



# Leaves for Professors and Academic Staff

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## **POLICY STATEMENT**

Cornell University may allow professors and academic staff to take leave from appointed responsibilities under certain circumstances, including arrangements that support a balance between family life and university responsibilities.

The university strongly encourages academic managers and academics to work together to support family-friendly arrangements that anticipate programmatic imperatives and to be flexible in unanticipated family situations.

The terms and conditions governing a leave differ with the individual's academic role, the circumstances of the leave, and the source of funds.

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## **REASON FOR POLICY**

Academic appointments typically establish mutual contractual obligations that advance the university's core academic endeavors. Leaves from those obligations may be approved to serve academic, career, personal, family, governmental, community, legal/regulatory, or administrative purposes.

This leave policy promotes academic leave management, which is a collegial approach intended to foster, within appropriate limits, situations of mutual benefit to the academic and the university's academic program. This approach is based on shared commitment to the academic program and shared respect for the competing and changing demands in the life and career of the Cornell academic.

Procedures for request, approval, and recording of leave status promote clear communication; protect the individual's and the university's interests; and support academic development, planning, accountability, and regulatory compliance.

This policy also provides information about related issues, such as tenure status and benefits.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **ENTITIES AFFECTED BY THIS POLICY**

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- All units of the university, excluding the Weill Cornell Medical College

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### **WHO SHOULD READ THIS POLICY**

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- Professors and academic staff
- Academic deans and other executives, department chairs, directors, and managers
- Administrative staff responsible for academic appointments

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### **WEBSITE ADDRESS FOR THIS POLICY**

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[www.dfa.cornell.edu/policy/policies/leaves-professors-and-academic-staff](http://www.dfa.cornell.edu/policy/policies/leaves-professors-and-academic-staff)

## Policy 6.2.1 Leaves for Professors and Academic Staff

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## Policy 6.2.1 Leaves for Professors and Academic Staff

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### RELATED DOCUMENTS

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University Documents	Other Documents
<a href="#">University Policy 1.6, Graduate and Professional Student Parental Accommodation</a>	Family and Medical Leave Act (FMLA)
<a href="#">University Policy 4.6, Standards of Ethical Conduct</a>	Intergovernmental Personnel Act (IPA)
<a href="#">University Policy 4.14, Conflicts of Interest and Commitment (Excluding Financial Conflict of Interest Related to Research)</a>	
<a href="#">University Policy 6.9, Time Away From Work</a>	
<a href="#">University Policy 6.13, Disability Accommodation Process for Faculty and Staff</a>	
<a href="#">Academic Titles and Appointments</a>	
<a href="#">Consulting Policy</a>	
<a href="#">Cornell University Bylaws</a>	
<a href="#">Faculty Handbook</a>	

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### CONTACTS

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Direct any questions about this policy to the administrative office of the appropriate unit, center, library, or program. Direct other specific questions surrounding University Policy 6.2.1, Leaves for Professors and Academic Staff, to the following offices:

Subject	Contact	Telephone	Email/URL
<b>Benefits While on Leave</b>	Local administrative office		
<b>Insured Benefit, Further Information</b>	Benefit Services, Division of Human Resources	(607) 255-3936	<a href="mailto:benefits@cornell.edu">benefits@cornell.edu</a>
<b>Leave Eligibility</b>	Local administrative office		
<b>Medical Condition*</b>	Medical Leaves Administration, Division of Human Resources	(607) 255-1177	<a href="mailto:wcds@cornell.edu">wcds@cornell.edu</a>
	EARS (Empathy, Assistance, and Referral Service)	(607) 255-3277 (607) 255-3608	<a href="mailto:ears@cornell.edu">ears@cornell.edu</a>
<b>Policy Clarification</b>	Local administrative office or human resource representative		
	Office of Academic Human Resources	(607) 254-6404	<a href="mailto:equalopportunity@cornell.edu">equalopportunity@cornell.edu</a>

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◆**Note:** Employees do not need to disclose personal medical information to anyone in their department or unit. Such information, when required, is handled by the appropriate area in the Division of Human Resources.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### DEFINITIONS

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These definitions apply to these terms as they are used in this policy.

<b>Academic Appointment</b>	An official, contractual arrangement connecting an individual to an academic title.
<b>Academic Title</b>	The name accorded to a category of endeavor designated as academic by the Board of Trustees and defining the academic relationship to the university. An academic title represents a core function or a special affiliation in the academic areas of teaching, research, and outreach, including academic librarian and extension efforts.
<b>COBRA</b>	Consolidated Omnibus Budget Reconciliation Act of 1985, includes provisions that apply to group health plans of employers.
<b>Compression of Leave Interval</b>	An arrangement to take another leave sooner than policy ordinarily would allow.
<b>Concurrent Appointments</b>	Appointments held by the same person at the same time, with combined FTE not to exceed 100%.
<b>Contract Colleges</b>	New York State colleges operated under contract as part of Cornell University: the College of Agriculture and Life Sciences, the College of Human Ecology, the School of Industrial and Labor Relations, and the College of Veterinary Medicine.
<b>Co-PI</b>	Co-principal investigator, an individual who shares the responsibility for the sponsored project with the principal investigator.
<b>Exempt FLSA Status</b>	The Department of Labor legal category of employees who are not subject to the provisions of the Fair Labor Standards Act (i.e., employees who are not eligible for overtime pay). All academic appointments are FLSA-exempt.
<b>FLSA</b>	Fair Labor Standards Act of 1938, a federal law that in part establishes a minimum hourly wage and premium overtime pay for hours in excess of a specific level. Certain kinds of work are exempt from the overtime provisions of the FLSA, such as professional work
<b>FTE ("Full-time Equivalent")</b>	The full-time equivalent percent of effort (example: half-time equals 0.5 FTE).
<b>Joint Appointments</b>	Concurrent appointments made by different departments or units.
<b>Military Caregiver Leave</b>	A form of Family and Medical Leave of up to 26 workweeks of leave in a single 12-month period, which is allowed for a spouse, son, daughter, parent, or next of kin to care for a member of the armed forces, a member of the National Guard or Reserves, or a veteran, who has a serious illness or injury that was incurred in the line of duty while on active duty, or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces. For veterans, the injury or illness may manifest itself before or after the member became a veteran, or at any point in time within five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### DEFINITIONS, CONTINUED

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<b>Military Exigency Leave</b>	A form of Family and Medical Leave of up to 12 workweeks for employees who have a covered family member serving in the regular armed forces, the National Guard or the Reserves for any qualifying exigency that arises while the covered family member is on active duty. In the case of a member of the regular component of the Armed Forces, covered active duty means duty during the deployment of the member with the armed forces to a foreign country. In the case of a member of a reserve component of the armed forces, covered active duty means during the deployment of the member with the armed forces to a foreign country under a call or order to active duty. Examples of qualifying exigencies include short-notice deployment; military events; childcare and school activities; financial and legal arrangements; counseling, rest and recuperation, and post-deployment activities.
<b>Modified Title</b>	Academic title used with one of the modifiers approved for that title, such as acting, visiting, adjunct, or courtesy.
<b>PCCF</b>	Position Creation and Change Form, used when creating or changing a position within a unit.
<b>PI</b>	Principal investigator, a person who is the project director on a sponsored project and responsible for conducting the research or other activity being supported by a sponsored project.
<b>Primary or Coequal Care-giving Parent</b>	For purposes of Cornell Academic Parental Leave, a primary or coequal care-giving parent is one who has significant responsibility for the care of a child, and those responsibilities interfere substantially with academic responsibilities. If the child is adopted or placed for foster care, the child must be younger than five years old for the parent to qualify as a primary or coequal care-giving parent.
<b>PTS</b>	Probationary tenure status, the appointment status during the evaluation period for a professor eligible to be considered for tenure, also known as tenure-track.
<b>Sabbatic</b>	Relating to a sabbatical leave.
<b>Stacking</b>	Arrangements to combine leaves for an extended or frequent absence; policy may limit such arrangements.
<b>Tenure</b>	Generally, time in a position or appointment. Academically, refers to "appointment with indefinite tenure," meaning an academic appointment with no end-date (as contracts all other academic appointments have "definite tenure," or end-dates). Only the Board of Trustees has the power to elect a professor to tenure, a status designed to protect academic freedom.

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## Policy 6.2.1 Leaves for Professors and Academic Staff

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### OVERVIEW AND PROCEDURES

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#### General Comments

Approved leave formalizes temporary relief from some or all of an academic's assigned responsibilities. A leave may involve full, partial, or no salary and may entail active employment status and/or on-campus presence. Campus privileges typically continue, including computer access and library privileges. Benefits during leave are administered per Trustee-approved legally compliant benefits plans. Those plans shall govern specific administration of benefits. Taking leave does not dismiss obligations of an ethical or legal nature (such as testifying). Commitments traditional within the academy may require attention, such as responsibilities to one's graduate students.

Brief absences, holidays, vacations, change in worksite, and approved travel on Cornell business are not regarded as formal leave, although they are addressed in an appendix to this policy.

This policy is organized to address general aspects of leaves. Specific academic leave categories are described in appendices.

#### General Aspects of Academic Leaves

The segments that follow describe eligibility under this policy; requesting leave; leave approval and implementation; limits on leave dates, duration and frequency; leave schedules for dual-career couples; terminal leaves; return from leave; and benefits while on leave.

#### Eligibility under this Policy vs. the Non- academic Policy

Leave policies and categories differ for those holding academic versus non-academic appointments. Persons employed entirely in nonacademic titles, even if they work in an academic unit or in support of an academic program, are not eligible under this policy; individuals should instead consult [University Policy 6.9, Time Away from Work](#), except that those appointed to graduate student titles should consult the policies of the Graduate School <http://www.gradschool.cornell.edu/>.

◆**Caution:** Some categories of leave that pertain for nonacademic staff may not pertain to academics (for example, academics are not placed on "university leave" or "personal leave" or "short-term disability" — the last is replaced by academic short-term medical leave).

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### OVERVIEW AND PROCEDURES, CONTINUED

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#### Academics

Academic titles, described separately in the policy, "Academic Titles And Appointments," include the following:

- Professorial titles (including modified titles of adjunct, acting, visiting, courtesy)
- Professor of practice, associate professor of practice, assistant professor of practice (including modified titles of adjunct, acting, visiting, courtesy)\*
- Clinical professor, associate clinical professor, assistant clinical professor (including modified titles of adjunct, acting, visiting, courtesy)\*
  - ◆ **Note:** The titles with an asterisk are only available in a college by special procedure as describe in the "Academic Titles and Appointments" policy.
- Senior scientist, senior scholar (including modified title of visiting)
- Instructor (including modified titles of visiting, courtesy)
- Lecturer/senior lecturer (including modified titles of visiting, courtesy)
- Principal research scientist/research scientist
- Research associate/senior research associate
- Extension associate/senior extension associate
- The academic ranks of librarian/archivist
- Teaching associate (but not teaching assistant, which is a graduate assistant title)
- Postdoctoral associate, postdoctoral fellow
- Visiting fellow
- Visiting critic
- Visiting scientist
- Visiting scholar

◆ **Note:** The titles "Dean," "Associate Dean," "Assistant Dean," "Director," "Vice Provost," "Provost," and "President" are not academic titles *per se*; if the person appointed to such a title holds a regular professorial appointment (not adjunct, visiting, acting, or courtesy), then this policy governs accruals and access to leaves; otherwise, refer to the rest of this section.

