, in its sole judgement and discretion, the University determines continued presence in that location may seriously endanger health, safety or well-being of University Travelers or others.

#### **Section 1.06: Travelers Must Comply with Laws and Regulations**

- a. Travelers must comply with all local, state, federal and national laws and regulations, even if such laws are more restrictive than those applicable in their home jurisdiction.
- b. Travelers must comply with the [U.S. Foreign Corrupt Practices Act \(“FCPA”\)](#) and [18 USC Section 201](#), which prohibit bribery of and by foreign officials.
- c. Travelers must comply with all export control requirements for all University Travel to International Destinations.
- d. Travelers must adhere to [the Massachusetts conflict-of-interest law \(MGL Chapter 268A\)](#) and related University conflict-of-interest policies while conducting University Travel.
- e. University Travelers are responsible for tax compliance associated with international Travel (Value-Added Taxes (VAT)).
  - i. Campuses should consider consulting with the University customs broker ([Highland Forwarding](#)) for those unique, bespoke or high-value items that may trigger tax compliance and to advise on the applicability of necessary documentation.
- f. It is the responsibility of the Traveler to be or become familiar with and maintain compliance with said laws, regulations and requirements.
- g. University Travelers are responsible for determining and complying with all visa and entry requirements associated with Travel to International Destination(s), noting that visa requirements vary depending on the Traveler’s citizenship and planned activities. Travelers can contact the University’s travel management company or international travel emergency services provider for personalized guidance.

#### **Section 1.07: Personal Travel**

- a. Personal Travel is travel that is not University Travel.
- b. Personal Side Trips are Personal Travel made by a University Traveler while on University Travel. Personal Side Trips include travel adjacent to and during University Travel.

*Examples of Personal Side Trips:*

  - A Traveler is on approved University Travel to Germany from June 14 through June 24. The Traveler arranges and goes on Personal Travel to another destination from June 2-14.

- A Traveler is on approved University Travel to Germany from June 14 through June 24. The Traveler arranges and goes on Personal Travel to another destination for a weekend during this timeframe.
- A Traveler is participating in a Study Abroad Program in Germany and makes a weekend trip to another destination.
  - i. Personal Side Trips are generally covered by University travel accident and sickness insurance provided the Personal Side Trip meets the coverage conditions (i.e., within the duration limit specified in the insurance policy – generally 7 days or less). Additional information can be obtained through the [UMass Treasurer’s Office](#).
  - ii. If a Personal Side Trip involves travel to a High-Risk Destination, the Campus may require the Traveler to complete a release of liability.
- c. Personal Travel and Personal Side Trips are subject to Section G of the Policy (*Travel with University Devices and/or Data*) and Section 1.10 of these Standards.

**Section 1.08: Designation of High-Risk Travel Destinations**

- a. Travel Risk Management Advisory Committee (TARMAC).
  - i. The University shall establish a systemwide Travel and Risk Management Advisory Committee (TARMAC).
    - 1. TARMAC Responsibilities and Authorities.
      - a. TARMAC has authority to designate High-Risk Destinations and set criteria used in designating High-Risk Destinations.
      - b. High-Risk Destinations designated by TARMAC and/or High-Risk Designations meeting the criteria set by TARMAC shall have systemwide applicability.
      - c. Each Campus/UMPO has the authority to designate additional High-Risk Destinations for applicability to their respective Campus/UMPO.
        - i. Campuses may delegate this responsibility to the Campus Travel Risk Review Committee.
      - d. Each Campus/UMPO has the authority to allow Travel to a High-Risk Destination when the campus Travel Risk Approver has approved such Travel. See Section 1.08(d).
      - e. TARMAC does not have the authority to approve or deny requests for Travel to a High-Risk Destination; the authority to approve or deny requests to High-Risk Travel Destinations resides with the respective campus/UMPO Travel Risk Approver of Traveler.
      - f. TARMAC may share travel risk information and resources among members.
    - 2. TARMAC Membership
      - a. TARMAC membership at a minimum must include representatives from each of the following:
        - i. Amherst Campus (2)
        - ii. Boston Campus (2)
        - iii. Dartmouth Campus (2)
        - iv. Lowell Campus (2)
        - v. Chan Medical School Campus (2)
        - vi. UMPO - President’s Office Operations (1)
        - vii. UMPO - Office of the General Counsel (2)
        - viii. UMPO - Enterprise Risk Management (1)
        - ix. UITS Information Security (1)
        - x. Campus CISO (1)

- b. Only members of Campus/UMPO Risk Review Committees can serve as their respective TARMAC Campus/UMPO representative.
  - c. TARMAC membership shall designate a Chairperson.
  - d. TARMAC shall designate a TARMAC member to be responsible for ensuring High Risk Destinations and associated criteria are made available to University Travelers.
  - e. TARMAC shall meet quarterly.
    - i. TARMAC may set an alternate schedule with agreement of a majority of the membership.
    - ii. As needed, TARMAC may request through the TARMAC Chairperson and at the TARMAC Chairperson's discretion that TARMAC convene.
    - iii. The TARMAC Chairperson can add destinations to the High-Risk Destination list if such destinations objectively meet the criteria set forth by the TARMAC.
- b. Designation of High-Risk Destinations.
- i. TARMAC shall set criteria for designation of High-Risk Destinations.
    - 1. Criteria shall be made available to University Travelers.
  - ii. TARMAC, in consultation with UITS and Campus Chief Information Security Officers, shall set criteria for designation of Elevated Cyber Security Risk Destinations.
    - 1. Criteria shall be made available to University Travelers.
  - iii. Using designated criteria, TARMAC shall designate High-Risk Destinations and Elevated Cyber Security Risk Destinations.
    - 1. Information on such Destinations shall be made available to University Travelers.
- c. Campus Travel Risk Review Committee.
- i. Each Campus/UMPO shall designate a Campus Travel Risk Review Committee for the respective Campus/UMPO.
  - ii. Responsibilities and Authorities.
    - 1. Campus Travel Risk Review Committee is responsible for reviewing requests by prospective Traveler(s) from the respective Campus/UMPO for University Travel to or through High-Risk Destinations.
    - 2. Campus Travel Risk Review Committee is authorized to make recommendations to the Travel Risk Approver on the approval, denial or modifications to the requested Travel.
  - iii. Committee Membership.
    - 1. Each Campus/UMPO has the authority to designate the membership of their respective Campus Travel Risk Review Committee.
      - a. Each Campus Travel Risk Review Committee should include at least three members.
        - i. Each Campus/UMPO should ensure the membership of their respective Campus Travel Risk Review Committee includes individuals/disciplines that can address the risks specific to the respective Campus/UMPO.
      - b. Each Campus/UMPO Travel Risk Review Committee may consult with additional subject matter experts from their respective Campus or with the TARMAC as the Campus deems appropriate.
- d. Campus Travel Risk Approver.
- i. Each Campus/UMPO shall designate a Travel Risk Approver to approve or deny Travel to High-Risk Destinations by their respective Campus/UMPO Travelers.
    - 1. A Campus/UMPO may delegate the role of the Travel Risk Approver to their respective Campus Travel Risk Review Committee.
  - ii. Role and Authorities of Travel Risk Approver.
    - 1. The Travel Risk Approver is authorized to approve, deny or require modifications to Travel to High-Risk Destinations.

2. Travel Risk Approver should evaluate the recommendations of the Campus Travel Risk Review Committee prior to making a decision.
  - a. In cases where an expedited decision is required because of extenuating circumstances which exclude convenience, the Travel Risk Approver may decide without first consulting the Travel Risk Review Committee.

**Section 1.09: High-Risk Travel Destination Request Review Protocol (*proposed content for discussion*)**

- a. Each Campus/UMPO must develop and implement a pre-departure High-Risk Travel Destination Request Review Protocol for identifying and reviewing all anticipated University Travel to or through High-Risk Destinations for the respective Campus/UMPO.
  - i. Protocol should be written and publicly available for the University Travelers.
  - ii. Protocol should include Export Control review for Travel to International Destinations (See Section 1.11).
  - iii. Protocol should require the Campus Travel Risk Review Committee to review all requests from their respective Campus Travelers to High-Risk Destinations.
    1. Although TARMAC can serve as a resource for a Campus Travel Risk Review Committee, TARMAC does not play a role in the Campus Travel Risk Review Protocol.
  - iv. Campus Travel Risk Review Committee makes recommendation to Travel Risk Approver about approving, denying or conditionally approving Travel to High-Risk Destination.
    1. In limited circumstances, Travel Risk Approver may be required to approve, deny or conditionally approve Travel to High-Risk Destination without prior review by the Campus Travel Risk Review Committee.
  - v. Travel Risk Approver approves, denies or conditionally approves Travel.
    1. Approval of Travel to High-Risk Destination.
      - a. University Traveler approved to travel to a High-Risk Destination must comply with all pre-departure requirements prior to departure, including but not limited to the following:
        - i. Registration of Travel in University Travel Registry, including travel itinerary.
        - ii. Export Control (see Section 1.11).
        - iii. University Device and Data requirements (see Section 1.10).
        - iv. Enrollment with the U.S. Department of State [\*Smart Traveler Enrollment Program \(STEP\)\*](#) or the equivalent citizen service of the University Traveler's country of citizenship.
        - v. Registration with the University's [\*travel accident and sickness insurance\*](#) emergency services provider, including travel itinerary.
        - vi. Becoming familiar with travel-related policies and guidelines.
        - vii. Completing and acknowledging completion of a safety, cybersecurity and security training or briefing as required by the Campus.
          1. Briefings are provided by the Traveler's respective Campus and may be in-person and/or through distributed materials.
      - b. University Traveler approved to travel to a High-Risk Destination may also need to take the following pre-departure activities, including but not limited to the following:
        - i. Enrollment with the U.S. Department of State [\*Smart Traveler Enrollment Program \(STEP\)\*](#) or the equivalent citizen service of the University Traveler's country of citizenship.
        - ii. Registration with the University's [\*travel accident and sickness insurance\*](#) emergency services provider, including travel itinerary.

2. Denial of Travel to High-Risk Destination.
  - a. When Travel to a High-Risk Destination is denied:
    - i. Said Travel is Unauthorized Travel.
    - ii. Said Travel is not University Travel.
    - iii. Said Travel shall not be supported with University funds.
  - b. Denied Travel is Unauthorized Travel.
    - i. If a Traveler travels to a High-Risk Destination when the Travel has been denied, the Traveler travels:
      1. As Personal Travel
      2. In their personal capacity
      3. At Traveler's own personal expense
      4. Without University support
        - i. The University has no obligation(s) or liability in connection with Unauthorized Travel.
        - ii. Unauthorized Travel may not be eligible for support through the University emergency travel assistance program or University insurance coverage.
3. Conditional Approval of Travel to High-Risk Destination.
  - a. Travel to a High-Risk Destination may be conditionally approved pending actions by the Traveler and/or modifications to Travel.
    - i. All conditional approval requirements shall be in writing and acknowledged by Traveler.
    - ii. Prior to departure, and within the timeframe required by the Campus, Traveler shall demonstrate in accordance with Campus processes that all conditions of travel have been met.
      1. Should conditional approval requirements not be met by the Traveler in accordance with the Campus processes and within the timeframe required by the Campus, such Travel shall be deemed denied and subject to section 1.09(a)(v)(2)(b) above.

**Section 1.10: Travel with University Devices and/or Data**

- a. University Travelers traveling with University Devices or accessing University Data remotely shall not create data security or other confidentiality risks that cannot be effectively mitigated.
- b. Travelers traveling with University Device(s) and/or University Data on University Travel to a High-Risk Destination or Elevated Cybersecurity Risk Destination must comply with cybersecurity, connectivity, telecommunication requirements as set forth by the Traveler's respective Campus as well as any pertinent state, federal or international requirement, regulation or law.
  - i. Each Campus shall establish these requirements for their respective Campus and respective Travelers.
  - ii. University Travelers traveling to a High-Risk Destination or Elevated Cybersecurity Risk Destination are responsible for securing permission from their respective Campus IT department or designated IT point of contact to bring or access University Devices or Data prior to traveling to these Destinations.
    1. The Campus IT department or designated IT point of contact is authorized to determine the measures required to be taken to effectively mitigate the cybersecurity risk. These measures must be implemented by the Traveler or IT Department to be allowed to bring and/or access University Devices or University Data while traveling to these Destinations.

