

# The University Senate of Michigan Technological University

## Proposal 36-23

### Proposal to Modify Senate Procedure 805.1.1: Search Procedures for Departmental Chairs and School Deans

Revisions Requested from HR and IE: Senate Search Procedures for Department Chairs and School Deans

Senate Procedures 805.1.1

Background:

The Senate has the responsibility and authority to establish procedures for the selections of Deans, School Deans and Department Chairs ([Senate Constitution, Article III.6.i.a.10](#)). Following the adoption of the departmental governance policies defined by [Senate Proposal 16-92](#), university units established revised procedures for searching for new Chairs. [This proposal to modify Senate Procedures 805.1.1 - Senate Search Procedures for Department Chairs](#), incorporates numerous edits to clarify procedures, and bring the language of those procedures into alignment with other current campus governance documents, and one core change. Specifically, this proposal enables departmental selection of one of two processes for search: (1) an open search, with candidates from outside or inside MTU; or (2) an internal search, with candidates from within MTU only. This change is made in recognition of the fact that different departments have varying circumstances and different goals. While maintaining the core Dean's role of the final selection of a chairperson, the allowance for departmental selection of the approach for the chairperson search provides flexibility and is well within the bounds of shared governance. By having two alternative approaches, flexibility is embedded in the process. The selection of the method of the chair search is an important step for any department, and as such, once made, the selection will remain in place in the departmental charter, and can only be changed by the department through the process for charter change, and administrative approval process. This provides a safeguard against capricious changes from one to the other model for departments.

The second core change is formally in the sister process for CHAIR EVALUATION. While not directly relevant here, CHAIR EVALUATION and CHAIR SEARCH are systemically linked, because the evaluation process may trigger the need for a search.

Over the last twenty years, the University administration has come to believe that these procedures should be defined by University wide policy and not on a unit by unit basis. Among the rationales for this change is the fact that Chairs and School Deans are administrative officers and thus serve at the discretion of the president, but units have rights of appeal as defined in the grievance policy outlined by [Senate Proposal 23-00](#). As an extension of this fact, units have the power of review and comment during searching, hiring, and evaluating/reviewing.

Academic units and members of the administrative team have disagreed whether an individual unit can direct a search to be for internal or external candidates. This proposal mandates an open search for a School Dean and grants the authority to resolve this issue to the appropriate College Dean or the Provost in consultation with the department for a Chair search. This proposal contains language duplicated from current, approved charter procedures for both School Deans (i.e., Forestry) and Department Chairs (i.e., Chemical Engineering). Editorial and other changes have been made to the material which afford the following differences:

1. All School Dean searches will be open in scope. Proposal Text: This policy applies to Departmental Chairs and Deans of Schools only. Search provisions for Deans of Colleges and the Dean of the Graduate School are governed by Proposal 19-07 (Senate Procedures 802.1.1) and Proposal 17-07 (Senate Procedures 803.1.1) respectively.

I. Searching for School Deans and Associate School Deans The School Charter shall specify who is eligible to vote at all stages of the search process.

A. Searching for a School Dean and Appointing an Associate School Dean 1. In the event of a vacancy in the School Dean's position, the Provost shall appoint a search committee consisting of at least five faculty members from the School. The Provost will consult with the faculty of the School on these appointments. The search committee will include the following persons: i. At least four of these faculty members must be tenured.

ii. One faculty member from another unit on campus iii. A member of the advisory board iv. The Provost in consultation with the faculty of the School will also appoint a staff representative. v. One student (chosen by the School's undergraduate student organizations). vi. One graduate student member (chosen by the School's graduate students).

2. The search committee shall conduct an open search, in accordance with all applicable State and Federal laws and University policies and guidelines. For guidance regarding procedures and methods of deliberation, the committee 6/20/2019 Procedures 805.1.1 [www.admin.mtu.edu/usenate/policies/p805-1-1.htm](http://www.admin.mtu.edu/usenate/policies/p805-1-1.htm) 2/5 will consult Senate Procedures 802.1.1 pertaining to the search procedures for College Deans. The committee will identify the best qualified individual. The Provost will make final selection of the new School Dean. Approval of the Board of Control is also necessary if the appointment includes tenure.