◆ **Caution:** Graduate student appointments, such as graduate teaching assistant and graduate research assistant, are not academic titles, nor are appointments as intern or resident.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### OVERVIEW AND PROCEDURES, CONTINUED

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#### **Administrators who are professors**

Administrators who also hold regular professorial appointments (not adjunct, visiting, acting, or courtesy) are covered entirely by this policy rather than non-academic policies.

#### **Administrators who hold modified-professorial or non-professorial academic titles**

Coverage under this policy for administrators who also hold modified professorial or a non-professorial academic appointments (for instance, appointment as lecturer) is based upon the nature of the two appointments:

This academic policy governs both appointments

- If the primary appointment is academic and the administrative appointment is considered an assignment within, stemming from, or closely related to the academic appointment; or
- If the administrative appointment is terminal, such that its conclusion would result in return to the academic appointment.

Otherwise, this policy governs only the academic appointment and not the administrative appointment.

◆ **Note:** Determination of coverage under this policy will be made by the dean or other executive and should be clarified as early in the offer and appointment process as possible.

#### **Other Concurrent Appointments**

If a person holds two unrelated part-time positions, one of which happens to be non-professorial academic, then this academic leave policy applies only to the academic position.

#### **Requesting Leave**

Typically, the academic consults the unit's administrative office regarding eligibility and discusses the leave request with the department chair or other academic manager before making a formal request. When possible, discussions and formal request should occur sufficiently ahead of time to accommodate the needs of the academic program, including the planning cycles, such as publication schedules for course offerings; deadlines for grant submission and reports; and peak times for extension programs and library activity.

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### OVERVIEW AND PROCEDURES, CONTINUED

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◆ **Caution:** A leave that would affect work on a sponsored program should be reviewed with the principal investigator (PI) as early as possible. A leave that would be taken by a principal investigator (PI) or co-PI should be reviewed with the relevant grant and contract officer in the Office of Sponsored Programs as soon as possible, prior to formal request for leave.

In most academic leaves, a formal letter requesting leave is required. This letter should specify dates and the kind of leave requested. If the leave is for academic pursuits, the academic plan also should be attached. The unit administrative office can provide any relevant forms for requesting a leave. The university has a form for requesting leave under the federal Family and Medical Leave Act, but colleges and units may require special forms for requesting the other categories of leave.

◆ **Caution:** If the reason for leave is medical, the diagnosis or prognosis information is considered private and does not need to be disclosed in the request letter to the unit or in conversation. Medical Leaves Administration may exercise the university's right to review the medical reason.

The formal request for leave should be submitted to the department chair or other academic manager, with a copy to the local administrative office.

#### Leave Approval and Implementation

Approval of academic leaves is discretionary, except

- As described in leave taken under Cornell Academic Parental Leave;
- In leaves supported by appropriate medical professional statements; and

◆ **Note:** for medical leaves Cornell reserves the right to seek additional medical review that could lead to denial of leave

- In situations governed by the Family and Medical Leave Act.

#### Discretionary Considerations, and Other Terms and Conditions

Among the many discretionary considerations for approval, the stability of the academic program may be foremost, leading to denial or deferral of the leave request, whether the leave is paid or unpaid. However, in leave management under this policy, family and career needs are regarded as valid and important reasons for leave approval.

Within legal limits, academic management may add written conditions beyond those specified in university policy. Those conditions may include a date for formal notification of intention to return to the university. Such a condition may pertain, for example, when an academic is considering an

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### OVERVIEW AND PROCEDURES, CONTINUED

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external offer and a notification timeframe is necessary for academic planning.

◆ **Caution:** Failure to provide, by the specified date, the required notice of intention to return may be interpreted as notification of intention not to return.

◆ **Caution:** While academic leaves may be used to accommodate faculty who take temporary positions elsewhere, such leaves are not normally appropriate for individuals who accept tenured appointments at other institutions. Tenure implies a mutual long-term contractual commitment between the faculty member and the university. Retention of a tenured position at Cornell concurrent with acceptance of a tenured appointment at another university may raise questions of dual employment that implicate the conflict of interest and conflict of commitment policies at both universities. Thus, a decision by the dean to grant academic leave in such circumstances requires compelling justification, and the leave should not, in any event, exceed more than one year from the date the Cornell faculty member assumes a tenured appointment at another institution.

Before a leave is approved, it is important to clarify programmatic and appointment matters surrounding the leave, such as the following:

- Appointment renewal (and review) if needed to accommodate return from leave
- Academic expectations attached to the leave
- Obligations under grants and contracts
- Timing of promotion or tenure review
- Compensating shift in workload and teaching replacements
- Duties that continue, such as advising or committee service
- Potential conflicts of interest in the leave plans (disclose and resolve per [University Policy 4.14, Conflicts of Interest and Commitment \(Excluding Financial Conflict of Interest Related to Research\)](#))
- Eligibility to participate in salary improvement programs
- Standards for performance review

Provost's approval may be necessary for some terms and conditions that lie outside of this policy, such as adjustment of the tenure timetable.

#### **Deferral at the Discretion of the Department**

Department chairs have responsibility for meeting the needs of the academic program while managing leave schedules affected by a variety of factors.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### OVERVIEW AND PROCEDURES, CONTINUED

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Managing the sequence of leaves in a unit or program may require denial or deferral of leave requests. Discussions surrounding leave requests and deferrals should include a leave management plan that addresses such factors as the following:

- Limits to sabbatical postponement credit
- Restrictions on study leave eligibility and postponement
- The kinds of leave that may not be taken in adjacent semesters, e.g., study leave and sabbatic leave
- Avoidance of excess leave, undue stacking of leaves, and excessive compression of leave intervals
- Career and personal issues

#### **Limits on Leave Duration and Frequency**

University policy limits the duration and frequency of an academic's leaves, reflecting Trustee and leadership expectations that:

- Academics (particularly professors) will be substantially available to students during their years of study and to other beneficiaries of the academic programs;
- Such leaves will benefit not only the academic but the university as well, through the enhancement of the academic's ability to contribute to the institution, by accommodating the changing needs of personal life and career;
- A continuing academic affiliation with Cornell will reflect appropriate participation in the Cornell academic community;
- Benefits expenses and liability exposures due to leaves will be incurred only when appropriate; and
- The university will be able to exercise with clarity its rights and obligations in matters of academic planning and employment.

Academic leaves are expected not to exceed one year in length, except as may occur as a result of medically based leave, Family and Medical Leave, or leaves negotiated under the Intergovernmental Personnel Act (IPA leave). Any leave or leave combination in excess of one year ("excess leave") requires special approval by the provost. Provost's approval of a request for excess leave confirms the academic's continued eligibility for benefits as specified in the governing benefits plans. The Office of the Dean, Vice Provost for Research, or University Librarian should forward the request for excess leave to The Office of Academic Human Resources.

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### OVERVIEW AND PROCEDURES, CONTINUED

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The frequency of leaves for an individual may be limited, except as provided for in medically related leaves; Family and Medical Leave; and Parental and Care Leave Options for Cornell Academics.

#### **Leave Schedules for Dual-career Couples**

It is university practice to use a variety of approaches to enable dual-career couples to go on leave at the same time. However, special arrangements for the dual-career professorial couple will not include the arbitrary granting of credits to synchronize leave schedules because the synchrony does not persist.

For dual-career Cornell couples in which one person is a professor, the university strongly encourages the leadership of the other unit, whether academic or non-academic, to approve leave arrangements that enable the couple to go on leave at the same time.

#### **Dates of a Leave**

The official dates of a leave may need to respect particular semester or payroll dates, particularly in Endowed Division appointments where professors on 9-month appointments are paid over 12 months, with the resulting issues of pre-payment of the professor between July 1 and mid-August and post-payment between mid-May and June 30.

The end date of a leave may not exceed the end date of the appointment. Any renewal should be implemented prior to processing of the leave.

“Terminal” leaves, which are planned to extend until the end date of the appointment (or the date of retirement or resignation), may be approved except for study leave and where the conditions of the leave call for a period of post-leave service, as is the case in sabbatical leave. Terminal leaves are subject to the limits, terms, and conditions described elsewhere in this policy. Terminal leave should not be approved solely for the purpose of continuing benefits eligibility — provisions already exist for continuation of some benefits eligibility under federal regulation (COBRA).

#### **Route of Approval**

Academic leave approval begins locally and moves through usual academic channels to the level of dean or other executive, with some circumstances requiring provost’s approval. Leaves of two weeks or less may be approved by the department chair or other academic manager and do not require additional approval (except per college, school, library, or unit practice). Leaves or leave combinations in excess of a calendar year (excluding approved use of vacation) require provost's approval through The Office of

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### OVERVIEW AND PROCEDURES, CONTINUED

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Academic Human Resources. Typically, it is the request letter that moves through approval channels. For concurrent appointments, both units and deans' offices must be involved in the approval process.

Upon learning of final approval of a leave, the department chair or supervising professor (or designee) must communicate this to the academic in writing, specifying start and end dates and pay status, along with other special terms and conditions.

#### Implementing Approved Leave

An online transaction officially implements and records the approved leave. The local administrative office prepares the transaction in accordance with college or school practice, placing the academic on leave. (Leaves for academics in concurrent appointments require sign-off by both units, and the other dean's office, if any, should be involved.) Attached to the online transaction as backup must be a copy of the approval notification written to the academic with category of leave, specific start date and end date of leave, and pay status during leave, along with any special terms and conditions. A copy of any special approval, such as dean's or provost's approval, also should be attached.

Leaves of two weeks or less do not require an online transaction unless salary is affected or local policy requires it. It is important, however, to keep copies of leave request and approval letters in unit files. This may become relevant in such areas as determining sabbatic accrual.

There is no need to file another transaction to return the academic from leave if the end date of the leave remains the same as filed on the leave-originating transaction.

#### Return from Leave

Typically, an approved academic leave obliges the unit to return the academic to the same academic position (assuming the appointment remains in effect). During the leave, the position may not be filled except on a short-term contingency basis. Units are not obliged to return the academic to the position before the approved end date of the leave.

◆ **Caution:** Failure to return from leave may constitute job abandonment and may lead to early termination or non-renewal of the academic appointment.

The university may exercise options not to return the academic to the position or to the same position in such situations as the following:

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### OVERVIEW AND PROCEDURES, CONTINUED

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- Completion of the assigned project or loss of funding
- Some provisions of Family and Medical Leave that permit return to an analogous position
- Medical situations in which a release to return to work is not forthcoming or precludes performing (with reasonable accommodation) some or all of the position's essential responsibilities
- Special circumstances, such as those related to reorganization or loss of funding

Leave does not prevent continuing performance management efforts or disciplinary action.

It is not necessary to file a form to return an academic from leave status if the end date of the leave has not changed.

