The materials below consist of regulations of the State University of New York Board of Trustees. However, it is not the Official Compilation of the Codes, Rules, and Regulations of the State of New York. Readers are advised to refer to the Official Compilation (8 NYCRR Part et seq)in case of questions.

PART 335

APPOINTMENT OF EMPLOYEES

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TITLE A - PROCEDURE

§ 335.1 Procedure.

The chief administrative officer of a college, after seeking consultation, may appoint, reappoint, or recommend to the chancellor for appointment or reappointment as may be appropriate to the nature of appointment provided for in this Part, such persons as are, in the chief administrative officer's judgment, best qualified. Such appointments shall be consistent with the operating requirements of the college. For purposes of this Part, the term consultation shall mean consideration by the chief administrative officer of a college of recommendations of academic or professional employees, including the committees, if any, of the appropriate department or professional area, and other appropriate sources in connection with appointment or reappointment of a specified employee; provided, however, that nothing contained in this Part shall prevent the chief administrative officer of a college from taking such action as he or she may deem necessary to meet notice requirements in the event of nonrenewal of term appointments.

TITLE B – CONTINUING APPOINTMENT

§ 335.2 Definition.

A continuing appointment shall be an appointment to a position of academic rank which shall not be affected by changes in such rank and shall continue until resignation, retirement or termination.

§ 335.3 Method of appointment.

The chancellor, after considering the recommendation of the chief administrative officer of the college concerned, and except as hereinafter permitted with respect to appointment of distinguished, distinguished service, distinguished teaching and university professors, may grant continuing appointment to such persons who, in the chancellor's judgment, are best qualified.

§ 335.4 Eligibility.

(a) Continuing appointment as professor, associate professor, librarian or associate librarian. Continuing appointment as professor, associate professor, librarian or associate librarian may be given by the chancellor on initial appointment or thereafter. Except as provided in subdivision (c) of this section, further employment as professor, associate professor, librarian or associate librarian after the third consecutive year of service in any one or any several of these ranks at any one college must be on the basis of continuing appointment; provided, however, such appointment shall not be effective until made so by the chancellor, and provided further, that promotion to any of these ranks shall not operate to extend the service requirements for continuing appointment described in subdivision (b) of this section.

(b) Continuing appointment as assistant professor, instructor, senior assistant librarian or assistant librarian. Except as provided in subdivision (c) of this section, further employment at any college of an appointee who has completed a total of seven years of service in a position or positions of academic rank, of which the last three consecutive years have been in a position of academic rank at that college as assistant professor, instructor, senior assistant librarian or assistant librarian, must be on the basis of a continuing appointment; provided, however, such appointment shall not be effective until made so by the chancellor. An assistant professor, instructor, senior assistant librarian or assistant librarian shall not be eligible for continuing appointment at any of these ranks prior to the completion of a total of seven years in a position or positions of academic rank.

(c) Additional term appointment. An academic employee holding a continuing or a term appointment at one college who is appointed to academic rank at another college may be given that appointment for a term not to exceed three years.

(d) Service credit.

(1) In determining eligibility for continuing appointment under subdivision (b) of this section, satisfactory full-time prior service in academic rank at any other accredited academic institution of higher education may, at the request of the appointee and in the discretion of the chancellor or designee, be credited as service, up to a maximum of three years, at the time of appointment at a college. Waiver of all or part of this service credit shall be granted upon written request of the employee to the chief administrative officer not later than six months after the date of initial appointment.

(2) In computing consecutive years of service for the purposes of appointment or reappointment to the academic staff, periods of leave of absence at full salary shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service.

TITLE C – PERMANENT APPOINTMENT

§ 335.5 Definition.

(a) A permanent appointment shall be an appointment of a professional employee in a professional title, which is eligible for a permanent appointment which shall continue until a change in such title, resignation, retirement or termination.

(b) A professional employee who serves in a professional title listed in Appendix B-1, B-2 or B-3, infra, shall not be eligible for permanent appointment and shall not be covered by this Title C during service in such professional title. Such professional employee shall be appointed pursuant to the procedure in Title D of this Part.

§ 335.6 Method of appointment.

The chancellor, after considering the recommendation of the chief administrative officer of the college concerned, may grant permanent appointment in professional title to such persons who, in the chancellor's judgment, are best qualified.

§ 335.7 Initial appointment.

A person who is appointed to a professional title in which permanent appointment may be granted, must be granted a temporary appointment for the first year of that person's employment in such title when the appointment is made to a position vacated by a professional employee who is serving a probationary appointment pursuant to section 335.9 or 335.15 of this Part; otherwise the person shall be granted a term appointment, except where a temporary appointment is appropriate. Upon completion of the initial temporary or term appointment, the professional employee may be granted a further appointment in accordance with this Part. Service in a temporary appointment pursuant to this section shall be counted toward the satisfaction of the eligibility requirements for initial permanent appointment.

§ 335.8 Eligibility for initial permanent appointment.

