The City University of New York

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VIA E-MAIL

February 28, 2011
Revised March 2, 2011

TO: The College Presidents
The Dean of the School of Journalism
The Dean of The CUNY Law School
The Dean of The Sophie Davis School of Biomedical Education
The Dean of the School of Professional Studies

FROM: Vice Chancellor Gloriana B. Waters

SUBJECT: Implementation of the Revised Statement of Policy on Multiple Positions

At its meeting on January 24, 2011, the Board of Trustees approved a revised *Statement of Policy on Multiple Positions* (Attachment 1). The revised policy, which was effective upon adoption, contains several important changes that are summarized in this memorandum:

I. Covered titles

The *Revised Statement of Policy on Multiple Positions* continues to apply only to full-time faculty. It does not apply to adjunct faculty, nor does it apply to other full-time members of the instructional staff, such as employees in the Higher Education Officer series, the College Laboratory Technician series, or Research Associates and Research Assistants.[1]

II. Employment, consultative, or other work outside the University

Faculty members who wish to engage in outside employment, consultative work, or other work must receive prior approval. The faculty member must provide to the Department Personnel and Budget Committee the following information:

- His/her total academic commitment,
- The proposed employment, consultative or other work and
- Information regarding previously approved outside employment.

[1] Notwithstanding, the Policy does apply to these individuals if the college's Governance Plan accords faculty rank or faculty status to employees in these titles.

If the Department Personnel and Budget Committee approves the requested employment, consultative work or other work, the Department Chairperson must determine the amount of time that the faculty member may expend on the activity, subject to review by the President. In no event may the amount of time spent on such outside employment, consultative work or other work exceed an average of one day per week (*i.e.*, seven hours) or its equivalent during the academic year.

Section 2.a has been revised to require a faculty member who engages in work external to the University to include within any written agreement with a third party governing such arrangement the following five (5) principles: (a) the faculty member is serving in his or her individual capacity and not on behalf of the University, and the University's name may not be used in connection with the faculty member's services without the written permission of the University; (b) the faculty member's primary employment responsibility is to the University and he or she is bound by the University's policies, including those related to external work; (c) in executing the external work the faculty member may not make substantial use of the University's resources without the written permission of the University; (d) no relationship or agreement between the faculty member and the third party may grant rights to intellectual property owned by the University and/or the Research Foundation without their written authorization; and (e) the third party may not restrict the faculty member's ability to engage in research as an employee of the University, limit his or her ability to publish work generated at or on behalf of the University, or infringe on the faculty member's academic freedom.

III. Overload Teaching within the University

When a college wishes to engage the services of a full-time faculty member of another college, the principal academic or administrative officer of the requesting college must make a request and receive approval from the principal academic officer or administrative officer of the other college. To the extent possible, these requests should be achieved through an exchange of services or by budgetary interchange and should not result in additional academic workload or additional remuneration for the faculty member. However, the President or the Chancellor may approve variations from this norm.

The revised policy makes important distinctions between the opportunities to work overload assignments[2] applicable to full-time non-tenure-track faculty and tenured faculty, on the one hand, and to full-time, non-tenured, tenure-track faculty, on the other.

A. Full-time non-tenure-track faculty and tenured faculty

Section 2.b continues to permit full-time non-tenure-track faculty, including Instructors and Lecturers, and tenured faculty to be eligible for overload assignments. The general rule is that such faculty may be assigned up to a maximum of eight (8) total classroom contact hours over the fall semester and the spring semester. In addition, such faculty may be assigned up to an additional six (6) classroom contact hours during the academic year in courses that are offered:

[2]An overload assignment is a teaching assignment in excess of the full-time, non-tenure-track or tenured faculty member's contractual teaching workload as set forth in the current collective bargaining agreement.

(a) during the winter session; (b) exclusively on Saturdays or Sundays; or (c) as part of on-line degree programs.