#### Benefits While on Leave

Approved leaves of up to one year provide general benefits eligibility on the same basis as before the leave, with such exceptions as the following:

- Continuation of an insured benefit, such as health insurance may require that the employee pay both the employer and the employee share of the premiums
- The plans or legal regulations governing some benefits may exclude eligibility for those on particular forms of leave
- Salary-linked benefits may be affected by leave with partial or no salary
- Accruals toward vacation, sabbatic leave eligibility, or study leave eligibility may not continue while on leave

◆ **Note:** Benefits eligibility and terms of continuation while on leave may differ between Contract College and Endowed Division appointments.

If any benefit (such as Cornell Children's Tuition Scholarship) is of specific concern, the professor or academic staff member is advised to consult the pertinent section of leave policy and then inquire through the academic unit's administrative office or the university Benefit Services office.

Leave(s) in excess of one year require approval by the provost through The Office of Academic Human Resources, which extends eligibility to continue benefits permitted under benefits plans.

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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## APPENDIX A: ABSENCES NOT CONSIDERED FORMAL LEAVES

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#### **General Comments**

Not all absences are considered situations that require formal leave. The dean or other executive determines whether a given circumstance constitutes a leave situation or another category of absence.

#### **Change in Worksite**

Change in worksite, other than temporarily, should be reported by message from the administrative office to the Position Creation and Change Form e-mail address [positioncreatchg@cornell.edu] so that a central record of the assigned worksite may be maintained and changes in tax jurisdiction may be implemented. For example, assignment of an Ithaca-based project's research associate to a Cornell laboratory in Long Island would constitute a change in worksite and not a leave situation.

#### **Approved Travel on University Business**

Approved travel on behalf of Cornell, attending professional meetings, presenting lectures at other institutions, consulting within the time allowed for professors under the consulting policy, or participating in Cornell's off-campus academic programs are not considered leave situations.

#### **Brief Personal Absences (Including "Sick Leave," Jury Duty, Funerals, Blood Donation, and Lactation)**

Academics do not accrue sick leave (although in the Contract Colleges virtual sick leave is presumed to accrue to substantiate eligibility for a post-retirement benefit). Information on administration of contract college sick leave may be obtained from the University Budget Office.

Brief, infrequent absences due to illness, to meet the demands of family life, for medical consultation or treatment, or to attend to personal business should be reported to the unit office or academic manager per the custom of the unit, but they are not recorded in university systems as academic leaves. (Sick leave in the Contract Colleges is recorded and tracked).

Upon request, the university must provide three hours of unpaid leave in any 12-month period to covered faculty and academic staff members who wish to donate blood. Requests for more than three hours, or requests from non-covered employees for blood donation purposes is subject to supervisory approval. For more information, consult the "Blood Donation Leave" section of [University Policy 6.9, Time Away From Work](#).

All faculty and academic staff may request time away from work to express breast milk for up to three years following the birth of a child. For this

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### APPENDIX A, CONTINUED

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accommodation, Cornell will make reasonable efforts to provide a private room or other location in close proximity to the work area. For more information, consult the “Lactation Time Away from Work” section of [University Policy 6.9, Time Away From Work](#).

Family-related and medical situations may qualify for the protection of the Family and Medical Leave Act. A personal medical absence that extends as long as a month may be covered within Academic Short-term Medical Leave, as well as Family and Medical Leave Act leave.

#### **Jury Duty and Court Appearances**

Absence in response to summons for jury duty, for subsequent empanelment, or in order to appear in court as a summoned witness is not considered leave, and salary is continued. The unit office should be kept informed of absence and anticipated absence.

Academics appearing in court on their own behalf should notify their unit office. Salary continuation is at the discretion of academic management, and lengthier absence may be handled through this policy’s section on “Other Academic Leaves of Absence, Including Administrative Leave.”

#### **Funerals**

When absence is necessary to attend a funeral, the department chair or other academic manager should be notified so that academic obligations may be met. Absence beyond typical time around the death and funeral are handled as “Other Academic Leaves of Absence, Including Administrative Leave,” and the continuation of salary is at the discretion of the dean or other executive.

#### **Excessive Absences**

A department chair or other academic manager is authorized to set work hours and reasonable standards for attendance, office hours, and other academic business. When absences are deemed excessive or to have an impact on unit management or programs, the department chair or other academic manager should initiate a discussion with the academic to foster clear communication of the situations involved and of expectations. If standards for reasonable absence need to be clarified, it is permissible to look to the non-academic policy, [University Policy 6.9, Time Away from Work](#) for guidelines in areas not specified in academic policy. Aside from absences covered in Family and Medical Leave policy and approved leaves, continued excessive absences could be grounds for progressive disciplinary action and ultimately for early termination of the contract or non-renewal. In extreme

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX A, CONTINUED

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cases, tenured professors may be subject to revocation of tenure by the Board of Trustees for nonfeasance.

#### Holidays and Recesses

The Office of Human Resources issues an annual list of official holidays for university employees.

During the four scheduled recess periods, (fall break in October, intersession between the fall and spring terms, February recess, and spring break), professors and academic staff remain responsible for performing their normal academic duties other than formal classroom teaching.

#### Vacation

Professors and academic staff whose primary appointments are “nine-month,” academic-year appointments — even when their salaries are spread over the twelve-month fiscal year — do not accrue vacation, although they may use accrued vacation that was carried over from appointments where they did earn vacation, if the funding sources permit. Teaching in Summer Session or drawing supplemental summer salary does not change a primary appointment to twelve-month appointment.

Academic employees, including visiting academics but excluding those in postdoctoral titles, who hold twelve-month appointments for one year or longer and whose total university effort is designated at 50% or more earn vacation at the rate of two days per month, up to a total of twenty-two days per accrual year of October 16 – October 15. Postdoctoral associates who are or have been appointed for a year accrue fifteen days’ vacation per accrual year of October 16 – October 15. Both the rate of accrual and the annual accrual limit are pro-rated for part-time appointments and in concurrent appointments. Appointments that total less than half time, regardless of appointment duration, do not accrue vacation. Postdoctoral fellows and visiting fellows do not accrue vacation.

Except for postdoctoral associates, the maximum vacation accrual is thirty days, although the dean or other executive may approve accrual up to forty-four days in unusual circumstances. The maximum vacation accrual for postdoctoral associates is twenty-two days and cannot be extended. Vacation accruals in excess of the maximums will not be carried over beyond October 15 of any given year. Each year, as of October 15, vacation accrual balances that exceed the maximum will automatically be adjusted to the appropriate maximum in accordance with the accruals stated above.

Vacation does not accrue during any leave period in excess of one month.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **APPENDIX A, CONTINUED**

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Each department or academic unit is responsible for maintaining records of vacation balances and reporting them annually (Endowed Division) or quarterly (contract colleges) to the Payroll Office. The nature of academic work suggests that vacation be earned and deducted in increments no smaller than half-days.

Accrued vacation may be taken after the first six months of employment, earlier only in special conditions and with the permission of academic management.

All earned vacation must be taken before the appointment's termination date or the accrual will be lost, except that a vacation accrual balance may be transferred to a new, a continuing, or a renewed Cornell appointment, even if the new appointment does not qualify for further accrual. In these cases, the accrual may be used or may continue to be carried as a balance. Lump-sum payment for vacation accrual may not be made except in case of election of a formal retirement option or to the estate in case of death (maximum payment is 30 days). Continued regular salary payment may be made to "pay out" the vacation only if the appointment has been extended administratively; this is appropriate only when performance of academic duties has prevented use of vacation accrual (further vacation does not accrue during such administrative extension). The unit has no obligation to extend an appointment for this purpose.

Vacation time should be scheduled in consultation with the department chair or other academic manager so that the continuity of the academic program is maintained. Approval to use vacation accrual is at the discretion of the department chair or other academic manager, but it can be a misuse of discretionary power to interfere persistently with an academic's scheduling vacation.

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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## APPENDIX B: CATEGORIES AND DETAILS OF FORMAL ACADEMIC LEAVE

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### Sabbatical Leave (Professorial)

◆**Note:** Please read the “Overview and Procedures,” “Eligibility,” “Requesting Leave,” “Leave Approval and Implementation,” “Return from Leave,” and “Benefits while on Leave” segments of this document. The terms and conditions govern the overall use of sabbatical leave.

Sabbatical leave provides opportunity for planned, active-status professorial effort to focus on, advance, and freshen scholarship and open new avenues for research, teaching, and outreach such that significant benefit accrues to the university’s academic programs. Sabbatical leaves are available only to associate professors, professors, and university professors who have been elected to tenure by the Board of Trustees.

For nine-month appointments (even if paid over twelve months), sabbatical leave may be taken at full salary for one semester or half-salary for two semesters. For twelve-month appointments, sabbatical leave may be taken at full salary for six months or half-salary for twelve months. For concurrent professorial appointments (i.e., joint appointments), the goal is to replicate salary (or half of salary) that the professor would have had for the given semester(s) without the leave; distribution of the salary expense between the colleges will be prorated.

Sabbatical salary for many Endowed Division appointments is charged to the Sabbatic Pool. For Contract College appointments, sabbatical salary is charged to the appointment’s regular statutory or state funds. These sources of funding require that sabbatical leave plans and accrual toward sabbatic eligibility be auditable.

Sabbatical leave is approved at the discretion of the dean and department chair. Sabbatical leave is not an entitlement.

A professor requesting sabbatical leave and who has grants or contracts must notify Sponsored Programs as soon as possible to allow that office to meet informational reporting requirements.

### Requesting Sabbatical Leave

Eligibility to take a sabbatical leave should be confirmed with the academic unit’s administrative office, which should confer with the dean’s office.

Sabbatical leave must be requested sufficiently in advance (by at least a semester) to enable the unit to plan for meeting academic obligations, such as course offerings.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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The sabbatic request should specify dates of leave. If accrued vacation is planned to be taken adjacent to the sabbatical leave, this should be included as part of the sabbatic plan and separate dates identified.

With the request for leave, the professor must submit an academic plan for the sabbatic. The sabbatic plan must describe the proposed work expected to benefit Cornell's academic program. Approval of the leave is contingent on the department chair's and dean's approval of the academic plan. Sabbatic plans may be subject to internal or external audit review (related to accounting for appropriate use of sabbatic pool or State funds). Approved changes to the sabbatic plan should be filed as attachments to the unit and college copies of the approved plan.

#### **Processing Sabbatic Leave**

With confirmation of eligibility and with approval of the leave and the sabbatic plan by the department chair and the dean, the professor should be placed on sabbatical leave and appropriate HR systems should be updated. The letter to the professor indicating leave approval, dates, the post-sabbatic service requirement, and any special contingencies should be attached for college and central files. Copies of the sabbatic plan do not need to be filed centrally; a copy must be retained in unit files. A copy of the accrual record substantiating sabbatic eligibility must be attached to the online transaction for central records.

#### **Accruing toward Sabbatic Eligibility**

A professor becomes eligible for a sabbatical leave after twelve fall or spring semesters of active, on-campus professorial service. A semester does not accrue toward next sabbatic eligibility if half or more of that semester is spent on leave, except for study leave. Semesters on study leave may accrue toward next sabbatic eligibility. In the College of Arts and Sciences off-campus study leaves do not accrue toward next sabbatic eligibility. Time spent on Intergovernmental Personnel Act Leave does not accrue toward sabbatic eligibility.