(a) Except as provided in paragraphs (a)(1)-(2) and subdivision (b) of this section and in paragraph (b)(2) of section 335.9 of this Part, at any college further employment, in a professional title in which permanent appointment may be granted, of a professional employee who has completed seven consecutive years of full-time service as a professional employee at that college, the last two years of which have been in that professional title, must be on the basis of permanent appointment; provided, however, that such appointment shall not be effective until made so by the chancellor.

(1) Upon completion of three consecutive years of full-time service as a professional employee at that college, the last year of which has been in that professional title, a professional employee in a title eligible for permanent appointment may request early consideration for permanent appointment. Such request must be in writing and submitted to the chief administrative officer of the college no later than nine months prior to the date upon which such employee' would otherwise receive written notice that a term appointment is not to be renewed upon expiration. In the event the chief administrative officer of the college grants the employee's request for such early consideration, any further employment of that employee after completion of five consecutive years of full-time service as a professional employee at that college, the last two years of which have been in that professional title, must be on the basis of permanent appointment; provided; however, that such appointment shall not be effective until made so by the chancellor.

(2) Upon completion of four consecutive years of full-time service as a professional employee at that college, the last year of which has been in that professional title, a professional employee in a title eligible for permanent appointment may request early consideration for permanent appointment. Such request must be in writing and submitted to the chief administrative officer of the college no later than nine months prior to the date upon which such employee would otherwise receive written notice that a term appointment is not to be renewed upon expiration. In the event the chief administrative officer of the college grants the employee's request for such early consideration, any further employment of that employee after completion of six consecutive years of full-time service as a professional employee at that college, the last two years of which have; been in that professional title, must be on the basis of permanent appointment; provided, however, that such appointment shall not be effective until made so by the chancellor.

(b) Additional appointments. A professional employee holding a permanent appointment or a term appointment at one college who is appointed to a professional title at another college may be given that appointment for a term not to exceed three years.

(c) Service credit.

(1) In determining eligibility for permanent appointment under this section, satisfactory full-time prior service in a professional title at any one college of the university may, at the request of the professional employee and in the discretion of the chancellor or designee, be credited as service, up to a maximum of three years, at the time of appointment at another college. Waiver of all or part of this service credit shall be granted upon written request of the employee to the chief administrative officer not later than six months after the date of appointment at that college.

(2) In computing consecutive years of service for the purposes of appointment or reappointment of professional employees, periods of leave of absence at full salary and periods of full-time service in probationary and temporary appointments granted pursuant to this Title shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of consecutive service for other purposes.

§ 335.9 Change in professional title.

(a) A professional employee holding a term appointment or permanent appointment in professional title who is appointed to a different professional title at the same college, shall be given a probationary appointment in the different professional title.

(1) A professional employee holding permanent appointment in professional title who completes a probationary appointment in a different professional title shall be granted a permanent appointment in the different professional title only and shall not retain the permanent appointment in the former professional title.

(2) A professional employee who is serving on a term appointment in professional title and completes a probationary appointment in a different professional title shall be granted a new term appointment as appropriate in the new professional title and shall not retain a term appointment in the former professional title. The new term appointment shall be for a duration not less that the unexpired time of the previous term appointment. Service in the probationary appointment shall count towards satisfaction of the eligibility requirements for permanent appointment.

(b) At any time during the probationary appointment, the appointing authority may require the employee to return to his or her former professional title and such action shall be accomplished as soon as practicable.

(1) A professional employee holding a permanent appointment in a professional title and serving a probationary appointment in a different professional title who so returns to the employee's former professional title resumes permanent appointment in the former professional title.

(2) A professional employee holding a term appointment in a professional title and serving a probationary appointment in a different professional title who so returns to the employee's former professional title shall have service in the probationary appointment counted towards the satisfaction of the eligibility requirements for permanent appointment, except as provided in this section. Should such employee so return, he or she shall be granted a new term appointment in the employee's former professional title until expiration of that term appointment at the earliest. Notice that a term appointment in this circumstance will be allowed to expire shall be given at the appropriate time prior to the expiration of that new term appointment.

(3) Basic annual salary protected. Upon returning to the employee's former professional title pursuant to this section, a professional employee shall receive his or her former basic annual salary and, in addition, any improvements thereof which would have been earned had the employee remained in that professional title.

TITLE D – TERM APPOINTMENT

§ 335.10 Definition.

Except as provided in section 335.15 of this Part, a term appointment shall be an appointment for a specified period of not more than three years, which shall automatically expire at the end of that period unless terminated earlier because of resignation, retirement or termination.

§ 335.11 Eligibility.

(a) A term appointment may be given to any person appointed to or serving in a position designated as being in the professional services negotiating unit.

(b) Part-time service.

