

## **CHAPTER 4: PROFESSIONAL AFFAIRS OF THE FACULTY**

### **Academic Freedom and Academic Tenure**

Duke University has a long tradition of guarding responsible academic freedom for its entire instructional staff, and the university itself cherishes and guards against incursions upon its own essential academic freedoms.

Academic tenure may be achieved for a specified period of time in the case of term appointments, or indefinitely in the case of continuous academic tenure appointments. Such appointments may be terminated for misconduct or neglect of duty, or because of a change in the academic program made with the advice of the appropriate body or bodies of the faculty, as a consequence of financial exigency or for any other reason which discontinues or reduces a segment of the university's research or educational program.

A faculty member may request--on any question involving termination for misconduct or neglect of duty, tenure status, alleged violations of academic freedom, or alleged violations of due process in decisions with respect to renewal of term appointments, granting of tenure, or promotion in --an investigation by the faculty ombuds and, should the ombuds' attempt at conciliation fail, by the Faculty Hearing Committee. The procedures are described in Appendix N of this handbook.

A complete statement of policies and procedures with respect to academic freedom and tenure is attached to this handbook as Appendix C.

### **Advanced Degrees**

Faculty members at the professorial rank are permitted to earn advanced degrees in disciplines other than their own, with the approval of both of the departments or schools involved and that of the provost.

Faculty members who wish to pursue another degree should submit a letter of their intention to their chair and dean with a copy to the provost or dean, School of Medicine/vice chancellor for medical center academic affairs.

### **Distinguished Professorships**

The university bears special witness to its intellectual commitment through its program of distinguished professorships. Appointment to a named chair is the highest honor the university can bestow upon a member of its faculty. There are five types of distinguished professorships at Duke University: the James B. Duke Professorships, the Bass Chairs, the individually named chairs, the interdisciplinary University Professorships, and the University Distinguished Service Professorships.

The James B. Duke Professorships were created by a special grant of The Duke Endowment to honor well-established members of the Duke academic community, irrespective of field, who have also achieved singular distinction as creative scholars. The Bass Chairs, created in 1998, are intended to strengthen undergraduate education by recognizing some of Duke's most outstanding scholar-teachers. The individually named chairs also honor specific individuals who have achieved distinction as creative scholars; many are for specific fields designated by their donors. The interdisciplinary University Professorships are awarded to scholars distinguished by their ability to transcend disciplines; they are either in more than one school or department or their primary appointment and tenure will reside at the school level for the following four schools where tenure otherwise would reside within a department: Trinity College of Arts and Sciences, Nicholas School of the Environment, Pratt School of Engineering, or the School of Medicine. The University Distinguished Service Professorships were created to recognize exceptional service to the university as a whole, beyond achievements in the nominee's own discipline, typically in an administrative role in the University. Appointments to all distinguished professorships are made on recommendation of the provost and approval by the Board of Trustees.

Nominees for interdisciplinary University Professorships and other university-wide named chairs (e.g., James B. Duke Professorships, unrestricted endowed professorships, and unfunded eponymous professorships honoring administrators) are considered by the provost's Advisory Committee on Distinguished Professorships, which makes recommendations to the provost. The members shall be recommended by the Executive Committee of the Academic Council and approved by the provost. The committee will convene at the call of the provost to advise on the naming of the university-wide chairs including existing and new Distinguished Professorships and existing and new University Professorships.

Nominees for Bass Chairs are considered by the provost's Advisory Committee on Bass Chairs, which makes recommendations to the provost. This committee, nominated by the Executive Committee of the Academic Council and appointed by the provost, is composed of members selected from the Bass Society of Fellows, which includes both current and former Bass Chair holders.

Effective with academic year 2005/06, nominees for school-specific named chairs, joint school-specific professorships, and school-specific unfunded eponymous chairs are considered by the respective School Distinguished Professorships Committee, which makes recommendations to the dean, who in turn recommends recipients of specific named chairs to the provost. The provost must approve each school's proposed procedures and policies before they may take effect. Once approved by the provost, each individual school's procedures and policies document will be made available on the provost's website. In accordance with the school's written procedures, the dean will establish a School Distinguished Professorships Committee that is composed of either (1) all of the school's current tenured distinguished professorship holders or (2) members recommended by that school's faculty governance body and selected from among the school's current tenured distinguished professorship holders.

If questions arise as to whether any particular named professorship is university-wide or school-specific, the decision shall be made by the provost.

In cases where a faculty member is being considered simultaneously for an appointment at Duke and a distinguished professorship, the provost's Advisory Committee on Appointment, Promotion, and Tenure (or its equivalent in law, clinical sciences, and nursing) is asked to consider the appointment to a tenured full professorship before consideration of the case for a named chair by any Distinguished Professorships Committee. Rules for selecting distinguished professorships can be found at:

[https://provost.duke.edu/sites/all/files/Distinguished\\_Professorships\\_Policy.pdf](https://provost.duke.edu/sites/all/files/Distinguished_Professorships_Policy.pdf)

## **Faculty Compensation**

Several important policies govern faculty compensation. The policies discussed in this section do not govern compensation to faculty members for consulting outside the university. The university's policy on consulting and other outside activities is treated separately in Chapter 5.

### **Base Salary Determination for Term of Academic Appointment**

Responsibility for faculty salary recommendations rests with the deans and directors reporting to the provost and with the dean, School of Medicine/vice chancellor for Medical Center academic affairs reporting to the chancellor for health affairs. Initial recommendations may be made by department chairs (or heads of analogous authorized faculty hiring units; see Chapter 2) in accordance with the organizational structure and budgetary practices of each school or unit. The recommendations of the deans, directors, and the vice chancellor for Medical Center academic affairs are approved by the provost or chancellor for health affairs, respectively. Approved salary recommendations become part of the budget proposal approved annually by the Board of Trustees. If the faculty member holds appointments in two or more units that contribute to his or her salary, the primary department shall be responsible for submitting the recommendation and coordinating joint approval with the additional unit(s).

