

## **Benefits and Privileges: APM - 700 - Leaves of Absence/General**

### **700-0 Policy**

The basic policy for academic leaves of absence is set forth in [Regents Policy 7303, Service Obligations and Leaves of Absence](#):

The President is authorized to grant leaves of absence with or without pay, in accordance with Senior Management Group, academic personnel, and/or University personnel policies, as applicable.

Academic year appointees are expected to be present from the beginning of the Fall Semester (Quarter) through the end of the Spring Semester (Quarter). Any appointee returning after the beginning of the Fall Semester (Quarter) or leaving before the end of the Spring Semester (Quarter) should apply in advance for a leave of absence in accordance with these sections.

Fiscal-year appointees who render service throughout the calendar year (12 months) shall apply in advance for leaves of absence in accordance with these sections.

### **700-8 Types**

Policies for certain leaves of absence are as follows:

- a. Sick leave/medical leave ([APM - 710](#))
- b. Family and medical leave ([APM - 715](#))
- c. Holidays ([APM - 720](#))
- d. Vacation ([APM - 730](#))
- e. Sabbatical leave ([APM - 740](#))
- f. Leave for service to governmental agencies ([APM - 750](#))
- g. Military leave ([APM - 751](#))
- h. Leave to attend professional meetings or other University business ([APM - 752](#))
- i. Other leaves with pay ([APM - 758](#))
- j. Other leaves without pay ([APM - 759](#))
- k. Family accommodations for childbearing and childrearing ([APM - 760](#))

### **700-30 Presumptive Resignation Policy and Procedures**

If any academic appointee is absent from academic duty for 30 calendar days or more without an approved leave, or does not return to academic duty for 30 calendar days or more after an approved leave expires, the University shall presume that the academic appointee has resigned from the University appointment and shall separate that appointee (subject to the conditions and timelines set forth below). In such cases, the department chair shall make appropriately diligent efforts to establish the starting date of the unexplained absence.

“Absent from academic duty” means a lack of physical presence coupled with a failure by an academic appointee to meet assigned or contractual responsibilities. In times when working remotely is approved by the Chancellor, “absent from academic duty” means a lack of regular, consistent communication and engagement in normal University duties coupled with a failure by an academic appointee to meet assigned or contractual responsibilities.

This presumptive resignation policy does not apply to absences due to intersession nor does it apply when it is established that an academic appointee is absent due to:

- an approved medical leave ([APM - 710, Sick Leave/Medical Leave](#)) in cases of a long term or serious disability that cannot be reasonably accommodated, or when a request for medical leave is no longer approved in anticipation of medical separation; in such cases [APM - 080](#), Medical Separation is the applicable policy; or
  - discipline imposed by University [APM - 015](#) (The Faculty Code of Conduct), [APM - 016](#) (University Policy on Faculty Conduct and Administration of Discipline), [APM - 150](#) (Non-Senate Academic Appointees/Corrective Action and Dismissal) and court action(s) including stay-away orders.
- a. Written Notice of Intent to Separate the Appointee

Following a 30-day absence as described above, and a documented effort during that interval to contact the appointee via phone, mail, email and internet search, the Chancellor will send by registered mail to the appointee’s home address on payroll file a written notice of intent to deem the appointee’s unapproved absence as a presumed resignation with a copy to the Chair of the Committee on Privilege and Tenure for Senate faculty titles. The notice shall state that if the appointee has not (a) returned to academic duty or (b) sought and been granted an appropriate leave, the appointee will be deemed to have resigned from the University effective on the 61<sup>st</sup> day after the date of the letter, with a resulting cessation of pay and benefits. The written notice of intent shall advise the appointee that the appointee has a right to make an oral or written response, within 30 consecutive days of the date of the notice, to a named campus administrator at a specified address, and the date by which a response must be received.

b. Response to Written Notice of Intent

- (1) In order to terminate the effect of the notice of intent and subject to b.2. (below), an appointee's oral or written response that the appointee is not resigning must be followed by either (a) return to academic duty or (b) an approved leave. An appointee's failure to return to duty or to obtain an approved leave may result in a presumed resignation effective on the 61<sup>st</sup> day after the date of the notice of intent to deem the appointee's absence as a presumed resignation, with a resulting cessation of pay and benefits.<sup>1</sup>
- (2) An appointee's response may rebut the presumption of resignation in the judgment of the Chancellor by establishing through the provision of reliable information that, through no fault of the appointee, the leave could not have been obtained prior to the first day of absence or during the intervening period. Thereafter, the appointee shall either (a) return to academic duty or (b) obtain an approved leave.
- (3) An appointee's response that the appointee is resigning constitutes an actual, not a presumptive, resignation.

c. Written Notice of Action to Separate the Appointee

Following review of the appointee's response, if any, and following written notification to the chair of the Committee on Privilege and Tenure and the Committee's response, the Chancellor will make a final determination whether an appointee is deemed to have resigned and so notify the appointee in writing. The written notice shall advise the appointee of a right to a hearing (see APM - 700-30-d).

The Chancellor's authority to make the final determination may not be redelegated in cases involving Academic Senate members. The authority may be redelegated in cases involving non-Senate academic appointees.

d. Right to a Hearing

An appointee deemed to have resigned may grieve that decision in a hearing before the division Privilege and Tenure Committee as provided for in [Academic Senate Bylaw 337](#), if a member of the Academic Senate, or otherwise in a Step III-B Hearing as provided for in [APM - 140](#). Such hearings may take place after a presumed resignation takes effect, pursuant to the provisions set forth above.<sup>2</sup>

e. Exceptional Circumstances

At any time, the Chancellor is authorized to reinstate an academic appointee for good cause, such as a showing that the appointee was unable to return to academic duty or obtain an approved leave due to circumstances beyond the appointee's control.

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<sup>1</sup> The fact that an appointee may return to academic duty or obtain an approved leave, after being absent without an approved leave, does not preclude the imposition of discipline for the absence without leave, pursuant to applicable policies and procedures.

<sup>2</sup> A presumed resignation does not constitute a "termination" within the meaning of [Senate Bylaw 337](#) or [Regents' Bylaw 40.3\(c\)](#), or a "dismissal" within the meaning of [Regents' Bylaw 40.3\(c\)](#) and [40.3\(e\)](#).

### **700-94 Applications**

Applications for certain leaves require information in addition to that included on the standard form. If additional information is required, it will be described in subsection 94 of the section covering the particular leave.

### **Revision History**

July 1, 2021:

- Technical revisions to remove gendered language.
- Substantive revisions to improve clarity of language and to address remote work.

November XX 2021:

- Technical revisions to update references to Regental governing documents.

For details on prior revisions, please visit the [Academic Personnel and Programs website](#).