(1) Further employment at any college of an individual who has been employed at that college on a part-time basis for four consecutive semesters in a position designated as being in the Professional Services Negotiating Unit shall be on the basis of a term appointment. In computing consecutive semesters of part-time service for the purposes of appointment or reappointment under this subdivision, periods of leave of absence at partial salary or without salary shall not be included, but shall not be deemed an interruption of otherwise consecutive service. An individual who has been granted term appointment but for whom classroom enrollment is inadequate shall have no entitlement to salary, benefits, or any other rights or privileges.

(2) In the event the service of such an individual is interrupted for a period of four consecutive semesters or more, the chief administrative officer of the college may grant the employee any type of appointment as in the chief administrative officer's judgment is appropriate.

§ 335.12 Method of appointment.

All term appointments shall be made by the chief administrative officer of the college and shall be reported to the chancellor.

§ 335.13 Renewal of term.

Except as provided in this Part, term appointments may be renewed by the chief administrative officer of the college for successive periods of not more than three years each; such renewals shall be reported to the chancellor. No term appointment, of itself, shall be deemed to create any manner of legal right, interest or expectancy in any other appointment or renewal.

§ 335.14 Notice.

In the event a term appointment is not to be renewed upon expiration, the chief administrative officer or the chief administrative officer's representative will notify the appointee in writing not less than:

(a) forty-five calendar days prior to the end of a part-time service term appointment;

(b) three months prior to the end of a term expiring at the end of an appointee's first year of uninterrupted service within the university, but not later than March 31st for terms ending in June, July or August;

(c) six months prior to the end of a term expiring after the completion of one, but not more than two, years of an appointee's uninterrupted service within the university, but not later than December 15th for academic year employees and mentors at Empire State College whose terms end in June, July or August;

(d) twelve months prior to the expiration of a term after two or more years of uninterrupted service within the

university; and

(e) six months prior to the expiration of a term for titles listed in Appendix B-2(i) and (ii), infra.

§ 335.15 Other appointments.

(a) Five-year term appointments are appointments which may be granted only to persons who serve in a professional title listed in Appendix B-1, infra. Except for their duration, five-year term appointments shall be subject to the same procedures for method of appointment, renewal and notice of non-renewal of term appointments in accordance with the provisions of this Title.

(b) (1) A person whose initial appointment to any college of the university is to a professional title listed in Appendix B-1, infra, must be granted term appointments for the first three years of employment in such title at that college. Upon completion of a total of three years of consecutive service on such term-appointment basis, further appointment in such title at such college and each appointment renewal thereafter in such title at such college shall be for a five- year term appointment.

(b) (2) In the event such person is subsequently appointed to a professional title in which permanent appointment may be granted, that person shall be granted a term appointment in such professional title only, and shall not retain the term appointment or the five-year term appointment, as appropriate, in the professional title listed in Appendix B-1, infra.

(c) A professional employee holding a permanent appointment, or term appointment in a professional title in which permanent appointment may be granted at any one college, who is appointed to a professional title listed in Appendix B-1, infra, at the same college shall be given a probationary appointment in such title listed in Appendix B-1, infra.

(1) (i) A professional employee holding permanent appointment in professional title, who completes a probationary appointment in a professional title listed in Appendix B-1, infra, shall be granted a five-year term appointment in the professional title in Appendix B-1, infra, only and shall not retain permanent appointment in the former professional title.

(ii) In the event such professional employee is subsequently appointed to the same former professional title held at the college prior to appointment to a professional title listed in Appendix B-1, infra, the employee shall resume permanent appointment in such former professional title. If such subsequent appointment is to a professional title different from such former professional title at the college or to a different college, the employee shall be given a term appointment.

(iii) In the event the five-year term appointment of such professional employee is not renewed and, on the effective date of such nonrenewal, a vacancy exists in the same former professional title held on the basis of permanent appointment at the college prior to appointment to a professional title listed in Appendix B-1, infra, the employee shall resume permanent appointment in such former professional title on the effective date of the non- renewal from the five-year term appointment.

(2) (i) A professional employee holding a term appointment in professional title who completes a probationary appointment in a professional title listed in Appendix B-1, infra, shall be granted a five-year term appointment in such professional title listed in Appendix B-1, infra, only and shall not retain a term appointment in the former professional title.

(ii) In the event such professional employee is subsequently appointed to a professional title in which permanent appointment may be granted, the employee shall be granted a new term appointment in such professional title.

(d) At any time during a probationary appointment given in accordance with this section, the appointing authority may require the professional employee to return to the employee's former professional title at the college and such action shall be accomplished as soon as practicable.

(1) A professional employee holding a permanent appointment in a professional title and serving a probationary appointment in a title listed in Appendix B-1, infra, who so returns to the employee's former professional title shall resume permanent appointment in the former professional title.

(2) A professional employee holding a term appointment in a professional title in which permanent appointment may be granted and serving a probationary appointment in a title listed in Appendix B-1, infra, who so returns to his or her former professional title shall be granted a new term appointment in such former professional title and shall not be eligible for permanent appointment in such former professional title until expiration of that term appointment at the

earliest. Notice that a term appointment in this circumstance will be allowed to expire shall be given at the appropriate time prior to the expiration of that new term appointment.