- a. If the Campus IT department or designated IT point of contact determines the cybersecurity risks cannot be effectively mitigated, University Travelers shall not be allowed to bring University Devices or Data on Travel or access University Data during Travel.
  - 2. If a Traveler stores or accesses University Data on or from a personal device (which is strongly discouraged), said personal device is subject to the Campus IT department's requirements and mitigation measures while the Traveler is on University Travel to a High-Risk Destination or Elevated Cybersecurity Risk Destination. If mitigation measures are not feasible, or the Traveler chooses not to apply mitigation measures to the personal device, said Data or access to Data must be removed from the personal device.
- iii. Personal Travel:
  - 1. Individuals who intend to bring or access University Devices or Data on Personal Travel to a High-Risk Destination or Elevated Cybersecurity Risk Destination must comply with cybersecurity, connectivity, telecommunication requirements as set forth by the Traveler's respective Campus for University Devices and Data.
    - a. Such individuals are responsible for securing permission from their respective Campus IT department or designated IT point of contact to bring or access University Devices or Data prior to commencing Personal Travel.
      - i. The Campus IT department or IT point of contact is authorized to determine the requirements and measures that must be taken to mitigate the cybersecurity risk to University Devices or University Data. These measures must be implemented by the individual or Campus IT Department to be allowed to bring or access University Devices or University Data while on said Personal Travel to a High-Risk Destination or Elevated Cybersecurity Risk Destination.
  - 2. If the Campus IT department or designated IT point of contact determines that that the cybersecurity risks to University Devices or Data cannot be mitigated, University Travelers are not allowed to bring and/or access University Devices or University Data while on said Personal Travel to these Destinations.
    - a. If individuals who intend to access University Data on or from a personal device (which is strongly discouraged) while conducting Personal Travel to a High-Risk Destination or Elevated Cybersecurity Risk Destination, said personal device is subject to the individual's respective Campus IT department's requirements and mitigation measures. If mitigation measures are not feasible, or the individual chooses not to apply mitigation measures to the personal device, said Data or access to Data must be removed from the personal device.

**Section 1.11 International Travel Export Control & Sanctions Requirements**

- a. When traveling internationally, University Travelers are "exporters" of any tangible items and technical information they take with them and/or share abroad.
- b. Therefore, University Travelers traveling to an International Destination(s) must comply with all export control and sanctions laws, regulations and requirements including, but not limited to, proper handling, transfer, access, storage, control, and release of export-controlled commodities, hardware, software, information, technology, and technical data.
- c. Export Control review is required for all University Travel to or through International Destinations, High Risk Destinations and Elevated Cyber Security Risk Destinations. Export Control approval is required for travel to High-Risk Destinations and Elevated Cyber Security Risk Destinations.
- d. Campus Export Control Review and Approval Processes.
  - i. Campuses / UMPO shall implement export control review and approval processes for all international University Travel conducted by their respective University Traveler(s).

- ii. Campus Export Control Review Process will determine, document and communicate applicable licensing or documentation requirements related to:
  - 1. Office of Foreign Assets Control (OFAC) regulations (for travel to a sanctioned destination).
  - 2. Department of Commerce Export Administration Regulations (EAR).
  - 3. Department of State International Traffic in Arms Regulations (ITAR).
- iii. At a minimum, international University Travelers must disclose the following information to campus export control offices for review and consideration. This disclosure may be accomplished through the process for obtaining pre-travel authorization for Travel.
  - 1. Purpose and details of Travel.
  - 2. Travel itinerary including dates, locations and modes of travel.
  - 3. University Traveler details (citizenship / passport / employment / student)).
  - 4. List of any University equipment and materials the Traveler will bring on Travel, such as data, technology, software, specimens, and samples.
- iv. Campuses may require additional information disclosure(s) depending on the purpose, destination and scope of the trip, such as the individuals and entities with whom the Traveler will interact.
- v. Campuses/UMPO will establish required timeframes for their respective Travelers' submission of information for export control review and compliance.
  - 1. Campus export control review will be conducted prior to the Traveler's departure, and, for Travel to High-Risk Destinations or Elevated Cyber Security Destinations, prior to a Campus Travel Risk Approver approving or denying Travel.
  - 2. Campus export control approval, if required, must be obtained by the Traveler prior to departure.
- vi. Export Control Review and Approval Process may be embedded in the Campus Travel Risk Review Protocol (see Section 1.09).
- e. Export Control requirements apply to University Devices and/or Data that are brought on Personal Travel to International Destinations, High-Risk Destinations and Elevated Cyber Security Risk Destinations.
- f. Campuses will provide international University Travelers educational and awareness training or resources on export control and sanctions as needed to maintain compliance with regulations. Training and resources may include, but not necessarily be limited to:
  - i. Export controls and sanctions programs awareness.
  - ii. Information on "Tools of the Trade" (TMP) and "Baggage" (BAG) license exceptions.
  - iii. Timeframes and expectations for obtaining applicable export license(s).
  - iv. Restricted-Party Screening of Individuals and Entities with whom University Travelers will be meeting, communicating and collaborating while abroad.
  - v. Cybersecurity requirements.
- g. University Travelers are responsible for making determinations about applicability "Tools of the Trade" (TMP) and "Baggage" (BAG) license exceptions but may request assistance from Campus export control personnel with these determinations.

**Section 1.12: International Emergency Travel Assistance and Insurance Program**

- a. Insurance: The University maintains international travel accident and sickness insurance.
  - i. The insurance policy is maintained by UMass Treasurer's Office.
  - ii. The insurance policy provides coverage to University Travelers while on approved University Travel to ensure Traveler access to medical support and services to support safety while on international University Travel.

- b. Emergency Travel Assistance: The University maintains an emergency travel assistance program, typically associated with the University international travel accident and sickness insurance, to facilitate access to services in support of the health and safety of University Travelers while on University Travel. This program coordinates access to medical care and evacuation support to University Travelers when needed.
  - i. University Travelers conducting University Travel to an International Destination may avail themselves of the resources provided by the emergency services provider, such as: obtaining pretravel assistance, downloading their mobile app and enabling location services to receive local alerts, and enabling one-touch emergency calls to the provider.
- c. Travelers planning Travel to an International Destination are responsible for reviewing information on the University's emergency travel assistance and international travel accident and sickness insurance program prior to departure.
  - i. Information can be obtained through the Traveler's Campus global program office or similar, or from the [UMass Treasurer's Office](#).
- d. Travelers are responsible for providing information to the UMass Treasurer's Office when a claim is or is anticipated to be filed.

**Doc. T91-100, as amended**

*Passed by the Board of Trustees*

*September 5, 1991*

*Revised: 10/14/92; 10/6/93; 12/2/93; 4/6/94;  
8/10/94; 10/11/95; 12/6/95; 6/5/96; 10/9/96;  
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8/23/06; 11/8/06; 3/14/07; 12/11/08; 2/24/10;  
2/27/13; 9/17/14; 9/30/21; 9/22/22; 4/12/23*

**UNIVERSITY OF MASSACHUSETTS  
BOARD OF TRUSTEES BY-LAWS**

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**PREAMBLE**

These By-laws shall govern the proceedings and acts of the Board of Trustees of the University of Massachusetts. The University shall consist of five campuses at Amherst, Boston, Dartmouth, Lowell, and Worcester. Its principal office shall be the President's Office at One Beacon Street, Boston, Massachusetts.

**ARTICLE I: ORGANIZATION & OFFICERS**

**Section 1. Composition and Functions**

The composition, functions, duties, powers and responsibilities of the Board of Trustees shall be as provided and authorized by the laws of the Commonwealth as in effect from time to time.

**Section 2. Officers of the Board**

The Officers of the Board shall be a Chair, and one or two Vice Chairs, all of whom shall be Trustees, and a Secretary. These Officers, with the exception of the Chair, shall be elected by the Trustees at their annual meeting, upon nomination by the Trustee Governance Committee as provided in Article IV, Section 1(a) and shall hold office until the next annual meeting or until their respective successors are elected and qualified.

**Section 3. Duties of Officers**

The Chair, Vice Chair(s), and Secretary shall have the duties, functions, powers and responsibilities as prescribed by the laws of the Commonwealth, these By-laws, votes of the Board of Trustees and parliamentary custom.

**Section 4. Compensation**

Members of the Board shall serve without compensation but shall be reimbursed for all expenses reasonably incurred in the performance of their duties.

**Section 5. Attendance**

If any member, either elected or appointed, is absent from four regular meetings in any calendar year, exclusive of July and August, his or her office as a member of said Board shall be deemed vacant.

## **Section 6. Remote Attendance**

Pursuant to M.G.L. Ch. 30A, section 20, and as adopted by the Board by vote of December 14, 2011, trustees may attend any meeting remotely and shall be entitled to fully participate, including casting a vote, at the meeting. Remote attendance will be permitted subject to the following provisions and regulations issued by the Office of the Attorney General.

- (a) Any member may request permission of the Chair of the Board, or the chair of any committee, special, ad hoc, or sub-committee or task force, to attend and participate in the meeting remotely.
- (b) A quorum of the body, including the chair, must be physically present before any member shall be permitted to attend by telephone.
- (c) A member shall be permitted to attend remotely if the respective chair determines that it would be unreasonably difficult for a member to physically attend due to personal illness or disability, emergency, military service, or geographic distance.
- (d) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason for his/her remote participation. This information shall also be recorded in the meeting minutes.
- (e) All votes taken during a meeting in which a member participates remotely shall be by roll call vote.
- (f) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.
- (g) Any meeting at which a member is participating remotely shall comply with regulations issued by the Attorney General.

## **ARTICLE II: MEETINGS OF THE BOARD OF TRUSTEES**

### **Section 1. Annual Meeting, Regular and Special Meetings**

- (a) *Annual Meeting* – The Annual Meeting of the Board of Trustees shall be in September, effective September, 2007.
- (b) *Regular Meetings* – Regular Meetings of the Board of Trustees shall be held in the months of April, June, September, December, effective 2015, unless otherwise determined by the Board of Trustees.
- (c) *Special Meetings* – Special Meetings of the Board of Trustees may be called by the Chair, or the President of the University, and shall be called by the Secretary upon written request of any five voting Trustees.

- (d) *Time and Location* – The time and place of all meetings shall be designated by the Chair of the Board, unless otherwise specified by these By-laws. All meetings shall be held within the Commonwealth.

## **Section 2. Notice**

- (a) *Regular Meetings* – Notice of the regular meetings of the Board shall be sent to each Trustee at least six days prior to the date fixed for said meeting, which notice shall state the time and place thereof.
- (b) *Special Meetings* – In the case of a special meeting, notice of the time, place, and purpose(s) of the meetings shall be sent to each Trustee at least two days prior to the date fixed for said meeting.
- (c) *Waiver of Notice* – Notwithstanding any provisions hereof to the contrary, no notice of any meeting need be given to any Trustee who waives the same by written waiver executed before or after the meeting. Waivers so executed shall be filed with the records of the meeting.

## **Section 3. Agenda of Regular Board Meetings**

A written agenda of matters to be considered at each regular meeting of the Board of Trustees shall be sent to each Trustee at least six days prior to the date fixed for said meeting.

A Chancellor may provide notice of items for the agenda of said meeting for the President's consideration with a copy to the Secretary, at least thirty-one days before the date fixed for said meeting.

Items and all supporting material to be included in the agenda of said meeting, except for recommendations by standing or other committees of the Board, shall be submitted, in writing, to the Secretary at least nineteen days before the date fixed for said meeting by the President. Any exception to these requirements shall require a written request to and approval by the President; provided, however, that any Trustee may submit an item to the Secretary upon informing the Chair of the Board of the University.

Members of the public wishing to speak on an agenda item shall forward a request to the Secretary no later than twenty-four hours prior to a meeting. The Chair shall have complete discretion in granting or denying request to speak.

## **Section 4. Consent Agenda**

By a vote of a majority of Committee members present at any Committee meeting, action item(s) may be placed on a consent agenda for regular Board meetings. Any item so designated as a consent agenda item by the Committee shall be so designated in the agenda of a regular Board meeting provided to the Board of Trustees. Unless any Trustee objects to the inclusion of an item on the consent agenda by notifying the President before the Board meeting, all items designated as a consent agenda item in the agenda shall be included in the consent agenda for approval by a single vote by the Board of Trustees without discussion of individual items.

