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F17-3, University Policy, Selection and Review of Department Chairs and Directors

Legislative History:

On December 11, 2017, the Academic Senate approved the following policy recommendation presented by Senator Peter for the Professional Standards Committee. This replacement of S14-8 incorporates the voting procedures for nominating Department Chairs and Directors that were formerly only available in a separate policy. The need to consult two separate policies each time a department nominates a Chair has led to confusion and procedural errors in the past. In addition, the policy has been reformatted for easier use and numerous corrections and clarifications have been incorporated at the suggestion of the University Council of Chairs and Directors and the Deans. Among those changes is a reordering of the policy to align chronologically with the stages of a Chair's nomination, election, evaluation, and possible removal. This policy was originally signed and approved by President Mary A. Papazian on December 20, 2017.

Amendment A was signed and approved by President Cynthia Teniente-Matson on March 18, 2024 and is incorporated below.

Rescinds: S14-8

UNIVERSITY POLICY
Selection and Review of Department Chairs and Directors

Resolved: That S14-8 be rescinded and replaced with the following policy, effective immediately for all new nominations and reviews.

Rationale: *This revision began with a referral from Organization and Government regarding the consolidation of voting procedures for Chairs that became necessary as the Department Voting Rights policy was revised. Next, a version was vetted before UCCD last year which actively participated in crafting some of the changes. We additionally received two rounds of suggestions and amendments from the Deans—most of which were accepted and incorporated. This revision appeared for a first reading on March 13, 2017 and for a final reading on April 10, 2017, but was pulled from the April 10 meeting to allow time for additional consultation with the Provost. The Provost appeared before*

Professional Standards on September 25 and relayed two concerns. The committee has responded to both concerns and it is our understanding that the policy language is now considered acceptable.

Following questions that occurred on the Senate floor at a final reading on November 20, the policy was postponed to allow for revisions that would clarify voting procedures for the various categories of faculty. This version incorporates the "friendly" amendments that arose from the floor on November 20 and adds provision 3.8 to clarify how different categories of faculty vote. Much of this language is imported directly from the Voting Rights Policy, but there is greater clarity for defining the voting procedures for joint appointments and for FERP and PRTB faculty (Articles 29 and 30 of the CSU/CFA Agreement.)

Approved: *November 6, 2017*

Vote: *10-0-0*

Present: *Chin, He, Marachi, Hamedi-Hagh, Kauppila, McKee, White, Peter, Donahue, Kimbarow*

Absent: *none*

Reapproved with amendments shown: December 6, 2017

Vote: *9-0-0 email vote*

Present: *Chin, He, Marachi, Hamedi-Hagh, Kauppila, McKee, White, Peter, Kimbarow*

Absent: *Donahue*

Financial Impact: *No direct impacts. It is possible that this policy, by clarifying process, could result in some savings.*

Workload Impact: *No direct impacts, although the clarification of methods for selection and review of department chairs could potentially prevent some time consuming failures of process.*

University Policy
Selection and Review of Department Chairs and Directors

1. INTRODUCTION

1.1. Preamble

Department Chairs are the leaders of communities of faculty as well as the most important stewards of the mission of the University at the local level. Their effectiveness depends upon the continual support of the faculty they represent. The selection of a Department Chair is therefore the most important collective decision of department faculty. This policy is designed to assure that Chairs are chosen and reviewed in a manner that assures their continual legitimacy and effectiveness as they carry out the numerous functions assigned to them by university policies and the Collective Bargaining Agreement.

1.2. Definitions

1.2.1. Throughout this policy, the term “Chair” refers both to Chairs of Departments and Directors of Schools, while the term “Department” refers both to Departments and to Schools.

1.2.2. Departments elect a “nominee” to be department Chair; the President appoints a nominee to become Chair. Hence department elections are a nomination process with the outcome of choosing a “Chair nominee” and are called “nomination elections.”

1.2.3. The terms “Professor” and “Associate Professor” are also understood to include the equivalent titles in faculty disciplines that use alternative names, such as librarians and counselors.