(e) Service credit.

(1) Employees granted term appointments pursuant to subdivisions (b)(2), (c)(1)(ii) and (c)(2)(ii) of this section may, at the request of the professional employee and in the discretion of the chancellor, or designee, be credited, at the time of such appointments, with all prior continuous university service up to a maximum of four years for purposes of eligibility for permanent appointment. Waiver of all or part of this service credit shall be granted upon the written request of the employee to the chief administrative officer not later than six months after the date of such appointment.

(2) In computing consecutive years of service for the purposes of appointment or reappointment under this section, periods of leave of absence at full salary and periods of full-time service in probationary and temporary appointments granted pursuant to this section shall be included; periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service.

(f) The board of trustees may, from time to time, designate professional titles to be added to or deleted from Appendix B-1, infra.

(g) Athletics.

(1) Division I campuses - athletic director and staff. Full-time college year, academic year and calendar year employees in titles in Appendix B-2(i) of this Title shall be provided a minimum term appointment of one year up to a maximum term appointment of five years. Term appointments for employees in titles in Appendix B-2(i) of this Title shall be subject to the same procedures for methods of appointment and renewal of term appointments in accordance with this Title except as modified herein. Except in cases of discipline or retrenchment, in the event the university elects to terminate a term appointment before the expiration of the term, the university shall compensate the individual for up to the maximum of the time remaining on the term appointment.

(2) Division I revenue producing sports - coaching titles. Full-time college year, academic year and calendar year employees in the titles in Appendix B- 2(ii) of this Title, whose coaching and coaching-related duties account for 75 percent or more of their professional obligation, shall be provided a minimum term appointment of one year up to a maximum term appointment of five years. Term appointments for employees in titles in Appendix B-2(ii) of this Title shall be subject to the same procedures for methods of appointment and renewal of term appointments in accordance with this Title except as modified herein. Except in cases of discipline or retrenchment, in the event the university elects to terminate a term appointment before the expiration of the term, the university shall compensate the individual for up to the maximum of the time remaining on the term appointment.

(3) Division I non-revenue producing sports - coaching titles. Full-time college year, academic year and calendar year employees in the titles in Appendix B2(iii) of this Title, whose coaching and coaching-related duties account for 75 percent or more of their professional obligation, shall be provided a minimum term appointment of one year up to a maximum term appointment of five years. Term appointments for employees in titles in Appendix B-2(iii) of this Title shall be subject to the same procedures for methods of appointment and renewal of term appointments in accordance with this Title except as modified herein. Except in cases of discipline or retrenchment, in the event the university elects to terminate a term appointment before the expiration of the term, the university shall compensate the individual for up to the maximum of the time remaining on the term appointment.

(4) Division II sports. Where an institution has declared its intention to move to the Division I level of competition, and as a consequence is participating at the Division II level for the period of time as required by the NCAA rules, the coaches in the affected sports shall be treated for purposes of appointment and renewal pursuant to the rules for Division I coaches, either revenue producing or non-revenue producing as appropriate to the sport. In the event the institution does not move to a Division I level of competition within four years, the coaches shall revert to the appointment, renewal and non-renewal status applicable to Division III competition.

(5) Division III sports. Full-time college year, academic year and calendar year employees in the titles in Appendix B-2(iv) of this Title, whose coaching and coaching-related duties account for 75 percent or more of their professional obligation shall, for the first four years of employment in any of the titles in Appendix B-2(iv) of this Title, be provided a minimum term appointment of one year up to a maximum term appointment of three years. Following the fourth year of employment, employees in titles in Appendix B-2(iv) of this Title shall receive a term appointment of three years. Term appointments for employees in titles in Appendix B-2(iv) of this Title shall be subject to the same procedures for methods of appointment and renewal of term appointments in accordance with this Title except as

modified herein. Except in cases of discipline or retrenchment, in the event the university elects to terminate a term appointment before the expiration of the term, the university shall compensate the individual for up to the maximum of the time remaining on the term appointment.

(6) A professional employee holding a permanent appointment or term appointment in a professional title in which permanent appointment may be granted at the same college who is appointed to a professional title listed in Appendix B-2 of this Title at the same college shall not retain permanent appointment nor term appointment in the former professional title.

(7) Service credit.

(8) The board of trustees may, from time to time, designate professional titles to be added to or deleted from Appendix B-2, infra.

- (i) In the event a professional employee who held a term appointment in a professional title in which permanent appointment could have been granted is subsequently appointed to a professional title in which permanent appointment may be granted, such employee shall be granted a term appointment in such professional title only and shall not retain the term appointment in the professional title listed in Appendix B-2 of this Title.

  (ii) In the event such professional employee who held a permanent appointment at the time such employee was appointed to a professional title listed in Appendix B-2 of this Title is subsequently appointed to the same former professional title held at the college prior to appointment to a professional title listed in Appendix B-2 of this Title, the employee shall resume permanent appointment in such former professional title. If such subsequent appointment is to a professional title different from such former professional title at the college or to a different college, the employee shall be given a term appointment.