## **Section 5. Quorum**

In accordance with M.G.L., Chapter 75, nine Trustees shall constitute a quorum for meetings of the Board. A lesser number may adjourn any meeting to a future date without further notice. A majority of the voting members of any committee shall constitute a quorum. "Committee" as used in these Bylaws includes any standing or special committee, and any sub- or ad hoc committee or task force.

## **Section 6. Order of Business**

Unless otherwise determined by the Chair of the Board, the following shall be the order of business at regular meetings of the Board:

- I. Call to Order
- II. Consideration of the Minutes of Prior Meeting(s)
- III. Chair's Report
- IV. President's Report
- V. Consent Agenda
- VI. Reports of Standing Committees
- VII. Other Business
- VIII. Consideration of Honorary Degrees (when applicable)
- IX. Trustee Governance Committee Report (at annual meeting)
- X. Public Participation - as recommended by the Open Meeting Law.

## **Section 7. Executive Sessions**

- (a) By a vote of a majority of the voting Trustees present at any meeting, the Board may enter into executive session, closed to the public, for the purpose(s) listed in (e) below, consistent with the provisions of the Open Meeting Law. The body must first convene in public session before taking any vote for executive session. The vote shall be taken by roll call and the purpose(s) of the session and the reason(s) why it is to be confidential shall be announced before the executive session. The presiding officer shall state before the executive session whether the meeting will reconvene in open session after the executive session.
- (b) The Board shall maintain accurate records of its executive sessions, setting forth the date, time, place, members present or absent, and actions taken at each executive session.
- (c) The records of any executive session may remain secret only so long as publication may defeat the lawful purposes of the executive session.
- (d) All votes taken in executive session shall be taken by roll call and shall become part of the records of said executive session.
- (e) Executive Sessions may be held only for the following purposes and any other purposes as may be provided under the Open Meeting Law, chapter 30A, sections 18 to 25 or under the University's enabling statute, chapter 75, et seq.; or under any other federal or state law:
  - i. To discuss the reputation and character, physical condition or mental health rather than the professional competence of an individual, or to consider the discipline or dismissal of, or to

hear complaints or charges brought against, an officer, employee, staff member, or individual. The individual to be discussed shall be notified in writing at least 48 hours prior to the proposed executive session, except that notice shall be waived by written agreement of the parties. An open meeting shall be held if the individual involved requests in writing that the meeting be open. If an executive session is held, the individual shall have those rights as established by Chapter 30A, section 21(a) of the General Laws, in addition to any other rights the individual may have from any other source, including but not limited to collective bargaining agreements. The exercise or waiver of any rights under this provision shall not be construed as a waiver of any rights of the individual.

- ii. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
- iii. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body, and the chair so declares;
- iv. To discuss the deployment of security personnel or devices.
- v. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- vi. To consider the purchase, exchange, lease, or value of real property, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the University.
- vii. To comply with, or act under the authority of, any general or specific law or federal grant-in-aid requirements.
- viii. To consider the award of honorary degrees.
- ix. To consider award of tenure to a member of the faculty.
- x. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening.
- xi. Any other purpose permitted by law.

### **ARTICLE III: COMMITTEES OF THE BOARD**

#### **Section 1. Standing Committees**

There shall be six standing committees of the Board of Trustees:

- The Executive Committee;
- The Compensation Committee;
- The Committee on Academic and Student Affairs;

- The Committee on Administration and Finance;
- The Audit and Risk Committee; and
- The Athletics Committee

## **Section 2. Members of Standing Committees**

- (a) The Board of Trustees at its annual meeting shall elect the Chairs of each standing committee, and may elect Vice Chairs of said Committees, other than the Executive Committee. After consultation with the Chair of each standing committee, the Chair of the Board shall appoint the members of each such committee, except as otherwise provided in these by-laws.
- (b) The Executive Committee shall be composed of the Chair of the Board of Trustees, the Vice Chair(s) of the Board of Trustees, the Chairs of each of the standing committees of the Board, a voting student Trustee, and such other members of the Board as may be appointed by the Chair of the Board.
- (c) The Chair of the Board shall be the Chair of the Executive Committee and a voting member ex officio of each standing committee.
- (d) The President of the University shall be a non-voting ex officio member of each standing committee.
- (e) If, for any reason, a vacancy occurs in a standing committee, or its chair, the Chair of the Board shall appoint a successor. A successor so appointed shall serve until the next annual meeting of the Board of Trustees.
- (f) In the event that a member of a standing committee declares his/her inability to serve for a period, the Chair of the Board shall appoint a substitute who shall serve during such period, or until the next annual meeting of the Board of Trustees.

## **Section 3. Committee Meetings**

- (a) *Time and Location* – Committee meetings may be held at any time and place designated by the Chair of the Committee, the Chair of the Board, the President of the University, or three members of the Committee, after consultation with the President.
- (b) *Non-Trustee members* – With the concurrence of the Chair of the Board and the President, non-trustees may be appointed as non-voting members of any committee except the Governance and Compensation committees. No more than two members of any committee may be non-trustees.
- (c) *Notice* – The Secretary shall send a notice of the time and place of the meeting to each member of such committee at least six days prior to such meeting.
- (d) *Waiver of Notice* – Notice need not be given to any member who waives such notice in writing before or after the meeting, or who attends the meeting.
- (e) *Assignment of Agenda Items/Joint Meetings* – Should any matter be an appropriate subject for consideration by more than one committee, the President, after consultation with the respective chairs of said committees and the Chair of the Board, shall determine to which committee or committees the matter shall be referred, and whether a joint meeting shall be held.

- (f) *Executive Session* – By a vote of a majority of members present at any committee meeting, the committee may enter into executive session, closed to the public, as provided in Article II, Section 7 of these By-laws for the purpose(s) stated therein.

#### **Section 4. Agenda of Committee Meetings**

- (a) A written agenda of matters to be considered at each meeting of a committee of the Board shall be sent to each committee member at least six days prior to such meeting.

Preliminary notice of items to be included in the agenda of said meeting shall be submitted by a Chancellor to the President with a copy to the Secretary at least thirty-one days before the date fixed for said meeting.

Items and all supporting material to be included in the agenda of said meeting shall be submitted, in writing, to the Secretary at least nineteen days before the date fixed for said meeting:

By the President of the University; or  
By any member of the Trustee Committee; or  
By the Director of Internal Auditing.

Any exception to these requirements shall require a written request to and approval by the President; provided, however, that any Trustee may submit an agenda item to the Secretary upon informing the Chair of the Committee.

- (b) Each Committee, as a standing agenda item, shall reserve fifteen (15) minutes for public participation. Individuals seeking to speak to a Committee should so inform the Trustees' Office about the topic they wish to address. Generally, the subject should be related to an item on the meeting agenda. Speakers will be allowed at least 3 minutes to address a Committee but the Chair has discretion to permit additional time. The speaker's presentation may be supplemented by written material provided to the Secretary.

#### **Section 5. Responsibilities of Standing Committees**

The Chair of the Board may appoint sub-committee(s), including ad hoc committees, task forces or other bodies of any standing or special committee to assist the full committee in carrying out its duties and responsibilities. Sub-committees shall be assigned to a full standing committee or to a special committee.

- (a) *Executive Committee* – The Executive Committee shall have the responsibility of considering, reviewing, and making recommendations to the full Board on matters affecting the Board, the University and its general administration.
- (b) *Compensation Committee* – The Compensation Committee shall meet annually to consider information pertaining to the compensation of the President and Chancellors and to issue guidelines consistent with the Executive Compensation Policy.
- (c) *Committee on Academic and Student Affairs* – The Committee on Academic and Student Affairs shall have the responsibility of considering, reviewing and making recommendations to the full

Board on matters concerning academics and students at the University including but not limited to:

- i. Policies involving academic programs and research, including the quality, character, and scope of instruction and research, admissions, financial aid, graduation, curriculum, degrees, support programs, and public service activities;
  - ii. Policies involving student affairs, activities, and services;
  - iii. Policies involving faculty status; other than collective bargaining issues or personnel policies;
  - iv. Policies designed to strengthen the University's overall research and development enterprise; policies in support of the strategic growth of the University as a high-quality, globally oriented, state-responsive public research university;
  - v. President's recommendations for award of tenure;
- (d) Committee on Administration and Finance – The Committee on Administration and Finance shall have the responsibility of considering, reviewing, and making recommendations to the full Board on matters relative to the administrative operation and fiscal management of the University and the responsibility of considering, reviewing and making recommendations to the full Board on matters relative to financial control and auditing of the University including but not limited to:
- i. The annual state budget request and the annual operating budget including the allocation of funds to the campuses and other operating units of the University;
  - ii. The annual financial statement(s) of the University and the campuses;
  - iii. Tuition and fees and student fee and major trust fund budgets;
  - iv. Investment policies, grants and contracts policies, and compensation policies;
  - v. Property, real and personal of the University including its acquisition, disposition, management and control;
  - vi. Capital budgets and bond financing;
  - vii. Information technology policies and plans;
  - viii. Personnel matters including policies on personnel, labor relations and collective bargaining policies and agreements;
  - ix. Affirmative action policies and implementation;
  - x. Administrative redesign policies and implementation.
- (e) Audit and Risk Committee – The Audit and Risk Committee shall have the responsibility of considering, reviewing and making recommendations to the full Board on all matters relative to auditing including but not limited to:

- i. Initiation of audits;
  - ii. Audits of the University, its components and affiliates;
  - iii. Review and approve the selection of external audit firms and the deployment of auditors pursuant to the Audit Protocols;
  - iv. Solicitation and receipt of advice from individuals who, in the sole judgment of the committee, shall qualify as “financial experts,” as defined by Section 407 of the Sarbanes Oxley Act of 2002, and regulations promulgated by the Securities and Exchange Commission under that section.
- (f) *Athletics Committee* – The Athletics Committee shall have the responsibility of considering and reviewing and making recommendations to the full Board on matters concerning intercollegiate athletics at the University including but not limited to:
- i. Master athletic plans including athletic affiliations and overall athletic development; and
  - ii. Policies involving athletic departments, activities and services.

**Section 6. Committee of the Whole**

The Chair may convene the Board as a Committee of the Whole to discuss, review, consider and receive information concerning any matters affecting the University. The Secretary shall send a written notice of the time and place of the meeting to each member at least six days prior to such meetings. A written agenda of matters to be considered shall be included with said notice. Items to be included in the agenda shall be determined by the Chair upon recommendation of the President.

The Chair may assign a member to chair a meeting of the Committee of the Whole or may chair the meeting. A quorum of the Committee shall be nine members and any action taken by the Committee shall be forwarded as a recommendation to the full Board.

**ARTICLE IV: SPECIAL COMMITTEES**

**Section 1. Trustee Governance Committee and Special Committees**

- (a) *Trustee Governance Committee* – There shall be a Trustee Governance Committee of the Board of Trustees. The committee shall consist of not less than three nor more than five members. The committee members and committee chair shall be appointed by the Chair of the Board in June of each year, effective 2007. Said Committee shall serve until the appointment of a new Committee in June of the following year.

This committee shall be responsible for ensuring the effective composition and workings of the Board of Trustees in carrying out its responsibilities for the University.

The duties and responsibilities of the committee shall be to:

- i. Assess the requirements and representatives of the membership of the Board and, as appropriate, identify for the Chair and President recommendations regarding the composition of the Board.

- ii. Nominate candidates for election as officers of the Board and as chairs of the standing committees.
  - iii. Oversee the development and implementation of the Board's program for new Trustee orientation and ongoing Trustee development.
  - iv. Assess and, as appropriate, recommend to the Chair and President changes in the committee structure of the Board.
  - v. Periodically undertake a self-assessment of the effectiveness of the Board.
  - vi. Take on other assignments regarding the membership, structure and operation of the Board as assigned by the Chair.
- (b) *Other Special Committees* – The Chair may establish and appoint other special committees from time to time to have such duties as he or she may determine.

#### **ARTICLE V: SEAL OF THE UNIVERSITY**

The Common Seal of the University and of the Board of Trustees shall consist of a flat faced circular die with the words "University of Massachusetts" and the date "1863" and the Great Seal of the Commonwealth cut or engraved thereto.

