Tenure and Compensation Policy

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I. Purpose

The potential to attain tenured status is a fundamental characteristic of an academic appointment at an institution of higher learning. Tenure is a fundamental aspect of academic freedom that protects faculty from arbitrary dismissal and provides an element of employment security typically not offered in non-academic settings. As such, it constitutes an indispensable component of this career choice.

The following is the tenure and compensation policy of the Albert Einstein College of Medicine ("Einstein" or "College of Medicine"). This new policy shall replace all previous tenure and compensation policy, practices, and understandings. Procedures governing transition to this new policy are also given. This new tenure policy will expand the scope and preserve the principles of tenure and permit an increase in the number of tenured faculty. The new policy governing tenure as well as employment and compensation for untenured faculty will aid in recruitment and retention of outstanding faculty, thereby strengthening our institution. This new tenure policy shall supplement the Rules and Regulations Providing for System of Appointments, Titles and Compensation Arrangements, DEAN-POL-2018-004, and will apply to all present and future tenured faculty.

II. Scope

This Policy applies to Einstein paid tenure-track faculty on the Investigator and Physician Investigator Tracks.

III. Policy

III.A. Tenure Policy

III.A.1. Granting of Tenure

Faculty on the College of Medicine payroll, shall attain tenured status with promotion to the rank of professor on the Investigator and the Physician Investigator tracks. Tenure is awarded only on the recommendation of the departmental chair and appropriate departmental promotions committee, as well as the medical school Committee on Appointments and Promotions to Professor, the Dean of the College of Medicine, and the relevant institutional executive officers and board members.

III.A.2. Time of Promotion to Professor

Nomination for promotion to professor on the Investigator and the Physician Investigator tracks is usually made after 5 years in rank as an associate professor. However, there is no requirement for achieving promotion to professor with tenure within a certain period of time. Those who do not receive timely nomination by their chair or who fail to achieve promotion following nomination remain in rank and may be nominated or re-nominated at a later time.
III.A.3. Obligations of the Institution with Respect to Tenured Faculty

The College of Medicine guarantees to tenured faculty, exclusive of transition to emeritus/emerita status (see section III.A.11), retirement, resignation, death, or termination for cause\(^1\), indefinite employment during such period of time as the faculty member fulfills his or her academic obligation (defined in section III.A.4) to Einstein. During such period of employment, the institution guarantees a minimum base salary (defined below, section III.A.7).

III.A.4. Academic Obligation of Tenured Faculty

In order to maintain compensated employment, tenured faculty members must be engaged full time in activities that contribute to the mission of the College of Medicine and fulfill the usual requirements of the Department for full time membership in the Department (the “academic obligation”). Activities that contribute to the mission of the College of Medicine include grant supported research, submission of research or training applications for extramural grants, directorship of a training grant, reviewing grants and manuscripts, service on study sections and other panels, service on editorial boards and for professional societies, center or facility directorships, classroom teaching, individual and small group student and faculty mentoring, academic committee membership, public health policy advocacy, and scholarly work such as publishing books and articles and presenting at meetings. Inadequate contributions can result in a recommendation for transfer to emeritus/emerita status or dismissal, as described below in section III.A.8.

III.A.5. Full Salary and Conditions for Maintaining Full Salary

The total salary received by a faculty member shall be set by the Dean each year following and upon consideration of a recommendation of the departmental chair. Where total salary is covered in part by the College of Medicine (the “Einstein-supported salary”) and in part by medical practice or other income from non-Einstein sources, only the portion corresponding to Einstein-supported salary will be taken into account when considering the conditions that may lead to salary reductions, as described below. In what follows, full salary refers to Einstein-supported salary only.

Tenured faculty may be subject to decreased compensation from their full salary if they have had three or more immediately preceding, consecutive years in which extramural support or other non-institutional sources exclusive of clinical compensation provide less than 50% of their full salary. If the full salary exceeds the NIH salary cap, the faculty member is responsible for covering an amount equal to 50% of the NIH salary cap. In this section and what follows, only the portion of salary at or below the NIH cap is considered.

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\(^1\) For example, incompetence, conduct unbecoming a teacher, conviction of a felony, personal conduct that significantly impairs the individual’s fulfillment of his or her institutional responsibilities, or as otherwise defined in Section IX of the Rules and Regulations.
The Dean shall report to the Senate annually the number of tenured faculty who have received decrements to their salary under this policy and the resulting cost savings to the institution.

