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9 **POLICY**
10 **RECOMMENDATION**
11 **SELECTION AND REVIEW OF DEPARTMENT**
12 **CHAIRS AND DIRECTORS**

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14
15 Resolved: That S14-8 be rescinded and replaced with the following policy, effective
16 immediately for all new nominations and reviews.
17

18 *Rationale: This replacement of S14-8 incorporates the voting procedures for*
19 *nominating Department Chairs and Directors that were formerly only*
20 *available in a separate policy. The need to consult two separate policies*
21 *each time a department nominates a Chair has led to confusion and*
22 *procedural errors in the past. In addition, the policy has been reformatted*
23 *for easier use and a numerous corrections and clarifications have been*
24 *incorporated at the suggestion of the University Council of Chairs and*
25 *Directors and the Deans. Among those changes is a reordering of the*
26 *policy to align chronologically with the stages of a Chair’s nomination,*
27 *election, evaluation, and possible removal.*

28
29 *This revision began with a referral from Organization and Government*
30 *regarding the consolidation of voting procedures for Chairs that became*
31 *necessary as the Department Voting Rights policy was revised. Next, a*
32 *version was vetted before UCCD last year which actively participated in*
33 *crafting some of the changes. We additionally received two rounds of*
34 *suggestions and amendments from the Deans—most of which were*
35 *accepted and incorporated. This revision appeared for a first reading on*
36 *March 13, 2017 and for a final reading on April 10, 2017, but was pulled*
37 *from the April 10 meeting to allow time for additional consultation with the*
38 *Provost. The Provost appeared before Professional Standards on*
39 *September 25 and relayed two concerns. The committee has responded*
40 *to both concerns and it is our understanding that the policy language is*
41 *now considered acceptable.*

42
43 *Following questions that occurred on the Senate floor at a final reading on*
44 *November 20, the policy was postponed to allow for revisions that would*
45 *clarify voting procedures for the various categories of faculty. This version*
46 *incorporates the “friendly” amendments that arose from the floor on*
47 *November 20 and adds provision 3.8 to clarify how different categories of*

48 *faculty vote. Much of this language is imported directly from the Voting*
49 *Rights Policy, but there is greater clarity for defining the voting procedures*
50 *for joint appointments and for FERP and PRTB faculty (Articles 29 and 30*
51 *of the CSU/CFA Agreement.)*

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53
54 *Approved: November 6, 2017*

55
56 *Vote: 10-0-0*

57
58 *Present: Chin, He, Marachi, Hamedi-Hagh, Kauppila, McKee, White, Peter,*
59 *Donahue, Kimbarow*

60
61 *Absent: none*

62
63 *Reapproved with amendments shown: December 6, 2017*

64
65 *Vote: 9-0-0 email vote*

66
67 *Present: Chin, He, Marachi, Hamedi-Hagh, Kauppila, McKee, White, Peter,*
68 *Kimbarow*

69
70 *Absent: Donahue*

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72
73 *Financial Impact: No direct impacts. It is possible that this policy, by clarifying*
74 *process, could result in some savings.*

75
76 *Workload Impact: No direct impacts, although the clarification of methods for selection*
77 *and review of department chairs could potentially prevent some*
78 *time consuming failures of process.*

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**POLICY
RECOMMENDATION**

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98
Selection and Review of Department Chairs and Directors

99 1. INTRODUCTION

100
101 1.1. Preamble

102
103 Department Chairs are the leaders of communities of faculty as
104 well as the most important stewards of the mission of the
105 University at the local level. Their effectiveness depends upon
106 the continual support of the faculty they represent. The selection
107 of a Department Chair is therefore the most important collective
108 decision of department faculty. This policy is designed to assure
109 that Chairs are chosen and reviewed in a manner that assures
110 their continual legitimacy and effectiveness as they carry out the
111 numerous functions assigned to them by university policies and
112 the Collective Bargaining Agreement.

113
114 1.2. Definitions

115
116 1.2.1. Throughout this policy, the term “Chair” refers both to
117 Chairs of Departments and Directors of Schools, while the
118 term “Department” refers both to Departments and to
119 Schools.

