

**SAN JOSE STATE UNIVERSITY  
ONE WASHINGTON SQUARE  
SAN JOSE, CA 95192**

**S15-7, Amendment D, Retention, Tenure and Promotion for  
Regular Faculty Employees: Procedures**

**[To Clarify FERP Membership On RTP Committees]**

**Legislative History: Amends: S15-7**

**Effective: AY 2016-2017**

At its meeting of June 22, 2016, the Executive Committee while acting on behalf of the Senate when the Senate is not in session, approved the following policy recommendation presented by Senator Peter for the Professional Standards Committee. This amendment clarifies procedures for FERP faculty that serve on RTP committees.

**Approved and signed by President  
Mary A. Papazian on July 26, 2016.**

**University Policy  
Amendment D to S15-7—  
Retention, Tenure and Promotion for Regular Faculty  
Employees: Procedures**

Resolved: That the following amendments be incorporated into S15-7, and edited into the public copies of S15-7; be it further

Resolved: That this amendment becomes effective beginning AY 2016-17.

3.1.3 Election of RTP members

3.1.3.1 At all levels, faculty shall be elected to serve on RTP committees by secret ballot.

3.1.3.2 Faculty elected to serve on RTP committees should

consider that their participation affects the careers of colleagues as well as the well-being of students and the health of the University more generally. This service shall be their highest professional priority.

- 3.1.3.3 Candidates should verify their ability to serve during the scheduled meeting times. If necessary and feasible, Deans and Chairs should adjust members' teaching schedules to accommodate their ability to attend the scheduled meetings. If an elected member has an unresolvable conflict with the meeting schedule, that member should promptly notify the Dean and Chair who should arrange to replace the member via a special election prior to the beginning of committee deliberations.
- 3.1.3.4 No one may serve during the same review cycle on more than one level of committee; membership on the University committee, a college committee, or a department committee precludes membership on the other two.
- 3.1.3.5 All departments with four or more active Professors are expected to provide members/nominees to higher level committees. Departments with three or fewer active Professors may provide members/nominees to higher level committees by supplementing their department level committee with external faculty (if needed) as per 3.2.7. A department with insufficient faculty to provide a representative to a College level committee may elect a representative from outside its department in a related discipline, or it may elect another department's elected representative as a designee to explain the department's criteria and context to the College committee.
- 3.1.3.6 Only faculty who will be on academic assignment for both semesters of the Academic Year are eligible to serve on RTP committees.
- 3.1.3.7 Faculty members who are enrolled in the early retirement program (FERP) are eligible to serve on RTP committees if they meet all other criteria, including holding the appropriate rank, being active for both semesters of the academic year, and being elected by secret ballot. Elsewhere where this policy says "tenured faculty" it includes FERP faculty in that definition, as per the

## Collective Bargaining Agreement.

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

Attorneys for the CSU have now ruled that FERP faculty cannot be excluded under the terms of the contract. This amendment makes it clear that FERP faculty can now serve if they meet all other eligibility requirements. FERP faculty can serve as long as they are working both semesters at any proportion. This amendment also makes it clear that faculty who will be away on sabbatical or on leave for one of the two semesters are not eligible to serve—thus treating all faculty equally.

This amendment will fix the problem that was identified by the CSU attorneys as out of compliance with the CBA. However, the Academic Senate holds that setting the membership of RTP review committees ought to be a matter of professional standards determined by Academic Senates, not collective bargaining.

|                   |  |
|-------------------|--|
| Approved:         | June 22, 2016  |
| Vote:             | 10-0-2   |
| Present:          | Shifflett, Kimbarow, Peter, Blaylock, Faas, Pérea, Kaufman, Peter, Lee, Lanning, Schultz-Krohn, Ng |
| Absent:           | Frazier, Papazian, Mathur  |
| Guests:           | Bleymaier, Kemnitz   |
| Financial Impact: | No changes over the previous policy.   |
| Workload Impact:  | No changes over the previous policy.   |