The restrictions on overload assignments for full-time non-tenure-track and tenured faculty with reassigned time for research or administrative duties during the academic year have been lifted. Accordingly, these faculty members are now eligible to be considered for overload assignments to the full extent outlined above. Furthermore, the prohibition against overload assignments for faculty who have been appointed to participate in the doctoral program and who have had their workload adjusted to allow for such participation has been eliminated. Accordingly, doctoral faculty members who are either full-time non-tenure-track faculty or tenured faculty are now eligible to be considered for overload assignments to the full extent outlined above.

B. Full-time non-tenured tenure-track faculty

Section 2.b.4 now prohibits overload teaching assignments for full-time non-tenured tenure-track faculty, except where the faculty member is not currently using the contractually-mandated research reassigned time, and then only with the special permission of the Chancellor or the appropriate President.

IV. Overload non-teaching assignments within the University during the academic year

As a general rule, faculty may not receive extra compensation during the academic year for research, consulting, or any other employment with The City University or any of its affiliated organizations, regardless of the source of the funds. Grant funds may be used during the academic year to compensate the college for reassigned time to facilitate the faculty member's research during the academic year. The exception to this rule for teaching overloads is covered in Section III supra.

In addition, where special circumstances of an urgently needed short-term administrative and/or service assignment exist, a President or Vice Chancellor may authorize specific additional compensation to compensate a faculty member whose services are required as an overload. These assignments are limited to 150 hours per semester at the non-teaching hourly rate, or a total of 300 hours for the entire academic year.[3] Although all full-time faculty may be considered for such assignments, the assignment of a non-tenured tenure track faculty member is discouraged and may only be approved in exceptional circumstances and then only during a semester when that faculty member is not using contractually-mandated reassigned time.

V. Summer Activities

Section 2.d and Section 5 address compensation for summer activities. The mechanisms for payment remain the same: for teaching, faculty are compensated using the appropriate contractual hourly teaching rate; for non-teaching assignments, faculty are compensated using the appropriate contractual hourly non-teaching rate; for service during the summer as

[3] Teaching overload assignments and non-teaching overload assignments must be aggregated pursuant to a formula to determine the maximum number of extra hours that may be worked. See Section VII infra.

department chair, faculty are compensated using the contractual formula; for work on a grant administered by the Research Foundation, faculty are compensated based upon the percentage of annual salary they devote to the grant (typically one-ninth, two-ninths, or three-ninths). In total all such summer activities continue to be limited to three-ninths (3/9ths) of the faculty member's full-time CUNY salary. There are additional restrictions where it is anticipated that the faculty member will devote 100% of effort to the activity during a particular period of time. For example, if a faculty member is reimbursed one-ninth of annual salary from a grant for work in the month of July, that is an indication that he/she is devoting 100% of effort in July to the grant. Therefore, he/she would not generally be eligible for any other assignment during the month of July. Similar considerations apply to payment as a Summer Chairperson. Faculty members are required to submit the Summer Assignments Reporting Form (Attachment 2) that details his/her proposed summer activities in advance of participating in them to ensure that the three-ninths maximum is not exceeded. There is one exception to the 3/9ths rule: a college foundation may pay faculty for research or additional work during the summer, in an amount that will cause the 3/9ths limitation to be exceeded, when three conditions are met: (a) such payment is consistent with the applicable college foundation's rules; (b) the circumstances surrounding such payment have been rigorously documented and justified; and (c) such payment has been approved by the Chancellor or the appropriate President. When the faculty member receiving such additional compensation from the college foundation is also working on a grant administered by the Research Foundation, the faculty member must consult with the Research Foundation to ensure that the additional compensation does not violate the terms of the grant.

VI. Faculty on Leave

Section 3 has been added to the revised policy to clarify the University's policy on employment by faculty who are on approved leaves. When faculty members are granted leaves of absence, they are expected to devote their time and energy to the purposes for which the leave is granted. Thus, as a general rule, employment within or outside of the University during leaves of absence is prohibited, unless such involvement is integral to the purpose for which the leave is granted. Employment either within or outside of the University during a leave of absence requires the approval of the President. Notwithstanding the foregoing, faculty on Travia Leave may be employed outside the University with prior notice to the President, provided that they agree, in writing, to an irrevocable commitment to retire at the end of Travia Leave. Section 3 also makes clear that, for multiple position purposes, Fellowship Leaves and Scholar Incentive Awards will cover periods within the boundaries of the academic year but not the summer annual leave period.

