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8 **POLICY RECOMMENDATION**
9 **To Rescind amendments made to S15-7**
10 **by the Executive Committee Acting as Senate last Summer;**
11 **The Amendments Clarified FERP Membership and Year-Long Service**
12 **On RTP Committees**

13 Resolved: That the following amendments (as shown below with strikeout and
14 underline) which were recently adopted by the Executive Committee acting
15 on behalf of the full Senate, signed by the President, and incorporated in
16 University Policy S15-7, be removed at the conclusion of AY 2016-17.
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20 3.1.3 Election of RTP members

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22 3.1.3.6 Only faculty who will be on academic assignment for both
23 semesters of the Academic Year are eligible to serve on
24 RTP committees.

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26 3.1.3.7 Faculty members who are enrolled in the early retirement
27 program (FERP) are eligible to serve on RTP committees if
28 they meet all other criteria, including holding the
29 appropriate rank, being active for both semesters of the
30 academic year, and being elected by secret ballot.
31 Elsewhere where this policy says "tenured faculty" it
32 includes FERP faculty in that definition, as per the
33 Collective Bargaining Agreement.

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35 3.2 Department Committees.

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37 ~~3.2.6 Participants in the Faculty Early Retirement Program may not~~
38 ~~serve on retention, tenure, or promotion committees.~~

39 [with remaining items in 3.2 renumbered accordingly]

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41 *Rationale for the motion to rescind:*

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43 *Over the summer the University was informed that a provision of our RTP procedures*
44 *policy that excluded FERP faculty from service on RTP committees was not in compliance*
45 *with the Collective Bargaining Agreement. It was essential to correct this prior to the fall*
46 *since departments would meet and elect members of RTP committees prior to the*
47 *Senate's next session. Under the Senate by-laws, the Executive Committee may act on*
48 *behalf of the full Senate when it is not possible for the Senate to meet. This was done,*

49 *and the Executive Committee created and passed the amendments necessary and they*
50 *have been incorporated into policy. However, this power of the Executive Committee is*
51 *intended to be exercised on an emergency basis only until the Senate can convene, and*
52 *the decision was made to bring the issue to the full Senate at the first opportunity so that it*
53 *could confirm or reverse the decision made by the Executive Committee.*
54 *A NO vote means the Senate agrees with the actions of the Executive Committee and*
55 *wishes to let the policy amendments stand as they are. A YES vote means the Senate*
56 *wishes to reverse the actions of the Executive Committee and restore the policy to its*
57 *original form at the conclusion of this Academic Year. By phrasing the motion in this*
58 *manner, we likely will avoid the need to send the policy forward for the President's*
59 *signature two separate times.*

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61 *Original Rationale for the Amendment:*

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63 *The 1998 RTP policy excluded FERP faculty from serving on RTP committees because*
64 *the Collective Bargaining Agreement (CBA) excluded FERP faculty from serving. The*
65 *contract was changed in the early 2000s to allow FERP faculty to serve with special*
66 *permission, and they began to do so despite the fact that it remained in violation of the old*
67 *University Policy. In 2015 when the RTP policies were revised, the new policies allowed*
68 *FERP faculty to serve on appointment committees but continued to exclude them from*
69 *service on RTP committees. One ground for continued exclusion was that RTP*
70 *committees needed to have a stable year-long membership so the same membership*
71 *would be in place over two semesters to deal with late-adds and the occasional*
72 *procedural issue that remands a review to the lower levels, but most FERP faculty follow*
73 *a semester-on/semester-off work pattern.*

74
75 *Attorneys for the CSU have advised that FERP faculty cannot be excluded under the*
76 *terms of the contract. This amendment makes it clear that FERP faculty can now serve if*
77 *they meet all other eligibility requirements. Only those FERP faculty who serve for the*
78 *entire year would become eligible. This amendment also makes it clear that faculty who*
79 *will be away on sabbatical or on leave for one of the two semesters are not eligible to*
80 *serve—thus treating all faculty equally.*

81
82 *This amendment will “fix” the problem identified by the CSU attorneys. However, the*
83 *SJSU Academic Senate holds that setting the membership of review committees ought to*
84 *be a matter of professional standards, not collective bargaining*

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86 *Unfortunately, the full Senate cannot meet in time to consider this resolution prior to*
87 *departments and colleges conducting their elections of RTP committees in August and*
88 *early September. The Executive Committee is authorized to act as the full Senate during*
89 *the summer months (Bylaw 4.3b) and proposes to do so. This will avoid chaos in the*
90 *upcoming RTP committee elections. However, after an email conversation on the Senate*
91 *list, the final resolved clause has been inserted to assure that the measure will be brought*
92 *back to the Senate at the first available opportunity, thus assuring the principle of full*
93 *Senate discussion.*

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101 *Vote on the motion to bring this motion forward to the Senate for its consideration: (8-0-1)*
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103 *Vote that Professional Standards recommends that the Senate defeat this motion to*
104 *rescind: (7-0-2)*
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106 *Present: Green, Lee, Reade, Hamedi-Hagh, Kauppila, Riley, White, Peter,*
107 *Caesar*
108 *Guest: Lessow-Hurley*
109 *Absent: None*
110 *Financial Impact: No changes over the previous policy.*
111 *Workload Impact: No changes over the previous policy.*