III.A.6. Transition to Minimum Base Salary

If a faculty member does not satisfy the condition for receiving full salary defined in section III.A.5 and declines the option of transfer to emeritus/emerita status (section III.A.11), his or her salary may be reduced. During a transition period from full salary to minimum base salary, full salary may be reduced only up to 20% of the previous year full salary annually, until it reaches the minimum base salary. However, disability and life insurance benefits shall be maintained at the level of the faculty member’s highest achieved full salary. Faculty actively seeking to restore their extramural funding as evidenced by submission of applications to NIH or equivalent funding agencies within the prior 12 months will receive decrements of no more than 10% per year. Salary shall be restored to the pre-decrement level if and as of such time that the faculty member obtains extramural funds sufficient to cover 50% of full salary up to the NIH cap. Restoration of salary coverage below 50% will result in partial restoration of salary to the pre-decrement level.

All compensation changes will be in consultation with the faculty member and the chair of the involved faculty member’s department and the Dean to certify that the above criteria have been met. Appeal of such decision may be made to the Faculty Review Committee of the Faculty Senate (see below, section III.A.9). Salary reductions shall be deferred for four months to allow for appeal, and in no event shall such deferral exceed four months.

III.A.7. Minimum Base Salary

The minimum base salary shall be 68% of the AAMC median salary for all Ph.D. degreed basic science full professors in private medical colleges in the northeastern region of the United States (the “AAMC Median Salary”). (For illustration purposes only, for Academic Year 2017, this minimum base salary is calculated to be $125,800.) This 68% figure shall be indexed to the information published by the AAMC on faculty salaries in the most recent year. The minimum base salary formula set by this policy cannot be changed without approval of the Dean, Chairs, and the Faculty Senate.

III.A.8. Criteria for Dismissal of Tenured Faculty

Tenured faculty members who do not fulfill their academic obligation as specified in section III.A.4 and decline the option of immediately taking on emeritus/emerita status will be considered for dismissal. If the Dean or a departmental chair determines that a tenured faculty member has not been adequately engaged in full time activities contributing to the mission of the school or fulfilling the usual requirements of the Department for full time membership in the Department during the past year, the chair shall meet with the faculty member to raise this concern. At this meeting, it will be the responsibility of the faculty member to present evidence of his or her activities that fulfill his or her academic obligation (see section III.A.4). Such evidence shall be considered in an evaluation of the Chair’s and Dean’s concerns. The burden of proof in this proceeding continues to rest with the Dean or Chair who raised the issue of failure to fulfill the academic obligation. If requested by the Dean, the chair or the faculty member, an advisory committee of three tenured faculty (one of whom may be selected by the faculty member) shall be formed. This committee, together with the chair and faculty member, shall develop a written plan
describing anticipated activities during the next 12-month period sufficient to satisfy the academic obligation of the faculty member. The results of these meetings shall be recorded in writing.

If, after one year following this meeting, there is insufficient resolution of the Dean’s or chair’s concerns, the Dean shall dismiss the faculty member. The faculty member shall be notified of this decision in writing. The dismissed faculty member may appeal the Dean’s decision to the Faculty Review Committee of the Faculty Senate (see section III.A.9). Dismissal shall be deferred for four months to allow for appeal, but in no event shall such deferral exceed four months.

Nothing herein shall limit the College of Medicine’s right to terminate a tenured faculty member for cause or for any other reason provided for in the Rules and Regulations. The procedures outlined in this section pertain to termination for neglect of duties only and replace the procedures in the current Rules and Regulations. Termination of a tenured faculty member for any reason other than neglect of duties shall follow the procedures set forth in Section III.H of the Rules and Regulations Providing for System of Appointments, Title, and Compensation Agreements.

III.A.9. Procedure for Appeal

The outcome of all administrative procedures described in this policy with respect to both compensation and employment may be appealed to the Faculty Review Committee of the Faculty Senate by the affected faculty member providing written notice of appeal within thirty (30) days of the affected faculty member receiving notice of his or her salary reduction or termination. This statutory committee, after investigation and deliberation, shall provide a written recommendation to the Dean within three months of the appeal being taken. Final authority rests with the Dean in matters of compensation and dismissal. The Dean shall provide to the Faculty Review Committee and to the faculty member who initiated the appeal a written explanation for his or her final action.