Sabbatical leave is not normally available to professors to be taken while they serve actively as dean or vice provost, or in other executive positions. For such individuals, accrual toward sabbatic eligibility may continue within prescribed limits, adjusted in the context of any arrangements for administrative leave. Professors whose executive service is of long duration may interrupt that service with a sabbatical leave if the provost approves.

**Part-time service:** Sabbatic eligibility can be accrued during part-time professorial service. For professors with semesters at part-time effort, either

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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of two proration methods may be used: prorating accrual, or, more commonly, prorating salary.

- In prorating accrual, the fractional effort for every eligible semester is added until the sum equals the equivalent of twelve full semesters. For instance, twenty-four semesters at 0.5 FTE would accrue eligibility for a sabbatical leave (one semester or six months at 1.0-FTE salary, or two semesters or a full year at 0.5-FTE salary).
- In prorating salary, for the twelve eligible semesters, each semester's effort contributes that fraction of a twelfth to the sabbatic salary. For instance, twelve semesters at 0.5 FTE would accrue eligibility for a sabbatical leave (one semester or six months at 0.5-FTE salary, or two semesters or a full year at 0.25-FTE salary.)

In an irregular pattern of partial-effort semesters among full-effort semesters, the partial-effort semesters (up to the summed equivalent of three full semesters) may be deferred toward any future sabbatical eligibility; use of such partial-semester deferred accrual may not cause compression of the interval between leaves beyond acceptable norms. The option to defer partial-effort semesters' accrual may be useful for leave management in the context of a professor's family circumstances or in completing accrual toward sabbatic eligibility in a phased retirement schedule.

**Credit for prior service:** Trustee legislation permits as many as six semesters to be credited toward first sabbatic eligibility for service in regular professorial ranks at other institutions. If prior-service credit beyond six semesters is necessary, that many twelfths of the sabbatic salary must be paid by funds other than the sabbatic pool or State funds.

For contract college appointments, because prior-service credit is regarded as assuming a financial liability that belonged to the other institution, only service at SUNY institutions is eligible for prior-service credit; if prior-service credit is appropriate under university policy but not contract college policy, it may be awarded, but each twelfth of sabbatic salary that represents such prior-service credit must be charged against non-State funds.

Approval for prior-service credit requires a request from the department chair to the dean, with attached documentation (typically from the c.v.) of the prior service in professorial rank. The approval and the backup documentation must be filed with The Office of Academic Human Resources to substantiate the credit for university records.

**Credit for postponement:** The sabbatical leave is intended for periodic renewal of scholarship after significant years of attention to responsibilities

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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that can detract from that focus. To maintain this purpose, Trustee legislation limits the degree to which postponement of sabbatical may accrue credit toward future sabbatical leaves and thereby compress the interval between future sabbaticals.

When a professor has accrued to full eligibility for a sabbatical leave, further accrual stops until return from that sabbatical leave. If the sabbatical leave is postponed, the intervening semesters are not credited toward next eligibility, except in special circumstances. Postponement credit must be requested, and grounds for approval are limited to the following:

- The academic interests of the unit
- Tenure having not yet been approved
- Grant or contract obligations
- Family or medical circumstances (for semesters with active service and fulfillment of academic obligations for at least half of the semester, per the department chair's judgment)
- Synchronization of leave schedules between dual-career couples
- Administrative service as department chair, dean, or university executive

Limits to postponement credit include the following:

- Three semesters toward next sabbatical eligibility
- Up to six semesters for postponement during administrative service as department chair, dean, or executive (in addition to any semesters of regular postponement credit), except that administrative leave is presumed to be awarded in lieu of appropriate numbers of lost or administrative-service postponement credits

Sabbatic postponement credit is not awarded in fractions.

Particularly in units that offer study leave, requests for postponement credit should include a leave management plan that attempts to restore normal patterns of leave cycles and intervals and to avoid clustering of leaves.

Postponement credits that fall within these categories and limits may be approved by the dean's office if historical record of the semester accrual count that accurately supports the postponement request is attached to the approval and filed with The Office of Academic Human Resources.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### Duration

While it is anticipated that sabbatical leave start-dates will coincide with semester or half-year start dates, a dean may approve different start-dates and end-dates for appropriate reasons as long as the equivalent length of the sabbatical leave is not exceeded and any Endowed payroll pre-pay and post-pay considerations are honored.

Early return from sabbatical leave is permitted with dean's and department chair's approval, but the remainder of the sabbatical leave is not owed to the professor.

#### Sabbatics and Short-term Medical Leave

Should a medical situation seriously interfere with the sabbatic plan, the academic should notify the unit administrative office and, with proper documentation, be placed on academic Short-term Medical Leave. Upon return from the Short-term Medical Leave, the academic should discuss with the chair whether commitments warrant extension of the sabbatical leave beyond the original date for return.

#### Combination Leaves and Vacation

Provost's approval through The Office of Academic Human Resources is necessary for leave combinations that exceed one year, excluding approved vacation.

With dean's approval, administrative leave or leave without salary may be taken adjacent to sabbatical leave so long as the combined time does not exceed one year, excluding approved vacation. Because study leave is not an entitlement and is designed exclusively to provide interim relief, study leave may not be taken adjacent to or combined with sabbatical leave.

For appointments that accrue vacation, up to one month of vacation time may be used in conjunction with a sabbatical leave even if the combined time thereby exceeds one year. The vacation request should be specified in the sabbatic request, and the vacation request is approved independently of approval of the sabbatic plan. Vacation time must not be charged against the sabbatic pool.

#### Split Sabbatics

In special circumstances, the dean may approve sabbatical leaves "split," or taken in two segments interrupted by a period of active, on-campus service, if this is appropriate to the purpose of the sabbatical and the needs of the unit. With the approval of the department chair and the dean, the

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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intervening time may accrue toward next sabbatic eligibility if the split was designed in the interests of the unit and if the interval otherwise meets accrual requirements. The intervening time may not count toward the post-sabbatic service requirement. Because splitting the sabbatic interrupts the focus of the sabbatic experience, this arrangement is discouraged.

#### Early Sabbatics

Rare circumstances may need to be addressed through arrangements for a professor to take a sabbatical leave before the last semester or two of service has accrued. With approval of the department chair and the dean, such arrangements may be made, with these contingencies in writing:

- Accrual toward next sabbatic eligibility will not begin until the remaining service toward eligibility for the early sabbatic has been served (for example, if a sabbatical leave is taken one year early, accrual toward the requisite twelve semesters for next sabbatic eligibility will not begin until two active semesters have been served).
- Fulfillment of the post-sabbatic service requirement will not begin until the remaining service toward eligibility for the early sabbatic has been served (for example, if a sabbatical leave is taken one year early, the post-sabbatic service requirement will not have been discharged until two years of active service following return from the early sabbatical leave)—because this incurs a greater risk of invoking the payback requirement, it is important that the professor understand this condition for early leave and agree to it in writing
- Provost's approval through The Office of Academic Human Resources is necessary for early sabbatical requests.

#### Location

The sabbatical leave is meant to engage the faculty member in a different academic environment and to minimize distractions, and traditionally this has meant leaving the area. The dean may approve a local sabbatic if the academic plan is appropriate. While the option for a local sabbatic may be helpful for family or special academic purposes, it is not anticipated to become the norm for sabbatical leaves.

#### Appropriate Activity

Research and scholarship should be the primary focus of the sabbatic, although related development of pedagogy may also be an appropriate sabbatic component. With the Cornell college dean's approval, teaching at

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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another institution is permissible if it is an appropriate part of a sabbatic plan that will permit freshening of scholarship and will benefit Cornell's academic program.

#### Additional Income

Sabbatic plans may involve arrangements for non-Cornell income to provide the other half of salary for full-year or two-semester sabbatics. Sabbatical leave may not be taken primarily for income-related or marketing purposes. The professor may earn additional salary if specified in the sabbatic plan and deemed appropriate by the dean; [University Policy 4.14, Conflicts of Interest and Commitment \(Excluding Financial Conflict of Interest Related to Research\)](#) continues to govern such income. Consulting falls under the same guidelines as would apply during on-campus active effort. The amount of additional income that may be earned is not limited by university policy.

#### Post-Sabbatic Service Requirement

Because sabbatical leave exists for the benefit of the university's academic program, approval is contingent on fulfilling the commitment of one year of post-sabbatic service (for either one- or two-semester sabbatics). If, for other than health-related reasons, the professor fails to complete the post-sabbatic service requirement (for example, by leaving to accept a position at another university), the professor must return the sabbatic salary and the benefits expense to the university. This requirement may not be waived.

For a professor who accepts a position at another university prior to fulfillment of the post-sabbatic service requirement, the recruitment package to the other institution customarily includes payment to the professor to cover the payback to Cornell of sabbatic salary and benefits. Payback of post-sabbatic service salary and benefits is not pro-rated for fulfillment of part of the year's requirement, nor is it partially waived for a shortened sabbatical leave.

Retirement does not waive the post-sabbatic service requirement. Professors who elect a formal retirement option or whose phased retirement agreements include a sabbatical leave may configure their post-sabbatic service through appropriate service after retirement.

#### Study Leave (Professorial)

◆ **Note:** Please read the "*Overview and Procedures*," "*Eligibility*," "*Requesting Leave*," "*Leave Approval and Implementation*," "*Return from Leave*," and "*Benefits while on Leave*" segments of this document. The terms and conditions govern the overall use of study leave.

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### **APPENDIX B, CONTINUED**

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Study leave is a full-salary, one-semester leave from the teaching portion of a professor's responsibilities. Study leave is taken between sabbatical leaves and is designed to offer tenured or tenure-track professors who are judged to have carried particularly heavy teaching loads an opportunity for uninterrupted study and research. Study leave is approved at the discretion of the department chair and the dean in an effort toward better scholarly balance among a professor's competing responsibilities. Study leave is an active-status leave. Responsibilities other than classroom teaching continue during study leave. An exception exists in the off-campus study leave, which also provides relief from advising and committee service. Benefits should continue as on the pre-leave basis unless the regular appointment configuration is changing. A semester spent on study leave does accrue toward eligibility for the next sabbatical leave if accrual would otherwise occur, except per a college's study leave policy.

#### **Availability of Formal Study Leave**

Although Trustee legislation establishes professorial study leave as a formal leave category for the university and determines its terms and conditions, the Deans' Council designated that each college should determine whether to implement a study leave policy for its professors. Colleges so choosing need to develop the policy within university parameters and obtain provost's approval of the policy. Therefore, interested professors should contact their unit offices for information about their access to study leaves. Study leave typically is offered for professors in fields where funding to support scholarly research opportunities may be less readily available, such as the humanities. A college may choose to offer access to study leave to professors only in particular fields. A college may decide to not allow an off-campus study leave to accrue toward next sabbatic eligibility.

#### **Eligibility and Scheduling**

To be eligible, the professor must have had scholarly development opportunities impaired by heavy teaching loads and must have served Cornell continuously in a teaching capacity for at least three years since initial appointment or the most recent sabbatical leave.