1.2.4. This policy uses the generic term “chair” to refer collectively to all categories of chairs regardless of the manner of nomination and appointment. When there is a need for greater differentiation, the policy will refer to “acting chair” and “interim chair” as defined later in the policy, and “regularly appointed chair” to refer to a chair who has been nominated by the department and appointed by the President for the standard four-year term.

1.2.5. Throughout this policy, the term “semester” shall be defined as Spring and Fall terms.

2. QUALIFICATIONS

Chairs should preferably be Professors but may be Associates, and should have earned rank and tenure prior to the time their appointment to Chair becomes effective. Exceptions should only be made in rare instances and for compelling reasons.

3. DEPARTMENT NOMINATING PROCESS
Every four years, the department faculty shall identify a nominee for Department Chair by secret ballot vote following these procedures. These are also the procedures for departments to recommend candidates for the role as acting Chair (in section 10 below.)

3.1. The Chair's job description should be developed by the Dean in consultation with the Department, and include the fraction of assigned time to be provided to the Chair.

3.2 Charging the Department. Deans and departments should communicate about the nomination process as early as possible. The Dean should attend a Department meeting at the beginning of the nomination process (no later than the tenth week of the current chair's final full semester) to present this policy, the Chair's job description and fraction of assigned time, and to explain the process for nominating a Chair.

If following the charge, the Department proceeds immediately to a department meeting as per section 3.3 below, then all persons who are not members of the Department should depart at that time, unless specifically invited to remain by a majority vote of the faculty present.

3.3. Department meeting. A meeting shall be held to begin the election of a nominee to serve as Department Chair. The department may determine the nature and medium of the meeting according to its own preferences, but the meeting must be open to all faculty in the department and publicized a minimum of one week in advance.

3.4. College Election Committee. The College will create a College Election Committee that will consist of three individuals: 1) The Dean or the Dean's designee, 2) a member of the College RTP committee (chosen by the committee from a department other than the one holding the nomination election), and 3) one tenured faculty member from the department (chosen by the department tenured and tenure track faculty) who will be excluded from candidacy for nomination to be department chair. In departments with three or fewer tenured faculty members, the department may choose a faculty member from another department within the College to be the third member of their College Election Committee.

[1]See CFA/CSU Agreement 20.30: Department chairs shall normally be selected from the list of tenured or probationary faculty employees recommended by the department for the assignment. [2]See CFA/CSU Agreement Article 29. FERP employees are limited by contract to 50% of their previous time base. [3]See CFA/CSU Agreement Article 30. PRTB employees are reduced by contract to 2/3, 1/2, or 1/3 of their previous time base.

3.5. Responsibilities of the College Election Committee. The College Election Committee (1) shall inform the department of this policy's requirements, (2) shall count and certify the department's votes, (3) shall deliver the results of the department's voting to the President and to the Department in all appropriate formats, and (4) shall (with the assistance of Faculty Services) interpret and explain this policy to the department if any questions arise after the results are distributed.

3.6. Decision to seek permission for an external search. The department may decide at this stage, through normal voting procedures, to seek permission to search for an external chair (as per section 4.1 below) instead of proceeding immediately with a normal nominating election. If permission is denied, the department should proceed with the normal process to nominate a department Chair.

3.7. Faculty may suggest names of any tenured or tenure-track faculty member[1] to appear on the ballot for the nominating election. All nominated persons must accept or decline their nomination. All candidates will be given the opportunity to make statements and answer questions from department faculty.

3.8. Voting for Chair Nominees.

3.8.1. Tenured and tenure track faculty members have one full vote in the department to which they are permanently assigned, but no vote in a department to which they are temporarily assigned. Tenured and tenure track faculty holding joint appointments shall vote only in the department which holds the majority of their permanent assignment or, if equal, in the department that is responsible for their tenure. Tenured and tenure track faculty members on an approved leave retain their voting rights.

