

## **MEMORANDUM**

**April 6, 2021**

**TO: Members of the Board of Trustees**

**FROM: Dr. Jim Malatras, Chancellor**

**SUBJECT: Authorizing additional year to service limit to continuing appointment for non-tenured faculty hired between May 6, 2020 and June 30, 2021**

### **Action Requested**

The proposed resolution authorizes emergency and proposed rulemaking to revise Regulations to allow for the addition of one year to the service limits for non-tenured faculty hired between May 6, 2020 and June 30, 2021 to attain continuing appointment.

### **Resolution**

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

Resolved that the Chancellor or designee be, and hereby is, authorized and directed to prepare, in accordance with provisions of the State Administrative Procedure Act, a Notice of Emergency Adoption and a 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, to amend subdivision d of section 335.4 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York by adding a new paragraph (5) to read as follows (underlining denotes new material to be added):

(5) Each employee who was hired between May 6, 2020 and June 30, 2021 and appointed to 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.

## **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 COVID-19 public health crisis caused significant disruption to the traditional academic calendar and operations. This left many SUNY faculty seeking continuing appointment with disruption in their academic progress toward achieving tenure. Given this significant disruption, on May 6, 2020, the SUNY Board of Trustees adopted emergency regulations 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. This emergency rule was finalized as of January 20, 2021.

To respond to the ongoing health crisis presented by COVID-19 this resolution authorizes emergency and proposed rulemaking to allow for this same one-time added year of service for all non-tenured faculty hired between May 6, 2020 and June 30, 2021 and appointed to the academic ranks of professor, associate professor, librarian, or associate librarian, assistant professor, instructor, senior assistant librarian, or assistant librarian. As with May 6, 2020 resolution, those academic employees who do not wish to take advantage of this extra year of service can continue within their current track by providing notice to their campus.