120
121 1.2.2. Departments elect a “nominee” to be department Chair;
122 the President appoints a nominee to become Chair.
123 Hence department elections are a nomination process
124 with the outcome of choosing a “Chair nominee” and are
125 called “nomination elections.”

126
127 1.2.3. The terms “Professor” and “Associate Professor” are also
128 understood to include the equivalent titles in faculty
129 disciplines that use alternative names, such as librarians
130 and counselors.

131
132 1.2.4. This policy uses the generic term “chair” to refer
133 collectively to all categories of chairs regardless of the
134 manner of nomination and appointment. When there is a
135 need for greater differentiation, the policy will refer to
136 “acting chair” and “interim chair” as defined later in the
137 policy, and “regularly appointed chair” to refer to a chair
138 who has been nominated by the department and
139 appointed by the President for the standard four year
140 term.

141
142 2. QUALIFICATIONS

143
144 Chairs should preferably be Professors but may be Associates, and should
145 have earned rank and tenure prior to the time the appointment to Chair would
146 become effective. Exceptions should only be made in rare instances and for
147 compelling reasons.

148 149 3. DEPARTMENT NOMINATING PROCESS 150

151 Every four years, the department faculty shall identify a nominee for Department
152 Chair by secret ballot vote following these procedures. These are also the
153 procedures for departments to recommend candidates for role as acting Chair (in
154 section 10 below.)
155

156 3.1. Deans and departments should communicate about transitions as early as
157 possible to allow for a collegial and orderly process. The Chair's job
158 description—which should include the fraction of assigned time to be
159 provided to the Chair--should be developed by the Dean in consultation
160 with the Department.
161

162 3.2. College Election Committee. The College will create a College Election
163 Committee that will consist of three individuals: 1) The Dean or the Dean's
164 designee, 2) a member of the College RTP committee (chosen by the
165 committee from a department other than the one holding the nomination
166 election), and 3) one tenured faculty member from the department
167 (chosen by the department tenured and tenure track faculty from among
168 those department faculty who are not candidates.)
169

170 3.3. Responsibilities of the College Election Committee. The College Election
171 Committee shall see that the department is informed of the requirements
172 of this policy, shall (with the help of Faculty Affairs) interpret and explain
173 the policy to the department when questions arise, shall count and certify
174 the votes, and shall see that the results are delivered to the President and
175 to the Department in the appropriate formats.
176

177 3.4. Charging the Department. The Dean (or, at the Dean's option, the College
178 Election Committee) should attend a Department meeting at the beginning
179 of the nomination process to provide this policy and the Chair's job
180 description and fraction of assigned time, and to explain the process for
181 nominating a Chair. If following the charge, the Department proceeds
182 immediately to a department meeting as per the section below, then all
183 persons who are not members of the Department should depart before
184 deliberations begin, unless specifically invited to remain by the majority
185 vote of the faculty present.
186

187 3.5. Department Open meeting. A meeting shall be held to begin the election
188 of a nominee to serve as Department Chair. The department may
189 determine the nature and medium of the meeting according to its own

190 preferences, but the meeting must be open to all faculty in the department
191 and publicized a minimum of one week in advance.

192
193 3.6. Decision on external search. The department may decide at this stage,
194 through normal voting procedures, to seek permission to search for an
195 external chair (as per section 4.1 below) instead of proceeding
196 immediately with a normal nominating election. Should permission be
197 denied the department should proceed with the normal process to
198 nominate a department Chair.

199
200 3.7. Faculty may suggest names to appear on the ballot for the nominating
201 election. Nominated persons shall accept or decline nomination.
202 Candidates will be given the opportunity to make statements and take
203 questions from department faculty.

204
205 3.8. Voting for Chair Nominees.

206 3.8.1. Tenured and tenure track faculty members have a full vote in the
207 department to which they are permanently assigned but no vote in
208 a department to which they are temporarily assigned. Tenured
209 and tenure track faculty holding joint appointments shall vote only
210 in the department which holds the majority of their permanent
211 assignment or—if equal—in the department that is responsible for
212 their tenure. Tenured and tenure track faculty members on an
213 approved leave retain voting rights.

