

**WVMCCD AND WEST VALLEY-MISSION FEDERATION OF TEACHERS (WVMFT, AFT 6554)
TENTATIVE AGREEMENT, ADOPTION CONTINGENT ON SUCCESSFUL CONCLUSION
OF SUCCESSOR NEGOTIATIONS RESOLVING ALL
OPEN CONTRACT SECTIONS AND SUBJECTS**

June 30, 2021

ARTICLE 38

Sabbatical Leaves

38.1 Purpose

The purpose of a sabbatical leave is to provide time during which a faculty member will be able to complete a substantial project that will benefit the individual faculty member, the students, and the college. (Education Code §87767)

38.2 Eligibility

An applicant for a sabbatical leave must have rendered at least six (6) years full-time service to the District prior to the start of a sabbatical leave. An applicant who has previously been awarded and taken a sabbatical leave must have rendered at least six (6) years full-time service to the District between the time they returned from the leave and the effective date of a subsequent leave. (Education Code §87768)

Unpaid leave shall not be included as service in computing the six (6) years of full-time service required.

Credit for one (1) **full time** academic year is earned when the member has worked seventy-five percent (75%) of the total number of teaching days in that academic year, ~~for more than sixty percent (60%) of the hours per week required for the member's full-time assignment~~ **as specified in Ed. Code §87468.**

38.3 Sabbatical Leave Committee

Implementation of the provisions of this article shall be the responsibility of the Sabbatical Leave Committee. Any problems in implementing this article shall be reported to the Associate Vice Chancellor of Human Resources and to the WVMFT, AFT 6554 President, who shall consult in order to resolve the problems.

38.3.1 Membership

The Committee shall consist of one (1) administrator from West Valley College and one (1) administrator from Mission College, appointed by the respective President, and ~~four (4)~~ **two (2)** members appointed by the WVMFT, AFT 6554 Executive Board, (~~two (2)~~ **one (1)** from Mission College and ~~two (2)~~ **one (1)** from West Valley College), **and two faculty members appointed by the Academic Senate from each college, (one (1) from Mission College and one (1) from West Valley College)** serving staggered three (3) year terms. A quorum shall be required for the committee to act. The Associate Vice Chancellor of Human Resources shall serve as an ad hoc consultant to the Sabbatical Leave Committee.

Members of the Committee shall not submit an application for sabbatical leave during their term of service on the Committee.

38.3.2 Committee Chairperson

The chairperson shall be elected from the members ~~appointed by the Union~~. The chairperson shall be elected by a majority vote of the entire Committee and shall have served at least one (1) year before assuming the duties of the office.

38.4 Number of Available Leaves

Each year the District shall provide funding for eleven (11) semesters of sabbatical leaves (in addition to any unused leaves carried forward from previous years). The Sabbatical Leave Committee may recommend fewer than the number of sabbatical leaves available. Sabbatical leaves which are not used or are deferred during a given year shall be carried forward to the following year. The total number of leaves used in any one year shall not exceed fourteen (14) including those carried forward from previous years.

Normally, a faculty member shall apply for a leave to begin in the following academic year. However, at the time of application, a faculty member may request that their sabbatical leave start date be deferred a maximum of one academic year. No more than one-half of the number of new sabbatical leaves available can be granted a deferral during any application cycle.

Sabbatical leaves are awarded from a prioritized list of approved proposals prepared by the Sabbatical Leave Committee.

Should the number of deferral requests be exceeded before the total number of

leaves available for distribution is reached, the applicant(s) shall be given the option to retract their deferral request and start their sabbatical the following academic year. The applicant may also choose to re-submit the entire application during the next application cycle.

38.5 Length of Sabbatical Leaves and Obligations upon Return

38.5.1 There are three lengths of sabbatical leave. Members may only apply for one type at a time.

1. One semester on full salary.
2. Two semesters on one-half salary (**i.e. 1.0 load project**). A member has the option of requesting two non-sequential semesters rather than two consecutive semesters, but the two semesters must be taken within a three semester period.
3. Two consecutive semesters on full salary (**i.e. 2.0 load project**). This type of sabbatical leave shall begin in a Fall semester unless otherwise approved by the Sabbatical Leave Committee. Members electing this option are required to complete twice the amount of work as a one-semester sabbatical at full pay.

Sabbatical leaves shall be granted effective on the date of the beginning of a semester only unless otherwise approved by the Sabbatical Leave Committee.

38.5.2 Upon completion of the sabbatical leave, the member shall be reinstated in a position equivalent to that held by the member at the time the leave was granted, unless the member agrees in writing prior to the member's leave to any modifications in the member's duties. (Education Code §87774)

38.5.3 As a condition to being granted a sabbatical leave, a member is obligated to render a period of service to the District which is equal to twice the period of the leave regardless of the compensation level of the leave. (Education Code §87770) Banked load leave or approved unpaid leave may be used to interrupt, but not substitute for, any or all of the required service period.

