

CHAPTER 3 – FACULTY LEAVE

Sabbatical Leave for Faculty & Professional and/or Research Leave for Faculty Members Engaged Exclusively or Primarily in Library Services BOR II-2.00-01 – 3-2
Terminal Leave BOR II-2.10 – 3-4
Leave Without Pay BOR II-2.20 – 3-4
Accidental Leave BOR II-2.30 – 3-5
Sick Leave see Accidental Leave on page 3-5
Family and Medical Leave BOR II-2.31 – 3-6
Annual Leave BOR II-2.40 – 3-11
Jury Service BOR II-2.50 – 3-12



Chapter 3 – Faculty Leave

{SABBATICAL LEAVE FACULTY & PROFESSIONAL AND/OR RESEARCH LEAVE FOR FACULTY MEMBERS ENGAGED EXCLUSIVELY OR PRIMARILY IN LIBRARY SERVICES ([BOR II-2.00-01](#))}

The president of Salisbury University may grant sabbatical leaves to faculty members and professional and/or research leaves to faculty members engaged exclusively or primarily in library services. The primary purpose of such leave is to provide an opportunity for faculty members to conduct scholarly or creative work that helps implement the mission of the university and enhances their standing in their disciplines or professions.

At SU, scholarly work is defined by the Boyer Model of scholarship which categorizes scholarship in four areas: *discovery*, *integration*, *application*, and *teaching*. The first category, *discovery scholarship*, refers to increasing the knowledge base with new information. *Integration scholarship* relates (or integrates) the new knowledge into the academic realm. The third category of the Boyer model, *applied scholarship*, means demonstrating the application of the new knowledge to the world at large. Finally, *the scholarship of teaching* is devoted to helping those with little or no previous expertise in the specific discipline gain meaningful new knowledge.

All four areas of scholarship serve Salisbury University's mission in important ways. In particular, the traditional and continuing strength of SU's teaching depends on faculty willing and able to devote themselves to the scholarship of teaching. Sabbatical projects devoted to all four areas of scholarship--discovery, integration, application, and teaching--are valued at Salisbury University.

Guidelines

1. To be eligible for sabbatical or professional and/or research leave, a full-time faculty member must be tenured as a full professor, associate professor or assistant professor or have permanent status as a Librarian II, Librarian III, or Librarian IV. He or she must also have at least six academic years of service since either returning from the most recent sabbatical or beginning service as a full-time SU faculty member. A part-time faculty member must also be tenured or have permanent status as Librarian II, Librarian III, or Librarian IV and have completed six or more years of at least half-time service. (Unpaid leaves of absence will not be regarded as service for the purposes of determining sabbatical or professional and/or research leave eligibility.) In exceptional circumstances approved by the provost, a faculty member at the rank of instructor who is tenured and has completed at least six years of service may be recommended as eligible for sabbatical leave.
2. Sabbatical and professional and or/ research leave decisions must be made in the economic reality of a

given year, but it is important that individual faculty have equitable opportunity for leave and that the multifaceted mission of SU be reflected in sabbatical priorities. For these reasons, the following considerations are recognized in sabbatical funding decisions:

- a. First leaves are valued as an important means of faculty development. First-time applicants generally receive priority.
 - b. For second, third or fourth leaves, successful earlier sabbatical projects are valued and considered.
 - c. A leave that has been deferred due to service to the university (e.g., to teach critical courses or to serve as department chair/head) has priority.
 - d. Leaves necessary for faculty to prepare to take on a new role in the department such as developing a new area of study or new course are valued.
 - e. Sabbaticals and professional and or/ research leaves that are especially designed to further the University mission in serving the wider community or academia (e.g., working with a non-profit organization, an educational organization or an academic association) should be valued.
3. Full-time faculty members applying for sabbatical or professional and/or research leave must agree as a precondition to receiving such leave to return promptly to the university at the termination of the leave and to serve on a normal basis for at least one academic year. The same conditions apply to part-time faculty; however, part-time library faculty must agree to return to the University for the equivalent of one year of full-time service.
 4. Ordinarily, sabbatical and professional and/or research leaves will be granted for a period equal to one-half of the recipient's annual contract term at normal compensation, or for the full annual contract term at one-half normal compensation for both full- and part-time faculty. Library faculty can apply for summer leave which will be compensated for a thirteen week period in the summer equal to one-fourth of the recipient's annual contract term at normal compensation for both full and part-time library faculty (see Sabbatical or Professional and/or Research Leave Table at the end of this policy). All faculty members who are considering a sabbatical leave for the full annual contract term, at one-half normal compensation, should contact Human Resources regarding the impact this may have on their retirement program.
 5. During the period of sabbatical or professional and/or research leave, the recipient will be permitted, with the approval of the president or designee, to accept, in addition to the compensation received from the

university, grants, awards, contracts, fellowships or other compensation or stipends as may be related to the approved sabbatical leave project. The recipient may also accept compensation for consulting services rendered during the sabbatical leave, provided that such services do not exceed those allowed by **Salisbury University's Policy on the Conflict of Commitment/Interest**, and that they do not interfere with the approved sabbatical or professional and/or research leave project.

