

ADMINISTRATIVE LEAVE WITH PAY

No faculty member (tenure-track or non-tenure track) may be placed on unpaid administrative leave pending investigation of allegations of misconduct. In accordance with section 5 of System Policy 12.01, a faculty member may be placed on administrative leave, without diminution of pay or benefits, by the faculty member's dean, at the recommendation of the department head, with the concurrence of the senior associate vice president for faculty affairs pending an investigation into allegations of serious misconduct relating to job performance. Allegations of serious misconduct that could warrant administrative leave during the investigation are those which, if true, would place faculty, staff or students in danger, or lead to destruction of university property, or result in breaches of confidentiality, or would disrupt the educational or work environment. A faculty member may not be placed on administrative leave for exercising a constitutional right, including those related to free speech and academic freedom, or for mandatory reporting, or as retaliation. Speech alone would rarely, if ever, merit administrative leave. Before a faculty member is placed on administrative leave, the dean shall consider all relevant factors, including but not limited to, whether there are less disruptive means to address the situation; whether placing a faculty member on leave will discourage protected conduct of other faculty; and what articulable problems are likely to arise if the faculty member is removed from the workplace or is not removed from the workplace, including concerns of students, staff, faculty, and the community. Administrative leave with pay is distinct from suspension during the pendency of dismissal proceedings.

The dean of the college/school, at the dean's sole discretion after receiving the recommendation from the department head, may place the faculty member on administrative leave with pay. However, the placement of the faculty member on administrative leave with pay will not be effective until the senior associate vice president for faculty affairs has concurred with such request and written notice is provided to the faculty member. In matters relating to allegations of discrimination, harassment, retaliation, and/or complicity against students, employees, and third parties, the Civil Rights, Equity, and Investigation (CREI) office may (in accordance with section 9 of university SAP 08.01.01.M1.01) request from the dean that the faculty member be placed on administrative leave with pay. The placement of the faculty member on administrative leave with pay following a request from CREI also requires the concurrence of the senior associate vice president for faculty affairs. Upon concurrence by the senior associate vice president for faculty affairs, the administrative leave becomes effective immediately upon notice to the faculty member.

Notification of administrative leave with pay must be given to the faculty member in writing by the dean of the college/school. The notice must include the allegations of serious misconduct to be investigated and the reason for administrative leave; the terms of the leave, including length of the leave, the circumstances under which the leave will be lifted, the limitations on access to University resources, including computers, databases, labs, classrooms, graduate students, research and teaching assistants, and staff, and any other limitations to access or expectations; and must inform the faculty member of their right to appeal the decision regarding leave. The notice should also include appropriate provisions for useful duties while on leave, detailing what facilities the faculty member can access, including classrooms, labs, libraries and other facilities. In matters relating to CREI investigations, CREI may issue interim restrictions that should be made a part of the administrative leave with pay notification.

A faculty member placed on administrative leave with pay may appeal the decision to be placed on administrative leave to the University Grievance Committee (UGC) by submitting a written appeal to the senior associate vice president for faculty affairs setting forth the grounds for the

appeal within five (5) business days of receiving the notice of administrative leave. The senior associate vice president for faculty affairs shall forward the appeal to the UGC within five (5) business days. The faculty member may contest the grounds for leave, the conditions of leave or the length of the leave. However, neither the administrative leave with pay nor the investigation process are stayed by an appeal and the faculty member must follow all the requirements in the written notice of leave pending resolution of the appeal. The appeal to the UGC should be completed within five (5) business days from the receipt of the appeal, though the UGC may request an additional five (5) business days from the senior associate vice president for faculty affairs. The UGC may recommend the leave continue, be modified or lifted. The final decision rests with the vice president for faculty affairs. There are no further appeals.