#### **ARTICLE VI: AMENDMENT TO THE BY-LAWS**

The Trustees shall have the power to amend, alter or repeal these By-laws, from time to time, by affirmative vote of a majority of the whole Board as then constituted, provided that notice of the proposal to make, alter, amend, or repeal the by-laws was included in the notice of the meeting of the Trustees in which such action takes place.

**Doc. T94-060, as amended**  
*Passed by the Board of Trustees*  
*June 8, 1994*  
*Revised: 4/12/2023*

**UNIVERSITY OF MASSACHUSETTS AMHERST**  
**STUDENT GOVERNMENT ASSOCIATION CONSTITUTION**

---

**PREAMBLE**

We, the undergraduate students of the University of Massachusetts Amherst, in order to establish a democratic system for undergraduate University governance, and in order to promote the general welfare of all University undergraduate students, do hereby ordain and establish this Constitution of the Student Government Association at the University of Massachusetts Amherst.

**ARTICLE I**

Name

**Section 1** The name of this organization shall be the Student Government Association of the University of Massachusetts Amherst, herein denoted SGA.

**ARTICLE II**

Membership

**Section 1** All undergraduate students of the University of Massachusetts Amherst, herein denoted the University, meeting the qualifications for SGA membership prescribed by the General Bylaws of the SGA, as approved by the Vice Chancellor of Student Affairs, shall be entitled to be members of the SGA, and shall have an equal voice and vote therein with that of their fellow members.

**ARTICLE III**

Authority

**Section 1** This Constitution shall supersede any other previously existing system of campus-wide governance for the University undergraduate population.

**Section 2** The SGA shall derive its authority from the undergraduate students of the University, in general election, and The Board of Trustees, as provided for in Chapter 75, Section 3 of the General Laws of the Commonwealth of Massachusetts.

**Section 3** The SGA, as a governance body, shall be governed by the Board of Trustees' Statement on University Governance. [Trustee Document T73-098, as amended]

**Section 4** All Bylaws, Acts, procedures and all other actions of the SGA, shall be consistent with this Constitution and Trustee Document T73-098, as amended.

## **ARTICLE IV**

### Composition of the Government

**Section 1** The SGA shall be composed of the Legislative, Executive and Judicial branches of government. All elected and appointed officers of the SGA shall be members of the SGA, as defined by the General Bylaws of the SGA, and no SGA member shall hold elected or appointed office in more than one branch of the government, except as provided for by this Constitution or the General Bylaws of the SGA.

**Section 2** The University Student Trustee as defined by the General Laws of the Commonwealth of Massachusetts, shall be an ex-officio officer of the SGA.

## **ARTICLE V**

### The Legislative

**Section 1** Charge – The legislative authority of the SGA, as defined in Article V, Section 4 of this Constitution, shall be vested in the University Undergraduate Senate, herein denoted the Senate, and other lesser legislative bodies recognized by this Constitution or the General Bylaws of the SGA.

**Section 2** Composition – The Senate membership shall be composed of representatives apportioned by the Senate to Electoral Districts, as defined by the General Bylaws of the SGA.

**Section 3** Election – Senators shall be elected in a manner prescribed by the General Bylaws of the SGA and shall serve for a term prescribed therein.

**Section 4** Powers – The Senate shall have the power to:

- A. Review and make recommendations regarding the Student Activities Fee. A recommended increase in the Student Activities Fee of over 7.5% shall require a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting, and an affirmative vote of the SGA membership through an Action Referendum.
- B. Determine and provide for its rules and procedures, elect its officers, and fix the time and place of its meetings, provided that there be a regular meeting with fixed time and place at least once every week of the University academic calendar.
- C. Require the attendance of its members by rule.
- D. Expel a member of the Senate. The act of Expulsion shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- E. Enact, amend or repeal the General Bylaws of the SGA, unless otherwise provided for by the General Bylaws of the SGA. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting, and the approval of the Vice Chancellor of Student Affairs.
- F. Ratify SGA Elections within thirty (30) calendar days of the election. Such an act shall require a majority vote of its membership in attendance at a scheduled meeting.
- G. Initiate a referendum as defined by Article VIII of this Constitution. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- H. Decide tie General or Special Elections at its first meeting following the election. Such an act shall require a majority vote of its membership in attendance at a scheduled meeting.
- I. Recommend the Student Activities Trust Fund Budget Request. Such an Act shall require a majority vote of its membership in attendance at a scheduled meeting, and shall be reviewed by

the Vice Chancellor of Student Affairs, the Campus Budget Officers, the Chancellor, and the University President, before submission to the Board of Trustees for approval.

- J. Recommend the Student Activities Trust Fund Operating Budget by enactment of the Annual SGA S-1 Budget Act. Such an Act shall require a majority vote of its membership in attendance at a scheduled meeting, and shall be submitted to the Vice Chancellor of Student Affairs for approval. Disbursements there from shall be in accordance with duly established University financial and operational policies and campus procedures.
- K. Override a presidential veto. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- L. Approve Executive Cabinet and Student Judiciary appointments. Such an act shall require a majority vote of its membership in attendance at a scheduled meeting.
- M. Require reports from the President, Vice President, Executive Cabinet, and Standing Committee Chairs on any matter relevant to the functioning of the SGA.
- N. Impeach an elected or appointed officer of the SGA. Such an act shall require a two-thirds (2/3) vote of its membership in attendance at a scheduled meeting.
- O. Provide for the succession to those elected offices of the SGA not otherwise provided for by this Constitution.
- P. Provide for the transition of the SGA to this Constitution.
- Q. Promote the general welfare and interests of the undergraduate student body by making recommendations on policies and procedures consistent with Trustee Document T73-098, as amended, provided that, when an action is intended as a formal recommendation from the SGA, as a governance body, it shall be submitted in accordance with the procedures prescribed in said document.

**Section 5 Prohibitions – The Senate shall not:**

- A. Take an action abridging any of the powers delegated to it by this Constitution.
- B. Deny the rights and privileges of Senate membership to any duly elected or appointed Senator, except as provided for by this Constitution or the General Bylaws of the SGA.
- C. Recommend the appropriation of monies for a period of more than one (1) fiscal year.
- D. Recommend the increase or decrease in wage of an elected officer of the SGA, effective to the incumbent at the time of the increase or decrease.
- E. Infringe the secrecy of the ballot in SGA General Elections.
- F. Meet in "executive session", as defined by the General Laws of the Commonwealth of Massachusetts.

**Section 6 Procedures**

- A. No bill, unless otherwise provided for by this Constitution or the General Bylaws of the SGA, shall become an Act of the SGA unless it shall have been introduced to the Senate, read and passed, by a majority vote of its membership in attendance at a scheduled meeting.
- B. No bill, unless otherwise provided for by this Constitution or the General Bylaws of the SGA, shall become an Act of the SGA without the signature of the SGA President, provided that withholding of their signature shall constitute veto, and that the President of the SGA shall notify the Speaker of the Senate within seven (7) calendar days, giving explicit reasons for the veto. The Speaker of the Senate shall expediently send each bill passed by the Senate to the President.
- C. If a bill shall not have been vetoed within seven (7) calendar days following its passage, it shall become an Act of the SGA.

- D. A vetoed bill may be enacted notwithstanding the veto of the SGA President, if it shall have been read in full a second time, and passed upon a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting.
- E. The quorum for the conduct of business at a Senate meeting, or a meeting of a Senate Committee, shall be fifty percent (50%) of the total voting membership plus one (1), unless otherwise provided for by this Constitution or the General Bylaws of the SGA.

**Section 7** The Speaker & Associate Speaker of the Senate

- A. The Senate shall provide for the election of, from its voting membership, a Speaker of the Senate, herein denoted the Speaker, who shall serve as the chief presiding officer of the Senate.
- B. The Senate shall provide for the election of, from its voting membership, an Associate Speaker of the Senate, herein denoted the Associate Speaker, who shall serve as the chief clerk and parliamentarian of the Senate.
- C. If a vacancy shall occur in the office of Speaker, the Associate Speaker shall become Speaker for the duration of the unfinished term.

**ARTICLE VI**

The Executive

**Section 1** Charge – The executive authority of the SGA shall be vested in an SGA President, herein denoted the President, and other lesser executive officers recognized by this Constitution or the General Bylaws of the SGA.

**Section 2** Election – The President and Vice President shall be popularly elected by a majority or plurality of the SGA membership voting, on or before March 25 of each calendar year and shall serve for a term of one (1) calendar year, here defined as June 1 to May 31, and said election shall be held in a manner prescribed by the General Bylaws of the SGA.

**Section 3** The President shall, upon taking office, be administered the following affirmation by the SGA Chief Justice before the Senate membership:

- A. "I do affirm to faithfully execute the office of SGA President and support the Constitution and General Bylaws of the Student Government Association."

**Section 4** Vacancies – If a vacancy shall occur in the office of President, the Vice President shall become President for the duration of the unfinished term. If the Vice President position is vacant simultaneously, the Speaker shall become President for the duration of the unfinished term.

**Section 5** Power – The President shall have the power to:

- A. Act as the chief executive of the SGA.
- B. Take care that all the provisions of this Constitution, the General Bylaws of the SGA, and Acts of the SGA are faithfully executed.
- C. Appoint, upon a majority vote of the Senate membership in attendance at a scheduled meeting, the Executive Cabinet.

- D. Appoint, upon the recommendation of the Coordinating Council, and upon a majority vote of the Senate membership in attendance at a scheduled meeting, the seven (7) Justices of the Student Judiciary.
- E. Appoint all lesser executive officers and external SGA committees as defined by the General Bylaws of the SGA.
- F. In a manner prescribed by the General Bylaws of the SGA, call the Senate into Session.
- G. Be an ex-officio member of the Senate, as defined by the General Bylaws of the SGA, and shall, in an address upon taking office, and at the first scheduled Senate meeting of a new Session, put forward their legislative agenda for consideration by the Senate.
- H. Veto any bill except Resolutions, the Annual SGA S-1 Budget Act, and Articles of Impeachment.
- I. Initiate a referendum as defined in Article VIII of this Constitution and the General Bylaws of the SGA.

## **ARTICLE VII**

### The Judicial

**Section 1** Charge – The judicial authority of the SGA shall be vested in a Student Judiciary.

**Section 2** Jurisdiction – The Student Judiciary shall have original jurisdiction over any controversy arising under this Constitution, the General Bylaws of the SGA, or any Act of the SGA.

**Section 3** Composition – The Student Judiciary shall be composed of seven Justices appointed and confirmed in a manner prescribed by Article VI, Section 5 Sub-section D of this Constitution, and who shall serve from the date of their swearing-in until their date of graduation or if they choose to resign, their date of resignation.

**Section 4** Power – The Student Judiciary may hold, by declaratory judgment, any act by any agent of the Executive or Legislative Branches of the SGA, or of any agency directly associated with the SGA, or of any candidate for SGA office, to be unconstitutional, or in violation of any Bylaw or Act of the SGA, and therefore, invalid, provided said action is not a governance item approved by the Board of Trustees.

**Section 5** Procedure – Any person(s), with the exception of members of the Student Judiciary, may file with the Student Judiciary a Petition for a Ruling on the constitutionality and/or validity of any act by any agent of the Executive or Legislative Branches of the SGA, or of any agency directly associated with the SGA, or of any candidate for SGA office, within ninety (90) days of said action, and the Student Judiciary shall issue a ruling on same, provided said action is not a governance item approved by the Board of Trustees.

**Section 6** Quorum – The Quorum for the conduct of business for the Student Judiciary shall be five (5) Justices; one (1) of whom shall be the Chief Justice or Associate Chief Justice.

### **Section 7** Chief Justice & Associate Chief Justice

- A. The Student Judiciary shall provide for the election of, from its voting membership, a Chief Justice of the Student Judiciary, herein denoted the Chief Justice, who shall serve as the chief presiding officer of the Student Judiciary.

- B. The Student Judiciary shall provide for the election of, from its voting membership, an Associate Chief Justice of the Student Judiciary, herein denoted the Associate Chief Justice, who shall serve as the chief clerk of the Student Judiciary.
- C. If a vacancy shall occur in the office of Chief Justice, the Associate Chief Justice shall become Chief Justice for the duration of the unfinished term.

