

HRCR 1

Office of the President
October 14, 2008

Members, Board of Trustees:

PROPOSED AMENDMENT TO GOVERNING REGULATIONS:
FACULTY VACATION LEAVE, SABBATICAL LEAVE, AND DELAY OF
PROBATIONARY PERIOD

Recommendation: that the Board of Trustees receive the attached revision of Governing Regulation, Part X, which was received for preliminary consideration as PR 4 by the Board of Trustees on June 17, 2008 and was submitted for a second reading as HRCR 1, on September 9, 2008. As a result of the discussion on September 9, 2008, the Board agreed to delay the final reading until the October 14, 2008 meeting in order to respond to concerns raised by the faculty.

The proposed revision relates to the university's policy on vacation leave for faculty. The revision will change the current policy that allows 12-month faculty to automatically carry forward unused vacation leave. The revision will change the process whereby individual 10-month and 11-month faculty can request approval to carry forward unused vacation leave. The criteria and the process for exceptions, applicable to 10-month, 11-month, and 12-month faculty, are provided in *Administrative Regulation II-1.1-7, Faculty Assignment and Vacation Leave Policy*. The policy change is effective for fiscal year 2008-2009.

The proposed revision to GR X will also clarify the eligibility requirements for sabbatical leave and the processes by which various categories of events are reviewed and approved for a delay of the probationary period.

Background: The current university policy for faculty with 12-month appointments is that they accrue 22 days of vacation each fiscal year, which they can carry forward automatically to the next fiscal year. The current policy for faculty with 10-month or 11-month appointments is that they accrue 22 days of vacation each fiscal year, which cannot automatically be carried forward, but an individual can request approval to carry it forward. In principle, such individuals could be eligible for 44 vacation days of leave in a fiscal year. Further, at the time of retirement or departure from the university, the accrued vacation leave translates into a cash benefit. The faculty vacation accrual is considered a recordable fiscal liability according to the Government Accounting Standard Board (GASB) and must be funded by the university (as it does staff vacation accrual) with a cash reserve. In order to reduce future fiscal liability for accrued faculty vacation leave, the attached revision to GR X.B.2(b) requires 12-month faculty to use vacation

leave within the fiscal year in which it is earned or the leave will be forfeited, and changes the process by which individual 10-month and 11-month faculty can request approval to carry forward unused vacation days. The criteria and process for exceptions is provided in *Administrative Regulation II-1.1-7, Faculty Assignment and Vacation Leave Policy*, for circumstances when work demands placed on the faculty member by his or her chair, the dean, or the institution prevent the faculty member from using his or her vacation leave. The exception criteria and process is applicable to 10-month, 11-month, and 12-month faculty.

In September, 2007, the Board of Trustees approved an automatic delay of probationary period for a faculty member who becomes the parent of a child or children by birth, adoption, or guardianship, or who assumes significant responsibilities for the care of a relative or domestic partner. The proposed revision to GR X.B.1(c) clarifies that extension years are not counted toward eligibility for sabbatical leave and identifies the processes by which various categories of events are reviewed and approved. Additionally, the proposed revision to GR X.B.2(d)(i) clarifies that non-tenured faculty members are not eligible for sabbatical leave.

A revised copy of the relevant sections of GR X is attached. Proposed additions are underlined; proposed deletions are lined through.

Action taken: Approved Disapproved Other _____

Governing Regulation X, Regulations Affecting Employment

GR X.B.2(b):

(b) Vacation Leave

All full-time faculty members on a ten-month, eleven-month, or twelve-month assignment basis shall be entitled to twenty-two (22) working days of vacation leave with pay per assignment period. With prior administrative approval, faculty members may take vacation leave at appropriate times during the period in which they are eligible to take such leave; however, each faculty member shall be in actual attendance at least until after Commencement and until all reports have been made, and at least three (3) days prior to the first day of registration for the fall semester, unless for special reason leave is approved. Vacation leave ~~shall be taken in the assignment period in which it is earned, or the vacation leave shall be forfeited.~~ Exceptions may be granted in accordance with *Administrative Regulations (AR II-1.1-7, Section VI.B).*

