



## DUAL AFFILIATIONS: GUIDELINES AND PROCEDURES

Employment at NYU as a faculty member comes with significant privileges and opportunities, and also responsibilities. The following guidelines outline one such opportunity for faculty who, for a short period of time, wish to engage in research or creative activities with an organization outside of the University. The University must manage legal, operational, and academic trade-offs to make such short term opportunities possible. Faculty should carefully consider their research, teaching, mentoring, and service responsibilities to their departments, schools, colleagues and students, in deciding whether to pursue this opportunity.

A dual affiliation is an exceptional arrangement that is made to accommodate faculty members who, for a limited time, wish to also take on duties at a business, enterprise, or entity other than NYU; this entity could include a start-up associated with the faculty member. Dual affiliations are outside commitments that exceed the one day per week that faculty are already permitted to engage in outside activities, per the Faculty Handbook. Also note that faculty who are approved for Personal Leave without Pay for Professional Activities may not also hold dual affiliations. Dual affiliations may be granted to enable faculty members to pursue research opportunities with a business, enterprise, or entity other than NYU (“outside entity”) that are deemed to be appropriate for the faculty member and the University, while also continuing some portion of their faculty duties.

A dual affiliation is not a right. In considering applications for dual affiliations, the University’s first obligation is to consider University needs (teaching, etc.) Applications for dual affiliations will be considered in light of the potential benefit to the University and to the faculty member.

PROCESS. A faculty member who is interested in a dual affiliation should discuss the potential opportunity with their department chair and dean at an early stage. Both the chair and the dean must agree to explore the dual affiliation to move forward. Faculty members should complete the [online application form](#) for dual affiliations that is available through the Office of Academic Appointments. The application requests information about the proposed affiliation that is necessary for preparing such an agreement. Once the application is submitted, the Provost’s Office will evaluate this request. If the request is approved, the Provost’s Office will notify the appropriate individuals and offices to begin the process of preparing the agreement. These terms, below, generally apply to dual affiliations.

### A. TERMS

Typically, a dual affiliation is permitted for up to one year, with an option to renew for a second year. The faculty member should request renewal of the dual affiliation at least six months before the end of the affiliation. Renewal may be authorized at the Dean’s discretion. In awarding a dual affiliation for a second year the Dean may consider, among other things, the faculty member’s satisfactory performance in meeting the terms of the agreement, and also the needs of the school. A dual affiliation is not typically available for longer than two years. In extraordinary circumstances, after two years, the faculty member may request Leave Without Pay (LWOP) for a third and final year. A faculty member who seeks a third year on Leave Without Pay should request this leave at least six months before the end of the dual affiliation. NYU faculty members remain full time NYU faculty employees during dual affiliations; faculty

with dual affiliations are not on partial leave of absence. In exceptional cases, NYU may establish a special partnership with an outside entity; terms for these arrangements may vary.

## B. NYU DUTIES

The responsibilities of faculty members are broad, and include teaching, research/creative activities, and service to the department, school, and University. Faculty members are expected to remain actively engaged at NYU and to participate in research, teaching, and service while they hold dual affiliations.

## C. RETURN TO NYU DUTIES

A dual affiliation is granted with the understanding that at the end of the arrangement, the faculty member will return to regular full-time duties at NYU for no less than one year, or will resign his or her NYU faculty position.

## D. UNIVERSITY HOUSING

University housing is a privilege and a critical strategic resource that is intended primarily to recruit and retain faculty at NYU. Faculty may retain their University housing for a maximum of two (2) years while participating in a dual affiliation. If a faculty member does not return to the University on a full-time basis on or before the expiration of the two (2) year period, the faculty member will be required to vacate University housing and surrender the lease for such housing. (While in exceptional cases the dual affiliation may be permitted for a third year as a LWOP, faculty would not be permitted to retain faculty housing beyond two years.) While participating in a dual affiliation, faculty are required to comply with all obligations set forth in their lease for University housing.

## E. VISA AND RESIDENCY STATUS

Holding a dual affiliation with an outside entity may impact visa or permanent residency status. Faculty members who are on non-immigrant visas or who have permanent residency status in the US should have a preliminary consultation with the NYU Office of Global Services before pursuing a dual affiliation.

## F. HEALTH CARE BENEFITS

Faculty members who have dual affiliations remain eligible for full-time benefits. The outside entity will reimburse NYU for a portion of the cost of benefits. Faculty members who have dual affiliations that include one semester at NYU/one semester at the outside entity will pay the cost of premiums while they are on leave (meaning that faculty will need to make payments for health care benefits directly to the University in lieu of payroll deductions for these costs). Faculty also have the option to waive benefits if on leave (within 31 days).

