

**SAN JOSÉ STATE UNIVERSITY
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S16-8, University Policy, Selection and Review of Administrators (with Amendment A as edited and Amendment B included)

Legislative History:

At its meeting of April 4, 2016, the Academic Senate approved the following policy recommendation presented by Senator Shifflett for the Organization and Government Committee. S16-8 was approved by Interim President Susan W. Martin on April 5, 2016. This policy rescinds University Policies F10-5 and S06-3. S06-3 superseded F98-2 related to the Selection and Review of Administrators to provide a rearrangement of responsibilities and a clearer definition of the scope of the policy in the context of a need for broader participation of staff and community representatives. F10-5 modified S06-3 to clarify the procedure for submitting faculty and staff nominations to serve on search and review committees.

On April 10, 2017, the Academic Senate approved Amendment A to University Policy S16-8. Amendment A modifies S16-8 to allow for the participation of lecturers and tenure track faculty on the search and review committees for academic Deans; college-wide election of all faculty representatives; and clarifies how selection and review committee chairs are determined.

Amendment A was returned unsigned by President Papazian and brought back to the Senate with an edit to Amendment A on May 15, 2017. The edit was the removal of the words "ideally a faculty member" from the sentence, "The committee chair, ideally a faculty member, shall be appointed by the Provost" in sections 1.3.1, 1.3.2, and 1.3.3. The Academic Senate approved the amended version brought by Senator Shifflett for the Organization and Government Committee on May 15, 2017. President Papazian approved the edit and Amendment A on August 1, 2017.

On April 19, 2021, the Academic Senate approved Amendment B to University Policy S16-8. Amendment B was approved and signed by President Mary A. Papazian on May 10, 2021. Amendment B modifies Article 1.3.2 of University Policy S16-8, the Dean of the University Library search committee membership and is incorporated into the policy as follows:

Rescinds: F10-5, S06-3

Amended by: Amendment A, edit to Amendment A, and Amendment B

University Policy Selection and Review of Administrators

Whereas: Combining past and current changes into one policy makes it easier to locate information pertaining to the selection and review of administrators, and

Whereas: A good case exists for including a Dean on decanal search committees; and

Whereas: Recent application of S06-3 has revealed a need for clarification in the composition section of the policy; therefore be it

Resolved: That F10-5 and S06-3 be rescinded and replaced with the updated policy presented below; and be it further

Resolved: That as we transition from the old to new policy on the selection and review of administrators, the constitution of continuing and new selection committees can be modified at the discretion of the President or appropriate Vice President.

Rationale: The request for a review of S06-3 originated with the Executive Committee of the Academic Senate as a result of its recent experiences applying the policy to determine the composition of decanal search committees. Particular difficulty was encountered with the section on the composition of search committees. In addition, discussions led to interest in having the policy updated to include a Dean on decanal searches.

Approved: 3/22/16
Vote: 8-0-0
Present: Gleixner, Shifflett, Beyersdorf, Becker, Curry, Laker, Mathur, Grosvenor
Absent: Romero
Financial Impact: None expected
Workload Impact: No change from current situation.

Selection and Review of Administrators

1. Academic Administrator and Vice President Searches and Appointments

1.1 Applicability

This policy applies to searches for and reviews of Management Personnel Plan (MPP) administrators who serve university-wide as vice presidents and those within the Academic Division including the provost, deputy provost, deans and all other associate vice president or equivalent positions. Where not otherwise specified, the words 'academic administrators' as used in this policy means all those in the Academic Division.

1.2. Vacancies and Initiation of Procedures

As soon as practical after it is known that a vacancy has occurred or will occur in any of these positions, the President (for all vice presidents) or the Provost (for all other offices) shall cause a selection committee to be formed in accordance with these procedures.

1.3 Composition of Search Committees

Committees shall be large enough to allow for sufficiently broad representation, yet small enough so as not to be unwieldy. When feasible, an odd number of voting members will be appointed to eliminate the possibility of tied votes. Faculty, students, administrators and staff shall be represented. Consideration should be given to representation of the diversity of the campus. Faculty shall comprise a majority on all search committees for administrators in the academic affairs division and at least one-third of other committees. If appropriate, alumni and community representatives may serve on search committees.