## **ARTICLE VIII**

### Referenda

**Section 1** There shall be two primary types of referenda:

- A. Action – An Action Referendum, if approved, shall become an Act of the SGA, shall not be subject to presidential veto, and when such an action is intended as a formal recommendation from the SGA, as a governance body, it shall be submitted in accordance with the procedures prescribed in Trustee Document T73-098, as amended.
- B. Advisory – An Advisory Referendum shall only be a measure of public sentiment.

**Section 2** All referenda shall be clearly labeled and understood by the SGA membership to be either an Action or Advisory Referendum.

**Section 3** Action or Advisory Referenda shall be initiated by any one of the following:

- A. The University Student Trustee
- B. The Senate
- C. The SGA President
- D. The signatures, on a petition, of not less than five percent (5%) of the SGA membership.

**Section 4** Advisory Referenda shall be initiated by the Chancellor or the Vice Chancellor of Student Affairs.

## **ARTICLE IX**

### Amendment

**Section 1** This Constitution shall be amended through either of the processes prescribed in Article IX, Sections 2-3 of this Constitution, with the approval of the Board of Trustees.

**Section 2** An amendment to this Constitution shall be passed upon a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting, and a majority vote of the SGA membership voting on the amendment through an Action Referendum.

**Section 3** An amendment to this Constitution shall be passed upon a two-thirds (2/3) vote of the SGA membership voting on the amendment through an Action Referendum.

**Section 4** If the amendment process prescribed in Article IX, Section 2, of this Constitution shall have been invoked, then, following an amendment's passage in the Senate, the amendment shall appear as an Action Referendum before the SGA membership, no more than thirty (30) calendar days from the calendar date of the amendment's passage in the Senate.

**Section 5** No person shall formally introduce an amendment to this Constitution, who shall not have first consulted the Chief Justice and the Directing Attorney of Student Legal Services Office, or their designee.

**ARTICLE X**

Ratification

**Section 1** This Constitution shall be ratified upon a two-thirds (2/3) vote of the Senate membership in attendance at a scheduled meeting, a majority vote of the voting SGA membership on an Action Referendum, and the approval of the Board of Trustees.

**Doc. T73-196, as amended**  
*Passed by the Board of Trustees*  
*June 6, 1973*  
*Revised: 4/12/2023*

**UNIVERSITY OF MASSACHUSETTS AMHERST  
FACULTY SENATE CONSTITUTION**

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**1. NAME**

The name of this organization shall be the Faculty Senate of the University of Massachusetts at Amherst, hereinafter referred to as the Senate.

**2. AUTHORITY**

- (a) The Senate derives its authority from actions by the Board of Trustees approving this Constitution, as provided in Section 3, Chapter 75 of the General Laws of the Commonwealth;
- (b) The Senate, in its responsibilities and relationships with other governing components of the University, shall be governed by the Board of Trustees' Statement on University Governance (Trustee Document T73-098, as amended).

**3. PURPOSES**

The purposes of the Senate shall be:

- (a) To ensure the representation of all faculty members of the campus community in the governance of the Amherst campus and the University as a whole;
- (b) To discuss and recommend policies affecting the campus and the University as a whole; and
- (c) To promote faculty participation in the development of policies and procedures within the various colleges, schools, faculties, and departments of the University of Massachusetts at Amherst.

**4. MEMBERSHIP**

- (a) All members of the Senate, except for ex officio members specified hereinafter, shall be elected. The elected membership shall consist of at least 120 but not more than 140 individuals apportioned in accordance with the formula set for in the Bylaws. Only qualified voters with at least one academic year of service to the University shall be eligible for election to the Senate;
- (b) The terms of membership shall be three years. An elected member of the Senate who resigns from the University or is on leave forfeits membership in the Senate permanently from the effective date of such resignation or temporarily during the leave of absence, thus creating a vacancy in the Senate;
- (c) The following officials shall be ex officio members of the Senate: The President of the University; the Chancellor and the Provost; the Vice Chancellors for Research, Graduate Education and Economic Development, Administration and Finance, University Advancement, and Student Affairs; the Deans of the Colleges of Arts and Sciences, the College of Food and Natural Resources, the School of Public Health and Health Sciences, the Graduate School, the

School of Management, the School of Education, the College of Engineering, the School of Nursing, and the Directors of Health Services, University Libraries, and Continuing Education; the Secretary of the Board of Trustees; the President of the Alumni Association; the representative of the Massachusetts Society of Professors, the President of the Student Government Association; and the President of the Graduate Student Senate; the Secretary of the Senate shall be an ex officio member of the Senate; and voting rights in the Senate shall be limited to members holding academic rank.

## **5. ELECTIONS AND VOTING ELIGIBILITY**

- (a) Regular elections and by-elections shall be conducted by written ballot in accordance with procedures prescribed in the Bylaws; and
- (b) Qualified voters shall have the right to vote in regular elections or by-elections. Qualified voters shall be defined as full-time lecturers, instructors, assistant professors, associate professors, or professors who are not in their first regular semester of service, or any full-time librarians at the rank of Librarian II or higher who are not in their first six months of service.

## **6. COUNCILS AND COMMITTEES**

The Senate shall elect a Rules Committee and establish such other councils and standing committees as may be provided in the Bylaws.

## **7. PROCEDURES**

- (a) The Senate shall hold at least one regular meeting each month while in session during the academic year.
- (b) A special meeting may be called by:
  - (i) the President of the University or the Chancellor of the Amherst campus;
  - (ii) the Rules Committee in case of emergency;
  - (iii) twenty percent of the membership of the Senate by petition to the Chancellor or the Secretary of the Senate; or
  - (iv) ten percent of the membership of the faculty, by petition to the Chancellor or the Secretary of the Senate.
- (c) The Chancellor of the Amherst campus shall be the President of the Senate.
- (d) The Senate shall choose a Secretary, a Presiding Officer, a Delegate and an Associate Delegate to the Board of Trustees.
- (e) A quorum for items published on the agenda for any regular or special meetings shall consist of those present. A quorum for business that has not appeared on a published agenda shall be a majority of the Senate.
- (f) The Senate shall require regular reports from the standing committees and special reports from its ad hoc committees. It may also require reports from University officials.
- (g) When circumstances require, emergency meetings of the Faculty Senate may be conducted via videoconferencing.

## **8. GENERAL FACULTY MEETINGS: REFERENDUM**

- (a) Meetings of the General Faculty may be called in one of the following ways:
  - (i) the President of the University or the Chancellor of the Amherst campus may call a meeting;

- (ii) the Faculty Senate may call a meeting by a motion duly passed; or
  - (iii) ten percent of the membership of the faculty, by petition to the President of the University or the Chancellor or to the Secretary of the Faculty (who is Secretary of the Faculty Senate), may call a meeting.
- (b) An agenda for each regular meeting of the General Faculty shall be prepared by its Secretary and shall be sent to each member of the faculty at least five working days prior to the meeting by email. Emergency meetings of the General Faculty may be called on 24-hour notice. The notice of Emergency meetings shall be delivered to individual faculty members by email.
  - (c) The Secretary of the Senate shall also serve as Secretary of the Faculty; the Presiding Officer of the Senate shall preside at General Faculty meetings.
  - (d) Any action of the Senate may be overruled by a majority vote of those present and voting at a meeting of the General Faculty.

## **9. CONSTITUTIONAL AMENDMENT PROCEDURES**

- (a) Amendments to this Constitution may be proposed:
  - (i) by a three-fifths vote of those present and voting at a Regular or Special Meeting of the Senate provided that the proposed change shall have been presented at a previous Regular or Special Meeting. The vote shall be by written ballot, unless the Senate rules otherwise by a two-thirds majority; or
  - (ii) by petition of 50 or more faculty members provided that it contains at least five signatories drawn from each of any five colleges or schools.
- (b) Ratification of amendments to this Constitution shall be by the general faculty and shall be by a majority of those voting by written ballot. Voting eligibility shall be as specified in Section 5(b) above. The ballot shall be prepared and distributed by the Secretary, under the supervision of the Rules Committee, setting out the proposed amendment in full. Accompanying the written ballot shall be excerpts from the Senate Minutes containing the debate by the Senate on the proposed amendment and the exact vote by which it carried. The ballot shall also include the date, providing for a voting period of at least 14 but not more than 21 days, by which time votes must be received by the Faculty Senate Office. Votes shall be counted by the Secretary of the Senate, the Chairman of the Rules Committee, and the Presiding Officer; and
- (c) Amendments to this Constitution shall be effective only after approval by the Board of Trustees.

## **10. BYLAWS REVISION PROCEDURES**

- (a) The Bylaws of the Senate may be adopted, amended, or repealed by:
  - (i) a three-fifths vote of those present and voting at a Regular or Special Meeting of the Senate; or
  - (ii) a majority vote of the voting members present and voting at a regular meeting of the General Faculty.
- (b) Amendments relating to the powers, responsibilities, or composition of Senate Councils and Standing Committees shall have been presented at two previous meetings of the body concerned occurring in two different months;
- (c) All other proposed amendments shall have been presented at one previous meeting of the body concerned.
- (d) The final vote on all Bylaw amendments shall be by written ballot unless those present rule otherwise by a two-thirds majority.

**Doc. T23-036, as amended**

*Passed by the Board of Trustees*

*December 6, 1995 (under Doc. T95-095)*

*Revised: 8/6/2003; 3/19/08; 9/19/18 (SGA Temporary Amendment; expired 5/2/19);  
6/9/23*

**UNIVERSITY OF MASSACHUSETTS DARTMOUTH  
STUDENT GOVERNMENT ASSOCIATION CONSTITUTION**

---

**PREAMBLE**

We the students, to provide an effective, responsible and representative form of government do ordain and establish this Constitution for the Student Senate of the University of Massachusetts Dartmouth.

**ARTICLE I: AUTHORITY**

**Section 1: Senate**

The Senate derives its authority from the Board's approval of this constitution, as provided in Section 3, Chapter 75 of the General Laws of the Commonwealth of Massachusetts.

**Section 2: Governance**

The Senate shall be governed by the Board's statement on University Governance, Trustee Document T73-098.

**Section 3: Notice of Non-Discrimination**

In the exercise of its powers, the Senate shall not discriminate on the basis of race, national origin, age, sex, religion, sexual orientation/preference, veteran status, economic status, or handicap.

**Section 4: Constitution**

This constitution supersedes any earlier constitution of the Senate.

**Section 5: Revision Dates**

All official editions to this constitution shall bear a current revision date on the title page, which shall coincide with the most recent date of ratification by the Board.

**ARTICLE II: NAME**

**Section 1: The University of Massachusetts Dartmouth**

Hereafter, the University of Massachusetts Dartmouth shall be referred to as the UMass Dartmouth.

**Section 2: The Student Senate of the University of Massachusetts Dartmouth**

Hereafter, the Student Senate of UMass Dartmouth, shall be referred to as the Senate.

### **Section 3: The Board of Trustees of University of Massachusetts**

Hereafter, the Board of Trustees of University of Massachusetts shall be referred to as the Board.

## **ARTICLE III: PURPOSE**

The guiding principles of the Senate shall be:

1. To act as the students' liaison to UMass Dartmouth, the UMass system, the Commonwealth, The Chancellor, and the Board.
2. To provide guidance in cooperation and understanding among the students and their organizations.
3. To provide an outlet for student views and concerns.
4. To promote student rights, views, interests, and welfare by recommending appropriate policies.
5. To endeavor to provide adequate funding for student needs and interests.

## **ARTICLE IV: STUDENT RIGHTS**

### **Section 1: Fundamental Rights**

The Senate unequivocally recognizes the rights of freedom of speech, freedom of the press, freedom of association, and the freedom of assembly on and off campus, for any and all members of the academic community.

### **Section 2: Right to Privacy**

The Senate unequivocally recognizes, and shall not abridge students' right to protection from unauthorized disclosure of any documents or files pertaining to their views, beliefs, or associations.

### **Section 3: Right to Lectures**

The Senate unequivocally recognizes the rights of students to invite to campus and to hear any person of their own choosing so long as observance of routine procedures required for the use of institutional facilities are followed.

