

**SAN JOSÉ STATE UNIVERSITY
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Amendment K to University Policy S15-7, Retention, Tenure and Promotion (RTP) for Regular Faculty Employees: Procedures

Legislative History:

At its meeting of March 20, 2023, the Academic Senate approved Amendment K to University Policy S15-7 presented by Senator French for the Professional Standards Committee. This is the second of two policy proposals intended to add information about administrative recusal of RTP committee members to university policies S15-7 and S15-8.

ACTION BY UNIVERSITY PRESIDENT:

**Signed and approved by
President Cynthia Teniente-
Matson, San José State
University on April 25, 2023.**

Rationale: S15-8 includes a recommendation on self-recusal in the case of bias (or appearance of bias), but the availability of administrative recusal is not described in policy (nor widely known among faculty). This proposal would amend S15-7 to indicate the existence of a procedure for administrative recusal of RTP committee members.

Resolved That section 3.0 of S15-7 (Retention, Tenure and Promotion for Regular Faculty Employees: Procedures) be modified as follows:

3.0 Procedures for Retention, Tenure, and Promotion

3.1 Procedures and principles for all personnel committees

3.1.1 Training. All committee members must be thoroughly trained in the use of the present university policies on Criteria and Standards and for Procedures for Retention, Tenure, and Promotion. Department chairs, college deans, and the Associate Vice President for Faculty Affairs shall arrange for appropriate training in the application of this policy.

- 3.1.2 Charge. Prior to deliberations, all members of a personnel committee shall sign a statement prepared by the Office of Faculty Affairs indicating that they have been trained appropriately, that they have read and understood the relevant policies, and that they will apply the policies fairly and accurately to the best of their ability. The statement shall also include their agreement to keep confidential all content of committee deliberations. The charge will be delivered by the Senior Director, Faculty Affairs, or the Dean, or the Chair, corresponding to the level of the committee. Committee members may not view dossiers or deliberate until after having signed the agreement.
- 3.1.3 Election of RTP members
- 3.1.3.1 At all levels, faculty shall be elected to serve on RTP committees by secret ballot.
- 3.1.3.2 Faculty elected to serve on RTP committees should consider that their participation affects the careers of colleagues as well as the well-being of students and the health of the University more generally. This service shall be their highest professional priority.
- 3.1.3.3 Candidates should verify their ability to serve during the scheduled meeting times. If necessary and feasible, Deans and Chairs should adjust members' teaching schedules to accommodate their ability to attend the scheduled meetings. If an elected member has unresolvable conflict with the meeting schedule, that member should promptly notify the Dean and Chair who should arrange to replace the member via a special election prior to the beginning of committee deliberations.
- 3.1.3.4 No one may serve during the same review cycle on more than one level of committee; membership on the University committee, a college committee, or a department committee precludes membership on the other two.
- 3.1.3.5 All departments with four or more active Professors are expected to provide members/nominees to higher level committees. Departments with three or fewer active Professors may provide members/nominees to higher level committees by supplementing their department level committee with external faculty (if needed) as per 3.2.7. A department with insufficient faculty to provide a representative to a College level committee may elect a representative from outside its department in a related discipline, or it may elect another department's elected representative as a designee to explain the department's criteria and context to the College committee.

- 3.1.3.6 Only faculty who will be on academic assignment for both semesters of the Academic Year are eligible to serve on RTP committees.
- 3.1.3.7 Faculty members who are enrolled in the early retirement program (FERP) are eligible to serve on RTP committees if they meet all other criteria, including holding the appropriate rank, being active for both semesters of the academic year, and being elected by secret ballot. Elsewhere where this policy says "tenured faculty" it includes FERP faculty in that definition, as per the Collective Bargaining Agreement.
- 3.1.4 Recusals: A procedure to request, and criteria to evaluate, the administrative recusal of committee members in cases of bias or conflict of interest will be developed by Faculty Services in consultation with the Professional Standards Committee.
- 3.1.5 Quorums
- A simple majority of the full membership of the committee must be present to obtain a quorum necessary in order to conduct business. In all personnel recommendations, a simple majority of those voting prevails. A quorum is determined at the beginning of the meeting, prior to any members removing themselves for purposes of abstention.
- 3.1.6 Voting procedures for all decisions
- 3.1.6.1 Voting. College and University committees and any Department committees consisting solely of tenured Professors may devise their own voting procedures. Department Committees with members of less than full rank shall always vote by written secret ballot. Regardless of the voting method, the results shall be immediately announced in the committee and recorded. If written secret ballots are used, they shall be retained and sealed and stored in the Department / College / AVP's office until after the following stage of review has been completed, then they shall be destroyed. Electronic voting may not be used unless it is implemented in a manner that provides the same degree of secrecy and security as paper ballots. No member may vote (electronically or any other way) who has not participated in the full discussion of any case.
- 3.1.6.2 Abstentions
- 3.1.6.2.1 Permitted reasons for abstention include if a member has a conflict of interest concerning the candidate, or if a member has failed to do due diligence in reviewing the dossier. Committee members shall not abstain simply because they find a case difficult to decide.

3.1.6.2.2 Committee members who abstain must declare their intention in advance and must absent themselves from committee deliberations. Abstaining members may not contribute to the text of the committee's explanation (majority or minority) for its decision.

3.1.7 Voting for Tenure and Promotion

- 3.1.7.1 For tenure and promotion decisions, committees will conduct separate votes to determine the candidate's level of achievement in each category of achievement.
- 3.1.7.2 The final committee recommendation for tenure and promotion will be determined by comparing the three levels of achievement to the standards described in the policy on Criteria and Standards.

3.1.8 Voting for Retention

For retention there will be one vote to "retain" or "do not retain." using the standards described in the policy on Criteria and Standards.

3.1.9 Recording Committee recommendations. Committees shall write reports for each case stating the reasons for all votes cast. (An abstention is not considered a "vote" for this purpose.) A statement of these reasons shall be included in a single report from the committee, with the possibility of a separate "minority" report. In either case, the confidentiality of voting shall be maintained, and signatures on the report(s) shall not indicate how individual members voted when recommendations are not unanimous.

3.1.10 Confidentiality. All personnel materials, proceedings, and recommendations are confidential, except (a) that positive final decisions may be announced; (b) that each faculty member shall have access to materials in his/her personnel files as provided by law, the Agreement, and Trustee policy; and (c) that any individual may voluntarily disclose materials from his/her personnel file at an appropriate proceeding, such as a grievance or court hearing.

3.1.11 Deadlines. Deadlines for the procedural steps provided herein shall be established at the start of the academic year by the Associate Vice President for Faculty Affairs. Deadlines shall include a specific closing date "at which time the Personnel Action File is declared complete with respect to documentation of performance for the purpose of evaluation," as required by the Agreement (Section 15.12.b). If any stage of the review has not been completed within the specified time, the performance review shall automatically be transferred to the next review level and the faculty member shall be so notified. The calendar with deadlines shall be communicated to all faculty subject in a given academic year to personnel actions governed by this policy.

Approved: February 13, 2023
Vote: 10-0-0
Present: Barrera, French, Gómez, Kazemifar, Maldonado, Monday, Pruthi,
Riley, Smith, Wang
Absent: None
Financial Impact: None
Workload Impact: A small amount of work by UP/FS and PS to develop the procedure
described here.