3. If the school has an Associate School Dean position, and in the event of a vacancy in this position, the School Dean shall appoint an Associate School Dean from the tenured/tenure-track members of the School faculty. The School Dean's choice for Associate School Dean must be confirmed by a secret ballot of the voting members of the School (as defined in the School's Charter) within 60 days. In the event the faculty does not confirm the Associate School Dean, a new Associate School Dean will be chosen by the School Dean from the tenure-track members

of the School faculty and confirmed by another secret ballot vote. 4. Appointment of Interim or Acting School Dean: When it is evident that the School Dean will be unable to perform his/her duties for more than one semester or a search for a School Dean has failed, the Provost will appoint an Interim School Dean. If a search has failed, a new search will begin at the earliest possible opportunity.

## **I. Search Procedure for Department Chairs**

### **A. Searching for Department Chairs**

**1. The Department Charter shall specify who is eligible to vote at all stages of the search process.**

#### **2. Procedure for Determination on Internal or Open Search:**

The Department Charter will also specify whether the Chair search process will be: (1) an open search, with candidates from outside or inside MTU; or (2) an internal search, with candidates from within MTU only. Accordingly, when a new Chair must be selected, the Dean of the College will visit the department and review the search process and whether it will be open or restricted only to internal candidates, per the Departmental Charter. Both external candidates and current Michigan Tech faculty are encouraged to apply for any open search because the distinction is made here only about the publication and marketing of the search. In comparison, only current Michigan Tech faculty are encouraged to apply in a Department operating under the internal to MTU model. If the normal choice of the department is an "open search," but there are not sufficient funds available, the department choice may be overridden by the College Dean.

#### **3. Search Committee:**

**3.1. Departmental Faculty Representatives:** The Search Committee for the Chair will be elected through a secret ballot organized by the Senator of the department and one other faculty member selected by the department's faculty. The number of members on the Search Committee will depend on the number of faculty in a department. Departments with twelve members or fewer will have a committee of at least three **faculty** members. Departments consisting of more than twelve faculty members will have a committee of at least four faculty members. **No committee member can be under consideration as a candidate.**

**3.2. At-Large Representative:** Whatever the size of the department, one additional person from outside of the department will be appointed by the College dean.

**3.3. Staff Representative:** If the department has professional staff, one staff member should be elected by the staff to be on the committee.

**3.4. Student representative:** The individuals initiating the search will ask Undergraduate Student Government and Graduate Student Government each to elect one Committee representative and one alternative, both of whom should be enrolled in the department and will serve with ability to participate in committee discussion but without vote.

3.5. Human Resources and Equal Opportunity Compliance and Title IX Representatives: The persons initiating the search will ask Human Resources and Equal Opportunity Compliance and Title IX to each provide the name of their designated representative to serve without vote.

3.6. The chair of the search committee will be elected by the committee at its first meeting. ~~At least one person on the search committee has received training in recruiting strategies to improve diversity and on the legal aspects of faculty hiring.~~ At the first convening of the Search Committee, a representative from Human Resources will be invited to review appropriate hiring procedures and ensure all search committee members have completed the required search committee training. Following this consultation and review, the committee will determine the process for evaluating and voting upon candidates after they visit campus. All procedures must comply with applicable University policies, procedures, and Human Resources and Equal Opportunity Compliance and Title IX practices to ensure equal opportunity to all candidates. ~~No committee member can be under consideration as a candidate.~~ Full and open disclosure of potential conflicts of interest concerning committee members and/or applicants is expected. See Board of Trustees Conflict of Interest policy 4.7.

**4. Confidentiality:** ~~Instructions for the Chairperson of the Committee.~~ It is the responsibility of the Chair of the search committee ~~Chairperson of the Recruitment/Hiring Committee~~ to read the Confidentiality Statement provided by Human Resources ~~following statement regarding confidentiality to the entire committee~~ at the beginning of the process before the committee discusses criteria, drafts interview questions, reviews applications and/or resumes or begins any work. All committee members must sign the confidentiality statement and the committee chair must send the completed statement to Human Resources.