1.3.1 Special Procedures for Deans of Academic Colleges: The search committees for college deans shall be composed of nine members: five faculty (tenured, tenure track, lecturers), at least four of whom are tenured, and at least two who are chairs, all elected by and from the college faculty (no more than two from any department); one staff member, elected by the staff of the college; one student, one Dean (from outside the college searching for a Dean), and one member of the community or an SJSU administrator (MPP), each designated by the Provost. The committee chair shall be appointed by the Provost.

1.3.1.1 Recruitment Procedures

Recruitment of the faculty and staff members shall be arranged and conducted by the office of the provost. Faculty and staff will submit written statements to

their college office reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion.

Each chair is expected to encourage faculty and staff from their department to serve on the search committee so that the resulting ballots, as best as possible, reflect the diverse nature of the programs, students, and faculty in their college and the campus.

1.3.1.2 Election Procedures

The statements of each candidate will be distributed to faculty and staff by the college office.

1.3.1.2.1 Elections for the faculty representatives from the college shall be arranged and conducted by an ad hoc election committee comprised of department chairs not on the ballot in that college.

The ballot will be constructed by college staff to enable faculty to vote for five faculty including at least two chairs. Faculty receiving the most votes, taking into consideration tenure status, department, and the requirement for at least two department chairs, shall be appointed to the committee by the Provost.

1.3.1.2.2 Election of the staff representative will be arranged and conducted by staff in the college office who are not on the ballot.

1.3.1.3 Appointment Procedures

1.3.1.3.1 Student: Each department in the college shall nominate one student from its majors. The Provost shall appoint, from among those nominated, one student as a committee member.

1.3.1.3.2 Dean and either a Community member or SJSU Administrator: The Provost shall appoint members who have experience or expertise relevant to one or more of the programs in the college and who understand our commitment to diversity and inclusion.

1.3.1.3.3 Faculty/Staff: Following the conclusion of college elections for faculty and staff representatives, the Provost shall appoint those elected to the search committee.

1.3.1.3.3.1 Following elections and prior to finalizing appointments, the Provost shall review the committee membership and consider the extent to which the committee is a representative group. The review may include, but is not limited to, representation of the

programs in the college and the composition of the committee with regard to identity, demographics, expertise, and experience.

If the membership appears insufficiently representative, the Provost shall consult with the Senate's Executive Committee to determine how best to improve the representativeness of the search committee. This could include the appointment of up to two additional members while maintaining the requirement that a majority of members be faculty.

1.3.2 Special Procedures for the Dean of the University Library. The search committee shall be composed of eleven members: four faculty librarians selected by and from the faculty librarians; two Library staff members, selected by the staff of the university library; one department chair from outside the library; one faculty member (not a chair) from outside the library; one student, one Dean (from outside the Library), and one member of the community, each designated by the Provost. The committee chair, ideally a faculty member, shall be appointed by the Provost.

1.3.2.1 Recruitment Procedures

Recruitment of the faculty, student, and staff members shall be arranged and conducted by the office of the provost. Faculty, students, and staff will submit written statements to the library Dean's office reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion.

1.3.2.2 Election Procedures for Library Faculty and Staff

The statements of each candidate will be distributed to faculty and staff by the Dean's staff.

Elections for the faculty and staff representatives from the Library shall be arranged and conducted by staff in the Dean's office who are not on the ballot.

1.3.2.3 Appointment Procedures

Student, Faculty (outside library) and Department Chair: By mutual consent with the Senate Executive Committee, the Provost shall appoint members from among those who applied.

Dean and a Community member: The Provost shall appoint members who have experience or expertise relevant to our joint library and who understand our commitment to diversity and inclusion.

Library Faculty and Staff: Following the conclusion of library elections for faculty and staff representatives, the Provost shall appoint those elected to the search committee.

1.3.2.3.1 Following elections and prior to finalizing appointments, the Provost shall review the committee membership and consider the extent to which the committee is a representative group. The review may include, but is not limited to, representation of the programs in the library and the composition of the committee with regard to identity, demographics, expertise, and experience.

If the membership appears insufficiently representative, the Provost shall consult with the Senate's Executive Committee to determine how best to improve the representativeness of the search committee. This could include the appointment of up to two additional members while maintaining the requirement that a majority of members be faculty.

1.3.3 Special Procedures for the Dean of International & Extended Studies (IES).

The search committee shall be composed of nine members: five faculty (inclusive of two department chairs); two IES staff members, selected by the staff of IES; one Dean (from outside IES), and one student, each designated by the Provost. The committee chair shall be appointed by the Provost.