6. All benefits and privileges of faculty members who are on sabbatical or professional and/or research leave will continue during the period of the leave. These include, for example, employee benefits, merit increases, and opportunities for promotion.

Procedure

1. The procedures for applying for sabbatical or professional and/or research leave are the same for all faculty. All faculty applying for sabbatical or professional and/or research leave obtain two forms from the Faculty Handbook: the Sabbatical Form Part A-Application and Sabbatical Leave Form Part B-Final Report that appear in [Appendix G](#). Faculty members initiate their applications by completing Part A that, when finally approved, will be open to public review. They retain Part B for submission within six months following sabbatical or professional and/or research leave.

Applicants are encouraged to complete an on-line "intent to apply" (in progress) process as soon as possible. The intent to apply form can be found at (under development) where a running total of potential applicants for leave for each semester will be kept. This will allow potential applicants to better gauge their chances to obtain leave and perhaps alleviate the unevenness in numbers of sabbatical applications from semester to semester. When leaves are limited in number, and in the absence of other determining factors, faculty who filed "intent to apply" will be viewed more favorably than those who have not.

2. Completed applications (Part A) are submitted to the applicant's department chair/immediate supervisor two semesters in advance of the proposed leaves. The deadline is **August 1** for fall sabbatical leaves and **March 15** for spring sabbatical leaves. For example, the deadline for a fall 2010 sabbatical would be August 1, 2009 and the deadline for a spring 2011 sabbatical would be March 15, 2010. Procedures for library faculty applying for summer leave are the same as those for half-year and full-year applications, except for the elimination of the Faculty Welfare Committee review (this part of the form may be crossed through) and the date the leave begins. Summer professional leave requests follow the fall submission schedule, but commence after graduation.

3. Department chairs/immediate supervisors recommend or do not recommend sabbatical or professional and/or research leave applications. (In the event that the applicant is a department chair, the dean of the school will make a recommendation about the sabbatical application.) If a sabbatical application receives a recommendation from the department chair/immediate supervisor, it is forwarded to the dean of the school who then recommends or does not recommend the sabbatical leave application. Recommended fall sabbatical leave applications that have been received by the chairs by **August 1** are forwarded to the provost by **September 15**, and recommended spring sabbatical leave applications that have been received by the chairs by **March 15** are forwarded to the provost by **May 1**.

4. Applications for sabbatical or professional and/or research leave are recommended or not recommended or recommended for resubmission¹² by the provost and approved or disapproved by the president of the university by **January 31** for fall sabbatical leaves and **August 31** for spring sabbatical leaves. The president of the university then notifies applicants, their department chairs/immediate supervisors, their deans, and the Faculty Welfare Committee.

5. A faculty member on sabbatical may not perform any SU duties during the sabbatical including teaching, serving on or chairing committees, or completing assigned administrative tasks except in the case of a critical need for the department. Approval to perform any such tasks must be provided by the department chair/immediate supervisor and the dean. However, such service will not negate any obligation with regard to completing the sabbatical project or returning to campus at the end of the sabbatical.

6. When faculty have completed a sabbatical or professional and/or research leave, they submit the completed original of Sabbatical Leave Form Part B-Final Report to their department chair/immediate supervisor who signs it acknowledging its receipt and forwards it to the dean of the school. The dean signs and forwards it to the provost. The provost sends the document to the President for its final signature. Completed Sabbatical Leave Forms Part B must be submitted to the department chair/immediate supervisor by **October 15** for spring sabbaticals and **March 15** for fall sabbaticals.

7. Once a sabbatical or professional and/or research leave is approved by the President any subsequent substantive change to the project or its funding plan, if applicable, must be approved by the Dept. Chair/Head, Dean, and Provost.

¹²The provost may recommend an application for resubmission when the number of applications results in worthy sabbatical applications being denied. These applicants should be encouraged to apply again.

Sabbatical or Professional and/or Research Leave Table

Position	Fall Semester	Spring Semester	Summer Professional Leave (see footnote 14)
Faculty	August 15- January 15	January 15- June 15	Only Library Faculty
Library Faculty	July 1- December 31	January 1- June 30	Commencement to August

Human Resources, revised 8/11/2000
 Faculty Senate, revisions approved 3/2002
 Provost, revisions approved 8/2002
 Faculty Senate, revisions approved 12/2003
 Faculty Welfare Committee approved Funding Source 2/4/2004
 Faculty Senate, approved Funding Source 2/24/2004
 Provost, approved Funding Source 3/8/04
 Editorial Change June 2006
 Editorial Change February 2009
 Editorial Change September 2010
 Replacement for: BOR VII-2.15-Policy On Librarians (Section on Professional Leave) (BOR II – 2.01)
 Approved by the BOR, 4/7/00
 Revised 5/1/05
 Replacement for: BOR II-2.01-Policy on Professional and/or Research Leave for Faculty Members Engaged Exclusively or Primarily in Library Services effective – October 12, 2011
 Approved by Faculty Senate, October 11, 2011
 Approved by Provost, January 9, 2012

{TERMINAL LEAVE FOR FACULTY (BOR II-2.10)}

- I. Terminal leave is leave of absence with pay extending over a period which terminates on the effective date of faculty member's resignation from his employment with the institution.
- II. Under special circumstances terminal leave may be granted by the university president, as a means of encouraging early retirements or to avoid or assist in a retrenchment effort in accordance with the following provisions:
 - A. Only full-time tenured faculty members are eligible for such leave for a period not to exceed twelve months.
 - B. Faculty on terminal leave:
 - 1. Remain employees of Salisbury University and are subject to all policies of the University and of the Board of Regents.
 - 2. Receive the annual salary that would have been accorded for remaining at the institution that year.
 - 3. Retain eligibility for all benefits normally associated with full-time (or where applicable, half-time) employment with the exception of annual leave.