### **Joint Funding of Academic Appointments**

A program, school, department, or other academic unit requiring the services of a member of the faculty from another academic unit on a regular basis should negotiate for those services with the individual and the department head or dean of the school of the faculty member's primary appointment or with the dean, School of Medicine/vice chancellor for Medical Center academic affairs. Allocation of salary costs for the individual involved, and the resulting adjustment of departmental or school budgets, should be negotiated by the appropriate dean(s), department head(s), director(s), and/or the dean, School of Medicine/vice chancellor for Medical Center academic affairs, and

approved by the provost or chancellor for health affairs through regular budgetary processes as appropriate. (See also the section entitled Joint Appointments and Secondary Appointments in Chapter 2.) Occasional, as distinguished from regular, assistance across units should be provided without compensation as a service within the university community.

### **Schedule of Payment**

Because the academic year runs from September through August, most faculty appointments outside the Medical Center begin in September. Thus, it has been policy in most of the units of the university to pay new faculty on nine-month appointments their initial one-twelfth (1/12th) of salary in September of their first year and to continue payment through August of their terminal year (except for retirements or resignations that occur at other times in the year). For various reasons, this policy is at times unsatisfactory. In cases where duties are to be assumed prior to September, arrangements may be made for the appointment to begin in July or August. The formal appointment letter provided for the provost's files must accurately reflect the appointment date. If the appointment commences in a month other than September, then the final payment in the faculty member's terminal year is adjusted accordingly. Regardless of the appointment term, all full-time, regular rank faculty receive their compensation in twelve (12) monthly installments.

### **Special Compensation in Addition to Base Salary**

Outside the Medical Center, any pay for work performed in addition to the faculty member's normal duties as part of his or her regular academic and/or administrative appointment is considered special compensation by the university. The university recognizes two types of special compensation. Extraordinary pay is compensation for special assignments above and beyond the faculty member's regular work load (100 percent effort) for which he or she is already compensated through base salary. Supplementary pay is for assignments taken on (usually during the summer) that fall outside the faculty member's term of appointment, be it a nine-month, ten-month, or eleven-month appointment. In the extremely unusual situation where extraordinary pay is requested for an individual already receiving supplementary pay, both policies pertain. For additional information, please see the memo from the provost to the Deans and Directors in Academic Program Areas: <https://provost.duke.edu/sites/all/files/Special%20Compensation%20in%20Addition%20to%20Base%20Salary.pdf>

### **Extraordinary Pay**

Normally, faculty members should not receive extraordinary pay, that is, remuneration for additional work performed during their regular appointment term, since they are already being paid for full-time service (100 percent effort). In unusual circumstances, however, particularly when a department other than the person's primary department is involved, a dean or director may request approval from the provost or the chancellor for health affairs to provide extraordinary pay. If the extraordinary pay is to be charged to a federal grant or contract, approval of the Office of Research Support is also required before any work may be performed in academic program areas and the Office of Research Administration for Duke Health entities. The provost and chancellor for health affairs from time to time issue guidelines for deans and program directors to follow in requesting permission to make extraordinary salary payments. Members of the faculty should work through their deans or the vice chancellor for Medical Center academic affairs in determining their eligibility for such payments. For Medical Center Management Center entities, please contact the SOM HR Management Center for details regarding its Extraordinary Pay Policy. For additional information, please see the memo from the provost to the Deans and Directors in Academic Program Areas:

<https://provost.duke.edu/sites/all/files/Special%20Compensation%20in%20Addition%20to%20Base%20Salary.pdf>

### **Supplementary Pay**

Faculty members may receive supplementary pay for effort outside the term of their appointment according to the following guidelines (For additional information, please see the memo from the provost to the Deans and Directors in Academic Program Areas: <https://provost.duke.edu/sites/all/files/Special%20Compensation%20in%20Addition%20to%20Base%20Salary.pdf>

### **Nine-Month Appointments**

The term of appointment for non-medical faculty on nine-month appointments consists of an eight-month core which corresponds to the academic calendar established by the president each year (usually September through April) and a one-month period outside of the academic calendar. Responsibilities for the one-month outside of the

academic calendar may be performed in any of the four remaining months provided that the timing of performance is such that commitments made on externally funded projects are met. Faculty members on nine-month appointments may receive summer supplements through the Duke University payroll system up to a maximum of three-ninths (3/9ths) of the base salary rate for the immediately preceding appointment term.

If the summer supplements are for University or other non-federally funded work such as summer session teaching, independent study, special programs, or administrative assignments requiring summer effort, compensation up to 100% of one-ninth of a faculty member's salary can be paid in any three of the four designated summer months: May, June, July or August.

However, if summer supplements are for federally-sponsored projects, they must be handled differently. While faculty with committed summer effort on sponsored projects may still be paid a total of three-ninths summer salary, they should not receive 100% of one-ninth in any one month. Two different procedures must be followed. First, the University caps compensation from federally-sponsored research in any given summer month at 75% or less per month over each of the four summer months: May, June, July and August. Second, compensation from federal funding is limited to two and a half ninths and the final half ninth must be paid from University or other non-federal funds.

For faculty having three months of summer salary budgeted on their federal grants, the last half month of effort and salary would no longer be spent on grants during the summer but would be committed, performed and paid during the academic year. This practice will create a salary savings pool in each school's budget. From this pool of school funds the entire half month's worth of salary and fringe benefits will be used to pay the extra half month of salary needed to achieve a full three months of summer salary.

Salary supplements for non-medical faculty may be earned in May, June, July, or August depending on when the ninth month of the appointment term is taken. Grant recipients are expected to comply with the conditions of the granting agencies. No faculty member may receive more than twelve (12) months of base compensation and supplementary pay in any fiscal year unless permission is granted by the provost or chancellor for health affairs for the individual to receive extraordinary pay, as outlined above.

### **Ten-month Appointments**

Faculty members on ten-month appointments are eligible to receive up to two-tenths (2/10ths) of the base salary rate for the immediately preceding appointment term. The same conditions apply as stated above for faculty members on nine-month appointments.

### **Eleven-month Appointments outside the Medical Center**

Faculty members outside the Medical Center on eleven-month appointments are eligible to receive up to one-eleventh (1/11th) of the base salary rate for the immediately preceding appointment term. The same conditions apply as stated above for faculty members on nine-month appointments.