1.3.3.1 Recruitment Procedures

Recruitment of the faculty, student, and staff members shall be arranged and conducted by the office of the provost. Faculty, students and staff will submit written statements to their Dean's office reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion.

1.3.3.2 Election Procedures for IES Staff Member

The statements of each candidate will be distributed to staff by the college office.

Elections for the staff representatives from IES shall be arranged and conducted by Dean's office staff who are not on the ballot.

1.3.3.3 Appointment Procedures

Selected members should exhibit clear evidence of understanding IES, a history of engagement with the programs and activities of IES, and an understanding of our commitment to diversity and inclusion.

Student and Faculty: By mutual consent with the Senate Executive Committee, the Provost shall appoint members from among those who applied.

Dean: The Provost shall appoint this person.

IES Staff: Following the conclusion of elections for staff members, the Provost shall appoint those elected to the search committee.

1.3.3.3.1 Following elections and prior to finalizing appointments, the Provost shall review the committee membership and consider the extent to which the committee is a representative group. The review may include, but is not limited to, representation of the programs in the college and the composition of the committee with regard to identity, demographics, expertise, and experience.

If the membership appears insufficiently representative, the Provost shall consult with the Senate's Executive Committee to determine how best to improve the representativeness of the search committee. This could include the appointment of up to two additional members while maintaining the requirement that a majority of members be faculty.

1.4 Recruitment and Selection of Committee Members

1.4.1 *Recruitment.* Except as provided in 1.3.1, 1.3.2, and 1.3.3 above, an open nomination process for potential members for search and review committees shall be used. The office of the President or the Provost shall publish notice of intention to appoint a search committee and shall solicit written statements either in hard copy or electronically for membership on the committee from the University community. Nominations (including self-nominations) must include a statement reflecting their interest and qualifications for serving on the search committee including perspectives on diversity and inclusion. The statement will also include the nominee's signed or electronic consent to serve by the published nomination deadline.

1.4.2 *Selection.* Except as provided in 1.3.1, 1.3.2, and 1.3.3 above, committee members shall be selected, from among those nominated, by mutual consent of the President and the Senate Executive Committee. They shall consider the need for a representative group, including but not limited to academic discipline, identity, demographics, expertise, and experience.

If the pool of nominees appears insufficiently representative, the President or Provost and the Senate's Executive Committee shall determine how best to improve the representativeness of the appointed committee members. This could include the appointment of up to two additional members outside the pool of nominees to further diversify the committee.

If the President and the Executive Committee cannot arrive at mutual agreement, the President (or Provost, if the search is not for a vice president) shall confer with the chair of the Senate to attempt to arrive at a mutually satisfactory course of action. Failing that, the President or Provost shall appoint the membership. The President or Provost shall select the committee chair from the committee membership.

1.5. Scope and Procedures

The President or Provost shall determine the scope and procedures of the search process in consultation with the committee. The scope and procedures of the search, the target date for the report, the minimum requirements for candidates, the qualifications of the expected finalists, and other matters relating to the selection process should be discussed. The scope of the search shall always be as wide as feasible under the circumstances and shall be conducted in accordance with the University's policies and procedures on equal opportunity and diversity. Likely candidates must be interviewed. Provisions should be made for the campus community to meet the candidates. The deliberations and recommendations of the committee shall be confidential. Concerns regarding unethical conduct, inclusive of breaches of confidentiality, must be reported to the Provost or President. Unethical conduct will result in dismissal of the committee member by the Provost or President.

1.6. Committee Recommendations

At the conclusion of its search, the committee shall report to the President or Provost, without ranking, the names of the best-qualified candidates. The President or Provost shall meet with the committee to discuss its recommendations. The search committee's records shall be turned over to the President or Provost with its report. Upon delivery of the committee's report to the President or Provost all committee records shall be destroyed.

1.7. Action by the President

The President or Provost may appoint any person recommended by the committee. If the President or Provost decides not to appoint, or is unable to appoint, any of the recommended candidates, the President or Provost may ask the committee to extend the search, or the President or Provost may consult with the Senate Executive Committee regarding appointment of a new selection committee for a new search, consistent with the provisions of this policy.

1.8. Interim Appointments

An interim appointment occurs when a position covered by this policy has or will be vacated and there is insufficient time or it is otherwise impractical to complete the

normal search process explained above. The President or Provost, in consultation with the elected members of the Senate Executive Committee, may make interim appointments.

