TO: The Academic Senate

FROM: Faculty Affairs Committee (FAC)

SUBJECT: New Interpretation of Rights of Faculty with FERP and PRTB Assignments to Participate in Elections and to Serve on Committees

PURPOSE: For Action by the Academic Senate

ACTION REQUESTED: That the Academic Senate approve new interpretation of policies on PRTB, FERP, and Emeritus faculty, effective upon signature of the President

BACKGROUND INFORMATION: On December 16, the Outgoing Senate Chair requested that FAC consider combining Senate policies on PRTB, FERP, and Emeritus faculty into a single policy on the rights of retired faculty.

During its deliberations, FAC agreed that the rights of retired faculty fall into two distinct categories: those of FERPing and PRTB faculty to participate in faculty governance, and quite separate rights and conditions relating to Emeritus Faculty; and that these two policy areas overlapped only regarding the right of FERPing Emeriti to participate in emeriti governance. In addition, PRTB faculty – while equivalent to FERPing faculty regarding their part-time appointments, and hence falling under the same interpretation of these faculty’s rights to participate in governance – are in fact not retired, unlike FERPing and Emeritus faculty. Consequently, FAC concluded that the two policy areas should remain distinct.

This new interpretation incorporates and supersedes 97-98 FAC 7 regarding rights of FERPing and PRTB faculty to participate in faculty governance and 01-02 FAC 5 and 01-02 FAC 8 regarding the rights of FERPing Emeriti to participation in emeritus governance.

See also FAC’s revision of the Policy on Emeritus Faculty.

The interpretation is “new” in that it:

1. identifies the governing sections of the CBA on the FERP and PRTB programs;
2. substitutes the phrase “actively employed” with “period of employment” from the CBA, for greater clarity;
3. clarifies the nature of FERP and PRTB responsibilities in governance, as also defined in the CBA;
4. provides definitions, as requested by the Senate Chair, of main categories in the interpretation;
5. deletes the provision that FERPING and PRTB faculty first be elected to “Special Member” status (defined in the CSUEB Constitution Article III, Section 3) before exercising rights to participate in faculty governance, as inconsistent with the CBA which guarantees these rights to these faculty in their period of employment;
6. incorporates CSUEB’s current practice regarding service of FERPing and PRTB faculty on RTP committees and search committees, requiring their availability in Fall, Winter, and Spring Quarters inclusive;
7. adds a new section on the rights of FERPing Emeriti to participate in emeritus governance, incorporated from the revised Policy on Emeritus Faculty.
NEW Interpretation of Rights of Faculty with FERP and PRTB Assignments to Participate in Elections and to Serve on Committees

The following new interpretation addresses the rights of FERPing and PRTB faculty to participate in University governance, as regular members of the faculty. It aims to reconcile these faculty members’ part-time work assignments with their frequent engagement in service as full-time faculty.

This interpretation confirms that FERPing and PRTB faculty should retain broad rights to participate in faculty governance. At the same time, when serving in faculty governance FERPing and PRTB faculty are expected to perform the normal responsibilities, duties, and activities of full-time faculty.

According to the CSUEB Constitution of the University Faculty, Article III, Section 2, a regular faculty member is one who holds a full-time, annual, academic appointment within the University, is officially assigned to a teaching service area administered by the department, and holds academic rank of Instructor or higher.

In keeping with CBA 29.8, 9, 18 and 19, and 30.13, a FERPing and PRTB faculty member is a regular faculty member during his or her “period of employment,” and FERPing and PRTB faculty have equivalent rights in faculty governance, with the exception of service in emeritus faculty governance.

This interpretation follows from these provisions. It incorporates and supersedes 97-98 FAC 7 regarding rights of FERPing and PRTB faculty to participate in faculty governance and 01-02 FAC 5 and 01-02 FAC 8 regarding rights of FERPing emeriti to participation in emeritus governance.

Definitions:

1. Faculty in Faculty Early Retirement Program (FERP)
   
   FERPing faculty are regular tenured faculty who have entered the Faculty Early Retirement Program with a reduced teaching assignment.

2. Faculty in Pre-Retirement Reduction in Time-Base Program (PRTB)
   
   PRTB faculty are regular tenured faculty who have reduced their time-base, and hence their teaching assignment, before retirement.

3. Emeritus Faculty Rights in Faculty Governance
   
   Emeritus faculty rights are governed by the separate CSUEB “Policy on Emeritus Faculty.” FERPing faculty may be eligible for emeritus status; PRTB faculty are not eligible for emeritus status.
Eligibility to vote:
Since FERPing and PRTB faculty are Regular Members of the University Faculty during their period of employment, they may vote in university-wide elections that are held during their period of employment.

Eligibility to Serve on Department, College, and University Committees:

FERPing and PRTB faculty may serve on the Academic Senate, any of its Standing Committees, and any other University Committee governed by the provisions of the Constitution and Bylaws, with the following provisos:

a. With the exception of service on RTP and Faculty Search Committees, FERPing and PRTB faculty shall be replaced during any unassigned quarter in the same way as a faculty member absent for other reasons.

b. FERPing and PRTB faculty serving on RTP and/or faculty search committees shall be available for committee consultation in Fall, Winter, and Spring Quarters inclusive.

c. Departments and Colleges may set their own policies restricting the eligibility of such faculty for election to Department and College committees only insofar as service on these committees is consistent with this policy and the CBA.

Eligibility to serve in Emeritus Governance:
FERPing status shall not disqualify emerti from participating in official emeriti elections and the filling of designated emeriti positions on committees during all quarters, including those in which they are considered members of the regular faculty. PRTB faculty are not eligible to serve in emeritus governance.