### **Twelve-month Appointments in the Medical Center**

Most faculty members in the Medical Center are on twelve-month appointments that resemble the twelve-month appointments of university staff. This means that compensation covers eleven months of effort and one month of paid vacation. One month of paid vacation is equal to 22 business days. Faculty cannot carry unused vacation days to the next year or receive compensation for unused vacation when terminating. Faculty members on twelve-month appointments in the Medical Center are not eligible to receive supplementary pay, but are eligible for extraordinary pay, as outlined above.

## **Vacation**

Faculty members with nine-, ten-, or eleven-month appointments outside the Medical Center are paid only for work performed during the period of their appointment plus any additional effort they expend for which they receive supplementary compensation. As a result, neither the base appointment nor any time for which supplementary compensation is received includes allowance for vacation and none should be reported on the annual effort certification report. As indicated above in the discussion of twelve-month Medical Center appointments, Medical Center base salaries do cover one month of vacation and annual effort reporting should reflect this fact.

## **Faculty Hearing Committee**

The Faculty Hearing Committee has two distinct functions. The first involves equal treatment in employment, without discrimination. Duke University prohibits discrimination and harassment, and provides equal employment opportunity without regard to race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex, genetic information, or age. We also make special efforts to recruit, employ and promote qualified minorities, women, individuals with disabilities and veterans. A faculty member who feels that an adverse employment action involved discrimination on such a basis may file a complaint with the ombuds or the Office for Institutional Equity. If the complaint is not resolved, and depending on the nature of the complaint, a hearing may be conducted followed by the opportunity for an appeal.

The second function of the Faculty Hearing Committee involves academic freedom and tenure. The ombuds and the Faculty Hearing Committee shall have jurisdiction to consider complaints from faculty concerning one or more of the following matters: dismissal for misconduct or neglect of duty; termination of appointment prior to its expiration date; disputed claims by a faculty member to the existence of tenure; allegations of violation of academic freedom; violation of academic due process with respect to an adverse employment or disciplinary action; and allegations of damaging instances of harassment directed against the complainant by other members of the university community after failure of a university officer or agency to resolve the matter.

Detailed descriptions of these functions are to be found in Appendix N of this handbook.

## **Faculty Recruitment**

When a faculty or staff position becomes vacant in any school or authorized unit, with the exception of the Schools of Medicine and Nursing, the head of that unit (dean, director) shall consult with the provost. The dean of the School of Nursing is authorized to hire faculty and staff, and consults with the chancellor for health affairs on major revisions of the school's size and structure. The dean of the School of Medicine/vice chancellor for Medical Center academic affairs shall report to the chancellor for health affairs. After authorization to fill the position has been obtained, the dean shall follow school policies for filling the position. In all cases these policies shall be consistent with Equal Employment Opportunity (EEO) regulations and university guidelines for the recruitment of minority and women faculty. Final approval for all tenured appointments, after the provost's and president's endorsements, rests with the Board of Trustees.

## **Flexible Work Arrangement Policy for Regular Rank Faculty Members**

All regular rank appointments to the faculty of Duke University are made as full time appointments. Recognizing the need for some faculty members to modify their work schedules for extended periods of time, the University may approve flexible work arrangements.

These flexible work arrangements are directed toward faculty members for whom Duke University represents their full professional obligation, but who wish to have the flexibility to continue a career in academics while balancing family, pre-retirement planning, or other personal priorities.

This policy does not apply to non-regular rank appointments, or to individuals with another professional endeavor beyond the current consulting policy (for example, this policy does not apply to faculty with clinical practices outside of the Duke Private Diagnostic Clinic or Duke Health).

Each department and/or school shall define a full time work load based on standards established for such activities as teaching, research, clinical activities, university service and administrative responsibilities as applicable. Because the type and acceptability of work load arrangements vary among departments, and because a large number of flexible arrangements in one department could weaken its ability to carry out all missions, the department chair, if applicable, or the dean of the school must approve all such requests.

A flexible work arrangement can be made for up to 3 years. Under certain circumstances the flexible work arrangement can be renewed for additional terms but in any event such renewal shall not infringe on the department's ability to carry out its mission. Each such determination will be made by the department chair if applicable or the dean of the school. In the case of pre-retirement agreements, longer arrangements are permitted on a case-by-case basis with approval of the Dean, provost and the University Counsel's office.

After appropriate discussion, the faculty member submits a request for a flexible work arrangement in writing (see the Flexible Work Arrangement Request Form for Regular Rank Faculty, <https://provost.duke.edu/sites/all/files/Flexible%20Work%20Arrangement%20form%20-%20Editable.pdf>) to the department chair, if applicable, or the dean of the school. The approved request, including the agreed upon 1) modification in duties, 2) compensation, and 3) the proposed total time for which the flexible arrangement will be in effect, then goes from the department chair to the dean. Approved flexible work arrangements will then be sent to the provost for signature. The Provost's Office will monitor usage of this policy.

Faculty members on the tenure track are automatically eligible for 3 months of tenure clock relief for each year of approved Flexible Work Arrangement. However, as outlined in the tenure clock relief policy, there is a 3-year (36 month) overall limit in tenure clock extension. Faculty members may opt out of tenure clock extension.

The University will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, and the Faculty/Staff Retirement Plan for a faculty member on an approved flexible work arrangement. Where applicable, the benefit will be based on the revised salary.

Nothing contained in this proposal shall imply or suggest a status of less than full time employment for faculty who are working a modified schedule pursuant to this policy. Those individuals with approved flexible work arrangements shall continue as full colleagues, and are eligible for the rights and privileges of the full time faculty. They are beholden to policies affecting the faculty, as delineated in the Faculty Handbook, including criteria for promotion and tenure.

## **Leaves of Absence - Academic**

### **Junior Faculty Research Leaves**

Tenure track faculty who do not hold tenure but have been reappointed to a second term appointment, usually for four years, are eligible to apply for a junior faculty leave. The intent of this program is to give junior faculty in Arts and Sciences, Business, Divinity, Engineering, Environment, Law, and Public Policy the opportunity to develop their scholarly potential in advance of their review for tenure.