### **Section 4: Right to Judicial Hearing**

The Senate unequivocally recognizes and shall not abridge the right of students to be protected by just and fair procedural standards in disciplinary actions as set forth by UMass Dartmouth.

### **Section 5: Right to Choose Advisors**

The Senate unequivocally recognizes the right of student organizations to choose freely their own faculty or administrative advisors.

## **ARTICLE V: POWERS**

The Senate shall have the following powers in carrying out its purposes as delineated in Article II of this Constitution:

1. To have vested in it all legislative functions of the student government.
2. To ensure the proper functioning of student government at UMass Dartmouth.
3. To make recommendations on any question, including proposed fee and tuition increases.
4. To make recommendations pertaining to the various student affairs, including, but not limited to funding and management of student services, organizations, and activities.
5. To make recommendations regarding standards of student behavior and discipline.
6. To confer recognition on student publications, clubs and organizations. Such recognition will be a prerequisite for funding by the Senate.
7. To establish rules and procedures for funding Senate Recognized Organizations.
8. To manage all student government elections.
9. To establish committees, as delineated in the bylaws, in order to facilitate the performance of its duties. These committees shall investigate issues pertinent to their subject matter and draw up recommendations on these issues.
10. To make any and all acts necessary and proper to enable the execution of the powers vested in the Senate.

## **ARTICLE VI: MEMBERSHIP**

### **Section 1: Representation**

The Senate represents the student body: any student who is currently registered for at least one course bearing a minimum of three academic credits. Only members of the student body are eligible to vote in student government elections.

### **Section 2: Qualifications for Membership**

Any student represented by the Senate (as delineated in Article VI, Section 1), registered for at least 9 credits, and in good academic standing in accordance with the UMass Dartmouth policy may stand for election to the Senate.

### **Section 3: Structure**

The Senate shall consist of forty senators and five non-voting ex-officio members.

There shall be:

- Three senators representing each of the four classes; Two senators representing commuter students; One senator representing resident students;
- Twenty senators representing the colleges: the twenty senators from the five colleges (CAS, CCB, COE, CON, CVPA, and Honors) shall be determined on a proportional basis. The proportion shall be based on enrollment at winter break;
- One senator representing first generation college students\*;
- One senator representing international students;
- One senator representing student athletes;

- One senator representing student veterans;
- One senator representing transfer students;
- Five ex-officio non-voting members, consisting of the four Class Presidents and the Student Trustee.

\*First generation college students are students where neither parent has earned a bachelor's degree. The source of this data field is the Common Application. Any senator or representative must themselves be a member of the body which they represent.

#### **Section 4: Executive Board**

There shall be an executive board comprised of a President, Vice President, Treasurer, Recording Secretary, and Corresponding Secretary.

#### **Section 5: Voting**

All senators shall have voting rights at all meetings of the Senate. The Senate President, however, only votes in the case of a tie.

### **ARTICLE VII: DUTIES**

#### **Section 1: Office Hours**

Each senator shall spend at least 1 hour in the office and/or tabling for Senate each week and perform any tasks necessary for the upkeep of the Senate during this time.

#### **Section 2: Preparatory Reading**

Each senator shall be responsible for reading, reviewing, and correcting the minutes of each meeting, motions for the upcoming meeting, and submitted Senate Recognized Organization constitutions prior to their passing by the general board. All senators should also be well versed in the Senate constitution as well as Robert's Rules.

#### **Section 3: Attendance**

Each senator is responsible for attending all their Committee and Taskforce meetings and all Senate meetings.

#### **Section 4: Constituency Meeting**

Each senator shall meet regularly with members of said senator's constituency in order to understand their specific concerns.

#### **Section 5: Schedule**

Each senator is responsible for maintaining an updated schedule of their available hours in the Senate office at all times.

**Section 6: Each senator is responsible for maintaining his/her current contact information in**

**public space at all times.**

## **Section 7: Duties of the Officers**

In addition to the regular duties of a senator, the officers of the Senate shall be responsible for the following:

### President

The president shall be the presiding officer of the Senate, be the chief executive of the student government at UMass Dartmouth, have the power to issue executive orders provided that they are for the purpose of enforcing motions passed by the Senate or assuring the proper functioning of student government at UMass Dartmouth, act with the Treasurer as co-signer for all Senate expenditures, and oversee all student government elections.

### Vice President

The Vice President shall assist the President in his or her duties, take on the responsibilities of the President in his or her absence, make and adjust all committee appointments with the approval of the Senate, assist the committees in carrying out their duties, chair the Policy Committee and the Committee Council.

### Treasurer

The Treasurer shall be responsible for all financial records of the Senate, be responsible for the administration of Senate funds, act with the President as co-signer for all Senate expenditures, audit the Senate financial records once every year, and chair the Finance Committee. The Treasurer shall not make any disbursements of Senate funds without prior Senate approval.

### Corresponding Secretary

The Corresponding Secretary shall assist the President in his or her duties, be responsible for facilitating all Senate communications, keep records of all correspondence, coordinate informational forums, and chair the Public Relations Committee.

### Recording Secretary

The Recording Secretary shall issue constitutions to all new senators, take the minutes of all Senate meetings, be responsible for the publication of those minutes within the week, prompt senators to perform their duties as delineated in Article VII Sections 1 through 6 of this constitution, and keep record of all motions, minutes, activities, and duties performed by the Senate.

### Committee Chairpersons

The By-Laws shall list and describe the functions of the Senate's standing committees. There shall be Chairpersons to preside over these committee meetings, create taskforces within their committees to complete pertinent projects, divide up committee work among those taskforces, have the power to appoint non-senators to his/her committee, have the power to grant and revoke voting rights from said members, and submit committee meeting minutes and reports to the Recording Secretary. All

Committee Chairpersons shall be members of the Committee Council.

## **ARTICLE VIII: ELECTIONS**

### **Section 1: Spring Elections**

All senators except for those representing the incoming freshman class shall be elected between the tenth to twelfth weeks of the spring semester. These senators-elect shall take office at the first meeting of the new Senate.

### **Section 2: Fall Elections**

Elections for freshman class senators, as well as any other vacant seats, shall be held between the third and fifth weeks of the fall semester. These senators-elect shall take office upon acceptance of their seat. They shall serve until the first meeting of the Senate elected in the spring or their subsequent termination.

### **Section 3: Advertising**

Vacancies shall be adequately advertised. The adequacy of the advertising shall be determined by the Senate President.

### **Section 4: Elections of Officers**

Before the first meeting of the new Senate is called to order, senators shall elect, from within the Senate, the following officers: President, Vice President, Treasurer, Recording Secretary, Corresponding Secretary, and Committee Chairpersons.

This election shall be presided over by the Senate advisor.

### **Section 5: Subsequent Vacancies**

Normal vacancies arising after the fall election and before the spring election shall be filled in special internal elections.

In the event of a vacancy in a Committee Chairperson position, a special internal election shall be held to fill said position.

In the event of a vacancy in the Executive Board (except for the president, who is succeeded by the vice president) the president shall call special internal elections for every Executive Board position. These elections will be presided over by the Senate's advisor.

Internal elections must take place no sooner than one week and no later than four weeks after the vacancy is formed.

### **Section 6: Terms of Office**

Each senator and officer shall, upon acceptance, serve until the calling of the new Senate or subsequent termination.

## **Section 7: Transition Between Old and New Officers**

All officers of the Senate shall take their respective office after the president elect has taken his/her oath of office.

## **ARTICLE IX: TERMINATION**

### **Section 1: Resignation**

Upon submitting an official letter of resignation to the Executive Board, a senator shall forfeit his or her seat. Any senator who ceases to be enrolled at UMass Dartmouth forfeits their seat as a senator.

### **Section 2: Removal**

Any member of the Senate who fails to perform their duties for three active weeks throughout a semester shall be removed from office. The dismissal ruling by the Executive Board may be appealed and the senator re-instated by a vote of two-thirds majority of the senate. An active week shall be determined by the Senate President.

### **Section 3: Recall of an Officer**

Any senator may move for a recall election of an officer of the Senate at any Senate meeting. This motion must pass by two thirds of the Senate. An election will then be held between any senators who desire the position, including the incumbent if he or she so desires.

### **Section 4: Impeachment**

Any student may move to impeach a senator for an impeachable offense by introducing a motion proposing impeachment and having it pass by a two thirds majority of the Senate. Impeachable offenses shall be delineated in the bylaws.

### **Section 5: Setup for Impeachment Trial**

If the initial motion for impeachment passes, an impeachment hearing will be set up and conducted according to the procedures specified by the UMass Dartmouth appellate board. A majority vote of the Senate will appoint two senators to act as the prosecutors. The rights of the accused are outlined in the Student Judiciary Document.

### **Section 6: Reinstatement**

A petition signed by ten percent of an impeached or removed senator's constituency will be sufficient to reinstate a senator as long as his or her seat has not been filled.

## **ARTICLE X: AMENDMENTS**

### **Section 1: Submission**

Proposed amendments to this constitution may be submitted to the Senate by any member of the student

body. A proposed amendment shall be adequately advertised for at least one week before being acted upon by the Senate. The adequacy of the advertising shall be determined by the Senate President. A copy of all proposed amendments shall be submitted to the University Newspaper.

## **Section 2: Ratification**

Any proposed amendments must first be ratified by two-thirds of the Senate. Second, they must be passed in a general or special election by two-thirds of those students casting ballots in regard to such amendments. Finally, they must be approved by the Board according to their policies and procedures. No amendment to this constitution shall be deemed effective unless and until fully ratified according to the above procedure.

## **Section 3: Documentation**

An up-to-date list of ratified amendments shall be kept in the Senate office. This list shall contain the dates of submission and ratification.

## **Section 4: Constitutional Review**

The Senate constitution will undergo a review, but not necessarily a revision, every year.

**Doc. T94-023, as amended**

*Passed by the Board of Trustees*

*April 6, 1994*

*Revised: 11/10/99; 2/23/2011; 12/12/2023*

**UNIVERSITY OF MASSACHUSETTS  
PERSONNEL POLICY FOR NON-UNIT PROFESSIONAL STAFF**

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**I.** Terms of Employment .....

**II.** Annual Performance Review .....

**III.** Professional Improvement Leave .....

**IV.** Compensation .....

**V.** Additional Compensation .....

**VI.** 43 Week Work Schedule .....

**VII.** Alternative Fringe Benefits .....

**VIII.** Standards.....

*This policy amends the “Personnel Policy for Non-Unit Staff (T94-023), it rescinds the “Reduction in Force Policy, Non-Unit Staff: Amherst, Boston, Dartmouth, Lowell and the President’s Office”.*

**I. TERMS OF EMPLOYMENT**

The following Policy shall apply to members of the non-unit professional and classified staff who are employed part-time or full-time in regular positions, whether funded from state appropriations or continuing trust funds (i.e., trust funds without a terminal date), excluding the President, the Chancellors, and certain Athletic Coaches. The President shall have authority to implement and interpret this Policy.

**A. Compliance with Law and Regulations and University Policies**

The University and its employees will comply with all applicable federal and state employment laws and regulations, including, without limitation, M.G.L Chapter 268A and 268B, and including any related post-employment reporting obligations, as well as all additional disclosure requirements set out in any Administrative Standards promulgated by the President pursuant to this Policy as well as any Board of Trustees policies, and policies promulgated on the campus level.

B. Employment Status

Non-unit University employees serve at the pleasure of the Board of Trustees, acting by and through the President or Chancellor, and are, therefore, employees “at will”: the University or the employee may terminate the employment relationship at any time, with or without cause, and with or without notice, subject to the provisions contained in ¶¶ I(C), (D), and (E) below.

C. Employment Contracts

Notwithstanding ¶ I(B), above, with the approval of the President, non-unit University employees may be appointed pursuant to a contract of employment, not to exceed 3 years; *provided* that any such contract of employment is expressly conditioned upon continued satisfactory performance, adherence to applicable state and federal laws and regulations and University policies, the availability of funds, and the Administrative Standards that are issued to implement this Policy.

D. Termination from University Employment for Reasons Other than Cause

Except for terminations for cause and termination of non-unit University employees funded through external funds, the University will provide notice of termination from University employment, or, at the discretion of the University, payment in lieu of notice, in accordance with the Administrative Standards that are issued to implement this Policy.

