

TO: Academic Senators

Following procedures approved by the Academic Senate Executive Committee on November 8, 2016 with regards to revisions to University Faculty Personnel Policies documents, the attached revisions of the current University Faculty Personnel Action document for placements in the Appendix of the new University Faculty Personnel Policies documents will appear as a consent agenda item on the November 29, 2022 Senate agenda.

Every senator is expected to review the documents.

Issues, concerns, and questions regarding this curriculum proposal should be directed to Ken Brown, chair of the Academic Senate Faculty Affairs Committee. If the concern is strong enough, any senator may request an item be removed from the consent agenda by Tuesday, November 22, 2022.

Items removed from the Academic Senate consent agenda will be placed on the Academic Senate agenda as business items

If you have any questions, please contact Ken Brown, Chair Faculty Affairs Committee.

UFPP 12.4 Sabbatical and Difference in Pay Leaves

Consent Agenda Proposal, Fall 2022

EXECUTIVE SUMMARY: The Academic Senate Faculty Affairs Committee (FAC) proposes editorial improvements and clarifications of sabbatical and difference in pay leave policies not affecting current policy or practice in the colleges and library. These revisions include clarification of department chair/head classifications during leaves and limitations on departmental and college level review of sabbaticals and difference in pay leaves, and reiteration of CBA limitations on denials of such leaves.

BACKGROUND: The Academic Senate Faculty Affairs Committee (FAC) is a standing Senate committee with representation from each college, the library and professional consultative services, Academic Affairs, and a student representative. FAC employs a streamlined process for approval of updates to University Faculty Personnel Policies (UFPP) including consultation with faculty affected by proposed changes and clear identification of which policy documents have been superseded by a proposed change. This process uses Academic Senate resolutions to establish new policy, revise existing policy, or substantially reformulate existing policy. It also allows the Senate Executive Committee to place non-controversial updates to personnel policies on the Senate consent agenda.

Summary

The longstanding policies about sabbatical and difference in pay leaves at Cal Poly implement the requirements of the Collective Bargaining Agreement (CBA) with some refinements and requirements established through shared governance in the Academic Senate. These policies currently reside in UFPP 12.4.

The revisions here are a mix of editorial improvements and clarifications. Policies concerning DIP leave eligibility are moved to an earlier place in 12.4. Policies about faculty classification of department chairs/heads on sabbatical are clarified in 12.4.6.2.

Two clarifications warrant some deeper explanation.

The CBA requires department tenured faculty to review difference in pay leaves (CBA 28.7), which we implement through a Department Leave Committee (DLC). College Professional Leave Committees (CPLC) comprised of tenured faculty from the departments for a college level review of sabbatical leaves is sufficient to comply with CBA requirements that tenured faculty review sabbatical leaves without a need for a lower-level department committee review (CBA 27.5). The CBA excludes from membership of these leave review committees any faculty also applying for leaves during that review period. While these committees meet CBA restrictions on tenured faculty participation reviews of leave applications, the CBA also allows a CPLC to review difference in pay leaves, and for a DLC review of sabbatical leaves. This new policy prevents a departmental representative to the CPLC from serving on their home department's DLC so as to keep any one faculty member from reviewing an application twice. These points are in 12.4.9.3 and 12.4.11.4. This revision brings already in place college level restrictions on double-review to the university level policy.

Current UFPP policy includes guidance for deans that they should not disadvantage faculty from small departments in recommending sabbatical and difference in pay leaves. The factors relevant to this consideration are covered in CBA 27.8 and expressed in 12.4.10.1. This was a legacy from before UFPP

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subsumed sabbatical and difference in pay leave policies when these policies were contained in a memo from the provost. We remove the weak guidance language replacing it with stronger protections from the CBA in the section on the provost's decisions about awarding such leaves.

Impact on Existing Policy

UFPP requires colleges and the library to develop their own sabbatical and difference in pay leave policies for their personnel policy documents. UFPP allows colleges to set further restrictions on DLC and CPLC membership, and also allows the DLC to review sabbaticals and the CPLC to review difference in pay leaves, so long as this is established in the college policy.

The revisions here are consistent with policies already in place in the colleges, and therefore should not impose any new restrictions or requirements on department and college review of leaves.

Implementation

These policies would be placed in UFPP for the 2023-2024 academic year.

Consultation

These proposed changes in policy articulation arose from recommendations from colleges to FAC, and from extensive discussion in FAC since Fall 2022.

What follows are the proposed revised policies and another copy revealing the edits from the prior version of the policy.