38.6 Compensation While On Sabbatical Leave

38.6.1 Salary

The salary of the member during the course of the sabbatical leave shall be the same amount the member would have been paid had the member not been on sabbatical leave. A work experience-type of sabbatical leave shall not be granted for gainful employment, although the member may accept a salary. The member's District

sabbatical leave salary shall be reduced by the work experience salary. Any exceptions to this provision may be granted only on petition to the Chancellor. For members on study-type sabbatical leaves, the member's District sabbatical leave salary shall be reduced by the amount of any fellowship or assistantship. Any exceptions to this provision may be granted only on petition to the Chancellor.

38.6.2 Benefits

During a one (1) semester on full salary sabbatical leave, a member shall receive all benefits normally accruing to the member, just as if the member were performing his/her full duties on campus. During a two (2) semester on full salary sabbatical leave, a member shall receive all benefits normally accruing to the member, just as if the member were performing his/her full duties. During a two (2) semester on half salary sabbatical leave, a member shall receive all benefits normally accruing to the member, just as if the member were performing his/her full duties, except that their STRS shall be reduced to equal the percent of full-time salary paid by the District. The member may arrange to reimburse the District the reduced STRS monies so that their retirement benefits remain as if they were performing their full duties.

38.6.3 Salary Payments (Education Code §87770)

Compensation granted to the member on leave shall be paid in the same manner as if the member were teaching in the district, upon the furnishing by the employee of a suitable bond indemnifying the district against loss of the cost of the member's sabbatical leave in the event the member fails to render the agreed upon period of service (See Article 38.5.3) following the return of the member from the leave of absence. Such indemnifying bond shall be filed in Human Resources **by the employee** prior to the beginning of the member's leave and before any compensation shall be paid to the member under the terms of the sabbatical leave article.

- a. The bond shall be exonerated once the member renders the required service to the District upon returning from the leave.
- b. The bond shall be defaulted if the member fails to render the required service to the District upon returning from the leave. The proceeds of the bond shall be divided by the member and the District in the same proportion as the actual amount of time served bears to the amount of time agreed upon.
- c. The bond shall be exonerated in the event the member fails to render the required service to the District due to death or physical or mental disability of the member.

38.7 Types of Sabbatical Leaves

38.7.1 Sabbatical Leave for Study

A member on sabbatical leave for formal study shall complete a minimum of nine (9) semester units or fourteen (14) quarter units of acceptable upper division or graduate work during each semester of their fully paid leave OR a minimum of twelve (12) semester units or eighteen (18) quarter units of acceptable lower division work during each semester of their fully paid leave. These courses shall be taken only at institutions accredited by a regional (WASC equivalent) accrediting agency.

Previous to such leave, the courses to be undertaken must be approved by the committee. A list of preferred and alternative courses shall be part of the applicant's sabbatical proposal.

38.7.2 Sabbatical Leave for Travel

Leave may be granted for travel if such travel has as its basic objective the specific enhancement of the member's teaching effectiveness or other service to the District. Members on sabbatical leave for travel shall remain in travel status for at least seventy-five percent (75%) of the teaching days each semester for which fully paid leave is granted.

Application for such leave shall include a general itinerary (which shall be considered to be some degree flexible) of the proposed travel, together with a statement concerning the proposed objectives of the travel. **The faculty member application shall list the benefit of the project for the department or the college.**

38.7.3 Sabbatical Leave for Work Experience

Leave may be granted for work experience in the field in which the member teaches or for training provided by a business or industry.

A member granted a sabbatical leave for work experience shall work a minimum of 480 hours per semester.

38.7.4 Sabbatical Leave for Curriculum Development

Leave may be granted for curriculum work. Requests for sabbatical leave to develop curriculum must be accompanied by a needs assessment, letters of recommendation by the member's Department Chair, and Vice President. Such

requests should also be accompanied by a statement from the Curriculum Review Committee that the proposal is in keeping with the committee's guidelines regarding course duplication/proliferation and other such items as the committee may feel are appropriate.

38.7.5 Sabbatical Leave for Other Scholarly or Creative Activities

Proposals for other scholarly or creative activities must be submitted in sufficient detail to allow the Committee to evaluate their merit and equate them to academic units of study.

38.7.6 Combined Leave Types

Members may propose a combination of two or more of the aforementioned activities.

38.8 **Application and Selection Procedures**

38.8.1 Application Deadline

Sabbatical leave applications (Appendix F) must be received in the Human Resources Department by the first Friday in December of the academic year immediately preceding the academic year for which leave is requested. The Sabbatical Leave Committee shall provide application instructions and evaluation criteria through publications and workshops.

At the time of application, the member's Department Chair or supervising administrator shall receive written notification that a member of the department has applied for a leave. This notification shall include the length and proposed dates of the leave. Such information is for institutional planning purposes and shall not influence the selection of the proposal by the Committee.