- 4. Are not required to perform duties of any kind during the period of leave unless otherwise stipulated.

- C. Once terminal leave is approved, the faculty member must agree in writing to the conditions of the leave, waiving all claims arising out of employment other than those specified in this policy and waiving all claims to subsequent employment at the institution.

{LEAVE WITHOUT PAY FOR FACULTY (BOR II-2.20)}

Leave of Absence Without Pay

A leave of absence without pay, for purposes of study, to serve as an exchange faculty member, or for other purposes, may be granted to a faculty member who has been on active, full-time service with the university/college for a period of at least three years. The president may modify the three-year requirement in unusual circumstances.

- 1. The faculty member applying for a leave of absence without pay must submit at least six months prior to the start of the proposed leave period, a formal written request to the president of the university, setting forth clearly the reasons for the proposed absence.
- 2. The written request, if approved by the president, is then forwarded to the University System Board of Regents for the approval together with an endorsement to the effect that the services of the faculty member can be spared during the leave period.
- 3. Leave of absence without pay generally shall not exceed a period of one year. In special circumstances, with the approval of the Board, this leave of absence may be extended an additional year.
- 4. The Maryland State Retirement System provides that a faculty member on leave of absence without pay loses time of service to the State, except for a faculty member on leave without pay for military service. The faculty member on leave of absence without pay, in order not to lose service to the State, may pay directly to the Retirement System, in a lump sum, the retirement contribution, with interest, upon return from leave.
- 5. If the time of leave is to be credited to the accrual of the faculty member's requirements for tenure, it should only be done with the approval of the president and University System of Maryland Board of Regents.
- 6. Other privileges, benefits and opportunities of a faculty member on leave of absence without pay, shall be granted only upon recommendation of the university president with the approval of the University System of Maryland Board of Regents.

{ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS ([BOR II-2.30](#))}

In the matter of accident leave and creditable and non-creditable sick leave for faculty, Salisbury University operates under **BOR II - 2.30 UNIVERSITY SYSTEM OF MARYLAND POLICY ON ACCIDENT LEAVE AND CREDITABLE AND NON-CREDITABLE SICK LEAVE FOR FACULTY MEMBERS** which is reproduced as follows.

I. Objectives

- A. To provide an informal system of colleague-substitution for short-term incapacity of instructional faculty. This practice protects the interests of students by ensuring the supply of qualified substitutes who are familiar with the disabled teacher's educational objectives, methods, and standards.
- B. To provide a regularized and equitable basis for determining the eligibility of faculty members to receive salary payments during extended periods of incapacity for reasons of illness, injury, or maternity leave.
- C. To provide a regularized and equitable procedure for disability coverage by way of disability retirement, regular retirement, or disability insurance, once the limits of the extended leave period have been reached and the health prognosis is unfavorable.

II. Non-creditable Sick Leave: Collegially Supported

- A. It is the responsibility of the institution to have an agreed-upon procedure for continuing instruction when faculty members are absent for any reason, including illness, injury, or childbirth.
- B. Once instruction is under way, it is important to have it continued with minimal interruption to protect the interests of students. Thus, when a faculty member is incapacitated for brief periods by illness, injury, or childbirth, the "collegial" method of accommodating faculty disability is preferred. This is the practice whereby colleagues of the disabled faculty member--on a voluntary basis--take over his or her classes and other essential functions, in addition to carrying on their regular work.
- C. This provision may be employed when practicable up to a maximum of twenty-five (25) work days for each faculty member in one fiscal year. After that time, creditable sick leave shall be charged.
- D. Collegially supported sick leave is not credited toward retirement and cannot be carried over to a subsequent fiscal year.
- E. An eligible faculty member, appointed for at least a semester but less than an academic year, may receive no more than half of the collegial protection awarded persons who are appointed for an academic year. Faculty

appointed for periods of less than one semester may not receive collegial benefits.

- F. The maximum collegially supported leave available to a faculty member during the summer is one-seventh of the contract period. This will be included as part of the faculty member's yearly limit.
- G. Collegially supported leaves for an individual faculty member in two fiscal years must be separated by active service of at least twenty-five (25) work days.

