



**MEMORANDUM**

**May 6, 2020**

**TO: Members of the Board of Trustees**  
**FROM: Kristina M. Johnson, Chancellor**  
**SUBJECT: Authorizing additional year to service limit to continuing appointment for current non-tenured faculty**

**Action Requested**

This resolution would authorize emergency rulemaking to allow for the addition of one year to the service limits for current faculty to attain continuing appointment.

This resolution would amend the corresponding Policies of the SUNY Board of Trustees.

**Resolution**

I recommend that the Board of Trustees adopt the following resolution:

**Whereas**, the global public health crisis surrounding the COVID-19 disease outbreak has forced the alteration of the traditional campus-based higher education structure and caused SUNY institutions to transition to a remote learning platform; and

**Whereas**, the COVID-19 disease outbreak has caused significant disruption to the careers of SUNY faculty, and most significantly to those faculty working toward achievement of continuing appointment (tenure); and

**Whereas**, under Article XI of the Policies of the Board of Trustees, the Board of Trustees has established the steps necessary for faculty to achieve continuing appointment, and limited the number of years of employment that faculty may serve prior to achieving continuing appointment; and

**Whereas**, the Board of Trustees wishes to amend Article XI of its Policies, which is also codified in its regulations, in the face of the ongoing public health crisis to provide necessary flexibility to our faculty in this uncertain time; now therefore, be it

**Resolved** that the Chancellor, or designee, be, and hereby is, authorized and directed to prepare, in accordance with the provisions of the State Administrative Procedure Act, a Notice of Emergency Adoption and Notice of Proposed Rulemaking, as well as any re-issuance of such Notice of Emergency Adoption as may be necessary during the pendency of the Proposed Rulemaking, with respect to amendments to subdivision d of section 335.4 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, and to amend corresponding provisions of the Policies of the Board of Trustees, to read as follows (brackets denote old material to be deleted; underlining denotes new material to be added):

(4) Each employee who as of May 6, 2020 is currently serving in a position of academic rank who has not yet attained continuing appointment status, and who is not currently under review, shall have an automatic one-year extension of the time to continuing appointment without change in title, full-time equivalent or other employment status. Any employee in a position of academic rank who has not yet attained continuing appointment status may opt out of the automatic one-year extension referenced above and be considered for continuing appointment based on their original schedule by submitting a request, in writing, to their Department Chair, with copy to their Dean and Provost. Timelines for such submission shall be determined at each campus. These provisions shall not apply to any employee in a position of academic rank who has already been provided with a notice of non-renewal.

and, be it further

**Resolved** that the Chancellor, or designee, be, and hereby is, authorized to adopt or amend policies, procedures, and/or

guidelines in accordance with these regulations; and, be it further

**Resolved** that the amendments made to policies, procedures, and/or guidelines in accordance with these regulations shall be repealed upon the repeal of the amendments to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York made herein, and such policies, procedures, and/or guidelines revised and updated consistent with such repeal.

### **Background**

SUNY's Policies of the Board of Trustees and corresponding regulatory provisions require that those SUNY employees appointed to the academic ranks of professor, associate professor, librarian, or associate librarian be granted continuing appointment (tenure) by the chancellor by the end of the third consecutive year of service in that position, otherwise employment is not continued. For those serving in the academic ranks of assistant professor, instructor, senior assistant librarian, or assistant librarian, the maximum allowable time to continuing appointment is seven years.

The current ongoing public health crisis has caused significant disruption to the traditional academic calendar and operations. This has left many SUNY faculty seeking continuing appointment with disruption in their academic progress toward achieving tenure. Given this significant disruption, SUNY has reached an agreement with the United University Professions (UUP) to allow for a one-time, added year of service for all current non-tenured faculty in these academic ranks. Those faculty wishing to continue within the current track would be allowed to do so after providing notification to their campus.

A Memorandum of Understanding (MOU) has been executed with UUP to memorialize this change, contingent upon the Board's approval of these required regulatory changes.