E. Termination for Cause

Prior to terminating an non-unit employee for cause, the University will give the employee notice and an opportunity to respond to the basis for the termination.

**II. ANNUAL PERFORMANCE REVIEW**

The University shall conduct a performance review at least once annually for all non-unit employees (which is in addition to and may not be a substitute for T93-080, Policy on the Review and Evaluation of Senior Administrators).

**III. PROFESSIONAL IMPROVEMENT LEAVE**

Non-unit employees may be eligible for professional improvement leave in cases where it can be clearly demonstrated that such leave will result in a specific benefit to the University, in accordance with the Administrative Standards that are issued to implement this Policy.

**IV. COMPENSATION**

The Board of Trustees shall have the authority to approve non-unit wage adjustments applicable to the non-unit employees as a whole.

The President shall have the authority to approve salaries for individual non-unit positions in the President’s Office. In addition, the President may establish a merit salary program for non-unit employees or grant bonus pay to certain non-unit employees within the President’s Office.

The Chancellors are delegated authority to approve salaries for positions at the campuses; provided however that the President must approve any initial or adjusted salary for any non-unit position on a campus if the initial or adjusted salary exceeds a threshold determined by the President. Such approval must be secured prior to any change being implemented and prior to initiating the hiring or promotional process.

The threshold will be stated in the corresponding Administrative Standards. The threshold as of the effective date of this policy as set forth in Article IV of the corresponding Administrative Standards is \$200,000, and this threshold may be adjusted in the future and stated in the Administrative Standards in accordance with this policy.

## **V. ADDITIONAL COMPENSATION**

Additional compensation is paid to a non-unit employee, over and above their regular rate of pay, to compensate the non-unit employee for performing additional duties for the benefit of the University that exceeds their regular job duties and are outside the scope of their job description. These additional duties must be performed in addition to, and not in place of, the employee's regular duties and responsibilities. The performance of the additional duties must not adversely impact the employee's obligation to perform their regular duties and responsibilities fully and satisfactorily. The performance of any additional duties that would create a conflict with M.G.L Chapter 268A, or the interests of the University of Massachusetts, or the interests of the Commonwealth of Massachusetts, is prohibited. To be eligible to earn additional compensation as outlined in this Policy, an employee must be non-unit and must be exempt from the provisions of the Federal Fair Labor Standards Act (FLSA), and in accordance with Administrative Standards that are issued to implement this Policy.

Requests to pay a non-unit employee additional compensation must be submitted to and approved by an employee's Department Head. Such requests must then be submitted to and approved by the Chief Human Resources Officer on the relevant campus, or their designee. If the request pertains to an employee of the President's Office, then the request must be submitted to and approved by the Chief Human Resources Officer in the President's Office. Such requests must be approved prior to the employee performing the duties for which the additional compensation is sought.

Such requests must include:

- A brief description of the service to be provided.
- The anticipated benefit to the University.
- The department, division, or unit to be served.
- The requested amount of additional compensation and the justification for that proposed amount.
- The duration of time for which the employee would earn the additional compensation.

Such requests are subject to the approval of the Chief Human Resources Officer on the relevant campus, or their designee. If the request pertains to an employee of the President's Office, such requests are subject to the approval of the Chief Human Resources Officer in the President's Office. No non-unit employee may receive additional compensation until such a request has been approved.

Additional compensation may not exceed, in a given calendar year, an amount greater than 12 percent of the non-unit employee's then current annual base salary. Compensation earned for performing the following services shall be exempt from this 12 percent cap:

- Teaching academic courses.
- Conducting summer sports programs.

Should the use of University facilities, equipment, or supplies be required to perform additional duties, approval must be obtained in advance from the appropriate Department Head, Director, Dean, or Vice Chancellor and must be in compliance with M.G.L chapter 268A. A reasonable fee may be levied by the impacted department, for use of such facilities, equipment, and supplies, and shall be determined by the Treasurer of the University, upon recommendation of the respective Department Head, Director, Dean, or Vice Chancellor.

No non-unit employee may receive additional compensation if the additional duties occur in what would be defined and/or perceived by the University as falling within the normally scheduled working hours, unless the employee requests and is granted the use of personal time, vacation time, or leave without pay. The use of such vacation time, personal time, or leave without pay may be denied if, in the opinion of the Department Head, it is impossible or impractical because of work schedules or other contingencies.

## **VI. 43 WEEK WORK SCHEDULE**

Non-unit employees who are employed on a 52 week schedule may request a 43 week schedule with a 15 percent reduction in base annual salary. Similarly, those non-unit employees on a 43 week schedule may request a 52 week schedule with a 15 percent increase in base annual salary. All such requests are subject to approval by the President or Chancellor, or their respective designee.

In certain positions or classes of positions designated by the University, the University may request non-unit employees to transfer to a 43 week schedule with a 15 percent reduction in base annual salary, but shall not require them to do so except when a fiscal shortfall exists or is anticipated. Specific details regarding this section are contained in the corresponding Administrative Standards.

## **VII. ALTERNATIVE FRINGE BENEFITS**

- A. In accordance with the authority vested in the University Board of Trustees, as such authority may be supplemented by the provisions of Chapter 163 of the Acts of 1997, the President shall have the authority to establish, approve and amend an alternative program of employee fringe benefits including, but not limited to compensated absences, industrial accident coverage, and group insurance coverage.
- B. Such programs may be made applicable to such campuses, groups of employees, professional staff and/or faculty, or subgroups thereof, including those that are subject to collective bargaining agreements, at the discretion of the President, subject to the University's obligation to bargain in good faith.

## **VIII. STANDARDS**

The University President, in consultation with the Vice President(s) and Chancellors, will issue Administrative Standards to implement this Policy, which Standards may be revised from time-to-time.

**UNIVERSITY OF MASSACHUSETTS  
ADMINISTRATIVE STANDARDS FOR THE  
PERSONNEL POLICY FOR NON-UNIT PROFESSIONAL STAFF  
(Doc. T94-023, as amended)  
(Effective January 1, 2024)**

**I. TERMS OF EMPLOYMENT**

**C. “Employment Contracts”**

A non-unit University employee may be appointed to a contract of employment with the approval of the President, provided the following terms and conditions are met:

- Such contract may not be more than 3 years in duration.
- Such contract must be expressly conditioned upon continued satisfactory performance.
- Such contract must be expressly conditioned upon adherence to applicable state and federal laws and regulations and University policies.
- Such contract must be expressly conditioned upon the availability of funds.

A non-unit University employee may not be provided with either of the following employment provisions unless the provision is expressly included in a contract of employment that has been approved by the President in accordance with this standard:

- An expectation of future wage increases other than those increases that may be available to other similarly situated employees.
- The establishment of an individual multi-year employer funded 457(f) deferred compensation plan.

**D. “Termination from University Employment for Reasons Other than Cause”**

Except for terminations for cause and terminations of non-unit employees funded through external funds (e.g., grants or contracts), the University will provide 1 month of notice of termination, or, at the discretion of the University, payment of one (1) month’s salary in lieu of notice.

In those circumstances in which the President (or the President’s designee) or campus Chancellor (or the campus Chancellor’s designee) offers, and the non-unit employee executes, a general release of claims, a non-unit employee hired into a regular position may receive notice or payment in lieu of notice based on one month for each complete year of continuous service to the University not to exceed one year (inclusive of the one (1) month above).

*Prior Unit Service*

If a non-unit employee had prior continuous service in a unit position within the University system prior to serving in their current non-unit position, then that service shall count toward the calculation of this benefit.

*Repayment of Severance*

This repayment requirement applies to former employees who received a payment in lieu of notice in accordance with this Policy and who, after receiving such payment, have been offered a new position

of employment with the University. Such employees must repay the University fifty percent of the remaining value of their payment.

- For example, if an employee received a payment in lieu of notice based on six (6) months, and two (2) months have passed since their layoff date, then the remaining value is four months. Fifty percent of that value is equal to two (2) months. The employee would need to make a payment equal to the value of two (2) months of pay.
- Also, for example, if an employee received a payment in lieu of notice based on six (6) months, and seven (7) months have passed since their layoff date, then the employee does not need to make a repayment of any amount.

In the event an employee is required to repay some portion of their severance benefit, the University may offer the employee the option of paying back the required amount of money over a period of time at the discretion of the Chief Human Resources Officer on the relevant campus.

In exceptional circumstances, and if the employee executes a general release of claims, the President (or the President's designee) or Chancellor (or Chancellor's designee), in consultation with the University's General Counsel, may approve additional notice or payment in lieu of notice that is in excess of this Policy, and may also waive some or all of the requirement to repay the severance benefit.

Any notice of termination or payment in lieu of notice of employees funded through external funds (e.g., grants or contracts) will be consistent with the requirements of the funding source and contingent on availability of funds.

#### **E. "Termination for Cause"**

Each campus' process and/or procedures for Termination for Cause, shall include, at a minimum, that prior to termination of employment, an employee will be provided either an oral or written reason for the termination for cause and the employee will be provided the opportunity to respond to the reason for the termination.

### **II. PERFORMANCE REVIEW**

The University shall conduct a performance review at least once annually for all non-unit employees (which is in addition to and may not be a substitute for T93-080, Policy on the Review and Evaluation of Senior Administrators).

Non-Unit employees shall have the opportunity to review and discuss their performance review with their supervisor.

The campus Chief Human Resources Officer on each campus and in the President's Office will be responsible for ensuring that the most current performance review for each non-unit employee is retained and accessible to an employee and their supervisor.

### **III. PROFESSIONAL IMPROVEMENT LEAVE**

- A. Non-unit employees may be eligible for professional improvement leave in cases where it can be clearly demonstrated that such leave will result in specific benefit to the University. Such

leave shall be available as a matter of privilege rather than as a right and shall be granted to eligible employees only in those cases where the following conditions have been met:

- (1) Such leave shall require prior approval of a specific proposal that outlines the benefits expected for both the University and the non-unit employee. This approval must be given by the President (or the President's designee) for staff in the President's Office, and the Chancellors (or their designee) for staff on their respective campuses.
  - (2) The non-unit employees must have completed at least six years of continuous full-time equivalent professional service at the University in their non-unit position, or at least six (6) years of such service since the last professional improvement leave.
  - (3) Professional improvement leave shall not exceed 5 and 1/2 months at full salary or eleven (11) months at half salary, but leave may be for shorter periods at greater frequency as may mutually benefit the individual and the University.
  - (4) Professional improvement leave will not result in a net salary cost increase to either the University or the department with which the non-unit employee is associated.
  - (5) The University may consider payment of tuition and registration or similar costs attendant to such leave. Such payment requires approval by the Chancellor or President, or their designee, as applicable.
  - (6) Non-unit employees who receive approval for professional improvement leave must return to their duties at the University for at least two (2) full years of service immediately following the expiration of the leave. Failure to comply, except in a case of involuntary separation, will obligate the individual to return the salary received during the leave and any other costs paid by the University unless an exception is approved by the Chancellor or President, as applicable.
  - (7) Any leave granted under this provision of the Policy must not create a conflict with M.G.L. Chapter 268A or any other provision of law.
  - (8) The University and the employee must execute a written agreement that outlines all of the terms and conditions of any leave that is granted under this provision of this Policy. The agreement must be executed by both parties prior to the commencement of the leave.
- B. In addition, a non-unit employee may be granted shorter-term professional leave after two (2) years of full-time equivalent service to the University in their non-unit position. Such leave may be of varying duration not to exceed two (2) months within any two (2) year period and shall be at full pay. Such leave shall be approved at the discretion of the President (or the President's designee) for staff in the President's Office, and at the discretion of the Chancellors (or their designee) for staff on their respective campuses. This approval shall be based upon a proposal which clearly demonstrates the benefit to be gained by the University from the employee's exposure to new ideas, skills and practices. Exceptions to these requirements are possible only upon special justification made to the officer whose approval is required. Paragraphs A(4), A(5), and A(6) above shall also apply to this shorter-term leave, except that six (6) months' service upon return instead of two (2) year shall be required.