214 3.8.2. Faculty participating in the Faculty Early Retirement Program
215 (FERP)¹ or the Pre Retirement Reduction in Time Base Program
216 (PRTB)² shall have a proportional vote equal to their annualized
217 time base (i.e. 1/2, 1/4) regardless of their academic assignment in a
218 given semester, through the last semester of their teaching
219 appointment.

220 3.8.3. Lecturers have departmental voting rights in proportion to their
221 assignment in a department. Proportional voting rights of lecturers
222 may fluctuate with fall and spring appointments. Lecturers on an
223 approved partial leave retain the proportional voting rights of their
224 teaching assignment. Those on full leave relinquish their voting
225 rights.

226 3.8.4. Faculty suspended under article 17 (Temporary Suspension) of the
227 CBA retain their voting rights.

228 3.8.5. Voting rights of any faculty member are suspended for any
229 semester in which the individual holds a full-time administrative
230 (i.e. MPP) or other full-time non-faculty position in the university.

¹ See CFA/CSU Agreement Article 29. FERP employees are limited by contract to to 50% of their previous time base.

² 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.

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Faculty on re-assigned time engaged in administrative duties remain Unit 3 faculty and retain their voting rights.

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

3.8.7. 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” to another individual.

3.9. The nominating election. All Faculty may then vote by secret ballot (~~proportional votes for part-time faculty~~) on all candidates proposed and willing to serve. Balloting must be available for 5 working days and provide the opportunity to abstain.

3.9.1. If there is just one candidate, balloting must still occur, with a choice provided to “recommend” or “do not recommend” the candidate.

3.9.2. If there are two or more candidates, balloting will provide a choice between the candidates and a choice “do not recommend any candidate.”

3.9.3. If an election with three or more candidates fails to produce a majority for any candidate, there shall be a second round of balloting between those 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 day in advance, and each may send one observer (other than themselves). The committee is responsible for an accurate count and review of ballots. The committee will assure that balloting was secret, that votes are entered in the correct category, and that proper proportions are applied. The results shall be certified (signed) by the election committee.

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.³ 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 the vote of all faculty, broken down into two categories – vote by tenured/tenure track faculty and 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 faculty from the relevant department. If the final vote total in either category of votes (tenured and probationary, lecturers) from

³ See CFA/CSU Agreement 20.30.

276 ~~part-time faculty~~ contains a fraction, it shall be rounded to help preserve
277 anonymity.
278

279 3.13. Second round nomination elections. If a department is unable to nominate
280 a Chair by a majority vote of the probationary and tenured faculty, it may
281 continue to try to obtain a nominee by repeating the process if they are
282 willing and the Dean determines that there is sufficient time. Otherwise
283 the situation will be resolved via section 6 “Failure to Obtain...”
284

285 4. EXTERNAL SEARCHES

286
287 4.1. Request for an external search. An external search is a search in which
288 candidates from outside San Jose State University are invited to apply to
289 be hired as a tenured faculty member and as department Chair.
290 Department faculty may request an external search for department chair.
291 A department request for an external search should take the form of a
292 majority vote of the department (following normal procedures for
293 department voting rights). Such requests are not automatically granted.
294

295 4.2. Procedures for an external search. Successful completion of an
296 external search for a department Chair requires coordination of two
297 separate tasks: the appointment of a new faculty member in accordance
298 with the appointment policy and the recommendation to the President of
299 a Chair nominee in accordance with this policy. To expedite the
300 successful conclusion of such a search, departments may combine
301 some procedures that are common to both processes as outlined below.
302 Departments should determine which of these three alternatives they will
303 use by majority vote (following the normal procedures for department
304 voting rights), and they must do so prior to the start of a search.
305 Whichever method the department adopts, the recruitment committee
306 must conform to the normal requirements of the appointments policy.
307