Qualifying faculty members who are interested in the leave program should submit research proposals to their dean with recommendations from the program director or department chair when appropriate.

Faculty members whose proposals are funded will be entitled to a one-semester leave with pay. This leave will not interrupt the tenure clock nor will it alter the individual's continuous service at Duke University. Faculty members who receive fellowships or grants may supplement their one semester research leave with an additional one-semester leave.

### **Leaves Without Pay/Non-Sabbatical Competitive Leaves**

As an administrative policy, the university usually finds a way to grant leaves without pay to members of the faculty who have an opportunity to further their own research or scholarly interests, or otherwise to contribute to the academic program of the university. While the university's fringe benefit pool does not cover benefits for faculty members on leave without pay, professors who have received fellowships may ask their deans to provide, with the understanding that there may be adverse tax consequences to the faculty member involved, the university's contribution to benefits from operating budgets within the school. While it may not be possible for the school to cover the university's contribution in all cases, every effort will be made to do so when fellowships are inadequate. All such requests should be reported to the provost. Some schools may provide full or partial funding for academically justified leaves (other than sabbatical leaves) for a limited number of faculty selected through a competitive process instituted by the dean and approved by the provost. Leaves of absence from the university are limited to two years out of every seven except in extraordinary circumstances. Continuous service shall not be interrupted by approved leaves of absence, and time on leave will count as qualified time for tenure unless the provost determines otherwise when the leave is granted. However, time on leave without pay will not count toward sabbatical leave.

Procedures for applying for leaves without pay may be found under sabbatical leaves below.

## **Sabbatical Leaves**

The primary purpose of sabbatical leave is to increase the value of the professor's further service both to his or her profession and to the university. Although there may be exceptions, such a purpose is ordinarily served by the pursuit of scholarship (e.g., for teaching abroad, study, research, or publication undertaken to further the solution of pedagogical and administrative problems). Sabbatical leaves are not to be used for purposes of recreation or general travel.

1. Each tenured member of the University Faculty shall be eligible for sabbatical leave after no more than each six years of active service to the University in faculty positions of regular rank. Active service provisions may be determined on a school by school basis. Such leave may be taken for a full year at half salary or a half year at full salary.
2. Individual schools, upon approval by the provost, may institute programs to enable eligibility for sabbatical leaves for tenured members of the University Faculty of the rank of professor, associate professor, or assistant professor after a period of active service to the University of less than 6 years but no less than 3 years.
3. Sabbatical leave may be granted upon the written recommendation of the dean of the appropriate college or school, and then approved by the provost and the president.
4. The year in which sabbatical leave is taken will not count towards eligibility time for subsequent sabbatical leave.
5. Time on approved paid medical and/or parental leaves will count toward eligibility for subsequent sabbatical leave.
6. Qualifying faculty who were appointed prior to September 1982 may count time spent as an instructor in their years of service.
7. When eligibility for sabbatical leave is not clearly established, the case should be discussed with the appropriate dean, provost, or the dean, School of Medicine/vice chancellor for medical center academic affairs.

## **Application Procedure for Sabbatical Leaves or Academic Leaves of Absence**

The following procedure should be followed in applying for either a sabbatical leave or an academic leave without pay.

1. A letter requesting the leave should be addressed to the department chair and dean before December 1 of the year preceding the academic year for which leave is requested. In exceptional cases, a slightly later request will be considered. The letter should contain a statement by the faculty member explaining how he or she expects to use the leave, where he or she expects to be during the leave, and a clear statement indicating whether he or she is requesting a sabbatical leave of one semester at full pay, one year at half pay, or a leave of absence without pay for an indicated period.
2. The department chair will send a letter to his or her dean, stating whether he or she endorses the applicant's leave request and whether supplemental instructional funds may be needed to meet teaching obligations during the applicant's leave period.
3. Copies of these letters should be sent to the provost and, if appropriate, to the dean, School of Medicine/vice chancellor for medical center academic affairs.
4. The dean (department chair in the School of Medicine) will send a letter to the provost or dean, School of Medicine, vice chancellor for medical center academic affairs stating whether he or she endorses the requested leave and indicating whether the leave will necessitate provision for replacement of instructional time. Only when both the department chair and dean have endorsed the leave will the provost consider the request. Final responsibility for granting sabbatical leaves rests with the provost.
5. Upon return from leave, the faculty member is expected to give a full report in writing to his or her department chair, dean, and to the provost or dean, School of Medicine/vice chancellor for medical center academic affairs.

## **Granting of Sabbatical Leaves**

Normally, a sabbatical leave is not granted if the applicant's request is for the purpose of accepting remunerative employment. This rule does not apply to the acceptance of fellowships and similar grants which serve the purposes outlined above. Furthermore, there may be other situations in which acceptance of a remunerative position may lead to a fulfillment of the primary purpose of increasing the value of the professor's further service to his or her profession and to the university.

Any person granted sabbatical leave is expected to return for at least one year's service following the leave. Sabbatical leave may be granted for a full year at half salary or for a half year at full salary.

### **Other Matters Relating to Leaves**

1. Requests for sabbatical leaves and leaves of absence are due by December 1 of the year preceding the leave. However, some requests cannot be firm at that time, since leaves are often contingent on obtaining funds from outside the university, and notification dates may be in the spring. For planning purposes in the department or school as well as in central administration, in cases where the leaves are contingent on funding or on other factors, it is desirable that the request made before December 1 be, in effect, a letter of intent rather than a firm request. The chair or dean should endorse the leave at that time, implying approval of the leave if the contingency is satisfied. The faculty member should write again to the provost or dean when plans are firm, with copies to the chair and dean or the dean, School of Medicine/vice chancellor for medical center academic affairs as appropriate. The provost will then write the faculty member.
2. A faculty member who learns well after December 1 about an opportunity to take a leave during the following year may request the leave. Approval will depend heavily on whether the program can be adjusted to accommodate the absence of the faculty member. Such late requests are usually for leaves of absence rather than sabbaticals.
3. Information concerning eligibility status may be obtained by calling the appropriate dean's office or the Office of the Provost.
4. Since sabbatical leaves are for the purpose of enhancing the stature of the individual, there should be an opportunity for at least one year of service after taking a sabbatical. Non-tenured faculty members should therefore not request a sabbatical for the seventh year. In the event tenure is granted, every year of service in the unmodified rank of assistant professor, associate professor, or full professor is counted toward eligibility.
5. Questions arise frequently about the pay period (or absence of pay) in connection with leaves. The following dates apply:
  - a. Sabbatical for fall or spring semester--no change in pay.
  - b. Sabbatical for fall and spring semesters--half pay from July through June.
  - c. Leave of absence during the fall semester--no pay or benefits from July through December.
  - d. Leave of absence during the spring semester--no pay or benefits from January through June.
  - e. Leave of absence for fall and spring semesters--no pay or benefits from July through June.

