

## **PART 3: LEAVES OF ABSENCE**

The primary purpose of granting leave of absence to members of faculty, including librarians and program directors, is to enable them to enhance their quality as scholars and as teachers, thereby assisting the University to achieve greater excellence in its basic areas of responsibility - effective teaching and the advancement of learning. However, leave may be granted for other purposes.

While it is recognized that members should be as free as possible to pursue their scholarly interests, it is recognized also that they share the responsibility for efficient operation of the University. Arrangements for leave of absence should be consistent both with the freedom of the individual and with their University responsibilities.

Members granted leave of absence should contact Payroll and make arrangements for the continuation of any benefit programs for which they may be eligible during their absence.

Members on reduced appointments are eligible to apply for leaves in accordance with University policies and the relevant Conditions of Appointment.

### **Article 1. Leave During Pre-Tenure Period**

- 1.01 Any leave granted to a member of faculty on a pre-tenure appointment will not extend beyond the date of termination of their appointment.
- 1.02 Except in the case of maternity or parental leave any period of leave taken during a pre-tenure appointment shall be included in the years of service in that pre-tenure appointment.
- 1.03 When a member of faculty on a pre-tenure appointment is granted maternity leave, the length of the pre-tenure appointment shall be extended by one year, unless the faculty member informs the Head in writing that they do not wish the pre-tenure period extended.

When a faculty member on a pre-tenure appointment becomes a parent by birth or by adoption, in the child's first year in the household, they will be granted an extension of the tenure clock for one year upon request. It is the responsibility of the member to notify the Head in writing of the change in the faculty member's family status and request the extension at the earliest possible date but no later than 6 months after the faculty member becomes a parent.

- 1.04 If a faculty member is unable to perform their duties because of illness or injury or other severe personal or professional disruption, the Parties agree to consider whether, in the circumstance of each case, the period of a pre-tenure appointment should be extended.

## **Article 2. Study Leave**

2.01 Study leave permits a member of faculty to pursue study or research, of benefit to the individual and the University. Assistant Professors of Teaching, Associate Professors of Teaching, Assistant Professors, Associate Professors, Professors, Professors of Teaching, Librarians, and Program Directors are eligible to apply for study leave under the following conditions:

- a) Before being granted a study leave an individual shall have completed at this University, since appointment or previous study leave, four or more years of full-time service in pre-tenure appointments or tenured appointments of which at least one year shall have been in an eligible rank. For the purpose of study leave eligibility, full-time service in a Term Appointment without Review (Part 4, Article 2.01 or Part 5, Article 2.02(a)) in an eligible rank, will be included in the study leave calculation if served within six (6) months prior to the appointment eligible for study leave. Where a member takes sick, maternity and/or parental leave, up to six (6) months of each leave will be considered full-time service for the purpose of study leave eligibility. Preference will be given to members of faculty with tenure. An individual who is refused study leave for administrative reasons shall be given priority in consideration of applications for study leave in the following year.
- b) For study leave, the qualifying period for members on reduced appointments is the same number of calendar years of service as full-time members. Salary during study leave is computed as the percentage of full-time service worked in the four or six years immediately preceding the leave multiplied by the percentage of study leave salary applicable.

2.02 Study leave may be granted for the following terms:

- a) Effective July 1, 2024, for six months, either from January 1 to June 30 or from July 1 to December 31, with 75% of salary for the period of the study leave if it is taken before six years of

full-time service since appointment or previous study leave, with 90% of salary if it is taken after six years of full-time service or previous study and before eight years of full-time service or previous study leave; and with 100% of salary otherwise.

- b) Effective July 1, 2024, for twelve months, either from July 1, September 1, or January 1, with 60% of salary for the period of study leave if it is taken before six years of full-time service since appointment or previous study leave, or with 80% of salary if it is taken after six years of full-time service or previous study leave and before eight years of full-time service or previous study leave; and with 100% of salary otherwise.