Alternatively, at the discretion of the President or Provost, the selection process for an interim appointee may utilize a selection committee wherein the interim position is announced campus-wide and interviews are held. While there is no requirement to announce the position off-campus, such announcement is not prohibited. The search committee must be no smaller than three people and will be selected by the President or Provost in consultation with the elected members of the Senate Executive Committee. Interim appointments usually are for a period of one year, unless a different period is specified at the time of the appointment. An interim appointment may be renewed or extended by the President or Provost as needed in consultation with the elected members of the Senate Executive Committee.

1.9. Acting Appointments

The title “acting” (e.g., acting dean) shall be applied to an individual who is designated to act on behalf of an administrator covered by this policy, who is on a short-term absence (illness, vacation, etc.), on leave, or has left his/her position on extremely short notice. The President or designee in consultation with the elected members of the Senate Executive Committee may make an acting appointment. In an emergency or when the Senate Executive Committee is not available, acting appointments may be made by the President or Provost in consultation with the Chair of the Academic Senate. Acting appointments usually are of short duration, lasting until either the incumbent returns or an interim appointment can be made according to the procedures described in this policy. In unusual circumstances, an acting appointment may be renewed or extended by the President or Provost in consultation with the elected members of the Senate Executive Committee.

2. Reviews of Administrators

2.1. Timing of Review

If the incumbent wishes to continue in his or her position beyond the sixth year, a review of the incumbent shall be initiated according to the provisions of this policy in the second semester of the fifth year of an incumbent's term. The review shall be concluded by the beginning of the sixth year of the incumbent's term. The President may at any time initiate an interim review.

2.2. Appointment and Composition of Review Committee

For all offices covered by this policy, a review committee shall be appointed and constituted in accordance with the procedures specified in Part 1, Sections 1.3 and 1.4

of this policy. The Provost shall not be eligible to serve on committees to review academic administrators.

2.3 Criteria for Review

The review committee, in consultation with the President (for vice presidents) or the Provost (for all other offices), shall specify the criteria for evaluating the incumbent's job performance, based upon the incumbent's job description, goals and recommendations arising from prior performance reviews (when such has occurred), and the function of the particular administrative office. The incumbent shall be asked to examine the criteria developed and to make such comments or suggestions as may seem advisable.

2.4 Procedures for Review

The review committee, in consultation with the President (for all Vice Presidents) or the Provost (for all other offices), shall develop procedures for conducting the review. The procedures shall be designed to secure appropriate information from as many persons as may be feasible who are knowledgeable of the incumbent's duties and performance. In addition, available data for the time period of the review should be analyzed as appropriate for the position (such as data on FTES, FTEF, class size, graduation rates, and fundraising). 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. Concerns regarding unethical conduct, inclusive of breaches of confidentiality, must be reported to the Provost or President. Unethical conduct will result in dismissal of the committee member by the Provost or President.

2.5. Report of the Review Committee

2.5.1 The review committee shall consult with the President (for all vice presidents) or the Provost (for all other offices) before drafting its report. Following that consultation, and at the conclusion of its evaluative activities, the review committee shall prepare a written report embodying findings and conclusions. The report of the review committee 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 report.

2.5.2 The report shall normally contain a specific recommendation by the review committee that the incumbent be reappointed or not be reappointed, with or without qualification. A majority vote of the review committee shall be sufficient to approve the report; the numerical vote shall be stated in the report. A minority report or reports shall be appended if requested by any member of the committee. Minority reports shall be seen by all members of a review committee.

2.5.3 Before forwarding the report, the review committee shall:

- provide a draft copy of the proposed report to the incumbent
- provide the incumbent with an opportunity to meet with the review committee in order to discuss the report
- provide the incumbent with the opportunity to submit to the committee a written statement which shall become part of the report to the President.

2.5.4 The President (for all vice presidents) or the Provost (for all other offices) shall again consult with the review committee to share his or her inclination and the reasons therefore.

2.6. Action of the President

Ultimate responsibility for the retention of administrators belongs solely to the President. If, after discussion with the review committee, the incumbent, and other appropriate sources of information, the President is inclined to believe a decision other than that recommended by the committee would best serve the interests of the University, before acting on that inclination the President shall consult with the Executive Committee of the Academic Senate, at which time both the report of the review committee and the reasons why the President is inclined to a decision other than that recommended would be revealed to and shared with the Executive Committee. The purpose of such a meeting would be to ascertain if some mutually agreeable course of action or decision can be found upon which the President could act. Failing that, the President shall make such decision as he or she considers best for the welfare of the University.