These dates indicate that the pay period in connection with leaves for the fall semester is the six-month period beginning July 1, and the pay period in connection with leaves for the spring semester is the six-month period beginning January 1. Duke will continue to make university contributions to the Faculty and Staff Retirement Plan while on sabbatical leave based on actual pay received.

6. When a grant to the university is used to pay the other half of full-year sabbatical leave pay, or full or partial pay during a leave of absence, written authorization from the principal investigator is needed to charge such pay to the grant. Since fringe benefits are charged to the grant at the audited percentage of salary, it may be advantageous to a faculty member in some cases to receive a fixed sum grant or fellowship directly from the agency rather than through the university; in this way the full sum would be available for salary.

### **Government Service Leaves**

A faculty member may be placed on leave to accept a temporary governmental position at a federal agency. These agreements are intended to enhance cooperation between universities and the federal government, to take advantage of unusual expertise, skills or talents, or to provide professional development opportunities. The federal government reimburses universities for the costs of salary and benefits for up to one year, renewable. Should the agency not reimburse at the faculty member's full salary and/or benefits, it is up to the discretion of the dean or director to adjust pay and/or benefits to the full amount. Such a leave is granted through the Intergovernmental Personnel Act (IPA) Mobility Program (US Office of Personnel Management, Enacted 27 May 1997, Intergovernmental Personnel Act of 1997.)



## Leaves of Absence – Non-Academic Reasons

### Family Medical Leave

As per the Family Medical Leave Act (FMLA), both regular rank and non-regular rank faculty members who have been employed at Duke University for at least 12 months (need not be consecutive), and have worked at least 1250 hours during the preceding 12 months, are eligible for this type of leave. This includes Military Family Leave as outlined below.

FML entitles eligible faculty to unpaid time away from work for up to a total of 12 weeks within a rolling 12-month period. Time off for FML may be taken in consecutive days or on an intermittent basis. FML may be taken for the following reasons:

- The care of a child following birth or the adoption or placement of a child with a faculty member for foster care;
- The care of a family member who has a serious health condition;
- Faculty with health conditions serious enough to cause disabilities in normal work performance.
- The care of a spouse, son, daughter, parent, or next of kin of a covered service member recovering from a serious illness or injury sustained in the line of duty on active duty (Military Family Leave).

Family Medical Leave should not exceed 12 weeks within a rolling 12-month period. Military Family Leave, in combination with all Family Medical leave, should not exceed 26 weeks within a 12 month period. "Intermittent leave" is understood as time off in increments shorter than 12 consecutive weeks. Intermittent leave may be taken for the care of a spouse, registered same-sex partner, child, or parent who has a serious health condition - or for a faculty member's own illness. Neither the care of a child following birth or the adoption or placement of a child with a faculty member for foster care may be taken intermittently. Parental Leave may only be taken on an intermittent basis if they are medically necessary.

Note: While FML is unpaid leave, it must be taken concurrently with other paid leaves such as Temporary Medical Leave or Parental Leave, where eligible.

For faculty members who have less than one (1) year of service or less than 1250 hours worked within the 12-month period, temporary medical leave and parental leaves may be available for an event that would normally qualify for FMLA. FML must be taken concurrent with either of these types of leave if the faculty member is eligible for FMLA and the absence is an FMLA qualifying absence.

Benefits will continue during FML and Duke will continue to pay the employer's share of the cost of health care premiums during the FML period (12 or 26 weeks) and during any other paid leave status. The faculty member should contact the Benefits Office at 684-5600 to determine the procedure for payment of his or her share under group insurance plans should he or she go on unpaid status. For additional information on FMLA eligibility, qualifying events and benefits, see the Duke HR website ([www.hr.duke.edu](http://www.hr.duke.edu).) See below for the process on requesting leave.

### Military Leave

Military leaves of absence will be provided to regular rank and benefits-eligible faculty on multi-year appointments in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable North Carolina laws that protect individuals with military commitments from detrimental employment decisions based on those commitments. Military leaves of absence may be paid or unpaid leaves in accordance with the provisions of this policy.

Definition: "Military Leave" is any time off that is provided to faculty who are members of the National Guard or other reserve component of the United States Armed Services and who are called to active duty, attend scheduled reserve service, and/or temporary training duty.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) was signed on October 13, 1994. The Act applies to persons who perform voluntarily or involuntarily duty in the "uniformed services" - including the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA.

Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty (performed by the National Guard and reserve members), as well as the period for which a faculty member is absent from Duke for the purpose of an examination to determine fitness to perform any such duty.

Permanent Active Duty: Military Leave without pay should be granted upon a faculty member's submission of Department of Defense orders setting forth the commencement of military duty and its expected duration. During the period of Military Leave, faculty remain fully eligible to participate in the Group Life Insurance and health care insurance programs so long as their portion of the premium is paid.

### **Personal Leave**

Faculty members may request a personal leave for unique and extraordinary reasons. For approval, such leave must be requested in advance and shown to be of mutual benefit to both Duke and the faculty member. Personal leave will be granted for a period of up to one year. Under special circumstances, the personal leave could be extended beyond one year.

Regular rank faculty may consider requesting a Flexible Work Arrangement rather than a personal leave for circumstances where they do not need to be away from all their professional duties for an extended period of time.