3.8.2. Faculty participating in the Faculty Early Retirement Program (FERP)[2] or the Pre-Retirement Reduction in Time Base Program (PRTB)[3] shall have a proportional vote equal to their annualized time base (i.e, 1/2, 1/4) regardless of their academic assignment in a given semester, through the last semester of their teaching appointment.

3.8.3. Lecturers have departmental voting rights in proportion to their assignment in a department. Proportional voting rights of lecturers may fluctuate with fall and spring appointments. Lecturers on an approved partial leave retain the proportional voting rights of their teaching assignment. Those on full leave relinquish their voting rights.

3.8.4. Faculty suspended under article 17 (Temporary Suspension) of the CBA retain their voting rights.

3.8.5. Voting rights of any faculty member are suspended for any semester in which the individual holds a full-time administrative (i.e. MPP) or other full-time non-faculty position within the university.

3.8.6. Faculty on reassigned time engaged in administrative duties remain Unit 3 faculty and retain their voting rights.

3.8.7. Visiting Professors or Interim or Acting Chairs from outside the department do not vote in a Chair nomination election.

3.8.8. Qualified faculty on approved leaves should be provided a means to vote in a chair nomination election. However, no faculty member may grant their vote by proxy or other assignment to another individual.

3.9. The nominating election. Faculty must vote by secret ballot on all candidates proposed and willing to serve. Secret balloting must be available for a minimum of 5 working days and provide the opportunity for individuals to abstain.

3.9.1. If there is only one candidate, secret balloting must still occur, with the choices provided to "recommend" or "do not recommend" the candidate.

3.9.2. If there are two or more candidates, secret balloting will provide a choice between the candidates and the choice "do not recommend any of the candidates."

3.9.3. If an election with three or more candidates fails to produce a majority for any one candidate, there must be a second round of secret balloting between the two candidates who received the most votes in the first round.

3.10. Counting the votes. The college election committee will meet to count votes. The candidates will be notified of the time and place of the count at least one business day in advance, and each may send one observer (a person other than themselves). The committee is responsible for an accurate count and review of all submitted ballots. The committee will must assure that the balloting was secret, that all votes are entered in the correct category, and that proper proportions are applied. The results shall be certified (signed) by each member of the college election committee. [4]See CFA/CSU Agreement 20.30.

3.11. Forwarding the results of the nominating election. Only the name of a candidate who receives a majority of votes cast by the tenured and probationary faculty shall be recommended to the President via the College Dean as the nominee of the department.[4] The names of candidates who were not recommended by the department, together with all vote totals, shall also be forwarded to the President to provide context for the recommendation. This shall include a statement of all votes, broken down into two groups– votes by tenured/tenure track faculty and votes by lecturers -- including the actual number of votes cast in each category.

3.12. Distributing the results. The department voting results shall also be distributed to the department's faculty. If the final vote total in either group of votes as described in paragraph 3.10 contains a fraction, it shall be rounded to preserve anonymity.

3.13. Second round nomination elections. If a department is unable to nominate a Chair by a majority vote of the eligible probationary and tenured faculty, it may continue to try to select a nominee by repeating the process if department faculty are willing and the Dean determines that there is sufficient time. Otherwise the situation will be resolved via section 6 "Failure to Obtain..."

4. EXTERNAL SEARCHES

4.1. Request for an external search. Department faculty may request an external search for department chair. An external search is a search in which candidates from outside San José State University are invited to apply to be hired as a tenured faculty member and as department Chair. Any department request for an external search must be supported by a majority vote of the department's eligible to vote faculty (following the procedures for department voting rights as outlined in University Policy S17-6). Such requests are not automatically granted.

4.2. Procedures for an external search. Successful completion of an external search for a department Chair requires coordination of two separate tasks: (1) the appointment of a new faculty member in accordance with the appointment policy and (2) the recommendation to the President of a Chair nominee in accordance with this policy. To expedite the successful conclusion of such a search, departments may combine procedures that are common to both processes as outlined below. Departments should determine which of these three alternatives they will use by majority vote (following the normal procedures for department voting rights), and they must do so prior to the start of a search. Whichever method the department adopts, the recruitment committee must conform to the normal requirements of the appointments policy.

