

## VI-7.5 UB Policy on Transitional Terminal Leave

Revision approved by UFS: 4/4/18; by Provost: 4/4/18; by Office of the Attorney General 3/12/18; by President 4/20/18 Reviewed by Associate Provost Fall 2023

Review schedule: every three years

Area responsible: Academic Affairs

Responsible administrators: Provost, Dean

Policy contact: Assistant Provost for Policies, Programs, and Institutional Effectiveness

### I. **Purpose:**

This policy is intended to establish and define the terms of a transitional terminal leave period that ends on the effective date of a faculty member's separation from employment with the University. Transitional terminal leaves are appropriate when beneficial to the University and its programs.

### II. **Terms:**

The President may grant a transitional terminal leave at the discretion of the University and with the consent of the faculty member, in accordance with the following provisions:

- A. Only full-time, tenured faculty members at the University shall be eligible for terminal leave; for the purposes of this policy, the term "tenured faculty" or "faculty member" shall include permanent status librarians.
- B. Unless otherwise provided in section III, a faculty member, while on terminal leave, shall:
  1. Remain an employee of the University, and be subject to all policies of the Board of Regents and of the University;
  2. Receive the salary that would have been accorded had he or she remained at the University consistent with section III below; and
  3. Retain eligibility for all benefits normally associated with full-time (or, where applicable, half-time) employment, with the exception of annual leave and subject to the exception in III.B below.
- C. The faculty member shall agree, in writing, to the conditions of the leave, waiving all claims arising out of her or his employment, other than those specified in this policy and also waiving all claims to employment at the institution subsequent to the period of transitional termination leave.
- D. A faculty member shall initiate an application for terminal leave with the dean of his/her faculty. Such application shall detail the reasons for such request, including the benefits to the university. Upon the recommendation of the dean and the provost, the president may grant the terminal leave.

### III. Duties and Duration:

Depending upon the duties to be performed during transitional terminal leave, the transitional terminal leave period shall be of the following duration:

#### A. Continued Performance of Duties During Transitional Terminal Leave:

1. If the faculty member performs duties at a level of at least 25% of the faculty member's full-time commitment over the prior 36 months (or as otherwise deemed by the Internal Revenue Service to constitute full-time employment) and performs those duties evenly throughout the entire terminal leave period, then transitional terminal leave may be granted *up to* the following lengths of time:
  - a. For twelve-month faculty, with up to full pay for a period not to exceed six months, or with up to half pay for a period not to exceed twelve months; or
  - b. For nine- and ten-month faculty, with up to full pay for a semester, or with up to half pay for one academic year (excluding summer terms).
2. For faculty members employed on a part-time basis during the academic year preceding the transitional terminal leave, "full pay" means the full rate of pay earned for such part-time service, and half pay means half of the rate of pay earned for such service.

#### B. Duties not Performed During Transitional Terminal Leave:

There may be unusual circumstances in which either the faculty member or the University or both wish for the faculty member to cease work after a shorter period of time than that described in IIIA. Consistent with applicable IRS requirements, should the faculty member who is offered transitional terminal leave not meet the service requirements described in IIIA, then:

1. The duration of the faculty member's fully paid transitional terminal leave will be limited to a period of time within 2.5 months of the end of the calendar year in which the faculty member and the institution entered into the transitional terminal leave agreement, using normal applicable payroll schedules; and
2. The level of compensation for that truncated period shall be as set forth in Section III.A; and
3. The faculty member's active employment will cease effective on the beginning date of the transitional terminal leave period, as will eligibility for all benefits normally associated with employment.