- 12.4. Sabbatical and Difference in Pay Leaves
 - 12.4.1. Policy in 12.4 established by Academic Senate Resolution AS-908-21, with revisions approved by Academic Senate Consent 5/4/2021.
 - 12.4.2. Sabbatical and difference-in-pay leaves are intended to provide a benefit to the university through research, scholarly and creative activity, instructional improvement, or faculty retraining.
 - 12.4.3. Deans or appropriate administrators are responsible for notifying eligible faculty and advising them of the application deadline.
 - 12.4.4. Sabbatical Leave Eligibility
 - 12.4.4.1. Full-time faculty unit employees, except coaches, are eligible to take an approved sabbatical leave after completing six academic years of full-time service within the past seven years, or at least six years after a previous sabbatical or difference-in-pay leave. Service credit granted towards the completion of the probationary period for tenure-track faculty shall also apply towards fulfilling the eligibility requirement for a sabbatical.
 - 12.4.4.2. Eligible academic year faculty unit employees may apply for a sabbatical leave of one quarter in length at full pay, two quarters at 75% pay, or three quarters at 50% pay.
 - 12.4.4.3. Applications for three-quarter sabbatical leaves shall meet the criteria set forth in CBA 27.5-27.8, including consideration of the quality of the proposal, effect on the curriculum and the operation of the department, other campus program needs, and campus and college budget implications.
 - 12.4.5. Difference-in-Pay Leave Eligibility
 - 12.4.5.1. The initial eligibility requirement for a difference-in-pay (DIP) leave is the same as for sabbatical leaves (six years of full-time service within the past seven years).
 - 12.4.5.2. For a subsequent DIP leave, faculty unit employees become eligible after serving full-time for three academic years following the last sabbatical or DIP leave.
 - 12.4.6. Faculty Classifications During Leave Periods
 - 12.4.6.1. Current 12-month faculty who are granted leave with pay may remain in 12-month status for the duration of the approved leave. Eligible 12-month faculty unit employees may apply for a sabbatical leave of 3 months in length at full pay, 6 months at 75% pay, or 9 months at 50% pay. The start date of a sabbatical leave for a 12-month faculty employee with instructional responsibilities shall coincide with the start date of the appropriate academic term.
 - 12.4.6.2. Per CBA 27.13 and 31.27, while on sabbatical or difference in pay leave during an appointment as department chair/head the faculty employee shall not receive the department chair/head salary increase. Faculty employees serving as academic year department chair/head (class code 2482) shall be assigned to academic year instructional faculty classification (class code 2360) for the duration of the sabbatical or difference in pay leave. Faculty employees serving as 12-month department chair/head (class code

2481) shall be assigned to 12-month instructional faculty classification (class code 2361) for the duration of the sabbatical or difference in pay leave. An acting chair/head shall be appointed for the duration of the leave period.

12.4.6.3. Grant-related instructional faculty (GRIF) must be converted to instructional faculty classifications for the duration of leave.

12.4.7. Sabbatical and DIP leave applications must include clearly stated outcomes that benefit the university or CSU. It is critically important that those involved in reviewing leave applications recommend approval only of those applications that satisfy departmental, college and university criteria and meet the requirements of Articles 27.5-27.7 and 28.7-28.9 of the CBA.

12.4.8. Colleges, the library, and counseling services shall formalize sabbatical and difference in pay leave policies and procedures consistent with those in UFPP. Any refinement of the relevant criteria for sabbatical and DIP leaves, in conformity with the general principles stated in UFPP 12.4.2., shall be included in the college, library, or counseling services personnel policies document. Any enhancements to the policies, procedures, and responsibilities in a college, the library, or counseling services shall be included in its personnel policies document.

12.4.9. Department Leave Committee (DLC)

12.4.9.1. As per CBA 28.7, difference in pay leave requires review by a Department Leave Committee (DLC). DLC members shall be elected by tenured and probationary faculty from that department. Faculty members eligible for membership are tenured, and not applying for a leave with pay. The DLC shall review all DIP leave applications and make a recommendation based on the quality of the leave proposal. The recommendation of the DLC is included in the application sent to the department chair/head.

12.4.9.2. Departments may choose to have their DLC review applications for sabbaticals. If so, the composition of the committee and its responsibilities are the same as for review of DIP leave applications. Departments choosing to have the DLC review sabbatical applications shall specify this process in their personnel policies.

12.4.9.3. Departments shall configure their DLC so that their representative to their college's Professional Leave Committee (PLC) is not reviewing leave cases within the department.