  (iii) In the event the term appointment of such professional employee is not renewed and, on the effective date of such nonrenewal, a vacancy exists in the same former professional title held on the basis of permanent appointment at the college prior to appointment to a professional title listed in Appendix B-2 of this Title, the employee shall resume permanent appointment in such former professional title on the effective date of nonrenewal from the five-year term appointment.

  (i) Employees granted term appointments pursuant to subparagraph (6)(i), (ii) or (iii) of this subdivision may, at the request of the professional employees and in the discretion of the chancellor, or designee, be credited, at the time of such appointments, with all prior continuous university service up to a maximum of four years for purposes of eligibility for permanent appointment. Waiver of all or part of this service credit shall be granted upon request of the employee to the chief administrative officer not later than six months after the date of such appointment.

  (ii) In computing consecutive years of service for the purposes of appointment or reappointment under this section, periods of leave of absence at full salary and periods of full-time service in probationary and temporary appointments granted pursuant to this section shall be included, periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service.

(h) Fundraising. Full-time college year and calendar year employees in the titles in Appendix B-3 of this Title, shall, for the first four years of employment in any of the titles in Appendix B-3 of this Title, be provided a minimum term appointment of one year up to a maximum term appointment of three years. Following the fourth year of employment, employees in titles in Appendix B-3 of this Title shall receive a term appointment of three years. Term appointments for employees in titles in Appendix B-3 of this Title shall be subject to the same procedures for methods of appointment and renewal of term appointments in accordance with this title except as modified herein. Except in cases of discipline or retrenchment, in the event the university elects to terminate a term appointment before the expiration of the term, the university shall compensate the individual for the time remaining on the term appointment:

(1) A professional employee holding a permanent appointment or term appointment in a professional title in which permanent appointment may be granted at the same college who is appointed to a professional title listed in Appendix B-3 of this Title at the same college shall not retain permanent appointment nor term appointment in the former professional title.

(2) Service credit.

- (i) In the event a professional employee who held a term appointment in a professional title in which permanent appointment could have been granted is subsequently appointed to a professional title in which permanent appointment may be granted, such employee shall be granted a term appointment in such professional title only and shall not retain the term appointment in the professional title listed in Appendix B-3 of this Title.

  (ii) In the event such professional employee who held a permanent appointment at the time such employee was appointed to a professional title listed in Appendix B-3 of this Title is subsequently appointed to the same former professional title held at the college prior to appointment to a professional title listed in Appendix-B-3 of this Title, the employee shall resume permanent appointment in such former professional title. If such subsequent appointment is to a professional title different from such former professional title at the college or to a different college, the employee shall be given a term appointment.

  (iii) In the event the term appointment of such professional employee is not renewed and, on the effective date of such nonrenewal, a vacancy exists in the same former professional title held on the basis of permanent appointment at the college prior to appointment to a professional title listed in Appendix B-3 of this Title, the employee shall resume permanent appointment in such former professional title on the effective date of nonrenewal from the three-year term appointment.

(i) Employees granted term appointments pursuant to subparagraph (1)(i), (ii) or (iii) of this subdivision may, at the request of the professional employees and in the discretion of the chancellor, or designee, be credited, at the time of such appointments, with all prior continuous university service up to a maximum of four years for purposes of eligibility for permanent appointment. Waiver of all or part of this service credit shall be granted upon request of the employee to the chief administrative officer not later than six months after the date of such appointment.

(ii) In computing consecutive years of service for the purposes of appointment or reappointment under this section, periods of leave of absence at full salary and periods of full-time service in probationary and temporary appointments granted pursuant to this section shall be included, periods of leave of absence at partial salary or without salary and periods of part-time service shall not be included, but shall not be deemed an interruption of otherwise consecutive service.

(3) The board of trustees may, from time to time, designate professional titles to be added to or deleted from Appendix B-3, *infra*.

§ 335.16 Service not credited.

As defined in this Part, service in academic rank shall not be credited as eligible service for permanent appointment. As defined in this Part, service in professional title shall not be credited as eligible service for continuing appointment.

TITLE E – PROBATIONARY APPOINTMENT

§ 335.17 Definition.

A probationary appointment shall be an appointment for a period of one year which must be granted to a professional employee holding a professional title in which permanent appointment may be granted at a college of the university when the employee is appointed to a different professional title in which permanent appointment may be granted at the same college, or when the employee is appointed to a professional title listed in Appendix B-1, infra, of this Part at the same college. A probationary appointment may be terminated at any time in accordance with section 335.9 or 335.15 of this Part.

§ 335.18 Method of appointment.

Probationary appointments shall be made by the chief administrative officer of the college; such appointments shall be reported to the chancellor.

TITLE F – TEMPORARY APPOINTMENT

§ 335.19 Definition.