### **Temporary Medical Leaves**

A regular rank faculty member shall be granted temporary medical leave with pay in the event of illness, injury, or other temporary medical restriction if the restriction will exceed four weeks. Temporary medical leave may be extended up to one year. If replacements for instructional time are needed, the salaries for those replacements will be paid from school or institute funds. The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary medical leave. A faculty member returning from a temporary medical leave must provide evidence from his or her physician that he or she is able to return to work.

Nothing in this policy shall be construed to preclude a part-time temporary medical leave if such a leave takes better account than a full-time leave of the particular nature of a faculty member's temporary medical restriction and the particular needs of his or her department. However, in no event shall a faculty member who has temporary medical leave be compelled to waive any part of the temporary medical leave to which he or she is entitled under this policy.

Time away under this policy counts as leave time under the Family Medical Leave Act. If the illness, injury, or other temporary medical restriction extends longer than three months, the Office of Benefits Administration should be contacted to determine if a Long-Term Disability Leave is more appropriate for the circumstances (see Long-Term Disability Leaves).

### **Temporary Parental Leaves – Regular Rank Faculty<sup>1</sup>**

A regular rank faculty member on a multiple-year appointment (regular rank faculty in the School of Medicine and School of Nursing<sup>2</sup>) shall be granted a one-semester, i.e., fall semester or spring semester, (up to three months for the School of Medicine and School of Nursing) leave with pay in the event of the birth of his or her child, the adoption of a child (under six years of age), or the birth of a domestic partner's<sup>3</sup> child. The leave must commence within nine months of the date of birth or adoption (proximate to birth or adoption for the School of Medicine and

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<sup>1</sup>The parental leave policy becomes effective July 1, 2003. Time away under this policy counts as leave time under the Family Medical Leave Act. While consistent language is used with one child at a time being born or adopted, it is recognized that multiple births, or multiple-adoptions, will occur in some cases. These will not affect either the parental leave or the tenure clock relief policy.

<sup>2</sup> For the School of Medicine and School of Nursing, this benefit does NOT apply to regular-rank faculty who have received appropriate notice of intent not to renew their faculty appointment.

<sup>3</sup> The term "domestic partners" specifies that the partners: (a) live in a committed family relationship; (b) share joint responsibility for one another's common welfare and basic needs; (c) are each other's sole spousal equivalent and intend to remain as such or as spouses indefinitely.

School of Nursing)<sup>4</sup>. In order for provision to be made by the academic unit for replacement of instructional time, requests for parental leave must be made within three months of confirmation of adoption or of pregnancy, or as soon as practicable once the adoption/pregnancy has been confirmed. The head of the academic unit (e.g., the department chair or dean) must indicate in writing to the dean and/or provost his/her clear understanding, after affirmation of the requestor, that the parent requesting parental leave will be the primary caregiver to the child, where primary caregiver is defined as the individual who has primary responsibility for the care of the child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. Outside of the provisions for temporary medical leave, only one paid parental leave per child per household will be granted to the primary caregiver (see definition above) of the child. If only one parent is a Duke faculty member, he or she must be the primary caregiver (as defined above) to qualify for the parental leave. In the School of Medicine, the department chair will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. In the School of Nursing, the department program director and executive vice dean, respectively, will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. The department chair (School of Medicine) or the dean (elsewhere) then will send a letter to the dean or vice chancellor for health affairs or the provost indicating whether the leave will necessitate provision for replacement of instructional time.

As above, if replacements for instructional time are needed, the salaries for those replacements will be paid from school or institute funds. The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary parental leave.

When a temporary parental leave is granted for non-tenured tenure-track faculty, an automatic one-year extension of the tenure probationary period will be approved (see Tenure Clock Relief section). It is understood that the faculty member may, nevertheless, choose to be reviewed for tenure at any appropriate time within the probationary period.

#### **Temporary Parental Leaves – Non-Regular Rank Faculty<sup>1</sup>**

A full time, salaried non-regular rank faculty member shall be granted a six-week leave with pay in the event of the birth of his or her child, the adoption of a child (under six years of age), or the birth of a domestic partner's child. Moreover, six additional weeks of unpaid leave are allowed under the Family and Medical Leave Act, for a combined total of up to 12 weeks of leave. The leave must commence proximate to birth or adoption, with proximate being defined as reasonably related to the birth or adoption of the child. Outside of the provisions for temporary medical leave, only one paid leave per child per household will be granted to the primary caregiver of the child, where primary caregiver is defined as the individual who has primary responsibility for the care of the child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. If only one parent is a Duke faculty member, he or she must be the primary caregiver (as defined above) to qualify for the leave. In order for provision to be made by the academic unit for replacement of instructional time, requests for parental leave must be made within three months of confirmation of adoption or of pregnancy, or as soon as practicable once the adoption/pregnancy has been confirmed. The head of the academic unit (e.g., the department chair, dean, or director) must indicate in writing to the dean and/or provost his/her clear understanding, after affirmation of the requestor, that the parent requesting parental leave will be the primary caregiver to the child, where primary caregiver is defined as the individual who has primary responsibility for the care of a child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. In the School of Medicine, the department chair will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. In the School of Nursing, the executive vice-dean will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean. The department chair (School of Medicine) or the dean (elsewhere) will include in the letter recommending leave to the dean of the School of Medicine or provost an indication whether the leave will necessitate provision for replacement of instructional time. If replacements for instructional time are needed, the salaries for those replacements will be paid from school or institute funds. The university will continue to pay the employer's share of the cost of fringe benefit

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<sup>4</sup> The Schools of Medicine and Nursing would allow for a delayed start if an infant spent time in the intensive care nursery.

programs such as health care insurance, group life insurance, or the Faculty/Staff Retirement Plan for a faculty member on temporary parental leave.

#### **Leave request process for leaves for non-academic reasons:**

To request a leave, the faculty members should either complete the form linked below or write a letter requesting any non-academic leave of absence. After appropriate discussion, the faculty member submits the written request to the department chair, if applicable, or the dean of the school or director of the institute. The approved request then goes from the department chair to the dean or institute director. Approved requests will then be sent to the Provost for signature.

In the case of FMLA, temporary medical leave or parental leave (when applicable), it should be accompanied by a physician's statement regarding the medical condition for the faculty member or his/her qualifying family member. Appropriate forms are available with the department administrator.