VII. Multiple extra involvement

Under the new Section 4, guidance is provided on how to calculate the maximum hours of combined teaching and non-teaching overload assignments that may be made available to a faculty member, assuming compliance with the requisite justifications set forth in the revised policy. To that end, from the beginning of the fall semester until the day after spring commencement, for full-time non-tenure-track and tenured faculty, the total extra involvement cannot exceed 14 classroom contact hours of extra teaching (as set forth in Section 2.b.2 and 2.b.3 combined), or 300 hours of extra consultation or non-teaching adjunct work (as set forth in

Section 2.c), or a proportional combination of these two types of activities. For example, a faculty member who is given the full teaching overload of 14 classroom contact hours would work 210 "clock" hours and therefore would be ineligible for a non-teaching assignment. In another example, a faculty member who is given 12 classroom contact hours would work 180 hours teaching, and also would be eligible to work an additional 50 non-teaching hours (since 210 – 180 = 30; and 30 divided by .6 = 50) of non-teaching hourly work for the academic year.

VIII. Multiple Position Form

All full-time faculty members, including faculty members on leaves other than long-term disability leave, must fill out the Multiple Position Report (Attachment 3) each semester and update the form if changes occur during the semester. The form requires the faculty member to detail activities within and outside of CUNY that are in addition to his/her regular, full-time employment at the college. Compensated and uncompensated activities outside of CUNY require approval of the Department Personnel & Budget Committee, the Department Chairperson and the President.

If you have any questions, please call either Raymond F. O'Brien at (212) 794-5386 or Patricia Stein at (212) 794- 5768.

Attachments

c: Chancellor Matthew Goldstein
Cabinet
Chief Academic Officers
Chief Administrative Officers
Chief Student Affairs Officers
Labor Designees
Human Resources Officers
Ms. Sherry Azoulay
Ms. Deborah Bell

Attachment 1

STATEMENT OF POLICY ON MULTIPLE POSITIONS

1. PREAMBLE

Each full-time faculty member is obligated to view his/her appointment to a college or university faculty position within The City University as his/her major professional commitment. This commitment obligates the faculty member in two ways: he/she is at once a member of the national and international world of learning and a member of The City University community. Though his/her first responsibility to The City University is that of teaching, he/she recognizes the important and essential obligation to be regularly accessible for conferences with his/her students, to participate in appropriate extracurricular undertakings, and to serve on various college and university committees and as a member of college and university councils and other assemblies.

The City University of New York is a major research university. A full-time faculty member is expected to create new knowledge in his/her discipline through scholarly research, writing, and creative works. He/she constantly makes all efforts to improve his/her professional standing through study and thought, and also through activities such as research, publication, attendance at professional conferences, and the giving of papers and lectures. Such professional involvements also enhance his/her abilities as a teacher and as a member of The City University community; such professional involvements support the value of his/her activities on campus and equip him/her to participate in significant educational innovations as well as furthering his/her professional stature.

2. MULTIPLE POSITIONS

a. OUTSIDE THE CITY UNIVERSITY

Full-time appointment to a college or university faculty position is a full-time assignment. Faculty members have a responsibility to observe professional standards of behavior in becoming involved in activities supplemental thereto. No employment, consultative, or other work outside The City University may be engaged in by a faculty member unless he/she receives prior approval from the P & B of his/her department after full disclosure of his/her total academic commitment, the proposed outside employment, consultative, or other work, and other outside work theretofore approved. The P & B committee shall not approve any outside employment, consultative, or other work unless such employment or work relates to the professional interests, strengthens the professional competence, or enriches the professional performance, and does not interfere with the professional standing of the faculty member. No employment, consultative or other work, remunerative or otherwise, shall be approved by the P & B Committee or engaged in if the services of the faculty member to his/her college or the university or his/her ability to meet his/her commitments to his/her college or the University

(including teaching, research, and service obligations) will be impaired thereby. If the departmental P & B approves such employment or work, the amount of time that the faculty member may expend thereon shall be determined by the departmental chairperson after consultation with the faculty member, and subject to the review of the college president. In no event shall the total amount of time to be expended on such outside employment or work be or be approved for more than an average of one day a week, or its equivalent over the course of the academic year.

