

**Memorandum of Agreement (“MOA”)
Between the University of Medicine and Dentistry of New Jersey
(herein “UMDNJ” or “University”) and the Council of Chapters of the American
Association of University Professors at the University of Medicine and Dentistry of
New Jersey (herein “AAUP”) Regarding the Faculty Reinvestment Program**

Whereas the University and the AAUP 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 DESCRIPTION” and “APPLICATION AND ELECTION FORM FOR PARTICIPATION IN UMDNJ FACULTY REINVESTMENT PROGRAM (FRP) 2010;” and

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

Whereas, the Faculty Reinvestment Program will facilitate the University’s response to budgetary pressures; and

Whereas, the academic mission of the University will be served by a program that provides resources to permit the hiring of new faculty;

Now therefore the parties agree as follows:

1. Faculty Reinvestment Program (“FRP”):

The University and the AAUP agree that the FRP, as described in the attached FACULTY REINVESTMENT PROGRAM DESCRIPTION (“Program Description”), shall be offered to tenured faculty members who meet the eligibility criteria set forth in the Program Description, 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 FRP shall not serve as a precedent with respect to individualized agreements that tenured faculty members may reach with the University in the future. In addition, the FRP does not 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 by the University shall not receive any additional financial benefit other than as set forth in the FRP.

3. Non-Tenured Faculty:

Non-tenured faculties are not eligible for the FRP.

4. University Review of FRP Applications:

The parties agree that the deans are authorized on behalf of the University to approve or to disapprove applications submitted pursuant to the FRP. The deans will communicate their approval or disapproval of applications under the FRP within 14 days after receipt of the applications. Separation payment calculations shall be based on the faculty member's annual academic base salary and years of service (based upon the initial paid faculty appointment date) as of December 31, 2010. Disapprovals may be made for one, or a combination, of the following reasons:

- A. the faculty member meets a need of the academic unit taking into account the budgetary, teaching, clinical, 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), but not Criterion A, 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. However, the University will not withdraw its approval of a faculty member's FRP application in the event that, following approval of his/her application, a faculty member with greater seniority submits an application. Likewise, following such approval, the University does not guarantee approval of an application by a more senior faculty member.

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. However, the University will not withdraw its approval of a faculty member's

FRP application in the event that, following approval of his/her application, a faculty member with greater seniority submits an application. Likewise, following such approval, the University does not guarantee approval of an application by a more senior faculty member.

6. Grievability:

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

7. FRP Application and Election Period:

The parties agree that the FRP Application and Election Period shall be as set forth in the attached FRP documents; that is, the period between the date on which distribution of FRP documents to eligible faculty members is made, which will occur on or before November 1, 2010, and December 16, 2010, the deadline by which election must be made. 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 with their dean by 4:30 p.m. on December 16, 2010. Deans may make exceptions to the application deadline on a case-by-case basis. However, any request for an exception to the application deadline must be made to the faculty member's dean in writing by 4:30 p.m. on December 16, 2010.

8. Payment Options:

The parties agree that the payment shall be in no less than two installments, as set forth in the attached FRP documents.

9. Effective Date and Implementation of the FRP:

The parties agree that upon execution of this Memorandum of Agreement the attached FRP program documents shall be distributed as soon as feasible to eligible faculty members and shall be accompanied by a Release Form prepared by the University. The foregoing materials shall be distributed by the University to eligible faculty members on or before November 1, 2010.

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.

10. Subsequent Non-Tenure Track Employment:

Nothing contained herein shall be construed to prohibit any employee who participates in the FRP from subsequently applying for a full-time or part-time non-tenure track faculty position at UMDNJ. UMDNJ shall have the sole discretion to make decisions with respect to any such applications consistent with all applicable laws.

On behalf of the AAUP

Frederick Lepore
Joseph Holtzman
By: Frederick Lepore, Pres.
Joseph Holtzman, VP

Date: 10-26-10

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On behalf of University of Medicine &
Dentistry of New Jersey

Kevin V Rodge
By: _____

Date: 10/26/10