In the case of parental leave, the head of the academic unit (e.g., the department chair or dean) must indicate in writing to the dean and/or provost his/her clear understanding, after affirmation by the requestor, that the parent requesting parental leave will be the primary caregiver to the child, where primary caregiver is defined as the individual who has primary responsibility for the care of the child immediately following the birth or the coming of the child into the custody, care and control of the parent for the first time. This definition applies to both births and adoptions. In the School of Medicine the department chair and in the School of Nursing the executive vice-dean in consultation with the associate deans for academic and research affairs will develop a plan for management of clinical and teaching responsibilities that will be approved by the dean.

The university will continue to pay the employer's share of the cost of fringe benefit programs such as health care insurance or the Faculty/Staff Retirement Plan for a faculty member on temporary medical, parental or paid personal leave.

- Faculty who take leave for illness/injury must provide a physician's release to return to work.
- Duke does not pay a faculty member's share of Duke-sponsored insurance programs while the faculty member is on unpaid personal leave. The faculty member and covered dependents are eligible for continued coverage under COBRA.

#### **A printable application form for these leaves is available at:**

<https://provost.duke.edu/sites/all/files/Leave%20Application%20Form.pdf>

#### **Long-Term Disability Leaves**

In case of long-term disability (exceeding four months), the faculty member should contact the Office of Benefits Administration (Private Diagnostic Clinic for clinical faculty members of the PDC) for information regarding benefits under the university's long-term disability insurance program. A faculty member should notify the appropriate dean in writing, with a copy to the department chair and the provost, or, if appropriate, to the chancellor for health affairs, of the application for long-term disability. The department will be notified by the Office of Benefits Administration (Private Diagnostic Clinic for clinical faculty members of the PDC) of the approval/denial of the long-term disability insurance payments, the department should inform the dean, who will notify the provost about the status of the faculty member's application.

### **Liability Coverage**

#### **Legal Assistance to Participants in the Academic Peer Review**

The academic peer review process is essential to the perpetuation of excellence at Duke. The university considers the participation of members of the faculty and professional librarians in the peer review process--both within and outside of Duke--to be part of their regular duties as Duke faculty members or librarians. Responsible participation in this important service to the academic community should not place individuals at personal risk because of their contribution to it. Accordingly, the university is prepared, to the extent permitted and in the manner provided by the North Carolina Nonprofit Corporation Act, to offer legal assistance and indemnification to the

faculty members and librarians who face the risk of legal involvement and associated financial expense arising from their service to Duke University as a participant in the peer review process.

### **Memberships and Dues**

Each member of the academic community may belong to any number of professional organizations. However, personal memberships may not be paid by the university from regular departmental funds. In rare instances, it may be advantageous to have the university represented in a particular regional or international organization, and in such cases, special approval for university payment of dues must be requested from the appropriate university officer at the level of vice president. In other instances, a person may be expected to represent the university in a professional organization only because of the administrative position he or she holds at Duke University. Such requests may also be approved.

### **Nepotism**

It is the intent of the university that employees not be involved in decisions affecting the faculty appointment of individual members of their immediate family (including spouse, same sex partner, children, parents, brothers, sisters, step-parents, step-children, step-brothers, and step-sisters) and extended family (including grandparents, parents-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunts, uncles, grandchildren, and great grandparents). In exceptional cases where the relative is clearly demonstrated to have unique and unusual skills necessary for the position and these skills are not readily available in the labor market, a waiver may be sought. When such conditions exist, a written request for a waiver must be submitted to the provost or his or her designee for approval prior to offering an appointment. Spouses or relatives may be employed, however, as collaborators in subsidized research projects where such collaboration has been specifically approved by the sponsoring agency.

In cases where a waiver has been approved, an individual may be in a position to effect personnel actions (such as retention, promotion, salary, and leaves of absence) affecting members of the individual's immediate and additional family. Prior authorization for these personnel actions must come from the individual's department chair, or in cases where the relative is that of the department chair, the provost or his or her designee.

For the policy regarding employment of relatives in biweekly positions, refer to the HR Policy Manual: Recruitment, Hiring, Transfer (Policy 02.05).

### **Non-Tenure Track Contract Extension**

For a regular rank, non-tenure track faculty member on a multiple-year appointment, the same provisions as above shall apply to the extension of the term of their appointment.

### **Resignation**

Faculty members are expected to follow the general code of ethics of American universities and should resign from the university prior to May 1 if the resignation is to become effective the next academic year. If possible, notification as early as March 1 is appreciated. A person wishing to resign should first inform the department chair and dean and then write a letter of resignation to the dean with a copy to the provost or write the dean, School of Medicine/vice chancellor for medical center academic affairs directly. The letter should include the date on which the appointment is to terminate.

### **Retirement**

Faculty members' eligibility for full or partial retirement benefits is determined by the appropriate plan document. Discussions should be initiated with the chair of the department or director of the unit in which the faculty member serves at least one year prior to that in question. Tenured faculty members, upon retirement, relinquish privileges associated solely with tenured faculty status (e.g., voting rights with respect to Promotion and Tenure for tenure track faculty [see Chapter 3]).

## **Pre-Retirement Years**

A faculty member wishing to reduce his or her Duke faculty responsibilities gradually prior to full retirement, should initiate discussions with his or her chair, or dean, or director. The Flexible Work Arrangements Policy (appears earlier in this chapter) was designed for use in these situations.

## **Retirement Planning Guide for Faculty**

Please refer to the Benefits Office website for useful information to use while planning for retirement: <http://www.hr.duke.edu/benefits/retirement/planning/index.php>

## **Emeritus Status**

By action of the Board of Trustees, and after recommendation by the dean and the provost and approval by the president, regular rank faculty members who retire at age sixty-five or over, or who have served the university for at least ten years, may receive the emeritus title of the same faculty rank they held at retirement. Along with this title go certain privileges, such as inclusion in faculty mailing lists and invitations to attend appropriate university functions. In addition, of course, are the financial benefits available to all eligible retired faculty.

## **Emeritus Faculty Services and Facilities Use**

*Athletic Facilities:* Emeriti will have access to all Duke athletic and recreational facilities on the same basis as active faculty.

