

Memorandum of Agreement (MOA)
Between
Rutgers, the State University of New Jersey (herein Rutgers or University)
and the Rutgers Council of AAUP Chapters, AAUP-AFT,
AFL-CIO (herein AAUP-AFT)
Regarding the Faculty Reinvestment Program

Whereas the University and the AAUP-AFT have agreed to establish the Faculty Reinvestment Program, which is a voluntary separation program for eligible faculty members as described in the two attachments to this MOA, titled “FACULTY REINVESTMENT PROGRAM (FRP)” and “APPLICATION AND ELECTION FORM FOR PARTICIPATION IN FACULTY REINVESTMENT PROGRAM (FRP);” and

Whereas, the Faculty Reinvestment Program will be used to facilitate the hiring of new tenure-track faculty in order to foster innovation and to respond more quickly to interdisciplinary and cross disciplinary trends, thereby serving the academic mission of the University; and

Whereas, the academic mission of the University would be served by a program that provides resources to permit the hiring of new and additional tenure-track faculty;

Now therefore the parties agree as follows:

1. Faculty Reinvestment Program (FRP):

The University and the AAUP-AFT agree that the attached FACULTY REINVESTMENT PROGRAM (FRP) shall be offered to tenured faculty members who meet the eligibility criteria set forth in the FRP, and that the FRP documentation, identified above, shall be distributed by the University to eligible faculty members.

2. Individual Separation Agreements:

The parties agree that the availability of the Faculty Reinvestment Program (FRP) shall not serve as a precedent with respect to individualized agreements that tenured faculty members may reach with the University in the future nor does the FRP preclude tenured faculty members who do not meet the eligibility criteria set forth in the FRP from speaking with their deans in an effort to explore whether there are other individualized arrangements involving separation from the University that would benefit the faculty member and also be beneficial to the mission and needs of the University. Eligible faculty members who elect to participate in the FRP and whose participation is approved or deferred by the University shall not receive any additional financial benefit other than as set forth in the FRP.

3. Non-Tenure Track Faculty:

Non-tenure track faculty are not eligible for the Faculty Reinvestment Program (FRP). However, the parties agree that state funded non-tenure track faculty members who meet all of the FRP eligibility criteria except for the criterion of being tenured shall be permitted to apply to their dean for the same benefit as set forth in the FRP. Their applications shall be treated as if they were eligible for, and subject to all provisions of, the FRP as set forth in the FRP and in this Memorandum of Agreement.

4. University Review of Faculty Reinvestment Program (FRP) Applications:

The parties agree that the deans are authorized on behalf of the University to approve, to disapprove, or to defer for one year, applications submitted pursuant to the FRP. Faculty members whose applications have been deferred shall have the additional year of service included in the separation payment calculations, which shall be based on what the faculty member's annual base salary would have been effective July 1, 2011 had the faculty member not participated in the FRP. Disapprovals and deferrals may be made for one, or a combination, of the following reasons:

- A. the faculty member meets a critical need of the academic unit taking into account the teaching, research and public service needs of the unit as determined by the dean;
- B. approval of a faculty member's FRP application, or of FRP applications, would cause or contribute to budgetary stringency of the academic unit as determined by the dean;
- C. more than ten percent (10%) of an academic department's faculty (or academic unit's faculty where there is no departmental structure) meet the eligibility criteria of the FRP and elect to participate in the FRP. For example, in a department with fifty-one (51) to sixty (60) faculty members, six (6) eligible faculty members who elect to participate constitutes ten percent (10%).

5. Priority Approvals Where Criterion B or C (or both B and C) Apply:

The parties agree that the following priority approvals shall apply with respect to Criteria B and C.

Criterion B: Where the dean of an academic unit determines that the funds that can be made available for the FRP without causing or contributing to budgetary stringency are not sufficient to permit the dean to approve all of the applications that have been submitted pursuant to the FRP, then approval shall be granted to FRP applications based upon years of service with priority given to faculty members with the most years of service.

Criterion C: Where more than ten percent (10%) of an academic department's faculty (or academic unit's faculty where there is no departmental structure) meet the eligibility criteria of the FRP and elect to participate in the FRP, and the dean determines to approve

a limited number of FRP applications, then approval shall be granted to FRP applications based upon years of service with priority given to faculty members with the most years of service.

6. Grievability:

The parties agree that University decisions in the administration and application of the Faculty Reinvestment Program shall not be grievable.

7. Faculty Reinvestment Program (FRP) Application and Election Period:

The parties agree that FRP Application and Election Period shall be as set forth in the attached FRP document; that is, the period between the date on which distribution of FRP documents to eligible faculty members is made, which will occur on or about March 22, 2010, and May 15, 2010. Eligible tenured faculty members wishing to participate in the FRP must file the Application and Election Form and the Release Form provided by the University during this period. Forms must be received by the faculty member's dean on or before 4:30 PM on May 15, 2010.

8. Payment Options:

The parties agree that the payment options shall be as set forth in the attached FRP document; that is, payment shall be made by August 31, 2010. Alternatively, the faculty member may choose one of two alternate methods of payment. The first alternate method of payment shall be one-half of the payment by August 31, 2010 and the other one-half of the payment after January 1, 2011 but before March 15, 2011. The second alternate method of payment shall be one payment in full after January 1, 2011 but before March 15, 2011.

9. Effective Date and Implementation of Faculty Reinvestment Program (FRP):

The parties agree that upon execution of this Memorandum of Agreement the attached FRP program document shall be distributed as soon as feasible to eligible faculty members and shall be accompanied by the Application and Election Form, the Release Form and accompanying Attachment A form, which have been prepared by the University and which are attached to this Memorandum of Agreement. The foregoing material shall be distributed by the University to eligible faculty members as soon as the University finalizes the list of eligible tenured faculty members.

The University in its discretion may prepare and distribute Frequently Asked Questions concerning the FRP, and shall furnish a copy in advance to the AAUP-AFT.

On behalf of Rutgers AAUP-AFT

On behalf of Rutgers, the State University

By:

Date

By:

Date