

At its meeting of February 26, 2024, the Academic Senate approved Amendment A to University Policy F17-3, Selection and Review of Department Chairs and Directors presented by Senator French for the Professional Standards Committee.

Approved and signed by Cynthia
Teniente-Matson, President, San José
State University on March 18, 2024.

Rationale: In recent years, the increasing tendency of Department Chair Review Committees to use surveys administered by the Office of Institutional Research and Strategic Analytics has led to compression of the review schedule, in some cases resulting in reviews that are not completed prior to the end of the current chair's term. In consultation with the University Council of Chairs and Directors and the Deans, Professional Standards has determined that the timely completion of the Chair's review is important both for a Chair's decision about whether to seek an additional term, and timely review of current Chairs is also important for department faculty when considering the candidates for nomination to Department Chair. In consultation with the Office of Institutional Research and Strategic Analysis, numerous clarifications and references to applicable sections of the CSU/CFA Collective Bargaining Agreement.

nomination will be identified before formation of the College Election Committee (which must exclude the candidates for nomination).

Resolved: That F17-3 (Selection and Review of Department Chairs and Directors) be modified as follows:

Approved: February 19, 2024
Vote: 10-0-0
Present: Barrera, Chen, French, Kazemifar, Lacson, Pendyala, Pruthi,
Raman, Riley, Smith
Absent: None

Financial Impact: None anticipated
Workload Impact: None anticipated

On December 11, 2017, the Academic Senate approved the following policy

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 member¹ 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

¹See 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.

²See CFA/CSU Agreement Article 29. FERP employees are limited by contract to 50% of their previous time base.

³See CFA/CSU Agreement Article 30. PRTB employees are reduced by contract to 2/3, 1/2, or 1/3 of their previous time base.

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.

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

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 performance⁵. 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.

⁵See CFA/CSU Agreement Article 15

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.

⁵See 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

⁵See 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.

⁵See CFA/CSU Agreement Article 15