In connection with any outside employment, consulting arrangement or other work, each faculty member shall abide by, make known to the other party and incorporate in any written agreement, the following principles:

i. The faculty member is serving in an individual capacity, and not as an agent, employee or representative of The City University and that the name of The City University or any of its constituent units may not be used in connection with the faculty member's services, other than to identify his/her employer, without the written permission of The City University.

ii. The faculty member's primary employment responsibility is to The City University, and he/she is bound by its policies, including those related to consulting and other outside work.

iii. In rendering services to the outside party, the faculty member may not make substantial use of The City University's resources, including but not limited to its facilities, equipment, employees, proprietary information, or clinical data bases, without written permission of The City University.

iv. No relationship or agreement between the faculty member and another party may grant rights to intellectual property owned by The City University and/or the Research Foundation without their written authorization.

v. The outside party may not (i) restrict or hinder the ability of the faculty member to conduct current or foreseeable research assignments as an employee of The City University, (ii) limit his/her ability to publish work generated at or on behalf of The City University or (iii) infringe on his/her academic freedom as a faculty member.

b. WITHIN THE CITY UNIVERSITY – TEACHING

1) Where the best interests of the college or the university make it desirable or necessary to draw upon full-time personnel in one unit or branch for service in another, requests for such service should originate with the principal academic or administrative officer of the requesting unit and have the approval of the principal academic or administrative officer of the other unit. It is the policy of the university and its colleges to achieve exchanges of

services, wherever possible, by budgetary interchange or by the balancing of interchanged services, with no additional academic load or extra remuneration for the individuals concerned. Variations from this norm will be allowed only with the special permission of the Chancellor, or the appropriate President.

2) Within the framework noted in section 1, full-time non-tenure-track and tenured faculty will be eligible for consideration for an overload assignment when such assignment is determined to be in the best interest of the college and to serve a specific academic need. Permission to take on an overload teaching assignment will only be granted up to a maximum of eight classroom contact hours total over the fall and spring semesters.

3) In addition to the overload assignment permitted in paragraph 2, a full-time non-tenure-track or tenured faculty member will be eligible for consideration for additional overload assignments of no more than a total of six classroom contact hours during the academic year in courses offered during the Winter Session, in courses offered exclusively on Saturdays or Sundays, or in courses offered as part of on-line degree programs.

4) Overload teaching by full-time, non-tenured, tenure-track faculty is not permitted, but if a faculty member is not currently using the contractually-mandated research reassigned time, exceptions can be made on an individual basis with the special permission of the Chancellor, or the appropriate President.

c. WITHIN THE CITY UNIVERSITY – RESEARCH, CONSULTING, EMPLOYMENT

The City University regards scholarly activity and research as part of the normal activity and responsibility of the faculty. In fact such activities are part of the basis on which faculty members are evaluated, reappointed, or promoted. The public looks to the University as a source of new information, reinterpretations, and advancing intellectual activities. Also, the University is looked upon as a community of scholars. This carries the implication of joint scholarly effort and mutual support and availability amongst faculty and students. The faculty is given full-time annual paid employment to cover all the activities of teaching, research, consulting, curriculum development, counseling, committee work, etc.

When special funding in support of research is available, it is presumed to make possible, or easier, the scholarly activity that faculty and students wish to or are willing to pursue. Accordingly, it is the policy of the Board of Trustees that there may not be paid any extra compensation to full-time members of the faculty for work done during the academic work year. This limitation applies to research, consulting, or any other employment with The City University or any of its associated organizations, regardless of the source of funds. For the particular case of extra teaching, the policy is expressed in Section 2b above.

