



## **POLICY ON SCHOOL OF MEDICINE FACULTY NOTICE OF TERMINATION**

*Issue Date:* September 1, 2016  
*Supersedes:* N/A  
*Last Review:* August 4, 2022

### **I. PURPOSE**

It is the purpose of this policy to establish guidelines related to notice separation of certain New York Medical College ("NYMC" or "the College") School of Medicine ("SOM") employees.

### **II. POLICY**

It is the policy of the College to provide SOM faculty who are salaried full-time to perform academic duties minimum notice prior to termination of College employment.

### **III. SCOPE**

This policy applies to all SOM employed faculty who are salaried full time to perform academic duties. This policy does not apply to (a) the termination of administrative titles or appointments; or (2) terminations judged by the Dean or his/her designee to be for cause.

### **IV. PROCEDURES**

#### **A. Notice**

1. Each applicable faculty member who shall have been employed by the College for a continuous period of two (2) years should be given not less than one (1) year's notice of the termination of his or her College employment.
2. Each applicable faculty member who shall have been employed by the College for a continuous period of one (1) year, but less than two (2) years, should be given at least six (6) months' notice of the termination of his or her College employment.
3. These notice provisions are subject to the conditions and exceptions stated below. Transfer of employment between College divisions or locations is not termination of employment.

#### **B. Conditional Notice**

When an applicable faculty member is informed of the intended future termination of his or her employment conditioned on the occurrence or non-occurrence of some future event (including, but not limited to, improved performance), and the SOM faculty member is eventually terminated based on the occurrence or non-occurrence of such

event, notice of termination is deemed to have been given as of the date of the original notice of the conditional termination.

C. Payments in Lieu of Notice

1. If an applicable faculty member is terminated on less notice than is prescribed above, upon execution of a general release in favor of the College, he or she may be paid severance at or after termination at his or her base salary rate for the period necessary to make the period of notice prior to termination plus the period for which base salary is paid after termination equal to the prescribed notice period. Base salary rate is based on hard-dollars and may not include grants and other soft-dollar funding.
2. At the College's option such payments may be made after termination in installments corresponding to the College's payroll periods or in one or more lump sums. Such payments shall be net of payroll taxes and without benefits except as provided below.

D. Exclusive Benefits

The notice and/or payments provided for by this policy shall be the exclusive benefit payable to applicable faculty in connection with termination of employment except for accrued vacation pay to which an applicable faculty member may be entitled in conformity with College vacation policy.

E. Effect of Resignation or New Employment

1. If an applicable faculty member resigns from College employment after any notice of termination but before the designated termination date, no severance shall be due or paid to the SOM faculty member under this policy.
2. In the case where payments are to be made to an applicable faculty member after termination in lieu of all or part of the notice of termination prescribed in this policy, all such payments shall cease and there shall be no further obligation to make such payments under this policy from and after the date the faculty member commences new employment.
3. It shall be a condition of any payments under this policy that a terminated faculty member provide prompt and accurate information to the College regarding his or her employment status and compensation after termination.

F. Condition of Availability of Funds

1. The College endeavors where possible to reserve the right to payment of severance from funds received under affiliation agreements, faculty practice and other external sources of funding.
2. Payments to faculty pursuant to this policy to be made from affiliation agreement of faculty practice funds or other soft-dollars and external sources of funding, including grants, shall be conditioned and dependent on the reasonable availability from the applicable sources of funds with which to make such payments.

**V. EFFECTIVE DATE**

This policy is effective immediately.

**VI. POLICY MANAGEMENT**

Executive Stakeholder:	Dean, School of Medicine
Oversight Office:	Office of Faculty Affairs