## G. RETIREMENT PLAN CONTRIBUTIONS

NYU will make contributions to the NYU Retirement Plan for Members of the Faculty, Professional Research Staff, and Administration for eligible faculty members in accordance with the plan and based on the monthly base salary paid by NYU.

## H. ACCRUAL OF YEARS TOWARDS RETIREMENT

Faculty members will accrue time towards retirement eligibility based on their duties at NYU (for example, 50% NYU duties will count as .5 year towards retirement).

## I. SABBATICAL

Faculty members will accrue sabbatical credits based on their duties at NYU (for example, 50% NYU duties will count as .5 credit towards sabbatical).

Typically, faculty members who hold a dual affiliation are not eligible to take sabbatical during the time that they hold the dual affiliation. In exceptional cases where a sabbatical is permitted for an individual during the time that they hold the dual affiliation, the following conditions apply: (1) the proposed sabbatical project must be comprised entirely of the faculty member's NYU research; (2) the faculty member would be eligible for a prorated portion of their NYU salary while on sabbatical, reflecting the percentage of duties being conducted at NYU. For example, a faculty member who is conducting 50% of their duties at NYU would be eligible for 75% or 100% of 50% of NYU salary, depending on whether the approved sabbatical is one year or one semester; (3) per NYU sabbatical guidelines, the faculty member may not engage in outside employment during sabbatical, which includes additional compensation from the outside entity beyond what is normally provided under the existing dual affiliation agreements.

## J. DEPARTMENT CHAIR, DEAN, AND PROVOSTIAL APPROVAL

All dual affiliations require approval by the Department Chair, Dean, and Provost.

## K. INSTITUTIONAL FEE

Outside entities at which NYU faculty are performing activities will be asked to provide an Institutional Fee, to cover opportunity cost and good will. The institutional fee is in addition to the contribution to the cost of benefits. Institutional fee waivers are generally not granted by the University unless there is an exceptional reason to allow the waiver. Requests for Institutional Fee waivers must be approved by the Dean and by the Provost's Office.

## L. RESEARCH RESPONSIBILITIES

It is the University's expectation that there will be no impact to sponsored programs (for example, the faculty will meet all existing time and effort commitments) associated with the dual affiliation. If there is an

impact to sponsor obligations, the faculty member should work with the Office of Sponsored Programs to appoint a caretaker PI or make another accommodation to fulfill deliverables.

#### M. COORDINATING THE DUAL AFFILIATION

Normally, the Dean or his or her representative will serve as the point person for coordinating the dual affiliation with the outside entity. The faculty member may not serve as the point person for coordinating the dual affiliation.

#### N. TIMELINE

Establishing a dual affiliation requires time and extensive coordination within the University and between the University and the outside entity. Applications require a minimum of one semester from the time of application until the final arrangements, and may require longer. Applications that are submitted less than one semester in advance will not be considered.

#### O. DOCUMENTS

If a dual affiliation is approved by the Provost, several documents will be needed, including:

- **Affiliation letter:** Letter from Dean to faculty member that identifies the terms of the agreement. It specifies the faculty member's duties and the employment terms during the dual affiliation (compensation, benefits, housing, etc.). This letter is drafted by the Provost's Office, in consultation with the Dean.
- **Agreement with outside entity:** Identifies the terms of the arrangement between NYU and the outside entity. The Office of General Counsel prepares this agreement, in consultation with the Dean, other NYU offices as appropriate, and the outside entity.
- **Conflict of Interest Management plan:** Identifies potential conflicts and how they will be addressed. This plan is developed by the Office of Conflict of Interest, in consultation with the Dean, the faculty member, the outside entity, and other NYU offices as appropriate.
- **Other.** Other documents may be needed, per the unique circumstances of each dual affiliation.

#### P. DUAL AFFILIATIONS FOR RESEARCHERS

In limited instances, dual affiliations may also be offered to researchers. Terms are modified accordingly. For researchers who pursue a reduced duties/pay scenario, the salary at the reduced pay level must be at least the minimum salary threshold under the Fair Labor Standards Act for an exempt employee, and is subject to any sponsor specific maximums.

#### Q. DUAL AFFILIATIONS AND FACULTY RETIREMENT

Faculty members who have signed retirement agreements, including an agreement under the Tenured Faculty Retirement Program, are generally not eligible to begin a dual affiliation. In some cases, signing a retirement agreement may require revising an existing dual affiliation agreement. Outside entities should be notified if a faculty member signs a retirement agreement.