

### 11.3 UMBC TERMINAL LEAVE POLICY

(Implementation of USM [Policy II-2.10](#), approved by the Board of Regents, November 30, 1989; adopted by UMBC Faculty Senate, May 14, 1991. Section headings and paragraph style adapted to the format of this *Handbook*.)

1. Terminal Leave is defined as a leave of absence with pay extending over a period of time which terminates on the effective date of a faculty member's separation from employment with the University of Maryland Baltimore County (UMBC).
2. Upon voluntary application by a faculty member, the President of UMBC may grant terminal leave in accordance with the following provisions:
  - a. Only full-time tenured faculty members at UMBC shall be eligible for terminal leave; if awarded, such a leave shall be granted with full pay for a period not to exceed twelve months, or with half pay for a period not to exceed twenty-four months.
  - b. A faculty member, while on terminal leave, shall:
    - i. receive the salary which would have been accorded had he or she remained at UMBC;
    - ii. remain a UMBC employee, and be subject to all policies of the Board of Regents and UMBC;
    - iii. retain, during the period of terminal leave, all rights to all benefits normally associated with full-time employment (or, where applicable, half-time) at UMBC, with the exception of annual leave; and
    - iv. be excused from performing duties of any kind, administrative or otherwise, during the period of leave unless otherwise stipulated in writing by the terminal leave letter of agreement.
3. The faculty member shall agree, in writing, to fulfill the requirements of the leave, to waive all claims arising out of his or her employment, other than those specified in II.B.3, and also to waive all claims to subsequent employment at UMBC.
4. Procedure--A faculty member must voluntarily request terminal leave. The faculty member shall submit his or her request to the Chairperson of his or her department or equivalent unit head. After review by the Chairperson, the request shall be forwarded with the Chairperson's recommendation through the usual administrative channels to the President. The President shall have the authority and discretion to approve or disapprove the request based on the needs of the department, the unit, the institution and the University System of Maryland. Upon approval of the President, the President and the faculty member shall sign a letter of agreement specifying the conditions of the leave. This letter shall be in compliance with this UMBC Terminal Leave Policy, shall contain all special conditions, if any, to which the faculty member and UMBC have agreed with respect to the leave, and shall recite the voluntary nature of the Agreement. The terminal leave agreement is not effective until executed by the President of UMBC. Faculty are

urged to seek legal advice as they pursue terminal leave. The faculty member shall have twenty-one (21) calendar days to review the letter of agreement before signing it.

5. If terminal leave is used in conjunction with retirement from UMBC, the faculty member shall agree, in writing, to a knowing and voluntary waiver under the Older Workers Benefit Protection Act (OWBPA) as amended under the Age Discrimination in Employment Act (ADEA). The waiver will not apply to rights or claims that may arise after the date upon which the letter of agreement was signed. The faculty member shall have the right to revoke the waiver within seven (7) calendar days after signing the letter of agreement.

#### 11.4 POLICY ON LEAVE WITHOUT PAY FOR FACULTY

([Board of Regents Policies and Procedures II-2.20](#); Approved by the Board of Regents, November 30, 1989.)

Under certain conditions the President or designee may grant a faculty member leave of absence without pay. A primary consideration in award of leave without pay is that it shall not substantially disrupt the academic program or unit of which the faculty member is part. Leave of absence without pay ordinarily shall be granted if the purpose of the leave is to advance the institution's mission of teaching, research, and service or to enhance the ability of the individual to support that mission. Leave without pay may also be granted for personal or health reasons. In no case shall a leave without pay extend beyond the termination of the individual's term of employment.

The following conditions apply to leave without pay:

1. To be eligible for leave of absence without pay, a faculty member must be employed on a continuing or term contract and must normally have been employed for at least two semesters or twelve months prior to the beginning of the proposed leave. Continuation of employment of the individual upon termination of the leave without pay must be the expectation.
2. A leave without pay is ordinarily granted for no more than one full year.
3. Unless the President or designee stipulates otherwise, the period of leave without pay shall not be counted as service toward the faculty member's eligibility for sabbatical leave.
4. A faculty member on leave without pay may continue to participate in retirement, medical and health programs, and other benefit programs only to the extent and under such conditions as are permitted by each such program. Unless the President or designee stipulates otherwise, any costs of such participation in benefits during a leave without pay shall be borne by the faculty member.

Each institution shall develop procedures and guidelines for the implementation of this policy; such procedures and guidelines shall be filed with the office of the Chancellor.