III. Creditable Sick Leave

A. Accrual

1. Sick leave for faculty is accrued at the rate of 1.25 work days per month at full salary. Accrual of sick leave for summer employment by academic-year faculty is determined by the institution. In no case may an individual accrue more than fifteen (15) days of sick leave during any fiscal year.
2. Part-time faculty members who are employed at least 50 percent of the time are eligible for sick leave benefits proportionate to the percentage of their employment.
3. Individuals eligible to earn sick leave credits will accrue such credit for each calendar month in which they are on paid status for fifteen (15) or more days within that month. No sick leave credit will be accrued for any month during which the individual is on paid status for less than fifteen days.
4. Sick leave is accrued while the individual is on sabbatical leave, but not while on leave without pay.
5. A faculty member may be required to present appropriate diagnostic or medical evidence to support his or her sick leave.
6. When all accrued sick leave has been expended, the individual will be removed from salaried status, except in unusual circumstances as approved by the president. The institution will assist the faculty member in evaluating the options of disability retirement, regular retirement, or disability insurance if the health prognosis is unfavorable.
7. If there is a break in an individual's employment with the State of Maryland of less than three years, a sick leave balance will be restored. A leave of absence without pay is considered a break in employment. Sick leave balances may be brought to the University System from another State agency.

B. Sick Leave Creditable as a Retirement Benefit

1. A maximum of 130 sick leave days could be creditable as a retirement benefit as of January 1, 1975. Since that date, there has been no limit on accumulation of sick leave. For individuals employed in former Board

of Regents institutions, there may be additional sick leave in reserve which cannot be credited toward retirement.

2. A faculty member who is receiving Maryland State Retirement System benefits does not accrue sick leave creditable as a retirement benefit. Faculty members who are members of the optional retirement plan provided through TIAA do not accrue sick leave creditable as a retirement benefit subsequent to the date of enrollment in the TIAA plan. Faculty members, who receive approval for exemption from positive time reporting, as described in section **IV.A** on the following page, do not accrue sick leave creditable as a retirement benefit.
3. For faculty members enrolled in the Maryland State retirement and pension systems, at the time of retirement unused creditable sick leave is applied toward the individual's retirement service credit. There will be no cash payment for accumulated sick leave at the termination of employment, nor may unused sick leave be used for early retirement. In the case of an individual who resigns after at least five years of employment, and who leaves contributions with the Maryland State retirement system, any unused creditable sick leave will be "vested"--that is, it will be credited toward retirement benefits when the employee begins to draw benefits.

IV. Reporting

- A. Each faculty member, regardless of the source of funding or retirement system in which he or she is enrolled, who is employed at least 50 percent of the time, must complete monthly positive time reports and sign the fiscal year summary record unless an exemption has been requested by the individual and approved by the president. When an exemption is approved, the faculty member thereby waives all claims from that date forward to credit any unused sick leave toward retirement benefits. With the approval of the president, the faculty member may revoke his or her exemption, and unused sick leave earned from the time of revocation forward will be credited toward retirement.
- B. Each institution shall establish procedures for positive time reporting by faculty. The institution shall retain monthly time reports for each individual for five years, and shall retain summary records of these reports until the individual leaves employment.

V. Accident Leave

- A. A faculty member who, in the actual performance of his or her duties, sustains an accidental personal injury that is otherwise compensable under the Maryland Worker's Compensation Law, shall be granted accident leave with full pay if, after medical examination, a physician certifies that the injury or accident disables the employee. Accident leave is available only to those who are eligible for sick leave.

- B. Accident leave shall be granted from the date of the job-related injury until a physician certifies that the individual is healed and is physically able to return to work. The period of accident leave must be supported by a valid physician's certificate. In no event may accident leave be extended beyond one year from the date the accidental personal injury occurred.
- C. Accident leave is not sick leave. An employee on accident leave status will continue to earn sick leave and annual leave credits. Holiday leave will be reported for scheduled holidays occurring during the period of accident leave.
- D. After the injured employee has used all available accident leave and does not elect to receive temporary total benefits, he or she may use other leave with pay, including sick leave, annual leave, compensatory leave, and holiday leave. If, after using all leave with pay, the individual does not elect to receive temporary total benefits, he or she may request the president to extend sick leave. After the use of all possible leave with pay, the individual shall be placed on leave of absence without pay.
- E. The injured employee shall not receive temporary total benefits under Worker's Compensation while receiving accident leave with full pay and shall not be paid any other leave benefits while on accident leave.
- F. Each institution shall establish procedures in accord with the System personnel policies and the Worker's Compensation law with regard to the employee's notice of injury, physician's certification; responsible administrator's report, employee's claim, required medical examinations, granting of leave, and notification of the State Accident Fund.

{FAMILY AND MEDICAL LEAVE FOR FACULTY ([BOR II-2.31](#))}

In the matter of family and medical leave for faculty, Salisbury University operates under **BOR II - 2.31 UNIVERSITY SYSTEM OF MARYLAND POLICY ON FAMILY AND MEDICAL LEAVE FOR FACULTY** which is reproduced in full below. (See <http://www.salisbury.edu/hr/Forms/FMLA/Poster.pdf> for current Federal guidelines.)

I. Purpose and Applicability:

The purpose of this policy is to implement the Family and Medical Leave Act of 1993 (FMLA), P.L. 103-3. This policy applies to all faculty¹³ of the University System of Maryland (USM) who are covered by the provisions of **USM BOR Policy II - 1.00 on Appointment, Rank, and Tenure of Faculty**. Under certain circumstances it is the policy of the USM to provide a faculty member with up to a maximum of twelve (12) weeks of unpaid leave during a twelve (12)

¹³For purposes of this policy, faculty member shall refer to "eligible" faculty member.

month period for certain family and certain serious health condition reasons.