308 4.2.1. Departments may designate all tenured and tenure track faculty
309 as a recruitment committee “of the whole” so that the appointment
310 recommendation and the nomination recommendation are
311 coterminous. When this method is chosen, the committee of the
312 whole must provide lecturers with the opportunity to provide
313 confidential feedback on the search prior to final
314 recommendations. A department may only use this method
315 when there are more tenured faculty than probationary faculty. If
316 it chooses this method, the normal prohibition of faculty serving on
317 a personnel committee evaluating faculty of higher rank is
318 suspended.
319

320 4.2.2. Departments may use separate processes for the appointment
321 and for the nomination functions associated with an external
322 search for a department Chair. Using this method, a smaller
323 recruitment committee makes a recommendation under the
324 normal appointment policy. Then the department as a whole

325 votes to endorse or not to endorse the recommendation of the
326 recruitment committee. For each candidate, the department's
327 endorsement must specify whether or not that candidate is
328 acceptable as a Chair. If more than one candidate is acceptable,
329 the department must rank them in order of preference. The
330 department's endorsement serves to nominate a candidate to be
331 Chair, but should be accompanied by the recruitment committee's
332 report to justify the appointment. In the event of conflict between
333 the recommendations of the recruitment committee and the
334 department, the department makes the final recommendation as
335 to who to nominate as its Chair, but may only nominate from
336 among those candidates deemed to be acceptable finalists by the
337 recruitment committee. When this method is chosen by a
338 department, time must be budgeted to allow these procedures to
339 take place at the conclusion of the search.

340
341 4.2.3. Departments may choose to delegate their prerogative to
342 nominate a Chair exclusively to their recruitment committee.

343
344
345 4.3. In conformity with the Appointments policy, an external nominee for
346 Chair shall be reviewed and must receive a favorable recommendation
347 for tenure from the appropriate personnel committee of the department
348 before the appointment can be completed.

349 5. APPOINTMENT

350
351
352 5.1. The President appoints and removes the Department Chair in consultation
353 with the Provost, College Dean, and department faculty. The term of the
354 appointment is normally four years.

355
356 5.2. When a department follows the procedures of this policy to successfully
357 elect a Chair Nominee, the President shall -- except in rare instances and
358 for compelling reasons—appoint that individual to serve as Department
359 Chair.

360
361 5.3. Technical details concerning the appointment of a Chair (appointment
362 letters, salary adjustments, etc.) will be coordinated by the Office of the
363 Provost.

364 365 6. FAILURE TO OBTAIN CHAIR NOMINEES AS DESCRIBED IN SECTIONS 3 366 (Nominations), 8 (Reappointment), and 10 (Acting)

367
368 Departments may be unable to successfully conclude a normal nomination for
369 Department Chair. This could be the case in a department with no senior
370 leadership qualified to be Chair, or no willing candidates. If a department fails to
371 reach consensus (majority vote of the tenured and probationary faculty)
372 following a normal nomination process (Section 3), the Dean shall consult with
373 the faculty at a department meeting to determine the best course of action. This

374 could be either the nomination of an interim or acting Chair, initiation of an
375 external search, extension of a prior interim appointment, or nomination of a
376 non-departmental interim Chair-- as per the relevant sections of this policy.

377
378 6.1. External Search. An external search may be requested as per section 4
379 of the policy, although such requests are not automatically granted.

380
381 6.2. Extended interim Chairs. If there has been a failure to reach consensus,
382 and an interim Chair is serving and was not a candidate for Chair, the
383 interim Chair may be extended by six months to allow time for more
384 permanent solutions. Normally, a department should not have to
385 operate under interim leadership for more than one year.

386
387 6.3. Non departmental interim Chairs. In extreme cases, and only when all of
388 the aforementioned measures fail, the President may appoint a SJSU
389 faculty member from outside the department to serve as interim Chair,
390 after consultation with the College Dean and department faculty.
391 External departmental interim Chairs are subject to all the normal limits
392 provided in section 9. Consultation with the department faculty is
393 normally done by the Provost and Dean soliciting advice at a department
394 meeting.