A temporary appointment shall be an appointment which may be terminated at any time. Temporary appointments ordinarily shall be given only when service is to be part-time, consistent with section 335.11 of this Part, voluntary, or anticipated to be for a period of one year or less, or when an employee's initial appointment in the university is made to a position vacated by a professional employee who is serving a probationary appointment pursuant to sections 335.9 and 335.15 of this Part.

§ 335.20 Eligibility.

A temporary appointment may be given to any person appointed to or serving in a position designated as being in the professional services negotiating unit.

§ 335.21 Method of appointment.

Temporary appointments shall be made by the chief administrative officer of the college; such appointments shall be reported to the chancellor.

TITLE G – DISTINGUISHED AND UNIVERSITY PROFESSORS AND DISTINGUISHED LIBRARIANS

§ 335.22 Appointment.

Appointment as distinguished professor, distinguished service professor, distinguished teaching professor, distinguished librarian or university professor may be given by action of the board of trustees on recommendation of the chancellor and shall be a continuing appointment.

TITLE H – APPOINTMENT YEAR

§ 335.23 Term of obligation.

The term of professional obligation, except in the case of part-time or temporary employment where the obligation may be less, shall be one of the following as determined by the chief administrative officer, or designee:

(a) calendar year obligation--an annual obligation of service for the full year, i.e., 12 months; or

(b) academic year obligation-an annual obligation of service for the academic year, not to exceed 10 months; or

(c) college year obligation-an annual obligation of service for any period less than the full year.

§ 335.24 Professional obligation.

The professional obligation of an employee, consistent with the employee's academic rank or professional title, shall include teaching, research, university service and other duties and responsibilities required of the employee during the term of the employee's professional obligation.

§ 335.25 Appointment year.

Unless the terms of appointment otherwise provide, the normal appointment year shall be from September 1st to August 31st, regardless of payroll mode; provided, however, that an academic year employee may be required to commence the employee's professional obligation at a date reasonably prior to September 1st as may be necessitated by a college's operating requirements.

§ 335.26 Other employment.

No employee may engage in other employment which interferes with the performance of the employee's professional obligation.

TITLE I – ACADEMIC FREEDOM

§ 335.27 Academic freedom.

It is the policy of the university to maintain and encourage full freedom, within the law, of inquiry, teaching and research. In the exercise of this freedom faculty members may, without limitation, discuss their own subject in the classroom; they may not, however, claim as their right the privilege of discussing in their classroom controversial matter which has no relation to their subject. The principle of academic freedom shall be accompanied by a corresponding principle of responsibility. In their role as citizens, employees have the same freedoms as other citizens. However, in their extramural utterances employees have an obligation to indicate that they are not institutional spokespersons.

TITLE J – PATENTS, INVENTIONS AND COPYRIGHT POLICY

§ 335.28 Patents and inventions policy.

(a) Purpose.

(1) State University recognizes that the three primary missions of an educational institution are teaching, research, and public service. While carrying out its research mission, State University further recognizes that inventions of

value to the public will be made by persons working in its facilities. It is the policy of State University to encourage such inventors and inventions and to take appropriate steps to aid the inventor and ensure that the public receives the benefit. Appropriate steps include securing research support, identifying inventions, securing appropriate patents, marketing inventions through licensing and other arrangements, and managing royalties and other invention-related income. These activities are undertaken in a spirit of cooperation with governmental agencies and private industry as part of State University's contribution to the economic well-being of the State of New York and of the Nation.

(2) In implementing its policies State University will take appropriate steps to ensure that its faculty may freely publish the results of scholarly research pursuant to the State University board of trustees policy on unrestricted disclosure of research activities as set forth in trustees' resolution number 66-258. In conformance with this principle, all concerned shall cooperate so that essential rights to inventions shall not be lost.

(3) All net proceeds after payment of the inventor's share as defined in subdivision (c) of this section, and other appropriate costs associated with the university technology transfer program, realized from the marketing of State University inventions shall be used for the support of State University research programs.

(b) All inventions made by faculty members, employees, students, and all others utilizing university facilities at any of the State-operated institutions of State University shall belong to State University and should be voluntarily disclosed, or shall be disclosed to State University upon request of the university. The inventor or inventors shall make application for patents thereon as directed by State University and shall assign such applications or any patents resulting there from to or as directed by State University. However, nonuniversity organizations and individuals who utilize university research facilities under the trustees' policy on cooperative use of research equipment, or policy and guidelines on use of State University facilities by emerging technology enterprises, will retain ownership of all patentable inventions. Also, an invention made by an individual wholly on such individual's own time, and without the use of such university facilities, shall belong to the individual even though if falls within the field of competence relating to the individual's university position. For purposes of this provision, an individual's own time shall mean time other than that devoted to normal and assigned functions in teaching, university service, direction and conduct of research on university premises and utilizing university facilities. The term university facilities shall mean any facility available to the inventor as a direct result of the inventor's affiliation with State University, or any facility available under the trustees' policy on cooperative use of research equipment, or policy on use of facilities by emerging technology enterprises, and which would not otherwise be available to a nonstate university-affiliated individual. Where any question is raised as to ownership of an invention or patent under these provisions, the matter shall be referred to a committee of five members to be named by the chancellor of State University. At least three of such members shall be members of the academic staff of the university. Such committee shall make a careful investigation of the circumstances under which the invention was made and shall transmit its findings and conclusions to the chancellor for review. If the committee determines that the invention has been made without the use of university facilities and not in the course of the inventor's employment by or for the university, and the chancellor concurs in such determination, the university will assert no claim to the invention or to any patent obtained thereon.