II. Terms and Definitions:

The following terms and definitions shall apply for purposes of this policy:

- A. **Accrued Leave:** Earned and unused annual, holiday, sick, and personal leave.
- B. **Alternative Position:** A position to which a faculty member may be temporarily reassigned during a period of intermittent F&M leave and/or reduced schedule. The alternative position shall have the same benefits and pay as the position from which the faculty member was reassigned.
- C. **Care:** "to take care of" or "to care for". The term care is intended to be read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.
- D. **Child:** A person who is the son or daughter of a faculty member and who is under eighteen (18) years of age; or, eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability during the period of the serious illness. The son(s) and/or daughter(s) may be the biological, adopted, step or foster child(ren) of the faculty member. A child is also someone who is the legal ward of the faculty member or someone for whom the faculty member has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing in loco parentis.
- E. **Faculty Member:** An employee who is covered under the provisions of **USM BOR Policy II - 1.00 on Appointment, Rank, and Tenure of Faculty** and (1) whose date of hire is 12 months prior to the date of the requested leave, and (2) whose employment during the twelve months preceding the leave request was a least 50 percent or greater of full-time under a 9.5 month or longer contract, or who has been employed for at least twelve months (which need not be consecutive) and has worked at least 1,040 hours during the twelve months preceding at leave request.
- F. **Equivalent Position:** A position at the institution to which a faculty member shall be restored upon the completion of the F&M leave. The equivalent position shall have the same benefits, pay, and other terms and conditions of employment as the position from which the faculty member took leave.
- G. **Health Care Providers:** Are doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist), nurse practitioners and nurse midwives, as authorized to practice by the State of Maryland; and Christian Science

Practitioners listed with the First Church of Christ Scientist in Boston.

- H. **Immediate Family Member:** Is the faculty member's parent(s), spouse, or child(ren), or legal wards.
- I. **In Loco Parentis:** "In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any faculty member claiming an in loco parentis relationship with a child, or any eligible faculty member claiming to be the child of an in loco parentis relationship may be requested to provide documentation of such relationship.
- J. **Institution:** Is the employing USM institution C the USM institution from which the faculty member is taking leave.
- K. **Parent:** Is the faculty member's biological, adoptive, step or foster mother or father, or someone who stood in loco parentis to the faculty member when the faculty member was a child.
- L. **Restoration:** As used within the FMLA and used within this policy, restoration is an institutional guarantee that at the conclusion of the F&M leave the faculty member will be returned either to the same position from which he/she took leave, or to an equivalent faculty position.
- M. **Serious Health Condition:** Is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or home care, or continuing treatment by a health care provider. A serious health condition is also intended to cover conditions or illnesses that affect the faculty member's health or the health of the faculty member's immediate family to the extent that the family member is in the hospital or other health care facility or at home and unable to care for his/her own basic hygienic or nutritional needs or safety such that the faculty member must be absent from work on a regular and recurring basis for more than a few days for treatment or recovery. With respect to the faculty member, a serious health condition means that the faculty member must be incapacitated from performing the essential functions of his/her position.

Examples of serious health conditions applicable to the faculty member or the faculty member's immediate family member include, but are not limited to: heart conditions requiring heart bypass or valve operations; most types of cancer; back conditions requiring extensive therapy or surgical procedures; severe respiratory conditions; appendicitis; emphysema; spinal injuries; pneumonia; severe arthritis; severe nervous disorders; injuries caused by serious accidents; ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth, and recovery from childbirth. Additional examples are a faculty member or immediate family member whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke, or clinical depression, who is recovering from

major surgery, or who is in the final stages of a terminal illness.

- N. Spouse: The person to whom the faculty member is legally married -- a husband or a wife.

III. Reasons for Leave:

- A. Faculty member is entitled to take F&M leave for the following reasons:
1. the birth of the faculty member's child,
 2. the placement of a child with the faculty member for adoption or foster care,
 3. the need to take care of the faculty member's child within a twelve (12) month period from birth or placement,
 4. the need to take care of the faculty member's immediate family member who has a serious health condition, and
 5. the serious health condition of the faculty member.
- B. F&M leave is not intended to cover minor illnesses that last only a few days and short term medical and/or surgical procedures that typically do not involve hospitalization and require only a brief recovery period such as these that are normally handled through non-creditable and earned sick leave (see **USM BOR II - 2.30**).
- C. Additionally, requests for leave to take care of the employee's school-age child under the age of fourteen (14) during school vacations may be granted to the extent that the leave does not create a hardship with respect to the operational needs and work schedules of the applicable institutional unit.

