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16. Voting Faculty

In University-wide affairs, voting members of the University faculty include all full-time faculty members and emeriti/ae with the rank of Instructor or above. A faculty member on leave of absence from the University retains voting rights.

At the Washington College of Law, the voting members include all full-time faculty with the rank of Assistant Professor and above. Visiting faculty may vote in general meeting with the concurrence of the full-time faculty. A faculty member having a joint appointment will have voting privileges in the affairs of the Washington College of Law only if that is the unit of that faculty member's principal appointment. S/he may participate in the internal affairs of the other unit or units in which appointment is held only at its discretion.

17. Leaves of Absence

a. Justification for Leave

The University endeavors, to the extent which is possible and practicable, to allow for full-time members of the faculty to be released temporarily from their assigned duties for activities such as:

- study in institutions of higher learning for the purpose of completing requirements for a higher degree or for post-doctoral study;
- research and writing, scholarly, and creative activities;
- teaching as a visiting member of the faculty of another college or university;
- service in government and other public or private agencies if such service is clearly related to the teaching assignment or research interests of the faculty member;
- military service and essential national defense activities;
- recuperation of health;
- temporary residence in another area when a spouse's employment and consequent family considerations require that a

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faculty member accompany his/her family.

- family and medical leave

Generally, leave requests must be supported with appropriate documentation demonstrating why the request should be granted. A leave of absence is granted on a selective basis and must depend on the ability of the Washington College of Law to organize its work to permit the leave without significant additional expense to the University and without detriment to its programs.

Faculty members with administrative assignments at all levels must understand that their absence on any type of leave may affect the ongoing operations of the University so adversely that otherwise laudable requests for leave may have to be denied on administrative grounds. All leaves and the related terms must have the prior written approval of the dean of academic affairs.

b. Limitations and Conditions

The University cannot permit any member of the full-time faculty to be away from his/her duties on any type of leave (or combination of types of leave) for more than two consecutive years at a time except in cases of serious illness or required active military service. Ordinarily, a faculty member who chooses to extend a leave beyond two years will forfeit his/her position at the University, even if s/he has not submitted a formal letter of resignation.

When a leave of absence is granted, a "Faculty Personnel Action Form" will set forth the precise terms of the leave consistent with the recommendations made by the Committee on Rank and Tenure and the dean of the Washington College of Law. The faculty member's name and position will continue to appear in faculty listings printed in catalogs and other official publications during the period of his/her leave of absence.

c. Types of Leave

A leave of absence will be designated in one of the following ways: leave without pay; leave with partial pay (which is so designated); research leave; sabbatical leave; family and medical leave; or terminal leave.

i. Leave Without Pay

A full-time member of the faculty who has completed at least one academic year of service may apply for complete or partial leave of absence without pay by submitting to the dean and to the Committee on Rank and Tenure a written request describing in detail the purposes and duration of the leave and the activities in which s/he will be engaged. Leave Without Pay applications and

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extensions should be submitted by the established deadline and will be processed in the same manner as all faculty personnel actions. If a grant application is unresolved by the deadline for requesting Leave Without Pay, the dean of academic affairs will accept a statement from a faculty member of intent to apply for leave if the grant is forthcoming. The statement of intent must be filed by the announced deadline.

The University does not make contributions to employee benefit programs of a faculty member on leave of absence without pay. However, the faculty member may continue group insurance benefits by paying the full cost. Retirement plan contributions cannot be made on a tax-deferred basis for a faculty member for whom no salary is being paid by the University. The Benefits Office contacts each faculty member who is beginning a leave without pay to notify the individual of the options available. Tuition privileges will be continued, but only in those cases where faculty members certify their intention to return to the University after the leave has terminated. Any exceptions to this general policy must be clearly expressed in writing and approved by the dean of academic affairs.

A Leave Without Pay is not included either in accrual of service for sabbatical eligibility or promotion in rank or as part of pre-tenure service unless written approval is obtained from the provost prior to the leave's inception. The provost will grant or deny approval or grant approval of specific conditions, based on his/her determination of the best interests of the University.

ii. Research Leaves

Faculty members are sometimes presented with a significant scholarly, creative, or professional development opportunity funded from a prestigious award or other notable source outside the University. In such cases, they may be eligible to apply for a Research Leave. A faculty member on Research Leave shall be paid by the university a Research Leave stipend equal to ten percent of the faculty member's pre-research leave annual salary. During the period of a Research Leave, the University will continue its contribution to the faculty member's retirement program and other employee benefits, subject to contributions from the faculty member, if so required.

An application for a Research Leave requires a substantial demonstration of scholarly merit, prestigious recognition, and timeliness. Research Leave applications are to be reviewed by the Committee on Rank and Tenure and the Office of the Dean prior to consideration by the Provost for final action.

A Research Leave carries with it accrual of eligibility for promotions in rank, but not for sabbaticals. A research leave normally accrues as part of pre-tenure service consistent with the provisions in section 12.c above. Exceptions must be approved in advance by the dean of academic

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affairs. During the period of a Research Leave, the University will continue its contribution to the faculty member's retirement program and other employee benefits, subject to contributions from the faculty member on Research Leave. FICA, federal and state taxes are applicable to certain of the University payments and privileges for this section.

iii. Sabbatical Leave

A full-time tenured member of the teaching faculty of the Washington College of Law who has served the University for a period during which six years of successive full-time teaching has accrued, excluding periods during which s/he is on any other approved types of leave of absence for which there is no accrual of eligibility for sabbatical leave, is eligible for sabbatical leave. A faculty member may apply for Sabbatical Leave by addressing a written request to the dean and to the Committee on Rank and Tenure and by completing the Sabbatical Leave Form available from the dean of academic affairs. The application for a Sabbatical Leave accompanying the "Faculty Personnel Action Form" must outline in detail an educational program which the applicant agrees to follow. This program must be approved by the Committee on Rank and Tenure as feasible and consistent with the applicant's professional responsibilities.

