Date: March 4, 2024
To: Melinda Smith
Chair, Faculty Council
From: Jennifer Martin
Chair, Committee on Responsibilities and Standing of Academic Faculty
Subject: Faculty Manual Section F.3.7 Administrative Leave

The Committee on Responsibilities and Standing of Academic Faculty submits the following:

MOVED, THAT SECTION F.3.7 OF THE ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL BE REVISED AS FOLLOWS:

**F.3.7 Administrative Leave [the original content is being moved to a new Section F.3.15]**

Ordinarily leaves of absence are not granted to administrative officers unless the granting of such leave is considered to be in the best interests of the University.

Requests for leave for administrative officers, without salary, are considered on their individual merits by the Office of the President of the University and by the Board. When granted, they are known as “administrative leaves.”

In extraordinary circumstances, as determined by a Dean, a Vice President, the Provost, the President, or an attorney in the Office of General Counsel, a faculty member or administrative professional (hereafter referred to as the “Employee”) may have their duties suspended and be placed on paid administrative leave by their supervisor or someone higher in their supervisory chain when it is determined that such action is in the best interests of the University in order to prevent harm to the University or to individuals associated with the University. Whenever possible, such a determination should be made in consultation with a Human Resources representative and/or a member of the Office of the General Counsel. Depending on the circumstances, the Employee may be prohibited from accessing all or part of CSU property.
The Vice President for Human Resources has the right to extend any of the deadlines described in Sections F.3.7.1 and F.3.7.2 when this is deemed to be necessary.

Within five (5) business days of being placed on administrative leave, the Employee will be notified in writing of this decision, the reason for it, and of any restrictions placed on the Employee. The Employee will also be notified in writing of their right to appeal this action through the process in Section F.3.7.1. This notification may be hand-delivered to the Employee or sent to the Employee by email to the Employee’s official CSU email address. In the rare circumstance that the Employee’s access to their CSU email has been terminated by the University, this notification may be mailed to the postal address on file with Human Resources.

All records related to the administrative leave will be maintained by the Vice President for Human Resources.

**F.3.7.1 Paid Administrative Leave**

If an Employee is placed on paid administrative leave, the Employee may request a review of this decision and of any restrictions placed on the Employee by the Administrative Leave Appeals Committee (hereafter referred to as the “Committee”) that will consist of the Vice President for Human Resources, the University Grievance Officer, and either the Chair of the Faculty Council (if the Employee is a faculty member) or the Chair of the Administrative Professional Council (if the Employee is an administrative professional). This request for a review may be made at any time after ten (10) working days from the date that the Employee was placed on paid administrative leave. A request for review must be submitted in writing to the Vice President for Human Resources and set forth with specificity the reasons why the Employee believes that being placed on paid administrative leave is not appropriate and/or that certain restrictions placed on the Employee are not appropriate. The Employee may include additional information and/or documentation that the Employee believes is relevant. The
Committee may ask the Employee and/or the person who placed the Employee on paid administrative leave questions or request additional information, which the person(s) receiving the request(s) should provide promptly. Additionally, at its sole discretion, the Committee may decide to interview other parties with relevant knowledge. The Employee has the right to have an advisor present when they are interviewed by the Committee. This advisor may be legal counsel, and they may provide advice and assistance to the Employee throughout the proceedings, including assistance in formulating written documentation and preparing for oral presentations. However, the advisor may not participate actively in the proceedings, such as making objections or attempting to argue the case.

Within fifteen (15) working days of receipt of the request for a review, the Committee shall submit to the Provost its recommendation regarding the appropriateness of the decision to place the Employee on paid administrative leave and the appropriateness of the restrictions placed on the Employee. Within ten (10) working days, the Provost shall make a decision regarding whether or not the paid administrative leave should continue. This decision is final and shall be sent to the Employee, the Employee’s supervisor, and the person who placed the Employee on paid administrative leave.

If the Provost decides that the paid administrative leave should continue, the Employee may request another review at any time after ninety (90) calendar days from the date of the decision by the Provost. This new review shall follow the same procedures as the initial review. Each time that the Provost decides that the paid administrative leave should continue, the Employee may request a new review at any time after ninety (90) calendar days from the date of the decision by the Provost.

If additional restrictions are placed on the Employee at a later date, the Employee will again be notified in writing of these new restrictions, and they may request a review of these new restrictions at any time after ten (10) working days from the date of notification of these new restrictions.
F.3.7.2 Unpaid Administrative Leave

An Employee who has been placed on paid administrative leave may instead be placed on unpaid administrative leave at the request of their supervisor or someone higher in their supervisory chain when it is determined that such action is in the best interests of the University. Such a determination should be made in consultation with a Human Resources representative and/or a member of the Office of the General Counsel. Depending on the circumstances, the Employee may be prohibited from accessing all or part of CSU property.

However, before the Employee is placed on unpaid administrative leave, the Employee must be notified in writing of the intent to place them on unpaid administrative leave and of their right to appeal this action through the process in Section F.3.7.2. This notification may be hand-delivered to the Employee or sent to the Employee by email to the Employee’s official CSU email address. In the rare circumstance that the Employee’s access to their CSU email has been terminated by the University, this notification may be mailed to the postal address on file with Human Resources.

The Employee shall be given ten (10) working days to submit this request for a review. The request for a review must be submitted in writing to the Vice President for Human Resources and set forth with specificity the reasons why the Employee believes that being placed on unpaid administrative leave is not appropriate. The Employee may include additional information and/or documentation that the Employee believes is relevant. The Committee may ask the Employee and/or the person requesting that the Employee be placed on unpaid administrative leave questions or request additional information, which the person(s) receiving the request(s) should provide promptly. Additionally, at its sole discretion, the Committee may decide to interview other parties with relevant knowledge. The Employee has the right to have an advisor present when they are interviewed by the Committee. This advisor may be legal counsel, and they may provide advice and assistance to the Employee throughout the proceedings.
including assistance in formulating written documentation and preparing for oral presentations. However, the advisor may not participate actively in the proceedings, such as making objections or attempting to argue the case.

Within fifteen (15) working days of receipt of the request for a review, the Committee shall submit to the Provost its recommendation regarding the appropriateness of the request to place the Employee on unpaid administrative. Within ten (10) working days, the Provost shall make a decision regarding whether or not the Employee shall be placed on unpaid administrative leave. This decision is final and shall be sent to the Employee, the Employee’s supervisor, and the person who requested that the Employee be placed on unpaid administrative leave.

If the Provost decides that the unpaid administrative leave should continue, the Employee may request another review at any time after sixty (60) calendar days from the date of the decision by the Provost. This new review shall follow the same procedures as the initial review. Each time that the Provost decides that the unpaid administrative leave should continue, the Employee may request a new review at any time after sixty (60) calendar days from the date of the decision by the Provost.

**Rationale**: Employees have been placed on Administrative Leave and banned from campus without any chance to appeal this decision. In cases where allegations of criminal or unlawful conduct have been made, this Administrative Leave has sometimes continued for more than a year. This has the potential to devastate a person’s research and professional career. The above language creates a process for an Employee to have a review of their placement on Administrative Leave and to have it continued to be reviewed periodically.

It is important to point out that being placed on administrative leave is not grievable. This is because filing a grievance would put the placement on
administrative leave on hold until the grievance process is completed, which could take several months. However, it is sometimes necessary to ban an Employee from campus immediately in order to prevent them from tampering with evidence (such as with allegations of Research Misconduct) or to protect other employees and students (such as with allegations of sexual misconduct or criminal activity).