Under the special circumstances of an urgently needed short-term administrative and/or service assignment, a President or Vice Chancellor in the Central Office may authorize specific extra

compensation for a faculty member whose services are required as an overload. This authorization must define both time and money limitations, and must state that it was not possible to relieve the faculty member of other duties to an equivalent extent. Such non-teaching overload assignments will be limited to 150 hours per semester at the nonteaching hourly rate, or a total of 300 hours for the entire academic year. Further adjustments may be authorized by the Chancellor or the Chancellor's designee.

d. WITHIN THE CITY UNIVERSITY – SUMMER ACTIVITIES

Compensation for CUNY summer activities from the University and related entities, such as the Research Foundation and the college foundations, shall not exceed a total for all such activities of three-ninths of the faculty members' full-time CUNY salary. This includes, but is not limited to, teaching in a summer session in The City University of New York, performing administrative duties (such as service as a department chairperson), and conducting research paid for using funds originating from the CUNY Research Foundation.

Notwithstanding the limitation in the preceding paragraph, a college foundation may pay faculty for research or additional work during the summer, in an amount that will cause the faculty member's total compensation from the University and related entities to exceed three-ninths of his/her annual salary, under the following conditions: (i) such payment is consistent with the rules and regulations applicable to the college foundation; (ii) the circumstances surrounding such payment have been rigorously documented and justified; and (iii) such payment has been approved by the Chancellor or the appropriate President.

The faculty member shall report to the college at which he/she has a full-time appointment all such summer activities in advance of participating in them to ensure that they do not exceed contractual rules or University practices.

3. RESTRICTIONS ON MULTIPLE POSITIONS FOR FACULTY ON LEAVES FROM THE CITY UNIVERSITY OF NEW YORK

When faculty members are granted leaves of absences, they are expected to devote their time and energy to the purposes for which the leave is granted. As a general rule, employment within or outside of the University during leaves of absence is prohibited, unless such involvement is integral to the purpose for which the leave is granted. Employment either within or outside of the University during a leave of absence requires the approval of the President, pursuant to guidelines to be promulgated by the Chancellor. Notwithstanding the forgoing, faculty on Travia Leave may be employed outside of the University with prior notice to the President, but only if they have given an irrevocable commitment to retire.

For the purposes of this policy, Fellowship Leaves and Scholar Incentive Awards will cover periods within the boundaries of the academic year, and do not include the period of the annual summer leave.

4. MULTIPLE EXTRA INVOLVEMENT

From the beginning of the fall semester until the day after spring commencement, the total extra involvement shall not exceed 300 hours of extra consultation or non-teaching adjunct work (see section 2.c), or 14 classroom contact hours of extra teaching (that is, the combined extra teaching permitted under Paragraphs 2.b.2 and 2.b.3), or a proportional combination of these two types of activities.

5. MECHANISMS OF PAY

During the academic year, all work done for CUNY must conform to the rates of pay indicated in the collective bargaining agreement.

During the summer, faculty are paid at the hourly rate to do teaching or non-teaching CUNY work in conformity with the collective bargaining agreement. Further, the pay given to faculty during the summer for service as a department chair must conform to the contractual formula negotiated for that purpose. In addition, during the summer faculty paid with funds originating from the CUNY Research Foundation must be paid at the CUNY rates of pay.

6. ANNUAL REPORT

At the regular June meeting, the Chancellor shall report to the Board the steps taken by the Presidents to implement these regulations and the extent of compliance with the limitations set. The reports shall contain details from the Presidents about all excesses over any of the guidelines herein stated, including the names of all persons involved and the specific reasons for the excesses. The University will continue to monitor overload assignments. Overload assignments shall be reported to the Board of Trustees as part of the annual report.

Attachment 2

MULTIPLE POSITION POLICY
SUMMER ASSIGNMENTS REPORTING FORM

The Board of Trustees' *Statement of Policy on Multiple Positions* generally limits a full-time faculty member's assignments during the annual leave period in the summer to a maximum of three-ninths of the faculty member's annual salary. In order to ensure compliance with this limitation, the faculty member must complete this form and submit it to his/her Department Chair before beginning any summer assignments and provide an updated form if any changes occur. Please note that there is an additional restriction that compensation for any single month during the summer may not exceed 1/9th of the faculty member's annual salary. The sole exception to the 3/9ths rule is that, under carefully prescribed conditions, a college foundation may provide compensation that will cause the faculty members total compensation from CUNY-related activities to exceed 3/9ths of annual salary.

