

**Memorandum of Understanding
Between
The State University of New York
And
United University Professions
Regarding
Possible Adjustments to Tenure Clock Timelines
And
Reappointment, Promotion and Tenure Review Materials**

The State University of New York and the United University Professions hereby reach the following agreement:

Due to the unprecedented and extraordinary interruptions in research, scholarship and service activities as well as telecommuting and the transition to remote teaching during the COVID-19 crisis, adjustments need to be made to time toward eligibility for continuing or permanent appointment. In addition, special consideration needs to be made at the campus level regarding the submission and evaluation of materials included in a dossier or personnel file for review.

"Tenure clock" stops:

Continuing Appointment (Board action required)

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. It is suggested that an academic employee wishing to opt out provide such notification three to five months prior to the commencement of the review process.

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.

These provisions shall be effective upon adoption by the Board of Trustees.

As soon as practicable following adoption, written notice of the automatic one-year extension and the option to opt out of the extension, if so desired, shall be provided by each campus to academic employees who have not yet attained continuing appointment at that campus.

Permanent Appointment (Board action NOT required)

Permanent appointment clock stops of up to six months in length shall be granted, upon employee request, to professionals who are within two years of their permanent appointment eligibility date as of the date of their request. Such request must be made on or before December 31, 2020.

The clock stop shall be achieved by moving the professional employee to qualified professional title for the length of time requested.

These provisions shall not apply to any professional employee who has already been provided with a notice of non-renewal.

These provisions shall be effective immediately.

As soon as practicable following the date of this agreement, written notice of the option to request such a clock stop shall be provided by each campus to eligible professional employees at that campus.

Considerations for Spring 2020 information submitted in a dossier or file of evaluative material


Any full-time or part-time employee who taught or provided educational support such as tutoring or counseling during the Spring 2020 semester and is up for reappointment, promotion or tenure review in the future will have the option of not including student evaluations of teaching, peer teaching observations, and/or curricular materials from the Spring 2020 semester in their reappointment, promotion, or continuing appointment/permanent appointment review materials. It is understood that the exclusion of such materials is justified by the extraordinary circumstances in which instruction is occurring during the Spring 2020 semester. The exclusion of any or all these materials shall not reflect negatively on the individual's review. Any decision to opt for this exclusion will mean that the Spring 2020 materials excluded will also be excluded from all subsequent reviews.

In addition, faculty may list relevant research and creative activities that were planned for Spring or Summer 2020 (e.g., papers and presentations that were accepted to conferences, seminar invitations, etc.) in the appropriate sections of their dossier, and include a footnote or parenthetical noting that the conference, exhibit, or trip was cancelled due to COVID-19. Faculty may also choose to include a general statement, where appropriate, explaining that activities were impacted during Spring/Summer 2020 due to COVID-19 and describe the impact to their research, scholarship and creative activities.

Employees being reviewed for renewal, promotion or tenure may include a discussion of the challenges of moving from face-to-face to remote learning in the teaching narrative for reappointment, tenure, and promotion applications.

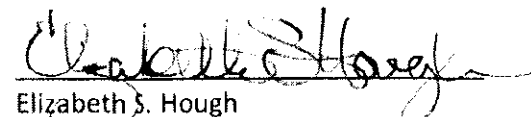
Professionals being evaluated or reviewed for renewal, permanent appointment or promotion who believe that the COVID-19 crisis may have impacted their performance during the Spring or Summer 2020, or any assessment of that performance, may submit a statement or response for consideration in any such evaluation, renewal, permanent appointment or promotion review process.

For the State University of New York:



Leslie K. Zwicklbauer
Associate Vice Chancellor
SUNY Employee Relations

For United University Professions:



Elizabeth S. Hough
Counsel to the President

Dated: April 30, 2020