Years of service since appointment or last study leave	6-month leave	12-month leave
4 - 5	75%	60%
6 - 7	90%	80%
8+	100%	100%

2.03 Where it is shown to be to the advantage of the faculty member and the University, a faculty member who qualifies for leave of twelve months may, subject to the approval of the Head and Dean, be permitted to divide the leave of twelve months into two parts of six months (either from July 1 or January 1). The second part of the leave may be delayed for no more than two years from the conclusion of the first part (to be taken either from July 1 or January 1). In such cases, for the purpose of calculating when an individual becomes eligible to apply for further study leave, the following shall apply:

- a) If the time agreed upon for the delayed six-month leave is postponed at the request of the individual, the leave shall be deemed to have ended and full-time service to have resumed at the conclusion of the second six-month period of leave.
- b) If the time agreed upon for the delayed six-month leave is postponed at the request of the University, the leave shall be

deemed to have ended and full-time service to have resumed at the time when the delayed leave would have ended had it not been postponed.

- 2.04 The percentage of salary to be paid by the University during study leave applies only to that portion of salary that derives from University funds and not to the portion of salary that derives from non-University grantors or agencies. An individual, however, may make appropriate arrangements with these grantors or agencies concerning the portion of salary paid by them.
- 2.05 The University shall pay its full contribution to pension and other fringe benefits of the individual on study leave provided that the individual continues to pay their own contributions.
- 2.06 An individual going on study leave shall report to the Head, Director, or Dean the nature and amount of fellowships, grants and other outside support to be received by the individual in order to supplement the remuneration to be received from the University. If the individual's total remuneration from the University and from the support indicated above (excluding grants and allowances to cover research and travel expenses) exceeds 100% of normal full salary, then the University may reduce its contribution until the total remuneration received is 100% of normal full salary.
- 2.07 An applicant for study leave shall give an undertaking to return to the University for a period of one year upon the expiration of the leave.
- 2.08 An application for study leave shall be submitted on the Study Leave Application Form. It shall be presented to the Head, Director, or Dean sufficiently in advance of the time leave is to be taken that it can be adequately evaluated by the Department and the Faculty. It shall be accompanied by a statement giving the details of the proposed plan for the leave.
- 2.09 The individual shall, so far as is reasonable, follow the plan approved for study leave. If substantial modifications are contemplated, the Head, Director, or Dean shall be notified. If such modifications are incompatible with the carrying out of the approved plan, the consent of the Head, Director, or Dean shall be required.
- 2.10 On returning from study leave, the individual shall report in writing to the Head, Director, or Dean on activities and progress during the study leave. In appropriate cases, an alternative form of reporting may be agreed upon by the individual and the Head or Director but it shall

require the approval of the Dean.

- 2.11 Cancellation of a study leave once granted shall not normally be permitted after January 15 immediately preceding the year starting on May 1 during which the leave is to be taken or after three weeks from the date the individual is notified by the University that the leave has been approved, whichever is the later.
- 2.12 The recommendations concerning study leave by the Head of the applicant's Department and the Dean of the Faculty shall be accompanied by an assessment of the effect of the award of the leave on the budget and teaching functions of the Department and the Faculty.
- 2.13 If a member becomes ill or injured while on study leave such that the study leave cannot be completed, the member may elect to apply for short-term sick leave at full salary.

If more than half of the leave remains, the remaining part of the study leave shall be deferred.

The scheduling of the deferred period of study leave following a return to work shall be determined by mutual agreement between the member and the Head.

### **Article 3. Professional Development Leave for Lecturers**

In order to maintain excellence of instruction and educational service at the University, it is recognized that there is a need for Lecturers to have the opportunity to participate in and pursue activities related to professional development.

- 3.01 Professional development leave permits a Lecturer to pursue educational projects or activities that will enhance their teaching-related development at the University. Effective July 1, 2020, Lecturers are eligible to apply for professional development leave under the following conditions:
  - a) Before being granted a professional development leave a Lecturer shall have completed at this University, since initial Lecturer appointment or previous professional development leave, six (6) or more years of consecutive service as a Lecturer. Where a member takes sick, maternity and/or parental leave, up to six (6) months of each leave will be considered service for the purpose of professional development leave eligibility. An individual who is denied professional development leave for operational reasons shall be given priority in consideration of applications for professional development leave in the following year.

- b) For professional development leave, the qualifying period for members on reduced appointments is the same number of calendar years of service as full-time members. Salary during study leave is computed as the percentage of full-time service worked in the six years immediately preceding the leave multiplied by the percentage of professional development leave salary applicable.