III.A.10. Procedures Governing Faculty Who Join the Institution from Other Schools Where They Had Previously Been Awarded Tenure

Professors with tenure from other institutions who are recruited to Einstein and appointed as professor on the Investigator Track shall be granted tenure concurrently with their appointment. Associate professors with tenure from other institutions shall be granted tenure if appointed as or upon promotion to professor on the Investigator Track.

III.A.11. Transition to Emeritus/Emerita Status

Tenured faculty who are fulfilling their academic obligation shall have a voluntary option to transition to emeritus status. This two-year transition period will allow faculty members to efficiently close down their laboratories and transition any research and/or administrative duties (training grant directorships, course directorships, directorships of core facilities, animal colonies, and the like, research collaborations, etc.) to appropriate successors upon approval of the department chair. During this period, the faculty member will continue to hold the rank of full-time professor, be paid their current salary and receive all benefits accorded other full-time faculty. At the end of the two-year period, the rank of professor emeritus will be bestowed, and all salary and benefit obligations by the Institution will cease. Emeritus faculty will continue to be allowed full access to the campus, on-campus office space, telephone and
computer/Internet access, 5 years of Medicare supplement up to $9,000/year, and a small budget for the purposes of travel to scientific meetings and publications costs. These benefits are provided to allow emeritus faculty to maintain a presence within the Einstein community.

III.B. Transition to the New Tenure Policy

III.B.1. Procedures Pertaining to Currently Tenured Faculty

For faculty members who have obtained the rank of professor with tenure before the time of adoption of this new tenure policy, this new tenure policy will take effect immediately upon adoption. The period of time before salary reductions come into effect may be extended by the Dean in consultation with the chair of the department. The decision will be based on a retrospective review of the faculty funding profile and the scope of their academic contributions. (For the avoidance of doubt, the look-back period for faculty tenured at the time of adoption of this new policy will be three years from the time of adoption.) The decision made by the Dean may be appealed as provided in section III.A.9.

III.B.2. Procedures Pertaining to Current Professors without Tenure

Upon adoption of the new tenure policy, all current professors on the Investigator and Physician Investigator Tracks without tenure, and who wish to be considered for tenure, shall be reviewed for tenure by their Chair and the appropriate departmental Appointments and Promotions Committee. If it is determined that consideration for tenure is justified, the candidate’s nomination and supporting documents will be submitted to the special Tenure Review Committee appointed by the Dean each academic year, when needed for this purpose. This committee shall be constituted of tenured professors appointed by the Dean and approved by the Senate Council of the Faculty Senate. Fulfillment of the criteria in section III.A.5 for maintaining full salary shall be one of the primary considerations in appointment to tenure. The Dean will have final say as to who is recommended for tenure. Professors who do not achieve tenure by this process in the first year of eligibility will remain eligible for consideration in future years, at the discretion of the department chair in consultation with the appropriate departmental committee. If the Chair decides against proposing an untenured Professor for consideration for tenure by the Tenure Review Committee, the Professor may appeal to the Faculty Review Committee of the Faculty Senate, as described in section III.A.9.

III.C. Employment and Compensation Policy for Untenured Faculty

Untenured faculty may be subject to compensation decrements from their usual salary or termination if the following criteria are met:

Assistant Professors: If, after six years from the initial appointment, the faculty member has not achieved an investigator-initiated NIH research award or its equivalent, the faculty member may be subject to termination with a minimum of one-year’s advance notice (at the end of the fifth year).

Associate Professors and untenured Full Professors: Three or more consecutive years in rank where extramural funding supports less than 50% of full salary or 50% of the NIH cap if full salary exceeds the NIH cap may subject the faculty member to consideration for salary reduction of not more than 10% per year. After four years the faculty member may be considered for dismissal. A minimum of one-year’s advance notice is required for termination (at the end of the third year).
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All compensation changes or termination will be in consultation with the Chair of the involved faculty member’s department and the Dean to certify that the above criteria have been met. Appeals will be handled as described in section III.A.9.

III.D. Modifications or Amendments of the Tenure and Compensation Policy

Any changes to this policy shall only be made upon consultation with and consent from the Dean and the Faculty Senate.

IV. Definitions

None.

V. Effective Date

Effective as of: 19 December 2018

VI. Policy Management and Responsibilities

The Responsible Office under this policy is the Office of the Dean. The Responsible Executive and the Responsible Officer under this policy are Einstein’s Dean.

VII. Approved (or Revised)

[Signature]

131/2019

Responsible Executive Date