

Reference Number: S81-18

Senate Approval Date: Thursday, January 01, 1981

LEAVES WITH PAY POLICY

Academic Senate Policy #S81-18

At its meeting of April 12, 1977, the Academic Senate approved the following policy on Leaves with Pay. (Formerly #S77-18)

A. Purpose of Leaves with Pay

The purpose of the leave with pay is to enable a faculty member to undertake professionally related activities which cannot be undertaken in the course of the person's full-time university responsibilities. Such leaves should result in developing the skills, the understandings, and professional satisfactions of the individual, thereby benefiting the university.

The leave with pay shall be granted for the purpose of research, creative activity, general study and/or travel in connection with any of the above. Other purposes with potential for service to the university are equally appropriate. No one of the above mentioned purposes for a leave should be given priority.

B. Regulations and Procedures for Application

1. Eligibility

To be eligible for a paid leave, the applicant must have completed, by the time the leave period begins, at least six consecutive years of full time employment in the California State University and Colleges since the last paid regular leave and must have taught an average of one-quarter time for the totality of the qualifying period (not including creative/research leaves). (However, Section 43001 of Title 5 allows under specified conditions, a maximum of one year of authorized leave without pay to count as leave qualifying time.)

In conformity with the personnel rules adopted by the Board of Trustees in January 1962, this university recognizes that non-teaching, non-administrative academic personnel, including librarians and professional student affairs personnel, are eligible for leaves with pay. The university's policy shall be understood to prescribe that such personnel must be considered for leaves with pay on an equitable basis with teaching faculty as soon as a budget language makes the granting of such leaves possible.

2. Deadlines

The leave application, see below, is to be completed by the applicant, notarized, and filed in the appropriate college office by the last working day in October for submission to the college Leaves With Pay Committee. The original copy of the application shall be forwarded to the Office of the Provost who will certify eligibility of the applicant and inform the college committee.

3. Types of Leaves Available

There are two types of leaves available.

- a. New plan leaves may be awarded for one semester with full Day or for two semesters with half pay.
- b. Old plan leaves may be awarded for one semester at a difference in pay between the recipient's salary and the salary of instructor step 1; or for two semesters at a difference in pay between the recipient's salary and the salary of instructor step 1.

C. Filing of Bond or Waiver of Bond

Final approval of leave of absence with pay will not be granted until the applicant has filed with the university a suitable bond indemnifying the State of California against loss in the event the faculty member fails to render one semester of service for semester of leave in the State University and Colleges following the leave of absence. The bond shall be in the amount of the total salary computed to become due the faculty member during the leave of absence. The bond will be exonerated if the failure of the faculty member to return and render the requisite service is caused by death, physical or mental disability, or dismissal for cause. The obligation to file a bond may be waived by the President after determining that the interest of the state will be protected by a written agreement of the faculty member to return to the service of the State University and Colleges as required. Such agreement must be accompanied by a statement of attachable assets showing, to the satisfaction of the President, the faculty member's capacity to indemnify the state against loss in the event of failure, through personal fault, to fulfill the agreement. The statement of attachable assets will be filed in the Office of the Provost with the original applications. Copies of this statement will not be distributed to the college or department committees.

D. Guidelines and Procedures for Awarding Leaves with Pay

1. Criteria

The criteria are:

a. The intellectual or creative significance of the proposed endeavor. No proposal shall be considered to be of lesser merit because the proposed activities bridge disciplinary lines as they are defined by the departmental/college structure of this university.

b. The importance and effectiveness of the proposed endeavor in furthering the applicant's professional development. This criterion may be satisfied in many ways including, but not limited to, producing benefits for instructional programs, enhancing the applicant's teaching competence, improving the intellectual and/or creative reputation of the university, and expanding the university's ability to serve the community.

c. The applicant's background relevant to determining the applicant's ability to carry out the proposed project. This may include consideration of the applicant's professional background, of the applicant's prior interest and experience in the subject to which the project is devoted, and of the applicant's overall ability and reliability in planning and carrying out projects. Since professional development, as referred to in criterion b. above, is not restricted to development through research/publication activities, criterion c. shall not be applied in such a way that applicants who have had prior opportunity for research/publications necessarily enjoy an advantage because of their greater experience.

d. The relative importance of the above criteria may be expected to differ from school to school. Therefore, when this policy is initially applied, each college Leave with Pay Committee, in conjunction with the college dean, shall specify the relative weighting of each criterion in the decision process. This information should be available in writing to all members of the college. The relative weightings of criteria for the college shall remain in place

unless changed by the college Leave with Pay Committee in conjunction with the college dean or by a majority vote of those faculty members in the college who are eligible to vote for representatives to the Academic Senate. In case the relative weightings of criteria are changed, faculty members must be so notified in writing at least thirty days prior to the date on which applications for leaves with pay are due.