*Computer Services:* Emeriti will have free access to the use of central university computing services, including email and other services accessed through NetID authentication, and support from the OIT Service Desk through phone, live chat, email and service at the Link in Perkins Library (see <http://oit.duke.edu/help/> for more information and normal business hours).

*Directory Listing:* Emeriti shall be listed in the Duke Directory, which can be accessed at <http://oit.duke.edu/email-accounts/directories.php>.

*Duke Chronicle and Duke Today:* Emeriti can subscribe to a variety of Duke newsletters by visiting the website, <http://today.duke.edu/subscribe>. Emeriti regularly using a campus office can obtain copies of the Duke Chronicle and other official university publications (print and electronic) in the same manner as active faculty. Those wanting to receive the Chronicle at their home address should contact the Chronicle Business Office at (919) 684-3811. Emeriti are also encouraged to get daily news about Duke and the campus at Duke Today, an online electronic newspaper, <http://today.duke.edu/>. Emeriti faculty with Duke email addresses may also post classifieds in the Trading Post on the DukeList website, <http://dukelist.duke.edu/>. Emeriti faculty who have Duke email addresses also receive The Week at Duke, an electronic newsletter sent weekly by email.

*Health Insurance:* Emeriti faculty should check the benefits guide and/or contact the Duke Benefits Office to determine eligibility and access the necessary forms and procedures to follow. (919-684-5600, <http://www.hr.duke.edu/benefits/>)

*Interaction with University Administration:* Emeriti should submit inquiries and requests to their departmental chair or dean as the specific issue warrants. Emeriti can direct inquiries and requests that fall outside of departmental and/or school considerations to the designated Assistant for Emeritus Affairs in the Office of the Provost.

*Identification Cards:* Emeriti faculty may maintain their Duke identification cards as they will remain active. The Duke Identification Card can enable the emeriti faculty member to join the gym and check out library books.

*Library Privileges:* Emeriti will have full use of the Duke University libraries and library resources.

*Mail:* Mail services shall be provided by the department for emeriti.

*Parking Privileges:* Parking for emeriti will, with the exception of premium lots, be fully subsidized by the provost and dean, School of Medicine through June, 2019. This policy will be reviewed every two years.

*Principal Investigator Eligibility:* Participation as a Principal Investigator is conditional on the approval by the Dean and provost, and upon the availability of departmental and other necessary resources.

*Space:* While office space is not an entitlement for emeriti, they may request their dean to allocate such space to them. The dean, on the advice of the departmental chair, will weigh the request against alternative uses of the space in advancing the scholarly purposes of the university. If space is allocated, it will be for a maximum of two years with the option of renewing the space with subsequent requests. Laboratory space can be provided, subject to the same guidelines described above, for those individuals who maintain an active research program that is characterized by sufficient external funding to maintain their research activities and contributions to the discipline through the publication of the products of their research in relevant professional venues.

### **Tenure Clock Relief <sup>5</sup>**

A non-tenured member of the faculty shall be eligible for an extension of the tenure probationary period for life events that can reasonably be expected to markedly delay the research process. Extensions can be for either one or two semesters, where a semester is defined as six months in duration. For life events in category 1, there is no limit in the number of extensions that can be granted. For each of the life events numbered 2-6 below, a maximum of two extensions of the tenure probationary period will be granted for separate events. Excluding category 1 extensions, it is expected that in total, a three-year overall limit in tenure clock relief will not be exceeded. Life events that can be expected to markedly delay the research process are defined as these circumstances:

1. a child is born or adopted into the faculty member's household (one year relief; if both parents are untenured faculty members and both are significantly engaged in caring for the new child, then each parent in the household is eligible for one year of relief)
2. by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of a semester, the faculty member is required to act as the primary caregiver for a parent, child, spouse, or domestic partner (one semester relief)
3. by reason of a serious health condition (as defined in the Family and Medical Leave Act) persisting for a substantial portion of the period for which the extension is sought, the faculty member is unable to perform the functions of her or his position (maximum two semester relief)
4. by reason of death of a parent, child, spouse, or domestic partner (one semester relief)
5. by reason of a catastrophic residential property loss (each faculty member in the household eligible for one semester relief)
6. by reason of other family or personal priority for which the faculty member has received approval for a Flexible Work Arrangement (three months relief for each year of approved Flexible Work Arrangement, rounded up if needed to match the next existing date – September 15<sup>th</sup> or December 1<sup>st</sup> – when tenure case materials are due in the provost's office)

If the birth of a child results in a serious health condition for either the birth mother or child (as in 2 or 3 above), an additional semester could be added to the tenure clock relief due to said serious health condition, thus making three semesters the maximum relief for the birth.

Extensions of the tenure probationary period will also be granted for the following reasons, and will not count toward the limit in the number of extensions specified above. However, it is expected that in total, a 3-year overall limit in tenure clock relief will not be exceeded. Extensions will be granted:

1. by reason of specialized experience or training approved by the department chair, when during such experiences, research publications and other tenure-related activities are expected to be significantly reduced or interrupted
2. by reason of significantly increased administrative duties that were unanticipated at the time of tenure-track appointment, e.g., serving as an acting division chief, or establishing a new, off-site program (School of Medicine and School of Nursing only)
3. by reason of an approved period of part-time status (tenure clock relief would be pro-rated to the percentage of effort during the part-time period)(School of Medicine and School of Nursing only)

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<sup>5</sup> This policy becomes effective July 1, 2003. Tenure clock relief will not be afforded retroactively for life events occurring prior to the effective date of this policy. Expansion of the tenure clock relief for parental leave to one year begins January 1, 2006. #6 under the life events that can be expected to markedly delay the research process becomes effective July 1, 2007. #1 under life events was revised effective January 9, 2013.

Requests for all extensions shall be made in writing to the chair as a first step where appropriate, and forwarded to the dean for final approval by the provost. Requests for extensions shall be made within 3 months of the onset of the life event, or as soon as practicable once the situation has been identified. Extensions of midterm reviews when appropriate will be granted upon request as well. Finally, invoking an extension does not commit the person to wait the full extent of the probationary period before requesting tenure review.