4.2.1. Departments may designate all tenured and tenure track faculty as the recruitment committee so that the appointment recommendation and the nomination recommendation are coterminous. When this method is chosen, the recruitment committee must provide lecturers with the opportunity to provide confidential feedback on the search prior to final recommendations. A department may only use this method when there are more tenured faculty than probationary faculty. If it chooses this method, the normal prohibition of faculty serving on a personnel committee evaluating faculty of higher rank is suspended.

4.2.2. Departments may use separate processes for the appointment and for the nomination functions associated with an external search for a department Chair. Using this method, a smaller recruitment committee makes a recommendation under the normal appointment policy. Then the department as a whole votes to endorse or not to endorse the recommendation of the recruitment committee. For each candidate, the department's endorsement must specify whether or not that candidate is acceptable as a Chair. If more than one candidate is acceptable, then the department must rank them in order of preference. The department's endorsement serves to nominate a candidate to be Chair, but should be accompanied by the recruitment committee's report to justify the appointment of the candidate. In the event of conflict between the recommendation of the recruitment committee and the department's endorsement of that recommendation, the department makes the final Chair recommendation, but may only select a nominee nominate from among those candidates deemed to be acceptable finalists by the recruitment committee. When this method is chosen by a department, time must be allowed for these procedures to take place at the conclusion of the external search.

4.2.3. Departments may choose to delegate their right to nominate a Chair exclusively to their recruitment committee.

4.3. In conformity with the Appointments policy, an external nominee for Chair shall be reviewed and must receive a favorable recommendation for tenure from the appropriate personnel committee of the department before the appointment can be completed.

5. APPOINTMENT

5.1. The President appoints and removes the Department Chair in consultation with the Provost, College Dean, and department faculty. The term of the Department Chair appointment is normally four years.

5.2. When a department follows the procedures of this policy to successfully elect a Chair Nominee, the President shall -- except in rare instances and for compelling reasons—appoint that individual to serve as Department Chair.

5.3. Administrative details concerning the appointment of a Chair (appointment letters, salary adjustments, etc.) will be coordinated by the Office of the Provost.

6. FAILURE TO OBTAIN CHAIR NOMINEES AS DESCRIBED IN SECTIONS 3 (Nominations), 8 (Reappointment), and 10 (Acting)

Departments may be unable to successfully conclude a normal nomination for Department Chair. This could be the case in a department with no senior leadership qualified to be Chair, or no willing candidates. If a department fails to reach consensus (majority vote of the tenured and probationary faculty) following a normal nomination process (Section 3), the Dean shall consult with the faculty at a department meeting to determine the best course of action. This could be (1) the nomination of an interim or acting Chair, (2) initiation of an external search, (3) extension of a prior interim appointment, or (4) the nomination of a non-departmental interim Chair per the relevant sections of this policy.

6.1. External Search. An external search may be requested as per section 4 of the policy, although such requests are not automatically granted.

6.2. Extended interim Chairs. If there has been a failure to reach consensus, and an interim Chair is serving and was not a candidate for Chair, the interim Chair’s service may be extended by six months for the department to find more permanent solutions. The extension of an interim appointment beyond one year should be avoided. If this occurs the Organization and Government Committee of the Academic Senate shall inquire into the reasons for the situation.

6.3 Non departmental interim Chairs. In extreme cases, and only when all of the aforementioned measures fail, the President may appoint an SJSU faculty member from outside the department to serve as interim Chair, after consultation with the College Dean and department faculty. External departmental interim Chairs are subject to all the normal limits provided in section 9. Consultation with the department faculty is normally done by the Provost and Dean soliciting advice at a department meeting.