IV. F&M Leave Entitlement:

- A. A faculty member is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave within a calendar year. F&M leave can be taken continuously or, under certain circumstances, on a reduced F&M leave schedule, or intermittently over the course of a calendar year. F&M leave entitlement shall not be carried over from calendar year to calendar year.
- B. The actual F&M leave entitlement shall be integrated with the amount of other leave taken for F&M-related reasons during the calendar year within which the F&M leave is to begin.
- C. A faculty member who regularly works full time is entitled to a maximum of twelve (12) workweeks (60 days) of F&M leave per calendar year. A faculty member who works less than full time is entitled to a pro rata share of the twelve (12) week/sixty (60) day maximum.
- D. The spouse of a faculty member employed by the USM shall be entitled to a separate, individual, maximum family and medical leave eligibility amount. The amount of leave for which one spouse may be eligible, or the amount of leave used by one spouse shall not limit or

enhance the leave amount or the leave usage of the other spouse. Spouses shall be entitled to take leave simultaneously or in succession and in any portion of their respective individual maximum for reasons of a serious health condition of the faculty member and for the serious health condition of the faculty member's immediate family members. Requests for simultaneous F&M leave by spouses employed by the same institutional unit may be granted for reasons of childbirth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child, to the extent that simultaneous leaves do not substantially disrupt the academic program or unit of which the faculty members are a part.

V. Integration of Other Leave Taken with F&M Leave Entitlement:

Actual F&M leave entitlement shall be based on the faculty member's use of other leave during the calendar year within which the F&M leave begins. The faculty member's use of the following types of leave shall be deducted from the actual F&M leave entitlement:

- A. Any prior F&M leave taken within the applicable year, including accrued paid leave and noncreditable leave substituted for F&M leave.
- B. Accident leave used within the applicable year.
- C. Any type of unpaid leave for reasons related to family and medical circumstances taken within the applicable year.

VI. Compensation During Leave:

F&M leave is an unpaid leave. However, based upon either the election of the faculty member or the requirement of the chief executive officer or designee and in accordance with USM's and the institution's existing leave procedures, accrued paid leave and noncreditable leave used for purposes that qualify under FMLA shall be substituted for all or any part of the F&M leave.

VII. Status of Benefits While on Family and Medical Leave:

- A. A faculty member who is granted an approved F&M leave under this policy shall continue to be eligible for all employment benefits that he/she enjoyed immediately prior to the F&M leave.
- B. A faculty member on F&M leave for reasons noted in **Section III. a.** may elect to continue employer-subsidized health care benefits during the period of leave. The chief executive officer or designee shall provide advance written notice to the faculty member of the terms and conditions under which premium payments are to be made by the faculty member. The subsidy shall cease if a faculty member gives notice that he/she no longer wishes to return to work. The institution shall recover its share of health premiums during unpaid F&M

leave if the faculty member fails to return to work, or returns to work but fails to stay thirty (30) calendar days, unless the reason for not returning or staying is due to the continuation, recurrence or onset of a serious health condition or other circumstances beyond the faculty member's control.

- C. Except as noted in **Section X**, Job Protection, upon return from leave a faculty member shall be restored with all the rights, benefits and privileges enjoyed prior to the leave.
- D. While on any unpaid portion of a F&M leave, a faculty member shall not earn or accrue any additional leave.
- E. A faculty member may elect to purchase service credit at the time of retirement for prior leaves without pay that are qualified by the Maryland State Retirement and Pension Systems. Upon approval of a leave without pay, a faculty member shall follow the institution procedure to assure that this option may be exercised.

VIII. Notice of F&M Leave:

Regardless of the reason for the F&M leave a faculty member shall give at least thirty (30) calendar days notice and provide the appropriate medical certification or legal certification of adoption or foster child placement, before taking a F&M leave. When the need for leave is not foreseeable, a faculty member shall give notice as soon as practicable but no less than two (2) working days of learning of the need for leave. If this is not possible due to a medical emergency, then the faculty member or the faculty member's designee shall give written notice and provide the appropriate certification as soon as practicable.

IX. Job Protection:

- A. A tenure-track faculty member whose leave under the sick leave or FMLA leave policies totals at least one semester or six continuous months has the option to have his or her mandatory tenure review postponed for a period equivalent to the length of the leave, by writing a letter to the department chair or appropriate appointing authority, with copies forwarded to the faculty member's dean and the chief academic officer of the institution.
- B. Except as provided in **IX. C., D., E., and F.**, faculty member returning to work at the conclusion of a F&M leave shall be restored to their former position with the pay, benefits and terms and conditions of employment that they enjoyed immediately prior to the F&M leave.
- C. A faculty member is not entitled to restoration if the chief executive officer or designee determines that the faculty member had been hired for a specific term or only to perform work on a specific project defined in writing and the term or project is over and the institution would not otherwise have continued to employ the faculty member.
- D. If at any point prior to or during the F&M leave the chief executive officer or designee determines that the faculty member's former position cannot be held available for the

duration of the leave, the chief executive officer or designee, at the conclusion of the leave, shall restore the faculty member to an equivalent position.

If the determination of an inability to hold the former position available occurs after the F&M leave begins, the chief executive officer or designee shall immediately notify the faculty member in writing of details associated with the decision and the details of the equivalent position to which the employee will be restored. The faculty member shall have the right to return within fifteen (15) working days from receipt of such notice to keep his/her former position.

- E. If there are reductions in the work force while the faculty member is on F&M leave and he/she would have lost his/her position under the institution's retrenchment policy(ies) had he/she not been on leave, there is no obligation to restore the faculty member to his/her former or equivalent position.
- F. A faculty member shall be restored consistent with current, applicable, appropriate pay, benefits and other terms and conditions of employment.

