FAC has been asked for its interpretation of the rights of faculty with assignments affected by the Faculty Early Retirement Program (FERP) or Pre-retirement Reduction in Time Base (PRTB) to vote and to serve on committees. These rights are governed by the MOU and by our Constitution and Bylaws. As a general principle FAC believes that such faculty should retain the broadest rights to participate in faculty governance consistent with these documents.

Article 29 of the current MOU states that participants in FERP shall be considered tenured faculty employees while in a "period of active employment" and be eligible to serve on "governance committees whose assignments are normally completed within the period of employment," but shall not be eligible to serve on "peer review committees" (constituted for purposes of Performance Reviews). There are no restrictions in Article 30 of the current MOU concerning the participation of faculty on PRTB.

Regular Membership in the faculties at various levels and voting rights are defined generally in the Constitution [Articles II.2-II.4 (Department), III.2-4 (School), III.8 (Library) and IV.2-IV.3 (University)], with specific definitions of terms in Article 1.1 of the Bylaws.

FAC offers the following interpretations for Senate approval:

1. Regular Membership and Voting rights of faculty in FERP or on PRTB:

   (a) Such faculty are not Regular Members of Department and School/Library faculties, because they do not hold full-time, annual appointments.

   (i) They may vote in Department elections only if designated as Special Members of the Department Faculty and accorded voting rights by a majority vote of the Regular Members of the Department Faculty (see Art. II.3-II.5 of the Constitution).

   (ii) They may vote in School/Library elections only if designated as Special Members of the School/Library faculty and accorded voting rights by a majority vote of the Regular Members of the School/Library Faculty (see Art. II.3-II.5 and II.8 of the Constitution).
(b) Such faculty are Regular Members of the University Faculty during any quarter in which they are actively employed, because Art. IV.2 of the Constitution includes into such Regular Membership "other individuals holding tenure in an academic department" along with Regular Members of School/Library Faculties and various administrators. Therefore, they may vote in university-wide elections that are held during quarters in which they are actively employed.

2. Rights of faculty in FERP and on PRTB to serve on the Academic Senate, its Standing Committees, other University Committees, School Committees and Department Committees:

(a) Notwithstanding any of the provisions below, the MOU forbids faculty in FERP from serving on any peer committee for the purpose of performance review. This restriction includes (but, subject to interpretations of the MOU, may not be limited to) PTR Committees, School PSSI Committees, and committees consulted about SSI increases.

(b) During any quarter of active employment such 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, except as set out in (a). Such a faculty member shall be replaced during any unassigned quarter in the same way as a faculty member absent for other reasons (see, for example, Article XV.7.2 of the Bylaws).

(c) Schools and Departments may set their own policies restricting the eligibility of such faculty for election to School and Department committees only insofar as service on these committees is inconsistent with the MOU. (Official interpretations of the MOU have permitted faculty in FERP to be involved in periodic evaluation processes such as the evaluation of temporary faculty and post-tenure reviews.)