395
396 6.4. Extended interim Chairs. The extension of an interim appointment
397 beyond one year should be avoided if possible. If this occurs the
398 Organization and Government Committee of the Academic Senate shall
399 inquire into the reasons for the situation.

400 7. REVIEW OF DEPARTMENT CHAIRS

401
402
403 7.1. Timing of Normal Review: The Dean shall initiate the formal review of
404 each Department Chair during the fourth year of an incumbent's term,
405 unless the incumbent states that he/she will not be a candidate to
406 continue as Chair beyond the fourth year.

407
408 7.2. Early Review: Department faculty may initiate a formal review of the
409 Department Chair by submitting a petition to the Dean, provided that at
410 least one academic year has passed since the Chair's appointment or
411 previous review. The petition shall state simply that "The undersigned
412 faculty call for a prompt review of our Department Chair." If the petition
413 is signed by department faculty totaling more than 50% of the
414 department electorate, the College Dean will initiate a formal review of
415 the Department Chair. The petition should preferably be delivered early
416 enough to permit the review to be completed before the end of the
417 current semester, but an early review should always be completed within
418 40 duty days from receipt of the petition. To determine if the petition
419 exceeds the 50% threshold, the signatures of both tenure/tenure track
420 faculty and lecturers will be counted, with the signatures of lecturers
421 weighted according to the proportion of their appointment. The Dean will
422 announce the number of signatures and whether the petition exceeds

423 the threshold, but will keep the petition itself and the signed names
424 confidential from the incumbent chair.

- 425
- 426 7.3. Appointment and Composition of Review Committee: At the beginning of
427 the fourth year of the Department Chair's term, under the direction of the
428 College Dean, the tenured and tenure-track department faculty shall
429 elect from its ranks a peer review committee to evaluate the Department
430 Chair's performance⁴. The review committee, in consultation with the
431 College Dean, will determine the procedures and scope of the review.
432
- 433 7.4. Criteria for Review: The review committee, in consultation with the
434 College Dean, shall specify the criteria for evaluating the incumbent's job
435 performance. The principal criteria shall be derived from the job
436 description that was provided to the Chair at the time of appointment.
437 The incumbent shall be asked to examine the criteria developed and to
438 make such comments or suggestions as may seem advisable.
439
- 440 7.5. Procedures for Review: The review committee, in consultation with the
441 College Dean, shall develop procedures for conducting the review. The
442 procedures shall be designed to secure appropriate information and
443 appraisals of performance from as many persons as may be feasible who
444 are knowledgeable of the incumbent's performance. If he/she so desires,
445 the incumbent shall be given an opportunity to provide the review
446 committee with a self-evaluation based upon the criteria developed by
447 the committee. The opinions and judgments received by review
448 committees, the deliberations and reports of such committees, and any
449 accompanying materials, shall be confidential.
450
- 451 7.6. Report of the Review Committee: At the conclusion of its evaluative
452 activities, the review committee shall prepare a written report embodying
453 findings and conclusions. The report of the review committee shall
454 include a statement of strengths found and improvements desired in the
455 incumbent's performance with respect to the evaluative criteria. All raw
456 data collected for review shall accompany, but not be part of, the review
457 committee's summary narrative. Before forwarding the final report to the
458 College Dean, the review committee shall:
- 459
- 460 7.6.1. Provide a draft copy of the narrative portion of the report to
461 the incumbent;
- 462
- 463 7.6.2. Provide the incumbent with an opportunity to meet with the review
464 committee in order to discuss the report;
- 465
- 466 7.6.3. Provide the incumbent with the opportunity to submit to the
467 committee a written statement which shall become part of the
468 report to the College Dean.
469

⁴ See CFA/CSU Agreement Article 15

470 The review committee shall forward its final report to the College Dean.
471 The College Dean will discuss the findings with the Department Chair
472 and will report in general to the department faculty. On completion, the
473 final report from the review committee, additional evaluation by the
474 College Dean, and any response from the Department Chair will be
475 forwarded to the Provost.

476
477 7.7. Confidentiality. The review committee, college dean, and officers of the
478 University shall hold in confidence data received by the review
479 committee, its report, and accompanying materials.