2. Principles of Distribution within the University

The number of leaves with pay allocated to the university will be distributed on an equitable basis among the colleges. The ratio for distribution of leaves will be determined by the numbers of eligible faculty members in the respective colleges in relation to the total of eligible faculty in the university. In case there are not enough eligibles in a college to warrant at least one leave with pay, each eligible faculty member in that college will specify another college to which he/she is willing to apply for a leave with pay. Such faculty will be included in the number of eligibles which determines the allocation for the host college. In evaluating the application of such a candidate, the Leave With Pay Committee of the host college must consult with a representative designated by the candidate's college. Candidates who do not have a regular appointment in a college or who hold joint appointments in more than one college will apply to, and be counted in the number of eligibles of, the college in which they have served the majority of the instructional time which makes them eligible for a leave with pay. Candidates who have half-time appointments in two colleges will choose the college to which they will apply and will be counted in the number of eligibles of that college.

Not later than the date on which applications for leaves with pay are due in the college offices, the Provost will determine the projected number of leaves with pay for the following year. The projected leaves will be allocated to the respective colleges under the guidelines. The Provost will report the projected allocations to the college deans and to the College Leave Committees. The college deans shall provide the eligible members of their colleges with the projection figures and with copies of the procedures.

In the event that sufficient applications are not received by a college, there will be an equitable redistribution of the needed leaves to the other colleges based on the relative number of eligibles in each of the other colleges. In the event that a college Leave with Pay Committee, together with the college dean, decides that the college does not have a sufficient number of meritorious applications to exhaust its allocation, there will be an equitable redistribution of the remaining leaves to the other colleges, based on the relative number of eligibles in each of the other colleges.

3. The College Committees

Each college shall elect a Leave With Pay Committee composed of five faculty members who are elected by majority vote of the college. No more than one faculty member shall come from one department or program, unless there are less than five departments or programs in the college or division. Initially three members shall serve for two years and two for one year to stagger the terms. Thereafter, each member shall be elected for a term of two years. The members of the college committee will elect a chair that will serve for one year.

4. Procedure for Granting New Plan Leaves

a. The college committee and the college dean shall receive from the department both the recommendations and the rationale for the recommendations on each of the candidates for a leave with pay. Department committee rankings may be included but are not mandatory. However, the policy on whether to use rankings must be uniform throughout the college. In determining college policy on use of rankings, a vote shall be taken by the faculty within each department. Each department's decision shall represent one vote on the question.

b. Each department shall develop its own processes for such recommendations and file them in the office of the college dean. Processes must include a mechanism for giving feedback to candidates who do not, ultimately, receive leaves.

c. The college committee and the college dean each shall draw up a ranked list of all candidates for leaves with pay. The college committee and the college dean shall prepare rationales for each ranking. These rationales shall be preserved as information for the candidates, as evidence of the basis on which the college awards leaves with pay, and for purposes of appeals, adjudication, and grievances.

d. If the college committee and the college dean disagree in their rankings, they will attempt to work out their differences. The college committee and the dean must initially meet to discuss their rankings no later than the last day of the Fall semester final examinations. If agreement is not reached by the last working day in the following month (January), the matter will go to adjudication, as specified in section e. below.

e. In case there is a need for adjudication, a committee consisting of three faculty members selected randomly from the current list of tenured faculty members will be formed by the Provost and the chair of the Academic Senate. No member of this committee may be a member of a college Leave With Pay Committee or a member of any department to which any applicant whose ranking is in question belongs. The sole responsibility of the adjudication committee is to resolve the differences by presenting to the Provost an independent ranking of the candidates. In arriving at the independent ranking, the adjudication committee shall use the relative weights of the criteria that have been specified by the candidate's college Leave with Pay Committee. The adjudication committee's judgment is binding.