- 3.02 Professional development leave may be granted for four months, either from January 1 to April 30 or from September 1 to December 31, with 80% salary for the period of the leave.
- 3.03 The University shall pay its full contribution to pension and other fringe benefits of the individual on professional development leave provided that the individual continues to pay their own contributions.
- 3.04 An individual going on professional development leave shall report to the Head, Director or Dean the nature and amount of fellowships, allowances, and other outside support to be received by the individual in order to supplement the remuneration to be received from the University. If the individual's total remuneration from the University and from the support indicated above (excluding allowances to cover study and travel expenses) exceeds 100% of normal full salary, then the University may reduce its contribution until the total remuneration received is 100% of normal full salary.
- 3.05 A Lecturer applying for professional development leave shall give an undertaking to return to the University for a period of one year upon the expiration of the leave. In the event that the applicant's appointment does not extend one year past the expiration of the leave, the applicant shall give an undertaking to accept an appointment renewal, should the University offer one.
- 3.06 An application for professional development leave shall be submitted on the Professional Development Leave Application Form. It shall be presented to the Head, Director, or Dean sufficiently in advance of the time the leave is to be taken that it can be adequately evaluated by the Department and the Faculty. It shall be accompanied by a statement giving the details of the proposed plan for the leave. All proposals should advance the expertise of the Lecturer and enhance their contribution to the University by enabling them to develop unique knowledge and skills that will be brought to the classroom. Such programs may include:
  - (i) Studies of educational systems and teaching methods in other institutions.

(ii) Courses relevant to the professional growth of the Lecturer in their particular area of teaching and/or to the University's curriculum.

- 3.08 Cancellation of a professional development leave once granted shall not normally be permitted after three weeks from the date the individual is notified by the University that the leave has been approved.

#### **Article 4. Leave for Improving Basic Qualifications**

- 4.01 If a member of the full-time teaching staff is granted leave to improve their basic qualifications, the University, while usually not contributing to their salary, will make its normal payments to their pension and fringe benefits, subject to the individual's contributing their share.
- 4.02 Arrangements should be made by the Department Head or Director in consultation with the Dean.

#### **Article 5. Leave Without Pay or Benefits**

- 5.01 Leave without pay or benefits may be granted by the Dean. Any leave exceeding two years must be approved by the Provost.
- 5.02 An individual taking leave without pay or benefits may elect to pay the full amount of the University's and their contributions to pensions and fringe benefits.
- 5.03 An individual taking leave to accept a paid assignment should ensure that their prospective employer contributes, in addition to salary, an amount sufficient to cover pension and fringe benefits; only in those cases where the project is of unusual significance will the University contribute its share of these expenses, and then only if the member contributes his /her share. When an individual is planning to leave to accept a position as a visiting faculty member at another university, they should consult with the Head as to the most appropriate arrangement for the payment of fringe and pension benefits.

#### **Article 6. Leave at the Request of the University**

- 6.01 If a full-time member of the teaching staff is requested by the University to take leave of absence to carry on special studies or research, the terms of leave will be arranged through the Head or Director and the Dean and forwarded to the President for their approval.
- 6.02 Absence from the campus to conduct field instruction or official business at the request of the Head or Director, or of the Dean, does not

require a request for leave.

