



Office of the Senior Vice Chancellor
for Labor Relations

205 East 42nd Street, 10th floor
New York, NY 10017
(646) 664-2970 tel
(646) 664-2960 fax

TO: The College Presidents
The Deans of the Professional Schools
The Chief Academic Officers

FROM: Pamela S. Silverblatt
Senior Vice Chancellor for Labor Relations

DATE: March 24, 2020

SUBJECT: Distance Learning and Contractual Obligations, Tenure Clock and Appointment/Non-Reappointment Notices

Today, I write to share guidance on questions pertaining to faculty office hours, classroom observations, annual evaluations, and the reappointment, tenure, and promotion process. This guidance is based on consultation with several provosts and in discussion with the Professional Staff Congress at a recent labor management meeting with the Chancellor and his executive team.

Distance Learning and Contractual Obligations

1. Both full-time faculty and adjuncts who are responsible for, and paid for, office hours will hold office hours through distance technology and will notify their students and their department chair regarding how they plan to hold the hours. These notifications should be made on or before Friday, March 27.
2. Classroom teaching observations that have not yet been conducted during the spring 2020 semester will only be conducted if requested by the employee to be evaluated. The department may use the new protocol for observations in online settings (Article 18.2(b)3), where the course was changed to a distance modality mid-semester, provided the employee is made aware and has the option to proceed with the observation. Teaching observations for those who have been teaching online since the start of the semester, and who were otherwise contemplated to be observed pursuant to the new provision in Article 18.2(b)3 for online observations, will have their observations conducted.
3. Annual evaluations, which include the conference and confirming memorandum, will have the conference conducted through distance technology, which may include telephone and/or videoconferencing.
4. Decisions on tenure, promotion, reclassification and discretionary assignment salary differentials that are currently in process shall be completed.
5. Faculty and staff shall be permitted to retrieve personal belongings and materials needed to work remotely. In conformance to the *New York State on Pause Executive Order*, access to campuses will be limited except by appointment. Faculty and staff should contact their local campus for specific information.

Tenure Clock

We recognize that the transition to distance learning in the Spring 2020 semester as a result of COVID-19 may cause interruption and delay in faculty research and scholarship. This is particularly critical for faculty advancing

toward tenure. We accordingly, are going to permit faculty whose candidacies for tenure are coming up in the fall 2020 semester to receive a one-year extension, if they so desire. Such faculty must request a tenure clock extension by emailing the request to their college Provost by May 1, 2020.

Going forward, faculty on the tenure track who subsequently want to request a tenure clock extension based on the circumstances of Spring 2020 must so apply by February 1 in the year immediately preceding their tenure review. Faculty wanting to apply for a tenure clock extension should follow the procedures normally followed at their college for requesting these extensions to tenure review; their request will be subject to fact-specific review, in accordance with past University practice.

Appointment/Non-Reappointment Notices

During this period of telecommuting, any notices required to be provided to faculty and staff, including those pursuant to Article 10 of the PSC-CUNY collective bargaining agreement regarding notification of appointment/non-reappointment for faculty and staff and Article 13 regarding HEOs, should be sent, at a minimum, to an employee's CUNY email address. If there is no CUNY email address on file, whatever email address is on file should be used. If possible, especially in cases of non-reappointment, we suggest that multiple methods of communication be used. These may include CUNY email address, personal email address, and text to cell phone number. It is important to use our best efforts to get notification to faculty and staff. We understand that this is an extra burden, but the number of non-reappointments pales in comparison to the number of reappointments, and we want the colleges to have as strong a case as possible that notice of non-reappointment was effectuated in case there are grievances.

- c: Hector Batista, Executive Vice Chancellor and Chief Operating Officer
- José Luis Cruz, Executive Vice Chancellor and University Provost
- Derek Davis, General Counsel and Senior Vice Chancellor for Legal Affairs
- Doriane Gloria, Vice Chancellor of Human Resources Management
- Chancellor's Cabinet
- Labor Designees
- Legal Affairs Designees
- Human Resources Directors