Deans' Council policy on study leave specifies that to be eligible the faculty member should not have the opportunity for sufficient financial support to finance another form of leave or to finance summer research; and that the granting of study leave shall not curtail course offerings to students or result in increased cost to the unit or college.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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To be eligible for study leave the professor may not have taken a study leave since the last sabbatical leave. Only one study leave may be taken between sabbatical leaves. Once six semesters of uninterrupted teaching have been served, counting of semesters toward next study leave eligibility does not resume until a sabbatical leave has been taken. Complex leave patterns, including lengthy delay of sabbatical leave, can compromise eligibility for a study leave. Study leave may not be “banked,” and there is neither postponement credit for delay of study leave nor credit for prior service at other institutions.

Study leave may not normally come within two years of any other leave. In cases where tenure or promotional review, administrative service, or postponement of sabbatical leave at the request of the unit has compromised the possibility for a two-year interval, the dean’s office may approve a request to compress the leave interval to as little as one year. Some other forms of discretionary leave may be combined with a study leave, such as a leave granted in consideration of administrative service and leave without salary; but study leave may not be combined with or taken adjacent to sabbatical leave. Study leave may not be taken as terminal leave. The university does not impose a service-or-payback requirement for study leave as pertains for sabbatical leave, but colleges may do so as a matter of policy.

#### **Requesting Study Leave and Processing an Approved Study Leave**

The professor must submit a specific plan of study or research with the request for study leave. The plan must include provision whereby the usual teaching responsibilities will be met with existing unit resources without additional appointments. Typically, this involves extra teaching just before or after the study leave. Colleges that offer study leave have their own procedures and timetables for submitting requests. Typically, requests must be submitted at least one semester in advance.

With approval per college procedures, a professor should be placed on study leave via an online transaction with an attached copy of the notification letter.

#### **Professional Development Leave (Academic Staff)**

#### **General Eligibility**

Professional development leaves may be authorized by a college or other academic unit to allow individuals holding certain non-tenure track academic titles to pursue professional development opportunities that offer significant potential benefit to the unit’s teaching, research, extension, or library programs. Such leaves are approved at the discretion of the department chair

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### APPENDIX B, CONTINUED

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or director and the dean/executive of all units in which the individual holds appointment. Leaves are subject to available funding, the ongoing academic needs of the units, and related considerations.

#### **Programmatic Eligibility for Professional Development Leave**

To supplement existing authority to approve individual leave requests colleges and other academic units may adopt professional development leave programs to include some or all of the following academic titles: senior lecturer, senior research associate, clinical professor and associate clinical professor, senior extension associate and principal research scientist. Persons holding academic librarian or archivist titles may be eligible under CU Library procedures, at <https://confluence.cornell.edu/display/libhumres/Academic+HR>. There is no requirement that all such groups be included, and colleges/units adopting professional leave programs may impose additional eligibility requirements. College or other unit programs should specify minimum time-in-service requirements for eligibility, the conditions, if any, under which subsequent leaves are available, and whether there is a requirement for a period of Cornell service following the leave. Any expectation for a report, syllabus, or other follow-up should be specified. Colleges and units are not obliged to approve leaves for all eligible academics, but should establish equitable criteria for selecting among eligible candidates. Deans/executives should review final drafts of documents to establish a professional development leave program with the Provost.

#### **Proposals**

An applicant for a professional development leave must submit a specific plan of study, research or other professional development. The plan should describe how the proposed work would directly benefit the applicable academic program. The applicant for leave and those approving the leave should review “Discretionary Considerations and Other Terms and Conditions” on pages 11-12 of this policy and incorporate relevant aspects. An updated conflicts disclosure statement may be necessary. The leave plan and related documents may be subject to audit if the leave is with salary.

Authorization to take the leave is contingent on the department chair’s/director’s and dean’s/executive’s approvals of the academic plan and of specific terms and conditions, such as start and end dates, and is subject to the availability of funding, the ongoing academic needs of the unit, and related considerations.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### Duration, Pay and Benefits

The duration of such leaves normally should not exceed one semester, or six months for those in units not on a semester basis. Shorter periods of leave can be authorized. Consistent with policy governing academic leaves, the end date of the leave may not exceed the end date of the academic appointment; approved leave does not extend an appointment, so any renewal should be implemented prior to approval and processing of the leave. Under either paid or unpaid leave, appointees with continuing or renewed appointments shall be entitled to resume the appointment upon completion of the leave.

College plans may provide for both paid and unpaid leaves. For those on such pay schedules as nine-month appointments paid over twelve months, any issue involving pre-pay or post-pay should be clarified during the approval process.

Academic appointment policy governing leaves provides that, for those with appointments that accrue vacation, further vacation does not accrue during any leave period in excess of one month. The leave applicant should contact Benefits Services in the Office of Human Resources for information about the leave's impact on benefits.

#### Prestigious Fellowship Leave (Professorial)

◆**Note:** Please read the "Overview and Procedures," "Eligibility," "Requesting Leave," "Leave Approval and Implementation," "Return from Leave," and "Benefits while on Leave" segments of this document. The terms and conditions govern the overall use of Prestigious Fellowship leave.

Cornell continues to provide the university share of contributions toward certain benefits for eligible professorial staff in the Endowed colleges who go on leave without salary for up to one year as recipient of one of the highly competitive prestigious fellowships named in an approved list. The list of approved fellowships originated in action by the Board of Trustees, who delegated control of the list to the provost with the expectation that it would be amended only infrequently. The following are the approved fellowships:

- American Academy in Rome, Rome Prize Fellowship
- American Academy of Arts and Sciences Fellowships
- American Council of Learned Societies Fellowships
- Andrew Carnegie Fellowships
- Annenberg Institute Research Fellowships
- American Philosophical Society Fellowships

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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- Center for Advanced Research in the Behavioral Sciences Fellowships (Stanford)
- Fogarty Scholars-in-Residence Program
- Ford Foundation Fellowships
- Fulbright Fellowships
- German Marshall Research Fellowships
- John S. Guggenheim Foundation Fellowships
- Alexander von Humboldt Distinguished U.S. Scientist Awards
- Institute for Advanced Study Fellowships (Princeton)
- Luce Foundation Fellowships
- MacArthur Fellowships
- National Endowment for the Arts Fellowships (effective August 1, 2005)
- National Endowment for the Humanities Fellowships/National Humanities Center Fellowships
- Rockefeller Foundation Fellowships
- Russell Sage Foundation Fellowships
- Schomburg Center Fellowships
- Smithsonian Institution Regents' Fellowships
- Social Science Research Council Fellowships
- Stanford Humanities Center Fellowships

Semesters spent on Prestigious Fellowship Leave do not accrue toward sabbatical leave or study leave eligibility.

#### **Eligibility**

Tenured and tenure-track professors in the Endowed Division are eligible, as are non-tenure-track professors who have at least one year remaining in the Cornell appointment terms beyond the end of the fellowship. Professors with modified titles (such as "visiting") are not eligible. The contract colleges cannot make such benefits provisions, therefore professors whose appointments are in the contract colleges are not eligible for Prestigious Fellowship Leave and instead would be placed on regular academic leave ("Other Leaves of Absence").

#### **Requesting the Leave**

The professor should notify the department chair when applying and upon award to allow for academic planning. The formal request for leave should be in writing, and copy of the award notification and details should be

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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attached. Timing of the leave should take into account issues of fall pre-pay and Spring post-pay for Endowed “nine-month” appointments.

#### **Approval and Processing of an Approved Request**

Approval of a leave request that complies with this policy is at the discretion of the department chair and dean.

The unit administrative office should prepare an online transaction clearly indicating Prestigious Fellowship Leave. In the “comments” section, the name of the qualifying award from the approved list should be noted, along with “Continue Benefits.” A copy of the award notification with relevant details should be attached. The form, with attachments, should be routed through the dean’s office for approval; copy of leave approval notification to the professor must be attached.

#### **Benefits**

The professor remains responsible for the employee’s share of benefits expense and for any elective coverage. Benefits provisions should be triggered automatically upon processing of the online transaction with appropriate backup verifying award from the approved list. The professor, however, should review relevant reports of retirement plan contributions to verify that contributions have continued. Questions should be directed promptly to the unit administrative office.

#### **Intergovernmental Personnel Act (IPA) Leave**

◆ **Note:** Please read the “Overview and Procedures,” “Eligibility,” “Requesting Leave,” “Leave Approval and Implementation,” “Return from Leave,” and “Benefits while on Leave” segments of this document. The terms and conditions govern the overall use of IPA leave.

The 1970 Intergovernmental Personnel Act (IPA), legislated for the mutual benefit of institutions of higher education and federal agencies, allows a Cornell academic employee to be placed on leave with salary to accept a temporary governmental position at a federal agency’s invitation. Employees of federal agencies may come to Cornell under like conditions. In granting the leave, the Cornell unit agrees to return the employee to the academic position previously held. The Office of Sponsored Programs can provide further information and serves as the principal liaison between Cornell and the designated federal agency.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **APPENDIX B, CONTINUED**

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#### **Eligibility**

This leave typically is used by professors. Only those in regular, salaried academic titles whose appointments are either with tenure or anticipated to be renewed beyond the duration of the IPA leave are eligible. Non-professorial academics with continuing appointments in regular titles, usually research associates, would be eligible only at the discretion of the department chair and dean, or equivalent in other academic units. Due to the Act's provision for returning the employee to the academic position, the discretionary decision would be based on the opportunity after IPA leave for a career at Cornell in a similar academic program and position, with consideration of the type of funding for the current position. Such a decision may incur unit financial commitment to fulfill the IPA agreement's provision for return to the position. The Act is not intended as an opportunity to establish a new career; therefore, those in postdoctoral titles are not eligible for this leave.

#### **Salary and Benefits while on IPA Leave**

Under an IPA agreement, the academic employee remains on the university payroll for the period of governmental service, typically one or two years, but no longer than the end date of the academic appointment; and the federal government reimburses the university for the costs of salary and benefits. Academic employees on IPA leave continue to be paid by Cornell and technically are on leave of absence with salary.

#### **Processing the IPA Leave**

Unit administrative offices should file an online transaction together with a copy of the IPA agreement (or, if the agreement is lengthy, at least the main pages relevant to terms and conditions). In the comment section should be noted, "Salary and benefits to be reimbursed through IPA agreement."

#### **Effect on Sabbatical Accrual and Tenure Clock**

Time spent on IPA leave does not accrue toward sabbatic leave eligibility, nor are the affected semesters eligible for postponement credit.

Professors in probationary tenure status who anticipate substantial disruption to the academic program on which tenure evaluation would be based may request an adjustment in the tenure clock or timetable. With the department chair's support, approval may be recommended to the dean and the provost.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### Short-term Medical Leave

◆ **Note:** Please read the “Overview and Procedures,” “Eligibility,” “Requesting Leave,” “Leave Approval and Implementation,” “Return from Leave,” and “Benefits while on Leave” segments of this document. The terms and conditions govern the overall use of short-term medical leave.