**5. Search Procedure:** The Search Committee, with input from the present Chair (only if the present chair is not in the candidate pool), and the Dean, ~~and the Institutional Equity Officer,~~ will produce the first draft of the position description and position advertisement. The Search Committee will complete the Position Authorization Form ~~Request for Posting Memo~~ and send it to the Human Resources Office. The Committee is responsible for ensuring that the search conforms to current legal requirements, and for maintaining the applicant flow log. ~~Applications for the position are made to the Chair of the Search Committee.~~ Departmental faculty may nominate candidates. In the case of an open search, the position will be advertised in appropriate professional journals, and faculty should distribute position descriptions to their professional colleagues.

**6. Short List of Candidates:** The Search Committee will review the applications to produce a short list of candidates who meet at least the minimum qualifications of the position. These candidates will be invited for an interview. The committee will inform each candidate who accepts the interview invitation that the committee will attempt to obtain independent assessments from references not listed by the candidates. The committee should solicit faculty help in identifying these references. If the search is only internal, all applicants who meet the

minimum required qualifications of the position will be on the short list of candidates. ~~No committee member can be under consideration as a candidate.~~

**7. Candidate Interviews:** The application materials of each candidate on the short list will be available to all departmental faculty and staff. The letters of recommendation will be accessible to members of the department, but the letters cannot be copied. The candidates will be informed of this requirement and will be furnished with copies of the position description, departmental charter, statements of departmental goals, and other recent information about the department. If a recommendation letter is from a current Michigan Tech faculty member and the letter can be written so that there is not a concern about sharing with department faculty and staff, Human Resources or the search committee chair can redact parts of the letter to protect the identity of the author. Alternatively, the letter writer can request that the letter only be shared with the dean and search committee. ~~to members of the department, but the letters cannot be copied. The candidates will be informed of this requirement, and will be furnished with copies of the position description, departmental charter, statements of departmental goals, and recent annual departmental report. While each candidate is on campus, the Search Committee will make arrangements for each individual to make two presentations:~~

While each candidate is on campus, the Search Committee will make arrangements for each individual to make two presentations:

1. A technical presentation in ~~their~~ ~~his/her~~ field of specialization that includes trends, directions and opportunities for research in the field. ~~(In the case of an internal search, this presentation can be waived.)~~
2. A ~~second~~ presentation that may include, but is not limited to, the following issues: the candidate's administrative philosophy and plans for meeting short and long term goals; ~~T~~the direction of undergraduate and graduate education in the department; ~~R~~resources needed to attain the goals.

The Search Committee will arrange the candidate's schedule and set up appointments with appropriate administrators and other persons outside of the department (Dean, VP for Research, Provost, other department chairs if overlapping research interest).

## 8. Selection of Chair:

8.1 After the candidates have completed their interviews, the Search Committee will arrange a meeting of faculty and staff to discuss the candidates. ~~The sitting chair will not be part of this meeting.~~ The Search Committee will solicit the opinions of graduate and undergraduate students. The Search Committee will conduct a vote by secret ballot ~~for each candidate~~ to determine if the candidates are acceptable or unacceptable to serve as Department ~~Chair~~. The ~~staff~~ vote of the department's staff takes place first, and will be advisory to the faculty vote, ~~if the department staff choose to vote.~~ The search committee will tabulate the votes. The search committee will prepare recommendations based on ballot results and strength

and weaknesses based on the required qualifications of the position of the acceptable candidates and meet with the Dean to review its final list of acceptable candidates. discuss the recommendations.

8.2 A candidate will be deemed unacceptable if a simple majority of voting members is not reached. No candidate will be deemed acceptable for department chair who does not obtain a majority vote of the faculty who have voted.

8.3 Prior to beginning negotiations with any candidate, the Dean will forward their recommendation and information about the committee's recommendation up through their supervisory chain-of-command. All academic administrators serve in their administrative role at the pleasure of the President of the University. The Dean will convey the committee's recommendation and their own recommendation to the Provost and President. Upon receiving their approval, the Dean will begin the process of negotiating with the selected candidate.