Additional detailed information on faculty vacation leave is provided in the *Administrative Regulations (AR II-1.1-7).*

~~normally cannot be accumulated from one assignment period to another, except that a faculty member on a twelve month assignment basis may take vacation leave either during the assignment period in which the vacation leave is earned or during the subsequent assignment period. Under unusual circumstances, provided it is in the best interest of the University and has advance approval by the Provost, a faculty member on a ten month or an eleven month assignment basis also may take unused vacation leave during the assignment period following that in which the vacation leave was earned. Pay for unused vacation leave shall be limited to a maximum of twenty two (22) days at the end of employment.~~

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GR X.B.1(c)

(c) Automatic ~~Delay of Probationary Periods~~

A probationary regular, special, extension, or librarian title series faculty member who becomes the parent of a child or children by birth, adoption, or guardianship, ~~or who assumes significant responsibilities for the care of a relative (see GR X.A.1) or domestic partner~~ shall automatically be granted a one-year delay of the probationary period by the dean of the respective college. A faculty member who qualifies for this automatic delay of the probationary period shall submit to his or her department chair a signed and completed Faculty Tenure Delay Form (TDF) and supporting documentation, if required. A faculty member may waive the automatic delay only by completing the waiver section of the TDF. Upon receipt of the TDF, the chair shall prepare and submit to the dean and the Provost a revised Notice of Academic Appointment reflecting the change in probationary dates, along with the completed TDF and supporting documentation.

In addition, a probationary faculty member who assumes significant responsibilities for the care of a relative (see GR X.A.1) or domestic partner may request consideration of a one-year delay of probationary period based on extenuating circumstances. These extenuating ~~event or~~ circumstances ~~providing the basis~~ for a delay related to significant care responsibilities must be clearly beyond those experienced by most probationary faculty. Documentation explaining the extenuating circumstance of the care-giving situation shall accompany the request. This request shall be routed through the normal administrative channels and will be considered for approval by the Provost.

This provision is available to all probationary non-tenured faculty upon their official start date and up until the anniversary of their official start date in the year in which their tenure review is scheduled to occur.

~~A faculty member who qualifies for an automatic delay of the probationary period, shall submit to his or her department chair a signed and completed Faculty Tenure Delay Form (TDF) and supporting documentation, if required. A faculty member may waive the automatic delay only by completing the waiver section of the TDF. Upon receipt of the TDF, the chair shall prepare and submit to the dean and the Provost a revised Notice of Academic Appointment reflecting the change in probationary dates, along with the completed TDF and supporting documentation.~~

Notifications of all delays shall be made by the faculty member to his or her department chair as soon as possible after the qualifying event or circumstances (i.e., birth, adoption, guardianship, or assumption of significant care responsibilities), but in no case later than six (6) months from the time of the qualifying event or circumstances or no later than the last day of the fifth year of the probationary period; whichever comes first. ~~The chair, dean, or Provost may require the faculty member to provide documentation supporting the qualifying event or circumstances.~~

The ~~automatic~~ delay shall not be granted more than two (2) times within the probationary period of a faculty member. The faculty member shall be reviewed for tenure under the same academic standards as a candidate who has not extended the probationary period and shall not be penalized or adversely affected by the delay of the probationary period. Further, extension years shall not be counted towards sabbatical. A delay of the probationary period in no way limits the right of the University to terminate a probationary appointment prior to the time of the mandatory review for probation and tenure, should circumstances warrant such action.

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GR X.B.2(d)(i)

(d) Leaves of Absence

(i) Sabbatical Leave

The purpose of sabbatical leave is to provide opportunities for study, research, creative effort, improvement of instructional or public service capabilities and methods, and related travel in order that the quality of each recipient's service to the University may be enhanced.

| Faculty members who have full-time ~~non-tenured or~~ tenured appointments in the regular, special title, extension, or librarian series with the rank of assistant professor (or librarian III) or higher, are eligible for sabbatical leaves after six (6) years of continuous service in the rank of instructor (or librarian III) or higher at the University, or for sabbatical leaves under a different option after three (3) years of continuous service. All such sabbatical leaves shall be approved by the President or the President's designee.