Because faculty and academic staff are not eligible under the short-term disability plan that covers non-academic staff and are not eligible to take sick leave, Cornell provides this policy to continue salary in circumstances of absence due to one’s own verified medical condition. Use of this form of leave also counts toward fulfillment of the federally regulated entitlement for Family and Medical Leave (FMLFML).

#### Eligibility

All salaried academic employees are eligible for Short-term Medical Leave for Cornell salary continuation when non-work-related injury or illness or a pregnancy-related medical condition prevents performance of normal responsibilities of the academic position for more than one month. The university reserves the right to obtain medical confirmation (up through a third opinion) of the health status of an individual who is going on or returning from medical leave. Such confirmations and related disputes are handled through Medical Leaves Administration in the Office of Human Resources.

#### Salary Funds

There is no change in the percent of salary paid or in the source of funds for salary continuation under Short-term Medical Leave. If a particular grant or contract disallows use of its funds to cover such a leave, an alternative source of funds should be found within the academic unit. There is no central pool for salary relief.

#### Duration and Limits

The duration of the leave is determined by the health care provider and may extend for a period up to six months or the end of the appointment, whichever is the shorter period. Access to up to six months of paid Short-term Medical Leave does not renew per year or with the advent of a new fiscal year or academic year; rather, access is intended to renew only after a different medical situation has been diagnosed. However, in cases of multiple qualifying medical situations, aggregated Short-term Medical Leave may not exceed six months within any twelve-month period.

For those on “nine-month” appointments, the summer period should not be counted as part of the six months of Short-term Medical Leave. Endowed

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### **APPENDIX B, CONTINUED**

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Division “pre-pay” during July and part of August for work anticipated during the semester, however, should be paid, and it is not subject to collection should the medical condition lead to another form of leave or otherwise prevent the active service during the fall semester. Endowed division “post-pay” during part of May and June for time during the spring semester covered by Short-term Medical Leave should be paid. For academics on part-time appointments, the six-month limit to Short-term Medical Leave consists of the equivalent of six months of the appointment’s usual (pre-leave) FTE — for an academic on a 0.5 FTE appointment, the salary continuation provisions would apply for up to six months at 0.5 FTE. In more complex appointments, such as those that vary in percent-effort over the year, administrators should use the guideline of providing salary continuation replicating up to six months of active-service time.

An appointment in the School of Continuing Education and Summer Sessions, which is contingent on tuition income from a specific taught course, is not eligible for Short-term Medical Leave. Lost additional income from such sources as consulting and professional practice is not part of Cornell salary and are not covered under Short-term Medical Leave provisions for salary continuation.

#### **Partial Medical Leave**

Short-term Medical Leave may be taken as partial leave if the health-care provider endorses only a part-time return to work. This should not be regarded as a long-term reduction to the position’s regular hours (which could affect benefits eligibility), but rather a partial leave from the position’s standard percent-effort, maintaining benefits eligibility at pre-leave status.

Cornell’s provider of Long-term Disability insurance allows some circumstances of partial Short-term Medical Leave to accrue toward eligibility for Long-term Disability. In order to protect access to Long-term Disability (and avoid gaps in salary payment during the qualification and approval period), when part-time Short-term Medical Leave is anticipated it is necessary for the professor or academic staff member to work closely with Cornell’s Medical Leaves Administration Office so that the technical requirements may be explored. Such requirements typically include recording time worked each day; while this is not usual practice in academic appointments, the protection of access to Long-term Disability and the record-keeping requirements for Family and Medical Leave Act (FMLA) entitlement can make it necessary. This shall not be interpreted as compromising the FLSA “exempt” status of the appointment.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **APPENDIX B, CONTINUED**

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#### **Requesting Leave**

The professor or academic staff member should consider at the outset issues of confidentiality, and if this is a concern should not divulge diagnosis, prognosis, or related medical information to individuals in the unit or college. The university's central Office of Human Resources is designated to handle such information.

The professor or academic staff member (or designee) should request an absence slip from the health care provider. This is not a university form; each health care provider has a way to convey such information, including the authorized start date of leave and the estimated end date. The absence slip should reveal no medical information, and therefore it may be handled within the academic unit without compromising confidentiality.

If the leave must be extended, a new absence slip should be provided.

#### **Processing a Request for Leave**

Academic managers, colleagues, administrators, and staff should be sensitive about confidentiality in conversations that might touch upon medical information. Medical information should be handled only by Medical Leaves Administration in the Office of Human Resources.

The faculty or academic staff member should provide the absence slip to the department chair, academic manager, or unit administrative office. Changes in leave status, including end date, should be processed in this same way. If there is any question about the appropriateness of the leave, the administrative office (through the office of the dean or other executive) should consult with Medical Leaves Administration in the Division of Human Resources and should not endeavor to pursue the matter directly with the individual.

#### **Return to Active Status**

Return to active status from Short-term Medical Leave requires a written release from the health care provider specifying the date of authorized return to work. This is not a university form, and each health care provider has a way to convey such information.

#### **Appointment End Dates, Terminations, and Modifications**

Short-term Medical Leave does not affect the protected appointment status of an individual elected to tenure by the Board of Trustees.

Short-term Medical Leave does not extend the period of appointment of an individual, although individuals on such leave may be reappointed at the

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **APPENDIX B, CONTINUED**

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discretion of the academic unit following usual renewal procedures that disregard the medical situation and related leaves.

Reorganization that affects the appointment of an academic on Short-term Medical Leave may be implemented, as it would have been if the medical situation did not exist. Units in such reorganizations should seek guidance from their consultants in the Division of Human Resources.

If the position's project has ended or funding has been lost or reduced, Short-term Medical Leave and related medical situations do not preclude an appointment's early termination or modification that would have occurred absent the medical aspects.

Short-term Medical Leave and related medical situations do not preclude dealing with performance issues, although such issues must be handled separately from medical and leave aspects.

#### **Position Responsibilities during Short-term Medical Leave**

It is expected that the responsibilities of individuals on Short-term Medical Leave normally will be absorbed by other members of the academic unit. If another individual is appointed for the interim, the offer letter must be clear that the projected end date is contingent on another employee's return to the position.

For academics in uncertain status during a possible transition to Long-term Disability, the position may not be filled by another regular appointment. If academic planning requires management of an anticipated transition, an initial appointment of another individual may be made to a modified title or to another position, with the offer letter indicating that the arrangement is temporary pending resolution of personal situations outside of the unit's control; medical information may not be divulged.

#### **Transition to Long-term Disability**

Whereas Short-term Medical Leave is a form of academic leave, Long-term Disability is an insured, "plan-administered" benefit that provides for partial salary under specified legal circumstances. In straightforward cases of serious medical disability, qualification for the Long-term Disability benefit typically is achieved during the six months of total disability while on Short-term Medical Leave.

Once the appointment form is filed placing an academic on Short-term Medical Leave, Medical Leaves Administration in the Office of Human Resources will assist with the process for applying for Long-term Disability, initially by mailing the application forms and information to the academic's

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **APPENDIX B, CONTINUED**

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home address. This may occur early in the six-month Short-term Medical Leave period, since Long-term Disability benefits can take several months to be approved. To avoid gaps in income, it is necessary for the academic to adhere to the advised timetable.

#### **Exhausting Short-term Medical Leave**

If Short-term Medical Leave is exhausted before approval for the pending Long-term Disability benefit, the academic may be placed on leave without salary (or, at the dean's discretion, leave with salary); such leave also should be designated as counting toward the Family and Medical Leave Act entitlement, if time is still available on the individual's FMLA clock. The academic administrative office (through the office of the dean or other executive) may consult Medical Leaves Administration for guidance regarding the timing of leave arrangements.

When Short-term Medical Leave has been exhausted and Long-term Disability is not pending, but the academic is not released medically to return to work, Family and Medical Leave Act provisions may be available for leave without salary, including part-time and intermittent leave. FMLA entitlement would offer health insurance continuation with the need to pay only the employee contribution for existing health insurance (rather than the employee and the employer share required during other forms of unpaid leave). FMLA also would offer protection to return to the continuing appointment under most circumstances. Time on Short-term Medical Leave – up to six months – is designated as counting against the FMLA entitlement clock, which is only a twelve-week entitlement. But those timeframes do not necessarily overlap, since the FMLA twelve-week clock is re-set each July 1, whereas Short-term Medical Leave does not renew except with a different medical situation. For details, consult the policy on Academic Family and Medical Leave.

#### **Effect on Tenure Clock**

In many cases, Short-term Medical Leave will not alter the tenure timetable; however, professors in probationary tenure status whose research and teaching programs have been seriously compromised may request in writing that the tenure timetable be revised by a semester or a year. Approval of such a request, specifying the new review schedule, requires review by the department chair, the dean, and the provost, via The Office of Academic Human Resources, except as provided for in Cornell Academic Parental Leave.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### Effect on Sabbatic Accrual

A semester during which time was spent on Short-term Medical Leave does not accrue toward next sabbatic eligibility unless the department chair determines that half or more of the semester's duties were fulfilled. By memo, this should become a written part of the sabbatic accrual record of the college and the university.

#### Family and Medical Leave (FML), Including Cornell Academic Parental Leave

◆ **Note:** Please read the "Overview and Procedures," "Eligibility," "Requesting Leave," "Leave Approval and Implementation," "Return from Leave," and "Benefits while on Leave" segments of this document. The terms and conditions govern the overall use of Family and Medical leave.

Cornell University provides Family and Medical Leave (FML), including Cornell Academic Parental Leave, to assist faculty and academic staff in balancing the demands of work with personal needs and family responsibilities in a manner consistent with their roles as Cornell academics.

This form of leave also implements and supplements federal regulations under the Family and Medical Leave Act (FMLA). This Act's annual entitlement of twelve weeks of unpaid leave also is satisfied concurrently through some forms of paid or partially paid academic leave, including the following:

- Cornell Academic Parental Leave
- Academic Short-term Medical Leave
- Long-term Disability Leave

This section of leave policy is organized to address the following:

- A. **Cornell Academic Parental Leave**, including parental and care leave options
- B. **Unpaid Family and Medical Leave**
- C. **Administrative and Legal Details under the Family and Medical Leave Act**

#### A. **Cornell Academic Parental Leave**, including parental and care leave options

Cornell University recognizes that faculty and academic staff share its commitment to providing students with a top-quality educational experience and to furthering our tradition of world-class research and service. The university has long had policies that support faculty and staff in balancing the many, sometimes competing priorities of their academic and personal lives.

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### **APPENDIX B, CONTINUED**

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In some fundamental ways, the needs and timing of a highly active academic career may conflict with those of parenting. While Cornell cannot eliminate those conflicts, university leaders are committed to a culture and policies supportive of faculty and academic staff when the responsibilities of family life are particularly demanding. As part of that commitment, the university provides Cornell Academic Parental Leave, including provisions for automatic extension of the tenure clock.

In recognition of these shared values, faculty and academic staff members who need time away from work are encouraged to explore the relevant leave possibilities, outlined below.

