

## MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT ("MOA") is made this 24 day of April 2020 by and between New Jersey Institute of Technology ("NJIT") and the NJIT Professional Staff Association Inc./AAUP ("the PSA"), the "Parties."

Whereas, the PSA is the exclusive representative for full-time members of NJIT's instructional staff, including but not limited to full-time Faculty Members (tenured, tenure-track and non-tenure track), full-time Lecturers, and Adjuncts who also hold full-time instructional positions at NJIT (collectively "members of the instructional staff");

Whereas, the coronavirus pandemic, which commenced during the spring 2020 academic semester, has caused major disruptions at NJIT, including but not limited to disruptions in teaching and research, as well as disruptions to the personal lives of NJIT employees;

Whereas, the Parties jointly desire to make accommodations to address some of the effects of these disruptions on NJIT's instructional staff;

Now, therefore the Parties agree as follows:

The above Whereas clauses are incorporated into this agreement in their entirety.

1. The tenure clock will be extended by one (1) year for all tenure-track members of the Faculty (referred to hereafter as ("Faculty Member")), employed by NJIT on the date that this MOA is executed, except those who affirmatively opt out of such an extension (in accordance with ¶2 below), or those whose tenure review is slated to be completed during the current (2019-2020) academic year (in accordance with 3 below). This provision *does* apply, however, to all other Faculty Members employed on the date that the MOA is executed, including but not limited to any Faculty Member, whether or not they have already submitted an application for tenure, who otherwise would have been scheduled for to have their tenure reviews completed during the 2020-2021 academic year.
2. All Faculty Members shall be electronically notified by the Office of the Provost not later than May 1, 2020 of their opportunity to opt out of the extension provisions set forth in Para. 1., which response is due on or before May 22, 2020. The Office of the Provost shall provide a written list to the PSA of those contacted, and the response.
3. Paragraphs (1) and (2) shall not apply to Faculty Members whose tenure review has already commenced and has been or is scheduled to be completed during the current (2019-2020) academic year.
4. Extensions granted under this MOA shall not be relied upon in any way to support a claim for de facto tenure based upon the passage of time. Faculty members who accept and/or fail to opt out of such extensions shall not be able to assert a claim of de facto tenure based upon any extension effected by this agreement.

5. Within thirty (30) days of the response date set forth in Para. 1, MOA, NJIT shall provide the PSA with a list of all Faculty Members affected by this MOA (i.e., all tenure-track Faculty Members employed at the time this MOA is executed whose tenure reviews are not scheduled for completion during the 2019-2020 academic year), along with their previous schedules for tenure consideration, and their modified schedule for tenure consideration, absent a decision to opt out of the extension provided for under Para. 1.
6. This MOA shall not be construed as affecting the timelines for eligibility for, and or application for, promotions in rank.
7. This MOA is made on a one-time, non-precedential basis and shall not be used by the parties as a binding practice or precedent in any future proceedings, other than proceedings involving the interpretation and implementation of this Agreement.
8. This agreement may not be modified except by a fully executed written instrument and any modification shall be limited to the express terms of any such modification agreement.

Executed this 24 day of April 2020

NEW JERSEY INSTITUTE OF TECHNOLOGY

*Fadi Piene Deek*

4/24/2020

DR. FADI P. DEEK  
Provost & Sr. Executive Vice President

Date

For the PSA

*Walter Konon*

Date

4/23/2020