(c) With respect to any invention obtained by or through State University or assigned to or as directed by it in accordance with the foregoing provisions, the university, in recognition of the meritorious services of the inventor and in consideration of the inventor's agreement that the invention shall belong to the university, will make provision entitling the inventor and the inventor's heirs or legatees to a nonassignable share in any proceeds from the management and licensing of such invention to the extent of 40 percent of the gross royalty paid, unless this exceeds the limits fixed by applicable regulations of the relevant sponsoring agency, which will control in such cases. State University may make suitable arrangements with nonprofit patent management agencies for the purpose of obtaining services and advice with respect to the patentability of inventions, the obtaining of patents thereon and the management and licensing of inventions. Such arrangements may provide for division of the net income from any invention after payment of the inventor's share between the management agency and State University.

(d) Upon recommendation of the patents and inventions policy board, the chancellor may grant exclusive licenses for a fixed period for the marketing of inventions, since it is recognized that in the absence of such a condition some inventions may not reach the marketplace for the public benefit. Granting of exclusive licenses for a fixed period may be accepted by the chancellor as a condition for industrial sponsorship of research programs, within guidelines recommended by the patents and inventions policy board.

(e) Grants made available to State University by or through The Research Foundation of State University of New York shall be subject to the policy herein stated except in special instances as hereinafter provided. Nothing in the policy herein stated shall prevent the acceptance of research grants from, or the conduct of research for, agencies

of the United States, either directly or through The Research Foundation, upon terms and conditions under applicable provisions of Federal law or regulations which require a different disposition of inventions or patent rights, nor shall anything herein contained prevent cooperative arrangements with other agencies of the State of New York for research.

(f) The chancellor, acting with the advice of the patents and inventions policy board or State University's designated patent management agent, may determine not to file a patent application in the case of any specific invention or continue efforts at marketing. The university's decision shall be arrived at, in consultation with the inventor, within a period not to exceed six months from the date of first submission of the inventor's properly executed statement of disclosure of invention to the university or its designee. In every instance in which the university determines not to file a patent application or continue efforts at marketing, or fails to elect to do so within six months from the date of submission of said disclosure statement, all of the university's rights to the invention shall be released to the inventor, who may then file for a patent, subject only to those restrictions that may be required by an external sponsor, if any. In every instance in which the university determines to file a patent application or continue efforts at marketing, the inventor may, at any subsequent time, request the patents and inventions policy board to recommend such release. For any invention so released to an inventor, State University, at its option, shall receive 10 percent of the net proceeds, in recognition of the contribution of the State and people of New York to the support of the research which resulted in said invention. For purposes of this provision, the term net proceeds shall mean earnings to the inventor from the invention over and beyond reasonable costs incurred in the process of patent application and management.

(g) In all cases, any person is entitled to request an exception or waiver to the provisions of this patents and inventions policy. The person requesting an exception or waiver shall have the right to appear, accompanied by representatives of the person's choice, before the patents and inventions policy board for consideration of the request for an exception or waiver. The patents and inventions policy board shall prepare a report of its findings and an advisory recommendation to the chancellor for review. The decision of the chancellor on the findings and recommendations of the patents and inventions policy board shall be final.

(h) The chancellor shall establish and appoint a patents and inventions policy board of the State University of New York and designate the chair thereof in accordance with the following:

(1) The patents and inventions policy board shall have no more than 10 members, and shall include one representative of the central administration, two from the university centers, one from the health sciences centers, one from another major research institution of the university, one from the colleges of arts and science, one from the agriculture and technology colleges, one from The Research Foundation of State University of New York, and two representatives from business and industry.

(2) The patents and inventions policy board shall have full powers of organization.

(3) The members of the patents and inventions policy board shall serve without extra compensation and at the pleasure of the chancellor. The normal term of appointment shall be for three years.

(4) The patents and inventions policy board shall meet at least once annually.

(5) The patents and inventions policy board shall advise the chancellor in the following matters:

(6) The patents and inventions policy board shall undertake continual review of these policies and advise the chancellor and the board of trustees thereto.

(7) The patents and inventions policy board shall maintain current information concerning patent and invention activities within the university, disseminate information to the faculty of State University concerning such activities, and encourage general awareness of and interest concerning patents within the university community.

(8) The patents and inventions policy board, through the chancellor, shall report annually to the board of trustees concerning its activities and recommendations during the preceding year.