#### **The Role of Academic Leadership**

Faculty and academic staff who juxtapose responsibilities as parents with those of an academic career can rely on the commitment of Cornell's leadership to creating a supportive culture. The president, the provost and the deans expect academic leaders and supervisors to foster an environment in which every eligible academic will consider freely the opportunities offered through Cornell Academic Parental Leave. Deans and the leaders of academic units should make every effort to promote use of this policy. The need to use Cornell Academic Parental Leave and other family-supportive arrangements should be expected in the course of an academic career.

#### **Ethical Use of the Policy**

Sustaining a culture supportive of attention to family responsibilities requires that this policy be promulgated, used and applied with the high ethical standards expected in other areas of academic life and leadership.

#### **The Individual's Record of Commitment to the Academic Career**

The academic culture is reflected during consideration of an individual's academic record in reviews for reappointment, tenure, and promotion. The president, provost, and deans encourage faculty and academic staff to take advantage of the provisions of Cornell Academic Parental Leave without fear of its impact on the academic record and how that record documents commitment to the academic career.

A member of the faculty or academic staff who uses Cornell Academic Parental Leave may choose to place these statements (or others approved by the dean) on or with the curriculum vitae, personal statements, or other aspects of their review documentation and may ask that the statement(s) be included with requests for academic evaluation:

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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“In recognition of the importance of integrating work and family life, the president, the provost and the deans of Cornell University expect faculty and academic staff to take advantage of Cornell Academic Parental Leave options to attend to family-related responsibilities when they require particularly focused attention.”

“The president and the provost of Cornell University have issued as policy the following statement: ‘Cornell Academic Parental Leave and family-related tenure-clock extensions are available to assist Cornell faculty in balancing our requirements for excellence with their family responsibilities. Those participating in the tenure review process shall not allow the professor’s use of Cornell Academic Parental Leave or family-related tenure-clock extension(s) to be a negative element or to have a negative influence in the evaluation of any candidate for tenure.’”

#### **Primary or Coequal Care-Giving Parent**

For purposes of Cornell Academic Parental Leave, a primary or coequal care-giving parent is one who has significant responsibility for the care of a child, and those responsibilities interfere substantially with academic responsibilities. If the child is adopted or placed for foster care, the child must be younger than five years old for the parent to qualify as a primary or coequal care-giving parent.

#### **Tenure Clock**

For a parent of a newborn or during an adopted or foster child's first year in the household, when duties as primary or coequal care-giving parent call tenure-track faculty members away from their work, Cornell will provide, on notification an automatic extension of the tenure clock for two semesters. The dean's office must file a record of the tenure clock extensions with The Office of Academic Human Resources. Additional extensions may be requested through the dean; the provost’s approval is coordinated through The Office of Academic Human Resources.

Similarly, in situations beyond those of primary or coequal care-giving parent where parenting duties interfere substantially with progress in the academic program, tenure-clock extensions may be requested through the dean, with the provost’s approval coordinated through The Office of Academic Human Resources.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### **Cornell Academic Parental Leave**

Cornell Academic Parental Leave provides up to one semester of partial relief with full pay for a primary or coequal care-giving parent. This relief may pertain during the semester when a child is born or an adopted or foster child joins the household or during a contiguous semester. The start and end dates of a semester are defined by the Dean of Faculty and pertain even for those whose duties are not on a semester basis.

For a professor, when research and advising are part of the duties, it is normally expected that these activities will continue after any period of medically required leave.

Partial relief from duties for lecturers, instructors, research and extension associates, and academic librarians who are eligible under their college, center, or library guidelines may be arranged through conversations with the dean or department chair or other relevant academic manager.

Need for Cornell Academic Parental Leave will be discussed with the dean or department chair or other academic manager well in advance of the leave and, when possible, in time for any alternative teaching and other academic arrangements to be made.

#### **Relief**

This policy is intended to provide relief primarily from the particular and expansive pressures of teaching and program presentations. It is not possible for central policy to determine the exact nature of relief under Cornell Academic Parental Leave because the nature of academic activity varies so greatly across the campus; thus it is the prerogative of each dean, the university librarian, the vice provost for research (for research centers reporting to the vice provost), and other executives of academic units to establish guidelines for relief under this policy. Most colleges/units handle requests on a case-by-case basis to ensure flexibility for each situation, with particular flexibility when circumstances are extraordinary, such as for multiple births or special-needs children. The decision of the executive is final in terms of guidelines as well as individual arrangements.

For professors with a mix of teaching and research duties, the policy is designed to provide teaching relief. Analogous levels of relief would be arranged for other academics.

In the context of collegial academic leave management, the department chair or academic manager and the academic requesting leave should work together to minimize the impact of the leave on students, grantors, and other

## Policy 6.2.1

### Leaves for Professors and Academic Staff

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#### APPENDIX B, CONTINUED

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beneficiaries of the academic program and to minimize the need for replacement costs. There is no change in the source of funds under Cornell Academic Parental Leave. If a particular grant or contract disallows use of its funds to cover such a leave, an alternative source of funds should be resolved within the academic unit. There is no central pool for salary relief.

#### **Use of Family and Medical Leave with Cornell Academic Parental Leave**

Relief under Cornell Academic Parental Leave counts as part of the federal FMLA entitlement; the unit's administrative office should send the FMLA Confirmation Form to the academic, and the time should be recorded as FML in unit files. Unpaid leave would require the unit's administrative office to update the individual's online records.

To the extent that any of the twelve-week FMLA entitlement remains, it is possible to take unpaid leave under the Family and Medical Leave Act to arrange additional relief; unpaid leave would require the unit's administrative office to update the individual's online records.

Use of all twelve weeks of FML entitlement does not affect eligibility to take Cornell Academic Parental Leave.

#### **Leave Options in Caring for Family or for Yourself**

##### ***Birth parent:***

- **Short-term Medical Leave** typically is used for approximately eight weeks (just before and for six or so weeks after childbirth), at full salary, with no Cornell duties.
- **Cornell Academic Parental Leave** (if the academic is a primary or coequal caregiving parent and eligible under local guidelines) during the same or contiguous semester offers up to one semester at full salary with partial relief from duties as agreed to with the dean, department chair, or other academic manager.
- **Family and Medical Leave** (unpaid) may be invoked if any of the annual twelve-week entitlement remains after Short-term Medical Leave and Parental Leave, until the child's first birthday.
- **Vacation**, for those in appointments that accrue it, may be used to receive pay supplementing unpaid FML, or adjacent to other forms of leave, with the usual approval required for vacation.
- **Tenure clock extension** for two semesters will be approved upon notification for a primary or coequal care-giving parent of a newborn. If the professor is not a primary or coequal caregiver but interference with

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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the academic program is substantial, a tenure-clock extension may be requested.

Other parent:

- If the academic is a primary or coequal care-giving parent for a newborn and is eligible under local guidelines, **Cornell Academic Parental Leave** during the same or contiguous semester offers up to one semester at full salary with partial relief from duties as agreed to with the dean, department chair, or other academic manager.
- **Tenure clock extension** for two semesters will be approved upon request for a primary or coequal care-giving parent of a newborn. If the professor is not a primary or coequal caregiver but interference with the academic program is substantial, a tenure-clock extension may be requested.
- Family and Medical Leave may be used for up to twelve weeks until the child's first birthday.
- Vacation, for those in appointments that accrue it, may be used to receive pay supplementing unpaid FML, or adjacent to other forms of leave, with the usual approval required for vacation.

**Adoption or new foster-care placement (child younger than five years old):**

- If the academic is a primary or coequal care-giving parent during the child's first year in the household and is eligible under local guidelines, **Cornell Academic Parental Leave** during same or contiguous semester offers up to one semester at full salary with partial relief from duties as agreed to with the dean, department chair, or other academic manager.
- **Tenure clock extension** for two semesters will be approved upon notification for a primary or coequal care-giving parent during the child's first year in the household. If the professor is not a primary or coequal caregiver but interference with the academic program is substantial, a tenure-clock extension may be requested.
- **Family and Medical Leave** (unpaid) may be used for up to twelve weeks during or in anticipation of the child's first year in the household.
- **Vacation**, for those in appointments that accrue it, may be used to receive pay supplementing unpaid FML, or adjacent to other forms of leave, with the usual approval required for vacation.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **APPENDIX B, CONTINUED**

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#### ***Care of others, including eldercare and special needs children:***

- **Family and Medical Leave** (unpaid) may be used for up to twelve weeks.
- **Vacation**, for those in appointments that accrue it, may be used to receive pay supplementing unpaid FML, or adjacent to other forms of leave, with the usual approval required for vacation.
- **Tenure clock extension** may be requested if interference with the academic program is substantial.

#### ***One's own medical condition:***

- **Short-term medical leave** may be used for up to six months (per condition, not per year) upon health-care professional's certification.
- The dean or other executive may approve bridging leave if there is a gap between Short-term Medical Leave and Long-term Disability.
- **Tenure clock extension** may be requested if interference with the academic program is substantial.

### **B. Unpaid Family and Medical Leave**

The federal mandate for leave under the Family and Medical Leave Act is for unpaid leave for a family or personal health situation that qualifies. To make it possible to take advantage of FMLA's protections without necessarily losing salary, Cornell offers the following types of paid leave:

- Cornell Academic Parental Leave
- Short-term Medical Leave
- Long-term Disability Leave

Any accrued vacation also may be used to supplement unpaid Family and Medical Leave. Situations that do not qualify for paid forms of leave may qualify for unpaid Family and Medical Leave.

#### **Value of Federal Family and Medical Leave Act Leave**

Family and Medical Leave, although unpaid (unless other paid leave is substituted), offers the following:

- Maintenance of existing health insurance with the faculty or staff member continuing to pay only the employee's share of the premiums (to continue health insurance during most other forms of unpaid leave, the academic must pay both the employer and the

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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employee share of the premiums) — details may be found in [University Policy 6.9, Time Away from Work](#)

- Regulated entitlement to leave for qualifying conditions (most other academic leaves may be denied, modified, or deferred at the discretion of academic management)
- A variety of ways to take Family and Medical Leave to meet the demands of the qualifying situation (full-time leave, part-time, intermittent, reduced-FTE)
- Protection to return to the same or an analogous position under most circumstances (see the “Return to Position” section of this policy)

Typically, academic Family and Medical Leave has been managed collegially and appropriately, such that there has not been a need for micromanagement. Details in the following sections and by links to non-academic policy are intended to assist unit administrators with compliance issues by minimizing administrative variations in Family and Medical Leave management across campus, and to enable academics, academic management, and administrative staff to share a common understanding of Family and Medical Leave as it pertains to academics.

#### **Eligibility for Family and Medical Leave**

All full and part-time salaried academic employees appointed through the Ithaca and Geneva campuses who have been employed by the university for at least twelve cumulative (not necessarily consecutive) months are entitled to this policy’s provisions of up to twelve workweeks’ unpaid leave or substituted paid leave per fiscal year (July 1- June 30) for the following verified reasons:

- One’s own serious or chronic health condition that substantially interferes with performance of one or more of the essential functions of the position
- Care of one’s own child within the year following birth
- Care of an adoptive or foster child in one’s home in anticipation of or in the year following placement
- Care of a family member or the like who has a serious or chronic health condition
- Military Exigency Leave and/or Military Caregiver Leave

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### Leave of Absence for Military Families

The 2009 amendment to the Family Medical Leave Act (FMLA) resulted from the enactment of the National Defense Authorization Act (NDDA), which called for the addition of two new categories of unpaid, job-protected leave for families of military personnel: Military Caregiver Leave and Military Exigency Leave. For more information, please consult the “Military Leaves of Absence” section of [University Policy 6.9, Time Away from Work](#).