Sabbatical Leave is not granted for the purpose of taking remunerative employment of any sort without specific justification of such employment as an educational endeavor, and approval by the Dean, the Committee on Rank and Tenure, and dean of academic affairs.

A Sabbatical Leave is granted for a period of one or two regular academic sessions. A faculty member will be paid his/her full budgeted salary during a Sabbatical Leave for one academic session or one-half of the budgeted salary during a Sabbatical Leave of two academic sessions. While on Sabbatical Leave, the faculty member accrues time towards promotion.

In unusual cases, a Sabbatical Leave may be authorized for two summers for faculty members appointed for service on a twelve-month basis. The faculty member on such a Sabbatical Leave receives his/her usual budgeted salary during two summers and the leave is recorded as a Sabbatical Leave for one academic session.. The two-summer Sabbatical Leave is authorized primarily for the benefit of persons with administrative duties which make it difficult to release them for purposes of their own research and study during the Fall and Spring sessions.

The fact that a faculty member has fulfilled the stated requirements for a Sabbatical Leave or that the applicant is strongly supported does not guarantee that the leave can be scheduled at the time preferred by the applicant. The needs of the Washington College of Law as well as budgetary and administrative considerations are important factors in the final determination.

A Sabbatical Leave cannot be extended beyond the period for which it was ordinarily

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granted. A faculty member on Sabbatical Leave who wishes to extend his/her leave may, however, apply for Leave Without Pay. If that is granted, the faculty member will be subject to all conditions governing such leaves.

Faculty members who accept a grant of sabbatical leave are obligated not only to pursue the educational program for which the leave was granted but also to continue in the service of the University for at least one academic year following the leave period, unless other arrangements are agreed to by the University.

After completing a Sabbatical Leave, a faculty member will not be eligible for another Sabbatical Leave until s/he has completed another period of six successive years of full-time service, excluding the periods of leave for which there is no accrual of eligibility for Sabbatical Leave, and after the faculty member has made application in the usual way. An exception may be made in the case of a faculty member who has been requested to defer a Sabbatical Leave for the convenience of the University. Such a faculty member may be considered for another such leave after the expiration of a period of years following the deferred leave calculated by subtracting from six years the number of years by which the Sabbatical Leave was deferred (excluding other types of leave for which there is no accrual of eligibility for Sabbatical Leave).

In order to define clearly the University's position and to protect the interests of faculty members who are asked to defer sabbaticals, the provost must approve and confirm agreements for deferral of sabbaticals for the convenience of the University. Requests should be directed to the provost with documentation, including a statement of the Sabbatical Leave project of the faculty member and a statement by the dean of the Washington College of Law of the reason for deferral.

Regardless of the total number of years of service, faculty members who elect not to take Sabbatical Leaves are at no time entitled to other types of leave or payments in lieu thereof.

iv. Family and Medical Leaves

Please refer to the *Faculty/Staff Benefits Manual* for details on this type of leave.

v. Terminal Leave

Terminal leave may be provided for through agreement between the faculty member and the University or granted as a recognition of service in exceptional circumstances. Whether pay is continued during terminal leave will depend upon the circumstances in which the leave is granted. Exceptionally meritorious faculty who have served the University for a relatively long period of time may be granted terminal leave with pay during the regular academic semester immediately preceding retirement in anticipation of that retirement as an expression of the University's gratitude for past

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service.

18. Retirement

Eligibility for participation in the retirement plan is limited to members of the full-time faculty and staff who (1) are at least 26 years old, and (2) have completed one year of full-time service at the University or at another 501(c) institution. Participation in the retirement program is optional.

The University will assist individual faculty members who wish to retire. Guidelines for the University's retirement incentive policy are reviewed annually by the Committee on Faculty Benefits and forwarded to the provost for consideration and action. Once approved, the guidelines are distributed to all members of the full-time faculty. The Committee on Faculty Benefits is empowered to recommend minor adjustments in the policy; substantive changes, however, must have the approval of the full University Senate, the provost and the president. Retirees who meet years-in-service requirements will also be eligible for the Benefit Extension Plan set forth in the *Faculty/ Staff Benefits Manual*.

Tenured full-time faculty are also eligible to apply for phased retirement which is an appointment with a reduced load, with proportionally adjusted sabbatical leave and other benefits for a fixed period prior to retirement. The dean of academic affairs is the administrator of the Retirement Incentive Program and the Phased Retirement Programs.

19. Faculty Grievances

a. Scope

In the event that a faculty member may have a grievance against the University or another member of the faculty, it is hoped that such differences can be resolved informally. However, it may become necessary for a faculty member to take formal steps to attempt to resolve the grievance. This section addresses the procedures that a faculty member should use for cases other than non-renewal, non-promotion, or denial of tenure for tenure track appointments.

While baseless complaints are not to be encouraged, neither should a faculty member be prevented from pursuing a grievance if s/he so chooses. No individual will be penalized, disciplined, or prejudiced for exercising the right to make a complaint or for aiding another individual in the presentation of that complaint. Persons obstructing this grievance process may be disciplined up to and including dismissal.

b. Timeline