7. REVIEW OF DEPARTMENT CHAIRS

7.1. Timing of Normal Review: The Dean shall initiate the formal review of each Department Chair no earlier than during the Chair's sixth semester in office and no later than the beginning of the Chair's seventh semester in office, [5]See CFA/CSU Agreement Article 15 unless the incumbent states that they will not be a candidate to continue as Chair beyond the fourth year.

7.2. Early Review: Department faculty may initiate a formal review of the Department Chair by submitting a petition to the Dean, provided that at least one academic year has passed since the Chair's appointment or previous review. The petition shall state simply that "The undersigned faculty call for a prompt review of our Department Chair." If the petition is signed by department faculty totaling more than 50% of the eligible to vote department faculty, the College Dean will initiate a formal review of the Department Chair. The petition should preferably be delivered to permit the review to be completed before the end of the current semester, but an early review must be completed within 40 duty days from receipt of the department's petition. To determine if the petition exceeds the 50% threshold, all signatures of tenure/tenure track faculty and lecturers will be counted, with the signatures of lecturers weighted according to the proportion of their appointment. The Dean will announce to the department the number of signatures and whether the petition exceeds the threshold, but will keep the petition itself and the signed names confidential from the incumbent chair.

7.3. Appointment and Composition of Review Committee: College Deans shall determine the timing of reviews of Department Chairs. Such review shall begin no earlier than during the Chair's sixth semester in office and no later than the beginning of the Chair's seventh semester in office. Under the direction of the College Dean, the tenured and tenure-track department faculty shall elect from its ranks a peer review committee to evaluate the Department Chair's performance[5]. The members of the review committee are excluded from being the department's nominee for chair. In departments with insufficient tenured or tenure-track members to populate the review committee, the department may supplement the review committee with external faculty members. The review committee, in consultation with the College Dean, will determine the procedures and scope of the review.

7.4. Criteria for Review: The review committee, in consultation with the College Dean, shall specify the criteria for evaluating the incumbent's job performance. The principal criteria shall be derived from the job description that was provided to the Chair at the time of appointment to Chair. The incumbent shall be asked to examine the criteria developed and to make such comments or suggestions as may seem advisable.

7.5. Procedures for Review: The review committee, in consultation with the College Dean, shall develop procedures for conducting the review. [5]See CFA/CSU Agreement Article 15
The procedures shall be designed to secure appropriate information and appraisals of performance from as many persons as may be feasible who are knowledgeable of the incumbent's performance. If he/she so desires, the incumbent shall be given an opportunity to provide the review committee with a self-evaluation based upon the criteria developed by the committee. The opinions and judgments received by review committees, the deliberations and reports of such committees, and any accompanying materials, shall be confidential.

Professional Standards, in consultation with the University Council of Chairs and Directors, the Council of Deans, the Center for Faculty Development, and Institutional Research and Strategic Analytics, will develop a set of guidelines that may be used by departments to help develop procedures for review.

7.6. Report of the Review Committee: At the conclusion of its evaluative activities, the review committee shall prepare a written report embodying its findings and conclusions. This report shall include a statement of strengths found and improvements desired in the incumbent's performance with respect to the evaluative criteria. All raw data collected for review shall accompany, but not be part of, the review committee's summary narrative. Before forwarding the final report to the College Dean, the review committee shall:

7.6.1. Provide a draft copy of the narrative portion of the report to the incumbent;

7.6.2. Provide the incumbent with an opportunity to meet with the review committee in order to discuss the report;

7.6.3. Provide the incumbent with the opportunity to submit to the committee a written statement which shall become part of the report to the College Dean.
The review committee shall forward its final report to the College Dean no later than the end of the Chair's seventh semester in office. The College Dean will discuss the findings with the Department Chair no later than in the first month of the Chair's final semester and will report in general to the department faculty. On completion, the final report from the review committee, additional evaluation by the College Dean, and any response from the Department Chair will be forwarded to the Provost.

