

UNIVERSITY OF DAYTON SCHOOL OF LAW
POLICY ON SABBATICAL AND OTHER LEAVES

1. GENERAL CONSIDERATIONS

A leave, like a sabbatical, allows a faculty member to absent herself or himself from normal duties for a given period of time, with the expectation of continued employment at the end of the period. Unlike a sabbatical, however, the faculty member does not receive her or his normal compensation, although certain fringe benefits may be available. The underlying principle for granting leaves and the terms upon which such leaves are granted is the best interests of the School of Law. This principle governs not only the application of a criterion but also the weight to be accorded it.

There are six basic criteria for deciding whether to grant a faculty member a leave of absence, (a) the purpose of the leave, (b) the length of the leave, (c) the timeliness of the request for a leave, (d) prior leaves granted to the person requesting a leave, (e) the length of service at the School of Law of the person requesting the leave, and (f) the impact of the leave on curricular coverage.

2. PURPOSES OF THE LEAVE

It is impossible to define precisely the purposes for a leave of absence that serve the best interests of the School of Law. It is possible to illustrate some examples of specific purposes that might further those interests, however.

At one extreme is a leave of absence obtained simply to complete some purely personal task, e.g., finishing one's basement. Demonstrating how such a leave could serve the best interests of the School of Law is likely to be extremely difficult. On the other hand, some leaves for personal purposes can serve the best interests of the school. For example, a leave granted to allow a faculty member to cope with family emergencies or simply to avoid teacher burn-out may serve the functions of allowing an able teacher and scholar to continue teaching at the school instead of seeking other employment and boosting general faculty morale by demonstrating the school's concern for the well-being of its faculty.

At the other extreme would be a leave to pursue an important and high-visibility position in government service. If a faculty member were to serve in such a position, it might rebound to the advantage of the School of Law in a number of ways, e.g., increasing the prestige of the school, making contacts with persons who could be of great help to the school, and increasing the faculty member's font of experience which he or she could use in his or her teaching or in scholarship. It is impossible to say, *a priori*, that a leave of absence to pursue such a position will inevitably be in the best interests of the School of Law.

In between these two extremes are myriad purposes, all of which could conceivably benefit the school. For example, a leave of absence to pursue scholarship could benefit the school by allowing the faculty member to produce scholarship which would not otherwise be produced. A leave of absence to teach at another law school

could conceivably increase the prestige of the school, enhance the faculty member's teaching experience and ability, and serve to rejuvenate the faculty member's interest in teaching. Whether these benefits will actually accrue to the school can only be determined on a case-by-case basis.

3. LENGTH OF THE LEAVE

Leaves of absence will be granted for either one semester or one academic year. Leaves of one semester will usually, but not always, serve the interests of the School of Law better than leaves of one academic year, because a one semester leave is less disruptive to course scheduling and personnel commitments.

A faculty member who wishes a leave which extends beyond one academic year can safely assume that he or she bears a heavy burden to demonstrate how the benefits to the School of Law outweigh the burdens imposed in terms of personnel, scheduling and planning. If, for example, a faculty member were fortunate enough to be named Solicitor General of the United States, the prestige, contacts, and experience garnered through the position might well be enough to offset any detriments suffered by a prolonged absence from the school of the given faculty member. In this respect, however, a faculty member should be advised that the University's leave policy states that ". . . [l]eaves of absence are granted for no more than a one year period...[and a]ny request for an extension of a leave beyond one year will not commit the University to re-employment." (Faculty Handbook at F- 3, 1). Thus, the faculty member who wishes to obtain a leave for more than one year should obtain specific commitment to re- employment from the University through the Vice President for Academic Affairs and Provost.

4. TIMELINESS OF THE REQUEST

The time at which a request for a leave of absence is submitted is a relevant factor in ascertaining whether granting the leave is in the best interests of the School of Law. A request which is made toward the end of the academic year tends to cause more problems with scheduling, personnel and general planning. For example, a leave request made after March 15th is apt to cause serious disruption in the academic life of the School of Law. Conversely, a leave request made toward the beginning of the academic year, e.g., in early September before the faculty recruiting process has begun in earnest, causes fewer of these problems. Thus, the earlier the request for leave is made, the more likely the timing of the request is to be considered a positive factor in deciding whether to grant the leave.

5. TIME SINCE LAST LEAVE OR SABBATICAL

Another relevant factor in determining whether a leave of absence should be granted is the time interval since the faculty member's last leave of absence or sabbatical. Successive leaves of absence taken at short intervals, e.g., at intervals of two or three years, not only disrupt planning processes, and make scheduling and personnel decisions more difficult, but also give the impression that the faculty member is not devoting his/her full time to teaching at the University of Dayton. Conversely, a faculty member who has not received a leave of absence or a sabbatical for a relatively long period of time may be the person most in need of a break from teaching or research interests. The time interval criterion, like the other criteria, is neither determinative nor absolute. Thus, a short time interval between leaves will not prevent the granting of the leave of absence if it is in the best interests of the

School of Law, and a long time interval between leaves of absence will not result in the automatic granting of a leave.

6. LENGTH OF SERVICE

Normally, the longer the time in service at the school, the more likely that a grant of a leave of absence will be in the school's best interest. Leaves of absence granted relatively early on in a person's career may interfere with the faculty member's acclimatization or with his or her credentialing should the faculty member be pursuing tenure. On the other hand, a leave granted to a long-time member of the faculty can be viewed as a reward for long years of devoted service. Long-term service is no guarantee of a leave, however, and short-term service is not an automatic disqualification. Once again, the ultimate question is whether the leave is in the best interests of the School of Law.

7. CURRICULAR NEEDS

A leave of absence almost inevitably results in gaps in course coverage. The seriousness of the gap will depend upon a number of attendant circumstances such as the courses the faculty member teaches, the available remaining personnel, and the availability of adjuncts or visitors. For instance, a leave of absence by a faculty member teaching a first-year course would be extremely disruptive if the leave occurs at a time when other faculty are unable to cover the course and the School of Law cannot get a visiting professor to teach the course either because funds are not available, or because visiting professors are not available. A serious disruption of course coverage will be a strong, though not determinative, factor militating against the granting of a leave of absence. A relatively minor disruption in course coverage will be a factor militating in favor of granting a leave of absence, although this, too, will not be determinative.

8. BENEFITS

The University's leave policy provides that "[b]enefits may be continued at the discretion of the Vice President for Academic Affairs and Provost." (Faculty Handbook at F-3,1). Thus, any continuation of benefits to the faculty member is subject to negotiation. If, however, the faculty member is able to conserve University funds by finding alternative sources of benefits, the savings to the University may constitute a positive factor in determining if the leave is in the best interests of the School of Law.