



TO: Laura Watt, Chair of the Faculty
FROM: Lisa Vollendorf, Provost
RE: FERP & RTP Committees
DATE: 24 September 2019

A handwritten signature in blue ink that reads "Lisa Vollendorf".

As per our conversation last week at the Executive Committee of the Academic Senate, I am providing a formal response to the resolution passed by the Senate at its meeting of September 12, 2019. The resolution requests that the institution place a hiatus on the prohibition on FERP faculty serving on RTP committees. It also requests more attention to meaningful communication about issues as they arise to ensure that we are better placed to be partners in matters affecting all of us in Academic Affairs at SSU.

There are several reasons why we cannot have FERP faculty serve under our current policy:

1. The policy states that only full-time, tenured faculty may serve on RTP committees. By definition, FERP are faculty who have exercised their right to retire and enter the Faculty Early Retirement Program. Under this program, FERP faculty are only eligible to be employed up to 50% as outlined in CalPERS regulations so are never, by this definition, full-time employees.
2. In the past 2-3 months, a faculty member drew our attention to the fact that this is our policy language and that we had FERP faculty elected to serve on committees for this year (2019-20).
3. Once we reviewed the policy language, which states that only "full-time, tenured" faculty are eligible to serve, we were obligated to follow the policy even though this meant a change in practice since FERP had been serving on RTP committees in recent years. Importantly, if we were to suspend a portion or all of a policy while the process is underway, we would be jeopardizing every single RTP case for this year and exposing ourselves to potential grievances and legal action for years to come. As such, we had and have no choice but to align our practices with the policy.
4. While the Collective Bargaining Agreement does allow for FERP faculty to serve on RTP committees if appointed by the President or designee, our own policy precludes this by stating a more restrictive parameter for eligibility (i.e., stating that only "full-

time” faculty may serve). In other words, a campus policy could include such a provision but currently does not. We have verified that this complies with the ability of a campus policy to be more restrictive than the CBA and that therefore our campus policy does not have to be revised. However, the campus may choose to revise the policy, in which case FSAC may wish to consider developing parameters by which such service may be appropriately authorized. This would need to be a conversation through shared governance involving all of us and likely should begin with a review of how this provision is addressed in other RTP policies in the system.

Finally, going forward and as discussed at the Executive Committee of the Senate, we will be implementing a new process for ensuring that chairs, deans, and Faculty Affairs are working together to avoid issues with eligibility on our RTP committees. This process responds to the concerns raised during our recent conversations.

1. Annually in the spring semester, Faculty Affairs will issue a memo to deans and chairs requesting that departments elect their RTP committees from a list of eligible faculty for the following academic year. A definition of eligible faculty will be provided as outlined in the RTP policy (i.e., including the fact they must be “full-time and tenured”).
2. Chairs will then create a list of eligible faculty and hold elections per RTP policy.
3. Chairs will then simply fill out an electronic form (currently in development) with the elected faculty names.
4. The form will then route to the dean for verification to ensure no error has been made. Once verified, the form will be routed to Faculty Affairs so that the list of all committee members can be aggregated and entered into OnBase.

My team and I are committed to helping us improve timely and accurate communication. As issues arise in the future, we look forward to discussing them and continuing to collaborate and find ways forward together.

If you have further questions, please do not hesitate to ask.