#### **IV. COMPENSATION**

##### **Merit Pay**

The President may establish a merit salary program for non-unit employees. If so established, merit increases will be funded by a merit pool and will be granted within an established range of minimum and maximum increases. The total of all merit increases for eligible employees shall not exceed the pool available for all non-unit employees in the President's Office, or all non-unit employees on a campus. Merit increases must be based on an employee's performance as it is documented in their

annual review. Merit salary increases are subject to the approval of the President or Chancellor as applicable.

### **Bonus Pay**

In addition to or as an alternative to any base-rate merit increase awarded, employees may be eligible on their annual review date for a non-base-rate cash bonus. Such a bonus may be awarded in recognition of exceptional performance over the past year on a one-time program, project, or initiative of major significance to the campus or University. All bonuses must be approved by the President or Chancellor, as applicable.

### **Threshold for President's Approval**

The President must approve, in advance, any salary adjustment and the designation of a new hire salary for any non-unit position on a campus if the new hire salary or the adjusted salary exceeds \$200,000. This includes any salary adjustment due to a promotion, an individual adjustment, or merit pay. This approval is required for adjustments that will result in a non-unit employee earning a salary of \$200,000 in the first instance as well as for any proposed salary adjustment for a non-unit employee who already earns over \$200,000.

This approval must be secured prior to initiating the hiring or promotional process, meaning prior to the posting of the position and prior to interviewing of candidates. This requirement applies to both internal and external hiring processes.

Failure to obtain such prior approval may result in the cancellation of the search or the withdrawal of an offer of employment or salary equity increase. In exceptional circumstances, approval may be granted after the commencement of a recruitment process; provided that, in such circumstances, the campus Chief Human Resources Officer, on behalf of the Chancellor and Vice Chancellor for Administration & Finance, shall include a detailed explanation describing the specific circumstances that prevented such prior approval.

When determining whether to seek approval for a salary, the campus should consider the highest possible salary they would pay to a preferred candidate. If that amount may exceed \$200,000, because of salary negotiations with a preferred candidate, then the campus Chief Human Resources Officer must submit the position for approval in advance of initiating the hiring process.

This approval is not required for salary adjustments that are being implemented across-the-board for non-unit staff as a whole.

The approval described above does not substitute for or supersede any campus-specific approval(s) that may be required either before or after the President's approval.

### **Deferred Compensation**

The President must approve, in advance, the establishment of an employer funded deferred compensation plan for an individual employee. [e.g., a 401(a) or a 403(b).] This requirement applies regardless of whether the employee earns above or below the \$200,000 threshold above. This requirement does not apply to the 403(b) deferred compensation plan that already exists at the University of Massachusetts Chan Medical School and is administered by that campus.

In addition, a multi-year employer funded 457(f) plan may only be provided to a non-unit employee if it is expressly included in a contract of employment in accordance with Section I.C, "Employment Contracts".

## **V. ADDITIONAL COMPENSATION**

If an employee has been temporarily granted a higher rate of pay because they are serving in an interim capacity due to a vacancy, then their additional earnings are not considered "additional compensation" within the meaning of this Policy.

The University payroll system has many different earning codes that fall under the umbrella definition of "Additional Compensation." This Policy is not intended to apply to each of the many different types of earnings that fall within that payroll codes group. For example, the payroll codes utilized for one-time signing bonuses, transition allowances, and health insurance reimbursements fall within the umbrella category of "additional compensation." This Policy is not intended to apply to those types of earnings.

Instead, additional compensation for the meaning of this Policy is paid to an FLSA exempt non-unit employee, over and above their regular rate of pay, to compensate the non-unit employee for performing additional duties that are more than their regular job duties, outside the scope of their job description and performed outside of the regular work hours. These additional duties must be performed in addition to, and not in place of, the non-unit employee's regular duties and responsibilities.

When additional compensation is to be paid by grant or trust monies, such funds must be budgeted and encumbered in advance, and all payments must conform to any regulation governing the grant or trust fund.

Where additional compensation is to be paid by state funds, then the specific account to be used is subject to the regulations and policies established by the Commonwealth, University, and department/unit, and said account must be verified in advance by the campus Budget Office.

## **VI. 43 WEEK WORK SCHEDULE**

Non-unit employees who are employed on a 52 week schedule may request a 43 week schedule with a 15 percent reduction in base annual salary. Similarly, those non-unit employees on a 43 week schedule may request a 52 week schedule with a 15 percent increase in base annual salary. All such requests are subject to approval by the President or Chancellor, or their respective designee.

In certain positions or classes of positions designated by the University, the University may request non-unit employees to transfer to a 43 week schedule with a 15 percent reduction in base annual salary, but shall not require them to do so except when a fiscal shortfall exists or is anticipated.

- A. All new non-unit employees in specific positions or classes of positions designated in advance by the University would be employed on a 43 week schedule at a salary within 85 percent of the present base 52 week schedule salary range for the same classification.
- B. In all cases the recommendation of the appropriate campus administrative officers and consultation with the campus Human Resources Office will be required.

- C. The University shall determine and specify the periods of employment. Normally, the total nine week period of non-responsibility to the University shall not be divided into more than two components. The period of annual vacation leave shall not be counted as one of these two allowed periods. The annual salary shall be paid over a 52 week period as is currently the policy for faculty members employed on an academic year basis.
- D. Should a non-unit employee who is employed on a 43 week schedule perform, at the request of the University, service in excess of the stipulated period(s) in the position in which they are regularly employed, the staff member shall be compensated at their current rate of salary in accordance with pertinent policies, rules, and regulations.
- E. Fringe benefits such as, but not limited to, health insurance, life insurance, retirement, and disability income insurance shall not be affected by the employment of an individual on a 43 week schedule. However, vacation leave, sick leave, and paid personal leave shall be prorated.
- F. The method of annual salary calculation for a non-unit professional staff member transferring from a 52 week schedule to a 43 week schedule shall be to divide the annual 52 week salary by 1.15 to arrive at the annual 43 week salary. The method of annual salary calculation for a professional staff member transferring from a 43 week schedule to a 52 week schedule shall be to multiply the annual 43 week salary by 1.15 to arrive at the annual 52 week salary.

**RESCINDED 12/12/2023**

**Doc. T93-079**  
**Passed by the BoT**  
**8/11/93(President's Office)**

**UNIVERSITY OF MASSACHUSETTS  
REDUCTION IN FORCE POLICY  
NON-UNIT STAFF**

**AMHERST•BOSTON•DARTMOUTH•LOWELL  
THE PRESIDENT'S OFFICE**

The termination of non-unit employees due to a reduction in force necessitated by the unavailability of sufficient funds to cover all planned or budgeted activities is an action undertaken with great reluctance, and only where, in the judgment of the Chancellor, circumstances require such action to be taken in the best interest of the campus. The goal of this policy is to provide procedures and standards pursuant to which decisions regarding reduction in force will be made when unavailability of either state appropriated or trust funds necessitates such action. The following standards and procedures will be adhered to in connection with reductions in force of non-unit professional and classified staff at the Amherst campus, the Boston campus, the Dartmouth campus, the Lowell campus, and the President's Office. When applied to the President's Office, the terms "Chancellor," "Vice Chancellor," and "campus" should be understood to refer, respectively, to the "President," "Vice President(s)," and the "President's Office or Central Administrative Services."

1. The Chancellor shall determine, based on his or her analysis of the anticipated or actual unavailability of sufficient funds to cover all planned or budgeted activities and the overall financial requirements of the campus, whether a reduction in force of non-unit employees is necessary. In making such determination, the Chancellor shall consider the level of services he or she deems essential to the preservation and fulfillment of the overall mission of the campus, particularly its academic integrity as an institution of higher education.
2. Whenever the Chancellor determines that a reduction in force due to the anticipated or actual unavailability of sufficient funds to cover all planned or budgeted activities is necessary, he or she shall determine the number and identity of non-unit professional positions to be reduced. The selection of positions to be reduced will be functional, based on the Chancellor's determination, after consultation with the Vice Chancellors or others whom he or she deems appropriate, that such reduction will impair to the least extent feasible the level of services he or she deems essential to the preservation and fulfillment of the overall mission of the campus.
3. The selection of employees subject to reduction in force pursuant to this Policy shall be without regard to race, sex, age, religion, national origin, veteran status or handicap.
4. The Chancellor shall notify any employee whose employment will be terminated pursuant to this policy as soon as it is reasonably practicable. Said notice shall advise the employee of the date of termination, the fact that the termination is solely due to the anticipated or actual unavailability of funds, and the fact that the employee's position was selected pursuant to this policy. The notice shall also advise the employee of his or her right to a hearing pursuant to

## **RESCINDED 12/12/2023**

the termination procedure set forth in this Policy. The notice shall also state that the termination is not related to the employee's performance and that, upon request, a letter to that effect shall be provided to the employee.

5. The Chancellor or designee shall provide a minimum of sixty (60) calendar days notice to affected employees.
6. Once notice is given, the Chancellor or designee, with the approval of the affected non-unit staff member, may abbreviate the length of the previously given notice period by making a lump sum payment of the non-unit professional staff member's weekly salary for each week that the previously given notice is shortened.
7. During the notice period, the non-unit staff member may be given reasonable paid release time off to seek new employment and to attend to other matters pertinent to career transition.
8. Employees terminated pursuant to this policy shall be informed by the campus human resources office of the benefits available to them upon termination.
9. The Chancellor may make available outplacement assistance, consistent with available resources, to employees terminated pursuant to this policy.

## **TERMINATION HEARING PROCEDURE**

Employees whose employment is terminated pursuant to this policy shall be entitled to request a hearing pursuant to this policy. The hearing, which shall be the exclusive procedure available to the employees terminated pursuant to this policy, shall be conducted as follows:

1. The employee shall, within five (5) calendar days of receipt of notice of termination, file a request for hearing with the Chancellor.
2. The Chancellor shall designate a Hearing Officer who shall, no later than ten (10) calendar days following receipt of the request for a hearing, schedule a hearing. The purpose of such hearing shall be to provide the employee an opportunity to demonstrate that the termination of his or her employment was in material violation of this policy or was otherwise unlawful.
3. No later than three (3) working days prior to such hearing, the employee shall file with the Hearing Officer a written statement specifying why the termination of his or her contract is in material violation of the termination policy contained herein or was otherwise unlawful.
4. At the hearing, the employee shall be permitted to present relevant evidence, including witnesses and documentary evidence. The hearing shall be non-judicial in nature, and the formal rules of evidence shall not apply. The employee may be accompanied by up to two University employees, but there may only be one individual spokesperson at the hearing. The employee may ask that the Hearing Officer request the attendance of appropriate campus personnel to provide information at the hearing. The Hearing Officer shall determine if the attendance of such personnel is reasonably necessary, and if so, shall request the attendance of such personnel. Attendance at the hearing will be limited to those persons whose presence is deemed necessary by the Hearing Officer. A record shall be made of the hearing, which may be stenographic or tape recorded at the discretion of the Hearing Officer. Such record

## **RESCINDED 12/12/2023**

will be preserved by the Hearing Officer, but it need not be formally transcribed. All information, both oral and written, provided at the hearing shall be confidential, subject to applicable provisions of the Fair Information Practices Regulations of the University.

5. Within five (5) working days of the conclusion of the hearing, the Hearing Officer shall submit a written report and recommendation to the Chancellor concerning the issues addressed at the hearing, unless the Hearing Officer notifies the Chancellor and the employee that an extension of time is required. The record and evidence submitted at the hearing will be made available to the Chancellor. A copy of the report will simultaneously be submitted to the employee.
6. Within five (5) working days of receipt of the Hearing Officer's report and recommendation, unless the Chancellor notifies the employee that an extension of time is required, the Chancellor shall review the same; shall determine whether to accept, reject or modify the recommendation; and shall notify the employee, in writing, of his or her decision. The Chancellor's decision will be final and binding.
7. To facilitate the hearing process, hearings may be consolidated when, in the judgment of the Hearing Officer, there are common issues of fact that would be more efficiently considered at a consolidated hearing.

## **POST TERMINATION**

1. Employees whose contracts have been terminated pursuant to this policy shall, for the period of one (1) year from the date of termination, be regularly sent announcements of vacant professional positions to be filled at the campus.
2. An employee whose contract has been terminated pursuant to this policy who within two (2) years from the date of termination is re-employed at the campus in either the same or a different position shall regain the length of service credit and eligibility for benefits that the employee enjoyed as of the date of his or her termination to the extent allowable by law.