X. Medical Certification:

- A. For leaves related to serious health conditions and to child birth, the faculty member shall provide medical certification(s) from the faculty member's or family member's health care provider. The faculty member shall have fifteen (15) calendar days to obtain the medical certification unless not practicable to do so despite the faculty member's diligent good faith efforts. Such certification shall include but not be limited to:
 - 1. A statement of medical facts meeting the criteria for "serious health condition,"
 - 2. Date condition commenced,
 - 3. Regimen of treatment to be prescribed,
 - 4. The duration of absence from work,
 - 5. In the case of the faculty member's serious health condition, certification that the faculty member is unable to perform the essential functions of his/her position and prognosis of the faculty member's ability to return to his/her position,
 - 6. In the case of the faculty member's need to care for a seriously ill family member, certification of the necessity for and duration of the faculty member's presence; of the requirements of inpatient care; and of assistance for basic needs, safety and transportation,
 - 7. Title and original signature of an accredited, licensed or certified medical provider.
- B. The chief executive officer or designee may require a second medical opinion at the institution's expense. In the case of conflicting opinions, the opinion of a third health care provider, agreed upon by both faculty member and the chief executive officer or designee and obtained at the institution's expense, shall be final. The second and third opinions shall not be provided by individuals who are employed on a regular basis by the institution.

- C. The chief executive officer or designee may require reasonable recertification as the F&M leave continues, and may require a faculty member to provide periodic progress reports as to the serious health condition for which he/she is taking leave and the faculty member's ability to return to work at the end of the leave. Recertification shall not be requested more often than every thirty (30) calendar days unless the faculty member requests an extension of F&M leave, changed circumstances occur during the illness or injury, or the institution receives information that casts doubt upon the continuing validity of the most recent certification.
- D. Consistent with FMLA and other applicable laws, all medical-related documentation will be kept confidential and maintained in a file separate from the faculty member's official institutional personnel file.

XI. Intermittent or Reduced Leave:

- A. In the case of a documented medical necessity, a faculty member shall be entitled to intermittent leave and/or a reduced schedule that reduces regular hours per workday or workweek for purposes of the faculty member's or the immediate family member's serious health condition. The faculty member shall attempt to schedule intermittent leave or leave on a reduced schedule so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. A faculty member may be granted leave that reduces regular hours per workday or workweek for reasons of child birth, placement with the faculty member of a child for adoption or foster care, or care for a newborn child to the extent that the intermittent or reduced leave does not represent an undue hardship on the academic program or unit of which the faculty member is a part.
- C. The chief executive officer or designee may temporarily reassign a faculty member on intermittent or reduced F&M leave to an alternative position that better accommodates reduced or intermittent periods of leave.

XII. Scheduling of Treatment In Instances of Serious Health Conditions:

- A. In instances of the serious health condition of a family member or of the faculty member himself or herself, and in keeping with the requirements of the appropriate health care provider, the faculty member shall make reasonable efforts to schedule any medical treatments so as not to substantially disrupt the academic program or unit of which the faculty member is a part.
- B. During the course of the treatment and as the chief executive officer or designee deem appropriate, the faculty member may be requested to provide certification from the appropriate health care provider of the unavailability of treatment during non-work time, or at times that are less disruptive to the academic program or unit of which the faculty member is a part.

XIII. Providing Information About F&M Leave:

Regardless of the reason for the leave, a faculty member shall provide complete, accurate and timely information related to a request for, continuation of, modification(s) to, and return from a F&M leave.

XIV. Early Return from Leave:

A faculty member interested in returning to work from a F&M leave prior to the agreed upon end of the leave date shall provide the chief executive officer or designee with a written request at least seven (7) calendar days prior to the date on which the faculty member is interested in returning. The chief executive officer or designee shall make a good faith effort to restore the faculty member to his/her former or an equivalent position as soon as possible but no later than the thirty (30) calendar days after receipt of this request.

XV. Extensions of Leave:

A faculty member may extend the date of return from a F&M leave to the extent that they have F&M leave entitlement available. A request for an extension of F&M leave shall be considered under this policy as if it was an initial request.

XVI. Failure to Return from Leave:

- A. A faculty member who will not be returning to the institution at the conclusion of a leave shall notify the chief executive officer or designee in writing as soon as practicable. The chief executive officer or designee may request certification of reasons for the faculty member's failure to return to work. In the absence of written notification, failure to return from leave shall be interpreted as a resignation.
- B. If applicable, any benefit entitlement based upon length of service shall be calculated as of the faculty member's last paid day.
- C. Employer costs of any payments made to maintain the faculty member's benefit coverage when on unpaid F&M leave shall be recovered if a faculty member fails to return to work as described in **Section VII.B.**

XVII. Abuse of F&M Leave:

The chief executive officer or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the F&M leave program. Cases of bad faith, falsification of documents, or fraudulent information related to the F&M leave provided to the institution, or other abuses of the F&M leave program, may result in but are not limited to: revocation of the leave, refusal to restore, recovery of institutional costs for paid-time leave and insurance benefits premiums, and disciplinary action up to and including termination.