480
481 8. REAPPOINTMENT OF A DEPARTMENT CHAIR
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483

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

486
487 9. SELECTION OF AN INTERIM CHAIR
488

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

494
495 9.1. Appointment procedure. The President may make interim
496 appointments after consultation with the College Dean and department
497 faculty, normally by soliciting advice from as many faculty as possible at
498 a department meeting called for this purpose.

499
500 9.2. Interim Chair requirements. Interim appointments should normally be a
501 member of the department in which they will serve and they should be
502 tenured faculty members (see section 6 for exceptions.)

503
504 9.3. Transition to a regularly appointed Chair. While overseeing all the
505 complex tasks of the department, the interim Chair's ultimate
506 responsibility is to prepare the department for an orderly transition to a
507 regularly appointed Chair. The interim Chair should serve until a
508 regularly appointed Chair takes office, normally before the beginning of
509 the next academic year when taking office in the summer or Fall, or by
510 the beginning of the following Spring semester when taking office in the
511 Spring. If the department cannot transition to a regularly appointed
512 Chair within one year, the situation should be resolved under section 6
513 (Failure to Obtain) of this policy.

514
515 9.4. Technical details concerning the appointment of an interim Chair
516 (appointment letter, salary adjustments, etc.) will be coordinated by the
517 Office of the Provost.

518
519 10. SELECTION OF AN ACTING CHAIR
520

521 An acting appointment occurs when a Department Chair is on a temporary
522 absence (illness, vacation, or leave) but is expected to return within a year. If
523 the absence is less than one month, the Dean, in consultation (if possible) with
524 the continuing Chair may determine that there is no need for an acting Chair.
525 Otherwise, an acting Chair is appointed and serves only until the regularly
526 appointed Chair returns.

527
528 10.1. Planned need for acting Chair. When the short-term absence of a Chair
529 can be anticipated, the Department should nominate an Acting Chair
530 using the procedures outlined in section 3 (normal nomination.)
531

532 10.2. Sudden need for acting Chair. When there is insufficient time or it is
533 otherwise impractical to complete the regular nomination process
534 explained in section 3, an Acting Chair should be designated using the
535 procedures outlined in section 9 (interim.)
536

537 10.3. Limit on length of service. An Acting Chair should not serve more than
538 one full academic year, and possibly the summer before or after the
539 academic year. A Chair who is absent for more than one year should be
540 replaced.
541

542 10.4. Technical details concerning the appointment of an acting Chair
543 (appointment letter, salary adjustments, etc.) will be coordinated by the
544 Office of the Provost.
545

546 11. REMOVAL OF DEPARTMENT CHAIR

547
548 In rare circumstances it may become necessary to remove a Department Chair
549 prior to the expiration of the four year term. There are two possible situations
550 in which a Chair may be removed.
551

552 11.1. Administrative removal. The administrative removal of a Chair
553 previously recommended by the faculty of a department is a very
554 serious matter, and should only be undertaken for compelling reasons.
555 A Chair will be given an opportunity to meet with the Provost and Dean
556 to defend their his/her record prior to removal. Following removal, the
557 President or Provost should meet with the Dean and the faculty
558 assembled in a department meeting to announce the action and solicit
559 advice on the transition. Replacement of the Chair should be initiated
560 according to the procedures in sections 3 or 9 of this policy.
561

562 11.2. Faculty initiated removal. Faculty may not initiate the removal of their
563 Chair unless a formal review has been completed within the previous
564 six months. (They may initiate such a review as per 7.2 of this policy.)
565 Following the conclusion of any faculty-initiated early review, the
566 department will vote to determine if their Chair should be recalled. A
567 recall vote will follow the same procedures as a vote to recommend a
568 Chair nominee as described in section 3 of this policy, save only that it
569 requires a vote of 2/3 of the tenure/tenure track faculty to forward a

570 recommendation to the President that the Chair be removed, with the
571 votes of lecturers also reported as per the above procedures. If
572 removed, replacement of the Chair should be initiated according to the
573 procedures in sections 3 or 9 of this policy.