## **Article 7. Maternity Parental, and Adoption Leave**

- 7.01 If a pregnant faculty member is eligible for, applies for and receives Employment Insurance (EI) maternity leave payments for up to 15 weeks, UBC will top up the salary through the Supplemental Employment Benefits (SEB) plan for the duration of the maternity leave to 95% of pre-maternity leave salary. In addition to these 15 weeks, UBC will pay 95% of pre-maternity leave salary during the one-week waiting period imposed by EI regulations. Following the maternity leave, the faculty member may access parental leave provisions in 7.02 provided they are eligible.
- 7.02 Effective August 1, 2023, if a faculty member is eligible for, applies for and receives EI parental leave payments, UBC will top up the salary through the SEB plan, as follows:
- a) To a maximum of 20 weeks of standard parental leave as defined by Service Canada to 95% of pre-parental leave salary. In addition to these 20 weeks, UBC will pay 95% of pre-parental leave salary during the one-week waiting period, if not previously served; or
  - b) For those who opt for extended parental leave as defined by Services Canada, the extended parental leave allowance will consist of a maximum of 61 weekly payments equivalent to the overall amount the employee would have received with 20 weekly payments calculated under the standard parental leave allowance. UBC will pay 95% of pre-parental leave salary during the one-week waiting period, if not previously served.
- 7.03 Adoptive parents and the partner or spouse of a birth mother are eligible for parental leave.
- 7.04 Members may request pre-adoption leave by providing supporting documentation to the Head or Director. Upon approval, members are eligible for pre-adoption leave with pay for up to twenty (20) days for each adoption process, except where more than one child is adopted at the same time. This leave may be taken intermittently and for the purpose of:
- (a) Pre-requisite adoption courses;
  - (b) Adoption suitability evaluations including pre-placement visits with prospective adoptive child(ren);



(c) Completion of legal process in child's or children's country, including travel, for an international adoption while employee is in that country.

Leave under this provision will end with the placement of the adoptive child(ren). Should both adopting parents work at the University, the 20 days may be shared between both parents. If eligible the adopting parents shall receive the benefits of the applicable provisions of the Employment Insurance Act.

- 7.05 The timing of the commencement of the leave of absence shall be at the discretion of the faculty member, provided that reasonable notice is given to the University.
- 7.06 Additional parental leave, without UBC SEB top-up, may be available as per the *Employment Standards Act*.

#### **Article 8. Leave in Special Circumstances**

- 8.01 Leave of absence up to four months, with full salary and benefits, may be granted by the Dean.

#### **Article 9. Vacation**

- 9.01 The normal vacation should be arranged informally between a faculty member and the Head or Director.

#### **Article 10. Domestic or Sexual Violence Leaves**

- 10.01 The University shall provide leave consistent with Part 6, Section 52.5 of the Employment Standards Act to all members. In special circumstances, a member may be granted by the Dean or designate, in consultation with the Head and the member, further leave without loss of pay or benefits. Such leave may be taken intermittently or in one continuous period.

#### **Article 11. Indigenous Leave for Ceremonial, Cultural or Spiritual Events**

Effective August 1, 2023

- 11.01 An Indigenous faculty member may request up to two (2) days of leave per calendar year without loss of pay to participate in ceremonial, cultural, or spiritual event(s). The leave may be taken in one or more blocks of time. For the purposes of this

Article, a ceremonial, cultural, or spiritual event under this section includes any event that is significant to an Indigenous faculty member's cultural practices. Examples of significant cultural events include, but are not limited to, Hoobiye, Pow-wows, Sundance, sweat lodge ceremony, coming of age events, feasts, traditional food gathering, or ceremonies held following a significant family event.

Where an Indigenous faculty member requires more than two (2) days of leave for a ceremonial, cultural, or spiritual event, the leave shall not be unreasonably denied. This additional leave is unpaid, however, and a faculty member may draw from their available vacation time.

This Article is agreed to on a provisional basis and the specific language is subject to refinement or amendment based on consultations to be conducted with the Indigenous community at UBC within 6 months of ratification.

## **Article 12. Subrogation**

- 12.01 If a faculty member has a claim against a third party for lost wages or benefits, the University shall be entitled to recover costs of lost wages or benefits paid by the University to the faculty member, from the third party.
- 12.02 No faculty member shall be required to take legal action to recover lost wages or other damages from any person. However, the faculty member shall be required to turn over to the University any monies received, directly or indirectly, from a third party as a result of a claim for lost wages and/or benefits, excluding interest, where the monies received reasonably include sick pay paid by the University to the faculty member, or any other monies paid. This includes global settlements or payments which do not specify but reasonably include lost wages and/or benefits.
- 12.03 If a faculty member takes legal action against a third party, the faculty member must, as part of any claim, seek damages for all lost wages and benefits that have been paid to the faculty member by the

University.

- 12.04 Upon commencement of any legal action the faculty member shall advise the third party about the University's subrogation rights and provide a copy of this article to the third party.
- 12.05 The University's recovery shall be net of reasonable legal fees incurred by the faculty member.