XVIII. Implementation Procedures:

Each chief executive officer shall identify his/her designee(s), if appropriate, for this policy; shall develop procedures as necessary, for the posting, record-keeping and implementation of this policy; shall communicate this policy and applicable procedures to faculty members of his/her USM institution; and shall forward a copy of such designations and implementation procedures to the chancellor.

Website added per Dr. Tardiff – 7-10-09

Approved by Senate 3/20/12 and Provost 3/26/12 (IX.A. Job Protection)

{ANNUAL LEAVE FOR FACULTY ([BOR II-2.40](#))}

I. Faculty with Contracts of Less Than Twelve Months

- A. A full-time faculty member serving on an academic-year contract of less than ten months is not entitled to paid annual leave.
- B. A full-time faculty member serving on a ten-month contract is entitled to fifteen calendar days of paid annual leave which shall be the last fifteen days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.
- C. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a ten-month contract is entitled to annual leave on a pro rata basis. Such leave shall be taken as the final days of the ten-month contract period, unless otherwise designated at the time of appointment. Such paid annual leave time may not be carried forward into the next fiscal year.

II. Faculty with Twelve-Month (Fiscal-Year) Contracts

- A. A full-time faculty member serving on a fiscal contract shall earn twenty-two (22) days of paid annual leave and three (3) days of paid personal leave per calendar year. Beginning with the twenty-first year of employment, a full-time faculty member serving on a fiscal-year contract shall earn twenty-five (25) days of paid annual leave and three (3) days of paid personal leave per calendar year.
- B. Paid annual leave shall accumulate at the rate of 1.83 work days per month beginning with the first full month of employment (22 work days per year).
- C. The time taken as paid annual leave shall have the concurrence of the supervisor.
- D. Annual leave may be accumulated, but only a maximum of fifty (50) work days may be carried into a new calendar year.
- E. At the end of each calendar year, a supervisor may, through appropriate channels, recommend to the

institution's Chief Executive Officer or designee that a fiscal-year faculty member be paid for days of annual leave lost because of the denial of an annual-leave request. The supervisor's recommendation for payment for lost annual leave shall be accompanied by a written explanation of why the lost annual leave was not taken at another time during the calendar year. Payment is at the discretion of the chief executive officer or designee. It is also limited to unused annual leave that is in excess of the maximum accumulation and that is lost by the employee at the end of the calendar year.

- F. A fiscal-year faculty member transferring from one University System of Maryland institution to another shall be entitled to carry into the new position all unused annual leave accumulated at the time of transfer. Fiscal-year faculty members leaving the University System of Maryland to take another State position who are not entitled to transfer accumulated leave and fiscal-year faculty members leaving State service shall be compensated for all used annual leave accumulated up to the date of resignation.
- G. For twelve-month faculty members who are paid in whole or in part from contracts or grants, constituent institutions may limit the number of days of unused annual leave for which such employees may be paid upon leaving employment in the System. Any such limit shall be made a part of the employee's written employment contract.
- H. Unused paid personal leave days may not be carried forward into the next calendar year and are not eligible for compensation upon termination.

III. Exception for Fiscal-Year Faculty Funded by Grants and Contracts

- A. For fiscal-year faculty members who are paid in whole or in part from contracts or grants, constituent institutions may limit the number of days of unused annual leave for which such employees may be paid upon leaving employment in the System. Any such limit shall be made a part of the employee's written employment contract.
- B. A part-time faculty member appointed on at least a 50% of full-time basis and serving on a twelve-month contract shall earn, use, accrue and be eligible for payment of annual and personal leave, on a pro rata basis, on the same terms available to full-time faculty members.

IV. Implementation Procedures

- A. Each Chief Executive Officer or his/her designee shall develop procedures as necessary to implement this policy and shall forward a copy to the Chancellor.
- B. Beginning in Spring, 2002, and continuing for three years, the Chancellor shall report annually to the Board of Regents, through its Committee on Education Policy, on the total cost of approved compensation for denied

annual leave to faculty and exempt staff in the USM, by institution and employee category.

Approved by the Board of Regents, January 11, 1990
Amended by the Board of Regents, December 9, 1994
Amended by the Board of Regents, February 9, 2001

{JURY SERVICE FOR FACULTY MEMBERS
[\(BOR II-2.50\)](#)}

In the matter of faculty on jury service, Salisbury University operates under **BOR II - 2.50 UNIVERSITY SYSTEM OF MARYLAND POLICY ON JURY SERVICE FOR FACULTY MEMBERS** which is reproduced in full below.

The purpose of this policy is to establish for faculty members at USM institutions a leave category called Jury

Service which permits absence from duty without loss of any pay or charge to personal or accrued annual leave. A faculty member who is selected for jury duty shall notify the appropriate academic administrator of this selection without delay. The faculty member shall be permitted to be absent without loss of pay or charge to any leave for the day(s) of jury service. Upon request, the employee shall be responsible for providing documentation which verifies attendance. If, after reporting for jury duty, it is determined that the individual's services are not required and the individual is dismissed for the day, then the individual, time permitting, is required to return to the job.

{For faculty sick leave see Accident Leave And Creditable And Non-Creditable Sick Leave For Faculty Members [\(BOR II-2.30\)](#)}