f. The ranked list of applicants which is agreed to by the college Leave With Pay Committee and the college dean will be forwarded to the Provost for the final awarding of leaves with pay. Leaves will be granted in conformity with the allocation distribution specified in D.2 above. In case the Provost disagrees with the rankings of a school, the disagreement shall be resolved in a manner similar to the procedures for resolving disagreements between college Leave With Pay Committees and college deans, with the provision that no one who has served on an adjudication committee to resolve a disagreement between a college Leave With Pay Committee and a college dean shall, in the same year, also serve on an adjudication committee to resolve a disagreement between that college and the Provost. The Provost under normal circumstances shall make the final award. The only exception shall be a situation in which disagreement between the Provost and the college has been decided in favor of the college. At that point, the adjudication committee recommendation shall go forward to the President, who shall make all final awards.

g. No one who has applied for a leave with pay may serve on any committee which makes recommendations for awarding pay leaves.

5. Guidelines and Procedures for Awarding Old Plan Leaves

Old Plan Leaves may be awarded to qualified faculty upon certification by the department chair (or equivalent) and by the dean of the availability of funding and of the capability of the department to maintain a quality program in the absence of the candidate for the Old Plan Leave. With the exception of the guidelines and procedure enumerated under D 4 applicants for Old Plan Leaves shall follow all of the guidelines and procedures in this document including the procedures described below for the faculty members after the award of the leave.

E. Procedures for Faculty Member after Award of Leave With Pay

Once a Leave with Pay has been awarded, faculty member shall be obligated to honor the following procedures and requirements:

1. Service required following Leave with Pay

The California Administrative Code specifies that an individual awarded a leave with pay must return to the

service of the California State University and Colleges to render at least one term of service for each term of leave granted.

2. Compensation to the state in the event of non-tenure or incomplete service to the university following leave

Faculty members must understand that failure to return to the university to honor the above obligation will result in forfeiture of bond or in a legal action on the part of the university to recover appropriate compensation. Such action will be waived, however, if failure of the employee to return and render the requisite services is caused by the death or physical or mental disability of the employee.

3. Additional income while on Leave with Pay

The following regulations apply to permissible earned income while on Leave With Pay.

a. Full pay, one semester leaves.

Individuals on full pay, one semester leaves, are informed that during their periods of leave, only incidental outside earnings are permissible (incidental earnings which are incidental of the Leave with Pay project itself).

b. Differences in pay and half-pay academic year leaves.

Individuals on half-pay or difference in pay leaves for a full academic year should not accept other employment elsewhere, although they may receive a research grant or a Fulbright, etc., or may accept payment for expenses connected with the Leave With Pay project. However, the burden of proof should be on the individual to defend the exceptional circumstances and to demonstrate the worth of such employment. Individuals are not precluded from accepting any employment, but any such employment should be minimal and purely incidental to the Leave with Pay project. Those intending to earn additional income while on leave under this section must receive prior permission in writing from the Provost. No time or dollar values have been or will be established, but employment unrelated to the project and designed primarily to increase income is contrary to policy.

Faculty members who are interested in working rather than carrying out the provisions of the Leave with Pay requirements should request to go on leave without pay.

4. Check out procedures for faculty members going on leave

a. Under normal circumstances, faculty members going on leave shall vacate their university office prior to departure. However, faculty members will be permitted to retain their keys. They shall also retain their faculty cards. Library privileges will also remain with the faculty member while he/she is on Leave with Pay.

b. Faculty members shall give written instructions to the departmental secretary concerning the disposition of mail.

c. In the event the faculty member's Leave with Pay is to be taken in the immediate vicinity of the university, the faculty member may petition for access to his/her office during the time of the leave. Permission to use the office will be given only if the candidate can demonstrate that such use does not inconvenience the regular programs of the university.

5. Submission of the Leave with Pay report upon return

The faculty member must submit to the university President the final report on his/her leave which should:

a. Certify to the completion of the project as originally proposed, or modified with approval.

b. Specify the manner in which the project benefits the university and its students.

c. Specify the value of the project to other institutions and/or the general welfare.

d. In addition to the final report, the faculty member must submit a 100 word abstract of his/her project for possible use in various university publications. Normally, this report is due in the sixth week of the semester following the leave. It should be submitted through the department chair, the school dean and the Provost to the President.

***** APPROVED BY PRESIDENT ROMBERG, MAY 21, 1981 *****