1. Summer Teaching Assignments

_____ X _____ = _____
hours Hourly Rate

2. Summer Non-Teaching Assignments

_____ X _____ = _____
hours Hourly Rate

3. Summer Chair Assignment (if applicable)

(_____ ÷ 9) X (_____ ÷ 120) = _____
Annual salary # hours worked

4. Summer Grant Salary _____

5. Other CUNY Summer Employment
(including compensation from college foundation) _____

6. Total Summer Compensation from CUNY (Add 1 through 5) _____

7. Permissible Summer Compensation from CUNY

_____ **X 3/9 =** _____
Annual salary

NOTE: Line 6 must be less than or equal to Line 7
(except for the college foundation exception).

_____ _____
Signature of Faculty Member Date Signature of Department Chair Date

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Attachment 3

THE CITY UNIVERSITY OF NEW YORK
MULTIPLE POSITION REPORT
FULL-TIME FACULTY

Semester_____ Year_____

This form must be completed by all full-time faculty. Please read the Statement of Policy on Multiple Positions prior to completing this form and consult with the college labor designee if you have any questions regarding the Policy. **This form should be updated if changes in commitments occur during the semester.** If more space is needed please attach additional sheets using the same format.

Report Date:_____ College:_____

_____
(Print) Last Name First Name M.I.

_____ _____
Department Rank (Specify title and tenure status)

Certification by Faculty Member (Complete Part A or Part B):

A. I am aware of the Multiple Position regulations governing activities in addition to my regular full-time employment at _____ College (CUNY).

I certify that I have no compensated or uncompensated employment, consultative or other work, grant-funded or otherwise, in addition to my regular full-time employment at _____ College.

Signature of Faculty Member: _____ Date: _____

B. I am aware of the Multiple Position regulations governing activities in addition to my regular full-time employment at _____ College (CUNY).

I certify that (**Check all applicable statements**):

_____ In addition to my regular full-time assignment at the College, I have supplementary employment, consultative or other work for extra compensation (including grant-funded activities), **within CUNY** for which complete information follows. (If you check this statement complete section B.1.)

_____ In addition to my regular full-time assignment at the College, I have supplementary compensated or uncompensated employment, consultative or other work (including grant-funded activities), **outside of CUNY** for which complete information follows. (If you check this statement complete section B.2.)

_____ My activities are within the limits set by the Multiple Position regulations.

_____ My activities are above the limits set by the Multiple Position regulations.

Signature of Faculty Member: _____ Date: _____

B.1 **CUNY – Current Semester**[1] (Only report **compensated** activities that are **not** part of your regular full-time position.)

Name of College:_____ Department or Division:_____

Teaching		**Non-Teaching**	**Other**
No. of hrs./wk.	No. of Courses	No. of hrs./wk.	No. of hrs./wk.
_____	_____	_____	_____
Dates: From __/__/__ To __/__/__		Dates From __/__/__ To __/__/__	Dates: From __/__/__ To __/__/__

B.2 **Compensated and Uncompensated Employment, Consultative or Other Work Outside of CUNY – Current Semester**

Check one: Compensated [ ] Uncompensated [ ]

Nature of work_____

No. of hrs./wk._____ No. of wks._____ Dates: From __/__/__ To __/__/__

Employer/Institution/Organization _____

Address _____
Telephone Number: _____

C. **Department Personnel and Budget Committee:**

The Department P & B Committee [ ] recommends [ ] does not recommend approval of the activities listed above in B.2.

Date of the Personnel and Budget Committee meeting: _____.

Department Chairperson:

I certify that the hours reported are [ ] within [ ] above the limits set by the University's Multiple Position Policy. I [ ] recommend [ ] do not recommend approval of the hours reported above.

_____ _____
Department Chairperson (Signature) Date

Presidential Action: [ ] Approved
[ ] Other Action _____

_____ _____
President/Designee (Signature) Date

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[1] Include service in the Winter Session under the Fall semester.