38.8.2 Selection Process

Applications for sabbatical leave shall be reviewed by the committee. All applications shall be anonymous at this stage of the review process. The committee shall develop a prioritized list of approved applicants by the end of the first week of the Spring semester, using the following criteria:

1. Applicant's Proposed Contributions—Approximately seventy percent (70%) of the total available points shall be judged based upon rationale/need and implementation plan.

2. Applicant's Past Contributions—Approximately twenty-five percent (25%) of the total available points shall be based upon the applicant's past contributions to students, the colleges and the District above and beyond those expected of a professional (i.e., professional activities required as part of a full-time member obligation to the District) or compensated by stipend or release time. Such contributions may include, but are not limited to, scholarship, leadership and contribution to the arts.
3. Other Factors —Approximately five percent (5%) of the total available points shall be based on the member's length of service to the district, the distribution of sabbatical leaves among various departments, the needs of the individual applicant, and/or the number of prior sabbaticals awarded the member.

If the majority on the committee seek further clarification concerning an application(s) the committee may at its discretion allow the applicant to resubmit the applications for a second review.

Upon completion of ~~this phase of the~~ **sabbatical committee's** selection process, the list shall be sent to the Human Resources Department for forwarding to the college Vice Presidents of Instruction/Student Services, the college Presidents, Chancellor and the Board of Trustees. At this time the committee shall inform the applicants of the committee's recommendations.

38.1.1 Final Selection

The Board of Trustees shall take action on the applications by the first board meeting in March preceding the school year for which leave is being applied. Action of the Board shall be transmitted to the applicant by the Chancellor/designee.

38.1.2 Unused Sabbatical Leaves

Should a recipient of a sabbatical leave be unable to use the leave, the Board of Trustees shall be so notified by the Chancellor. A leave shall be granted to the next recommended candidate, if available.

38.1.3 Unsuccessful Candidates

Applicants whose proposals are not approved are encouraged to submit new proposals in the following academic year. Applicants are encouraged to contact the Sabbatical Leave Committee for suggestions on submitting a new proposal.

38.1.4 Board of Trustees Authority

Compliance with the requirements of this article does not imply automatic granting of sabbatical leave. The final decision rests solely with the Board of Trustees.

38.2 Reporting Upon Completion of Sabbatical Leave

38.2.1 Compliance Reports

A written compliance report shall be filed with the Sabbatical Leave Committee by the fifth Friday of the semester of a member's return to duty. The compliance report shall consist of the end products indicated in the proposal and documentation demonstrating that the member has completed all tasks delineated within the proposal.

The Committee shall review the report for compliance with the member's proposal. Unsatisfactory reports shall be returned to the member for revision. Revised reports must be received by the committee within thirty (30) days of their return to the member. Extensions to those deadlines may be granted by the committee. Such extensions can only be granted in writing upon receipt of a written request from the member.

Failure to meet compliance deadlines shall result in the matter being referred to the Associate Vice Chancellor of Human Resources. Any faculty member who is granted a sabbatical leave shall, as part of the application for the leave, give the District written consent to withhold salary in accordance with the provisions of this section, if the necessary reports have not been filed and accepted by the Committee by the established deadline.

Failure to meet either of the above deadlines shall result in the District withholding ten (10%) of the member's pay until the committee certifies that all requirements have been met, or having failed conclusively to meet the requirements, the member must return the entire cost of the sabbatical leave.

38.2.2 Compliance Communication

The member's President, Vice President, or Department Chair shall assist the leave recipient in sharing with the appropriate segment of the college community the experience of the leave.

38.3 Uncontrollable Interruptions

Members' sabbatical leave programs which are interrupted by events beyond the

member's control may be extended to permit successful completion. Interruptions would include events such as member illness, injury, or substantial changes in the conditions directly affecting the sabbatical plan. The member shall notify the committee and Human Resources of such a request by certified or registered mail within fifteen (15) days of such an event. The Committee may require whatever information deemed necessary to make a recommendation to the Chancellor. The granting of the extensions to accommodate such events shall be at the sole discretion of the Chancellor.

38.4 Changes to Original Proposal

Changes to approved proposals generally are not considered unless the proposal cannot otherwise be completed because of unusual or unforeseen circumstances (also see Article 38.10).

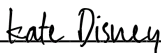
Any requests for change to an approved proposal must follow these guidelines:

1. Proposed changes in content or type of leave shall be submitted in writing to the chair of the Sabbatical Leave Committee before beginning the leave or before changing activities if the leave is already in progress.
2. Changes shall be approved by the Committee chair or designee and the Associate Vice Chancellor of Human Resources. The request shall go back to the entire committee for consideration if either party disapproves, or if the change involves the type of leave or if the change is major.

38.5 Grievability


No grievance may be filed or processed in regard to any decision of the Sabbatical Leave Committee on this sabbatical article process, other than failure to follow the process established.

FOR THE WVMFT:

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 Dated: 7/15/2021

FOR THE DISTRICT:

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