- (i) guidelines and procedures for the implementation of these policies;

  (ii) exceptions to these policies in unusual circumstances;

  (iii) determining the extent of the university's interest in inventions;

  (iv) determining whether or not to grant exclusive licenses or to commit the university to the future granting of exclusive licenses as a condition of sponsorship for particular research projects; and

  (v) such other matters as the chancellor may deem appropriate.

§ 335.29 Copyright policy.

Generally the members of the staff of the university shall retain all rights to copyright and publish written works produced by them. However, in cases where persons are employed or directed within the scope of their employment to produce specific work subject to copyright, the university shall have the right to publish such work without copyright or to copyright it in its own name. The copyright will also be subject to any contractual arrangements by the university for work in the course of which the writing was done. Staff members will be expected not to allow the privilege to write and retain the right to their work to interfere with their university duties. In those cases where an author desires the help of university facilities, arrangements should be made through the administrative staff of the author's institution in advance with respect to the assistance which may be appropriately given and the equity of the university in the finished work.

APPENDIX B-1

PROFESSIONAL TITLES

(cf. Part 335)

Assistant Vice-President for Student Affairs

Associate Dean of Students

Career Planning Officer

College Registrar

Director

Director of Policy Research

Director of Academic Advisement

Director of Administrative Services

Director of Admissions

Director of Admissions and Assessment

Director of Admissions and Enrollment

Director of Admissions and Enrollment Management

Director of Admissions and Enrollment Planning

Director of Admissions and Financial Aid

Director of Admissions and Interinstitutional Relations

Director of Admissions and Planning

Director of Admissions and Records

Director of Admissions and Student Affairs

Director of Admissions (Equality of Opportunity Program)

Director of Alumni Affairs

Director of Art Museum

Director of Career Planning

Director of Center for Contemporary Arts and Letters

Director of Center for Economic Education

Director of Chemical Laboratories

Director of College Housing

Director of Comparative Development Studies Center

Director of Continuing Education

Director of Cooperative College Center

Director of Counseling

Director of Earth and Space Sciences Lab.

Director of Education

Director of Engineering Laboratories

Director of Equality of Opportunity Program

Director of Field Studies

Director of Financial Aid

Director of Fine Arts Center

Director of Great Lakes Laboratory

Director of Home Economics Education

Director of Instructional Resources

Director of International Education

Director of Laboratory Animal Facilities

Director of Libraries

Director of News Bureau

Director of Nursing

Director of Outdoor Education

Director of Physical Education

Director of Physical Laboratories

Director of Residential Life

Director of Student Activities

Director of University System Analysis

Environmental Health Officer

Manager

Student Financial Aids Officer

Supervisor of College Nursing Services

Teaching Hospital Director of Biomedical Engineering

Teaching Hospital Director of Management Engineering

Teaching Hospital Director of Medical Radiography

Teaching Hospital Director of Pharmacy

Teaching Hospital Director of Physical Therapy

Teaching Hospital Director of Rehabilitation Therapy

Teaching Hospital Director of Respiratory Therapy

Teaching Hospital Director of Social Services

Teaching Hospital Medical Records Director

APPENDIX B-2

ATHLETIC TITLES

(CF. Part 335)

(i) Division I Campuses – Athletic Director and Staff

Division I Director of Athletics/Athletic Director

Division I Senior Associate Athletic Director

Divison I Associate Athletic Director

Division I Senior Assistant Athletic Director

Division I Senior Woman Administrator

Division I Assistant Athletic Director

Division I Director of Athletic Advancement or Development

Division I NCAA Compliance Director

Division I Athletic Marketing Director

Division I Athletic University Relations Director

(ii) Division I Revenue Producing Sports – Coaching Titles

Division I Head Football Coach (RP)*

Division I Head Basketball Coach (RP)

Division I Associate Head Coach (RP)

Division I Associate Coach (RP)

Division I Football Offensive Coordinator (RP)

Division I Football Defensive Coordinator (RP)

Division I Assistant Head Coach (RP)

Division I First Assistant Coach (RP)

Division I Second Assistant Coach (RP)

Division I Coach (RP)

Division I Assistant Coach (RP)

Division I Coaching Assistant (RP)

(iii) Division I Non-Revenue Producing Sports – Coaching Titles

Division I Head Coach

Division I Associate Head Coach

Division I Assistant Head Coach

Division I Associate Coach

Division I First Assistant Coach

Division I Second Assistant Coach

Division I Coach

Division I Assistant Coach

Division I Coaching Assistant

(iv) Division III Sports

Director of Athletics

Head Coach

Assistant Head Coach

Coach

First Assistant Coach

Associate Coach

Assistant Coach

Coaching Assistant

Division I Head Coach (Showcase Sports)

*RP indicates revenue producing sport

APPENDIX B-3

FUNDRAISING TITLES

(cf. Part 335)

Director of Fundraising

Associate Director of Fundraising