8.4 The Dean has the final responsibility for making the appointment subject to the approval of the Provost and President. Prior to making a final offer, reasons for non-selection based on the required and/or desired qualifications listed in the job description must be reviewed by Equal Opportunity Compliance and Title IX for the candidates not recommended for hire. Human Resources will confirm that reference checks were conducted and that all approvals were received from the President and Provost before approving the hiring documentation.

8.5 As of the writing of this procedure, notes must be kept for three years.

**9. Failed Search:** If the Department finds no acceptable candidates following the interviews or the Dean is unable to proceed based on the list of candidates provided, the Dean may choose to reopen the search for additional candidates or fail the search and restart the process. ~~is unable to hire a chair from the list of finalists advanced by the Search Committee, the search is considered to have failed.~~ The Dean will appoint an Interim Chair as provided by II.A.10.

**10. Appointment of Interim or Acting Chairs:** When it is evident that the Department Chair will be unable to perform his/her their duties for more than one semester or the Chair search has failed, the Dean will appoint an Interim Chair. Interim Chairs serving more than two years must be evaluated as detailed in Senate Procedure 506.1.1.

If a search has failed, a new search will begin at the earliest possible opportunity. An Interim Chair is different from an "Acting Chair" or someone serving as "Next In Charge." If a Department Chair who expects to be absent from campus or otherwise unable to perform his or her their duties for a period of time, they must appoint another individual to serve as "Next In Charge." For somewhat longer absences, they can appoint someone as Acting Chair. "Next In Charge" appointments are intended only for very brief periods, generally lasting a few days. A serving Chair can appoint an **Acting Chair** to cover medium-term absences lasting up to one

semester. If a Chair will be absent for more than one semester, ~~he or she~~ they will ~~should~~ step down and allow the Dean to appoint an **Interim Chair**.

## II. Procedure for Conducting Secret Ballots:

The chair of the department chair Search Committee will notify the Senate administrative assistant to conduct a secret ballot for voting on each candidate to determine if the candidate is acceptable or unacceptable to serve as Department Chair. There is a quorum if at least half of the department's active faculty members vote. If there is not a quorum, a new vote will be taken when it is believed that a quorum will be available. ~~Secret ballots will be conducted using a double envelope process. The marked ballot will be placed into a small sealed envelope. This envelope must be sealed into a larger envelope, which must be signed by the voter across the flap. The Search or Evaluation Committee (Promotion and Tenure in the case of a School or the Search or Evaluation Committee in the case of a Chair) must be present when the votes are separated from the large outer envelope by the School Dean's or Chair's Administrative Associate. The School Dean's or Chair's Administrative Associate will also record the names of the voters. Finally, the School Dean's or Chair's Administrative Associate will mix the smaller envelopes and give them to the appropriate Committee for vote counting. There is a quorum if at least half of the department's active faculty members vote. If there is not a quorum, the votes will be shredded and a new vote will be taken when it is believed that a quorum will be present.~~

~~A form published by San Jose State University at:~~

~~<http://www.sjsu.edu/hr/docs/wfp/forms/confidentiality.pdf> is suitable for this purpose.~~

~~STATEMENT All information learned from any recruitment document or during interviews is privileged. The information is not for public disclosure. In the eyes of the law, each committee member is viewed as an agent of the university. During the selection process, it is important that we do not create a liability for the university or for ourselves as individuals. Members who disclose privileged information run the risk of involving themselves and/or the university in a lawsuit involving a tort action. Examples are the tort of defamation, which is committed when an individual communicates false, injurious information about another; and tortious invasion of privacy, which includes placing another in a false light in the public eye or public disclosure of private facts. In any lawsuit it is possible for an individual to be named as a defendant as well as the university. An appropriate response to questions from individual applicants or the public about any aspect of the selection process should be: Selection is a confidential process and therefore I am unable to respond to your question. The recruitment process is treated with confidentiality, so it would be inappropriate for me to answer your question or that of any other applicant. If the person inquiring is not satisfied with your response, please ask them to refer the question to Workforce Planning in the Human Resources.~~

~~COMMITTEE MEMBER SIGNATURES I confirm that the Confidentiality Statement has been read to me and that I understand it and agree to abide by the provisions and requirements of the statement.~~