7.7. Confidentiality. The members of the review committee, college dean, and officers of the University shall hold in confidence data received by the review committee, its report, and accompanying materials. The members of the review committee shall sign a confidentiality statement. [5]See CFA/CSU Agreement Article 15

8. REAPPOINTMENT OF A DEPARTMENT CHAIR

In order to serve one or more subsequent terms, the Department Chair must proceed through the review process and regular nominating process.

9. SELECTION OF AN INTERIM CHAIR

An interim appointment occurs when a Department Chair's position has or will be vacated and there is insufficient time or it is otherwise impractical to complete the regular nomination process explained in Section I (Nominations). The interim Chair serves only as long as required to complete the appointment of a regularly appointed chair.

9.1. Appointment procedure. The President may make interim appointments after consultation with the College Dean and department faculty, normally by soliciting advice from as many faculty as possible at a department meeting called for this purpose.

9.2. Interim Chair requirements. Interim appointments should normally be a member of the department in which they will serve and they should be tenured faculty members (see section 6 for exceptions.)

9.3. Transition to a regularly appointed Chair. While overseeing all the complex tasks of the department, the interim Chair's ultimate responsibility is to prepare the department for an orderly transition to a regularly appointed Chair. The interim Chair should serve until a regularly appointed Chair takes office, normally before the beginning of the next academic year when taking office in the summer or Fall, or by the beginning of the following Spring semester when taking office in the Spring. If the department cannot transition to a regularly appointed Chair within one year, the situation should be resolved under section 6 (Failure to Obtain) of this policy.

9.4. Technical details concerning the appointment of an interim Chair (appointment letter, salary adjustments, etc.) will be coordinated by the Office of the Provost.

10. SELECTION OF AN ACTING CHAIR

An acting appointment occurs when a Department Chair is on a temporary absence (illness, vacation, or leave) but is expected to return within a year. If the absence is less than one month, the Dean, in consultation (if possible) with the continuing Chair may determine that there is no need for an acting Chair. Otherwise, an acting Chair is appointed and serves only until the regularly appointed Chair returns. [5]See CFA/CSU Agreement Article 15

10.1. Planned need for acting Chair. When the short-term absence of a Chair can be anticipated, the Department should nominate an Acting Chair using the procedures outlined in section 3 (normal nomination.)

10.2. Sudden need for acting Chair. When there is insufficient time or it is otherwise impractical to complete the regular nomination process explained in section 3, an Acting Chair should be designated using the procedures outlined in section 9 (interim.)

10.3. Limit on length of service. An Acting Chair should not serve more than one full academic year, and possibly the summer before or after the academic year. A Chair who is absent for more than one year should be replaced.

10.4. Technical details concerning the appointment of an acting Chair (appointment letter, salary adjustments, etc.) will be coordinated by the Office of the Provost.

11. REMOVAL OF DEPARTMENT CHAIR

In rare circumstances it may become necessary to remove a Department Chair prior to the expiration of the four-year term. There are two possible situations in which a Chair may be removed.

11.1. Administrative removal. The administrative removal of a Chair previously recommended by the faculty of a department is a very serious matter, and should only be undertaken for compelling reasons. A Chair will be given an opportunity to meet with the Provost and Dean to defend their record prior to removal. Following removal, the President or Provost should meet with the Dean and the faculty assembled in a department meeting to announce the action and

solicit advice on the transition. Replacement of the Chair should be initiated according to the procedures in sections 3 or 9 of this policy.

11.2 Faculty initiated removal. Faculty may not initiate the removal of their Chair unless a formal review has been completed within the previous six months. (They may initiate such a review as per 7.2 of this policy.) Following the conclusion of any faculty-initiated early review, the department will vote to determine if their Chair should be removed. A removal vote will follow the same procedures as a vote to recommend a Chair nominee as described in section 3 of this policy, save only that it requires a vote of 2/3 of the tenure/tenure track faculty to forward a recommendation to the President that the Chair be removed, with the votes of lecturers also reported as per the above procedures. If removed, replacement of the Chair should be initiated according to the procedures in sections 3 or 9 of this policy