12.4.10. Department Chair/Head Recommendations

12.4.10.1. Department chairs/heads shall state in a candidate's application whether the department has adequate resources to replace faculty members, and whether such a leave, if approved, would cause undue hardship to offer the department's program(s), and how the department will meet their teaching and other needs, as per CBA 27.6.

12.4.10.2. If an applicant is the current department chair/head, the appropriate associate dean shall make the equivalent recommendation.

12.4.11. Professional Leave Committees (PLC)

12.4.11.1. Each college, the library, and counseling services shall each convene their own Professional Leave Committees (PLC). As per CBA 27.5, PLC members shall be composed of tenured faculty who are not applying for a sabbatical or DIP leave.

12.4.11.2. The PLC shall review its leave applications to form recommendations to the dean or appropriate administrator based on the quality of the proposals. The colleges, the library, and counseling services may include PLC interviews of applicants as part of their formal application review process. Sabbatical leave applicants and DIP leave applicants may be separated in any college, library, or counseling services policies on inclusion of PLC interviews in their application review process.

12.4.11.3. The PLC shall rank order all recommended sabbatical leave applications, and separately rank order any DIP leave applications under the scope of its review. The PLC report shall clearly state to the dean or appropriate administrator the impact of the interviews on the rank ordering of leave applicants and the reasons for recommending denial of an application. This report shall be forwarded to the dean or appropriate administrator along with the leave applications.

12.4.11.4. College Professional Leave Committee (CPLC) members shall be elected from each department in the college. Tenured and probationary faculty in the department elect one departmental representative to the CPLC. The CPLC shall elect one of its members as chair of the CPLC. Colleges may include in their CPLC policies and procedures allowances that the CPLC also review DIP leave applications within the college. As per 12.4.9.3, when colleges have their CPLC review sabbatical and difference in pay leaves, the faculty involved in the departmental review of DIP leave applications shall not serve on the CPLC.

12.4.11.5. The Library PLC (LPLC) shall consist of at least two tenured faculty librarians elected by all faculty librarians. The LPLC shall review all sabbatical and DIP leave applications from library faculty.

12.4.11.6. The Counseling Services PLC (CSPLC) shall include at least two tenured SSP-AR counseling faculty or tenured faculty librarians. Counseling services policies shall determine the appropriate faculty to vote for CSPLC membership. The CSPLC shall review all sabbatical and DIP leave applications from counseling faculty.

12.4.12. Dean Recommendations

12.4.12.1. Deans shall review all sabbatical and DIP leave applications in their faculty units and make recommendations to the provost. The director of counseling services shall serve the equivalent role of dean for purposes related to sabbatical and DIP leaves.

12.4.12.2. Deans shall consider at least the following points when making recommendations for sabbatical and DIP leaves:

- Benefit of the leave to the university
- Merit of the proposal
- Recommendations of the prior levels of review
- Program needs
- Campus budget implications

12.4.12.3. Deans shall verify that post-leave reports have been completed for all previous sabbatical and DIP leaves prior to recommending approval.

12.4.12.4. Deans shall rank order all sabbatical leave applications that are being recommended (including all one, two- and three-quarter sabbatical applications). Deans shall separately rank order all DIP leave applications that are being recommended.

12.4.13. Provost Decision

12.4.13.1. The provost is the final level of administrative evaluation for sabbatical and DIP leave.

12.4.13.2. The provost shall review the candidate's materials and reports from all levels of evaluation.

12.4.13.3. The provost's letter to the candidate constitutes the final decision on sabbatical and DIP leave.

12.4.13.4. As per CBA 27.8 sabbatical leaves denied in the immediately prior year due to factors related to UFPP 12.4.10.1 shall not be denied based on those same factors.

12.4.14. A copy of the completed leave application form with all appropriate signatures and a copy of the leave abstract and detailed leave proposal shall be placed into the candidate's Personnel Action File (PAF).

12.4.15. Leave recipients shall submit a post-leave report to the college dean or appropriate administrator (with a copy to the department chair/head) within two months of their return from leave. The college dean or appropriate administrator is responsible for requesting and ensuring that the required post-leave report is obtained from each faculty member who took sabbatical or DIP leave upon the faculty member's return to teaching. Upon receipt, the post-leave report shall be filed in the faculty member's PAF.

12.4.16. Following the conclusion of faculty sabbatical or DIP leaves, the CBA articles 27 and 28 require recipients to return service to the CSU equivalent to the period of leave taken. Faculty who fail to return to Cal Poly employment will be required to repay the university for the amount of salary and benefits earned for the duration of their leave.

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