Family leave also may be taken intermittently or part-time or affected by reducing FTE.

For Cornell-salaried academics on paid leave or visiting other institutions, Family and Medical Leave eligibility continues. Discussions with the department chair should address any necessary changes to an academic plan due to Family and Medical Leave, which may include lengthening the paid leave by an equivalent amount and attaching an update to the original plan.

For a visiting academic on leave from another institution or business and paid through Cornell Payroll, the dean’s office (or equivalent for University Library or for centers) may approve counting time at the home institution as qualifying in terms of salaried service.

Academics whose source of funding is not paid through Cornell Payroll may be eligible for Family and Medical Leave through their funders.

- **Academics Offsite**

Federal regulations permit exclusion from eligibility of employees at worksites with fewer than fifty Cornell employees within seventy-five miles. The college should contact The Office of Academic Human Resources for guidance if potential programmatic disruption due to requested Family and Medical Leave suggests exercising this provision.

#### Reassigning Work during an Academic’s Family and Medical Leave

During a faculty or academic staff member’s Family and Medical Leave, department chairs and other academic managers are expected to maintain the academic program’s integrity by reassigning duties or, when necessary, by hiring (although not necessarily with the same title) a short-term employee. The offering letter to a short-term employee must state explicitly that the appointment is short-lived and will end when the regular employee reclaims the academic position held before the leave.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### Return to the Position

Approved Family and Medical Leave anticipates that the faculty or staff member will return to the academic position, and the position is held for the employee if the academic appointment's termination date has not been reached. To return to the position, the academic must be able to perform the essential functions of the position (with reasonable accommodation, if necessary) and, in cases of the individual's own serious health condition, must be released to return to work, at least part-time, by the health care provider. The university reserves the right to return the staff member to an equivalent or analogous position.

◆**Caution:** If the professor or academic staff member chooses not to return from Family and Medical Leave (for a reason other than the continuation, recurrence, or onset of a serious health condition that would qualify for Family and Medical Leave) while the appointment is still in effect, the employee may be required to reimburse the university for its share of health insurance premiums paid on the employee's behalf.

Family and Medical Leave cannot extend beyond the appointment's termination date, nor does it extend the appointment's termination date.

The university has no obligation to restore the employment of an academic employee if the employment term has expired; if the appointment project has been completed; if funding has ended or been withdrawn; or if the university would not otherwise reappoint that individual for reasons other than the taking of Family and Medical Leave.

In cases of reorganization, the unit may take whatever action it would have taken without the Family and Medical Leave, but careful thought must be given in not allowing Family and Medical Leave and the qualifying situations to influence reorganization decisions. Family and Medical Leave does not preclude dealing with performance issues, nor does it protect an academic from steps to improve or deal with what the unit regards as performance issues. Communications about the leave and about performance should be kept distinct, and, as much as possible, separate.

#### **C. Administrative and Legal Details under the Family and Medical Leave Act**

##### **Entitlement Year**

The entitlement year under FMLA at Cornell is July 1 through June 30.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### **Intermittent and reduced-leave schedules**

The twelve-week entitlement for Family and Medical Leave may be taken as a single block or it may be taken intermittently or as a reduced work schedule.

#### **Requested versus Designated Family and Medical Leave, and Counting Leave Entitlement**

Family and Medical Leave may be requested by the faculty or staff member. Even if Family and Medical Leave *per se* has not been requested, a leave or part of a leave also should be designated by academic management or the unit administrative office as counting toward meeting FMLA entitlement clock(s) if the stated reason for leave qualifies under Family and Medical Leave. Typically, this pertains for

- Academic Short-term Medical Leave
- Long-term Disability Leave
- Cornell Academic Parental Leave
- Worker's Compensation

Such designation serves to inform the academic that federally mandated FMLA provisions have been honored; and it protects the unit's interests through compliance with federal requirements.

#### **Family and Medical Leave and the Clocks for Tenure, Sabbatical Leave, and Study Leave**

A faculty member in probationary tenure status who takes Family and Medical Leave and whose research and teaching programs have been seriously compromised may request and the department chair may recommend to the dean and provost that the tenure review timetable be revised.

When possible, issues of tenure clock, review for reappointment or promotion, and accrual toward sabbatical or study leave should be addressed at the onset of the Family and Medical Leave to forestall potential misunderstandings.

#### **Administrative Details for Employees and Administrators**

[University Policy 6.9, Time Away from Work](#) contains the following administrative procedures and forms for exempt employees and related links:

- ◆ **Caution:** University Policy 6.9 specifies some medical verification requirements, responsibilities, and timeframes for return of forms,

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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definitions, and other information that governs employees' access to FMLA-regulated leave and its protections. It also clarifies the details of those protections. These requirements and the following details are incorporated into this policy by reference. Academics considering Family and Medical Leave must read that policy as it applies to exempt employees to be fully informed of rights and obligations.

- Administrators' procedures for processing an employee's FML request and for designating Family and Medical Leave
- Employee's responsibilities to notify
- Use of leave on intermittent or reduced schedule
- Medical verification requirements and second opinion
- Calculating leave entitlement used and remaining, including the counting of holidays
- The Health Care Provider Verification Form
- Record-keeping requirements for units
  - ◆ **Caution:** medical verification documents must not be maintained in unit FML records; they are confidential records and must be forwarded by the academic or the health-care provider directly to the office of Medical Leaves Administration.
- Administrators' unit and an online transaction recording of Family and Medical Leave
- The Family and Medical Leave (FML) Confirmation Form for notifying the employee of use of time by employee request or administrative designation
- Definitions of related terms

#### Military Leave

◆**Note:** Please read the "Overview and Procedures," "Eligibility," "Requesting Leave," "Leave Approval and Implementation," "Return from Leave," and "Benefits while on Leave" segments of this document. The terms and conditions govern the overall use of military leave.

Academics who are members of any United States Armed Forces reserve unit are granted paid leaves for purposes of annual training exercises or if called to active duty. The duration of paid military leave and the benefits available to the reservist may change periodically to comply with regulatory guidelines, and following the paid leave an open-ended military leave

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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without salary may be granted. Absences beyond two weeks' duration require filing an online transaction with attached copy of the military orders.

Statutes govern military-service-related employment issues, including re-employment rights after military service. Statute-related details of military leave may be found in [University Policy 6.9, Time Away from Work](#).

In addition, veterans may qualify for special "protected class status" in employment decisions, and the university has an affirmative action plan that applies specifically for qualified veterans; inquiries may be directed to the university's Office of Workforce Diversity and Inclusion.

◆**Note: Military personnel and their families are eligible for special provisions under the Family Medical Leave Act. For more information, consult the "Military Leaves of Absence" section of [University Policy 6.9, Time Away from Work](#).**

#### **Volunteers Firefighters, Emergency Medical Technician and Emergency Responder Leave**

Guidelines can be found in the "Volunteer Firefighters, Emergency Medical Technician, and Emergency Responder Leave" section of [University Policy 6.9, Time Away from Work](#).

#### **Other Academic Leaves of Absence, Including Administrative Leave and Imposed Leave**

◆**Note:** Please read the "Overview and Procedures," "Eligibility," "Requesting Leave," "Leave Approval and Implementation," "Return from Leave," and "Benefits while on Leave" segments of this document. The terms and conditions govern the overall use of Other Leaves of Absence, including Administrative Leaves.

Academic leave situations may not fall within the categories defined elsewhere in this policy. The department chair and dean (or equivalent) may deem it appropriate to approve a leave with salary or without salary. For example, the dean of a college without a formal policy governing periodic access to professorial study leave may choose to approve an appropriate *ad hoc* request for leave to study. Such an approval would be reported in university systems as "Other Leave with Salary."

Special funding arrangements (such as use of the sabbatic pool) or benefits arrangements (as in Prestigious Fellowship Leave for professors) that pertain with one of the other leave categories cannot be assigned to Other Leaves of Absence, since the Trustee-approved legal benefits plans do not encompass such arrangements.

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### APPENDIX B, CONTINUED

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#### Eligibility

Typically, eligibility for “Other Leaves” is restricted to persons with continuing academic appointment in regular, salaried titles.

#### Administrative Leave

Administrative leave is a form of “Other Leave of Absence.” The word “administrative” is used with leaves in these contexts:

- Leave granted through *ad hoc* action by the administration (for example, a dean exercises administrative discretion to grant a leave) — this reflects the broader use of the term “administrative” leave
- Leave granted to a professor who has served in a significant administrative role (such as dean or department chair) for a number of years, to enable the professor to refocus scholarship — this kind of “administrative leave” is granted under administrative action and so is a subset of the broader “administrative leave”
- In the university database's "position management" system, an academic with a position in a unit or other unit may leave that position temporarily to serve in an administrative capacity outside the unit; as a placeholder in the position management system, "administrative leave" from the position may be indicated (particularly to enable appropriate analyses when a tenured professor's position is involved)

#### Imposed Leave

An Imposed Leave is a leave by administrative action. For more information on Imposed Leaves, please consult Article XVI, Section 10, of the [Cornell University Bylaws](#), and the [Dismissal and Suspension](#) policy for faculty members.

#### With or Without (Cornell) Salary

“Other Leaves” must be indicated as “with Salary” or “without Salary,” referring to salary paid through Cornell Payroll. Even if a professor or academic staff member on Other Leave is receiving income, the source of income may be external, such as a fellowship paid to the academic directly from a foundation, in which case the leave category would be “Other Leaves without Salary.”

A salary supplement paid when an academic is otherwise on “Other Leave without Salary” does not change the category to “with Salary.” Honoraria, subsistence allowances, and expense reimbursements do not constitute

## Policy 6.2.1 Leaves for Professors and Academic Staff

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### **APPENDIX B, CONTINUED**

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“Cornell salary” for the purpose of this leave categorization (even though Cornell may be required to treat these payments as taxable).

#### **Leaves of Up to Two Months**

The department chair (or equivalent in other academic units) may approve in writing two weeks or less of leave. The dean (or equivalent in other academic units) may approve in writing two months or less of leave. In both cases, the record of approval is retained in the approving administrative office, and it is not necessary to record the leave in university systems unless salary is affected; however, if the leave is for medical or family-related reasons, procedures in the Short-term Medical Leave and the Family and Medical Leave Act sections of this policy prevail.

#### **Leaves from Two Months through One Year**

Deans or other executives may approve Other Leaves of one year or less. Any leave in excess of two months, whether or not it affects salary, must be recorded in university systems, with supporting documentation (including approval letter to the individual with specific dates and conditions of the leave).

#### **Other Leaves or Leave Combinations that Exceed One Year**

Other Leaves that exceed one year and leave combinations that exceed one year require approval of the provost through The Office of Academic Human Resources.

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### Leaves for Professors and Academic Staff

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