

(2) The professional staff member may respond in writing within twenty-one (21) calendar days of receipt of notice from the President.

(3) If, after considering the response of the professional staff member, or if the professional staff member has not responded within the twenty-one (21) day period, the employer or its representative determines to dismiss the professional staff member, the employer or its representative shall so notify the member in writing of the decision.

(4) Within fourteen (14) calendar days of the notice of the President's decision, the professional staff member may appeal such decision by filing a written grievance at Level Two of the grievance procedure set forth in Article VII of this Agreement.

Section 2. Discipline

A. Nothing within this Article shall preclude the employer or its representatives from disciplining members of the professional staff by means less than discharge, provided that such discipline shall be for just cause as specified in Section 1A above for dismissals.

B. In case of employee misconduct for which suspension without pay is under consideration, the employee shall be afforded written notice of the charge(s) against him/her, disclosure of the employer's then available evidence and an opportunity to present his/her position orally or in writing prior to the discipline.

Section 3. Suspension Pending Discipline or Discharge

When it is necessary, an individual may be suspended, with full salary and benefits, pending disciplinary action.

Section 4. Investigatory Interview

If a bargaining unit member reasonably believes that an investigatory interview conducted by the employer will result in discipline or place his/her job security in jeopardy, she/he may have a Congress representative present at any such interview.

ARTICLE XVII SABBATICAL LEAVE

Section 1. Preamble

Sabbatical leave is educational leave. The purpose of sabbatical leave is to provide a professional staff member with the time and support for scholarly or creative endeavors which will benefit the college and the staff member professionally, and/or

enable the professional staff member to develop resources or materials to enrich his/her teaching effectiveness or the performance of administrative responsibilities. The Chancellor may grant sabbatical leave for a full year on half salary, or for a half year on full salary, or for such period and portion of salary as agreed to by the applicant and the Chancellor.

Section 2. Eligibility and Conditions

A. Eligibility.

A professional staff member on tenure-track appointment shall become eligible for sabbatical leave after six (6) consecutive years of full-time service at a college. Such professional staff member shall be considered for sabbatical leave during his/her sixth year of full-time service, but the sabbatical shall not commence until he/she has completed six years of service. Once the sabbatical leave has been taken, the professional staff member shall again become eligible for sabbatical leave after six (6) additional consecutive years of full-time service following the completion of the sabbatical.

(See side letter Re: Sabbaticals.)

Full-time leave for professional development shall be considered as continuous service for sabbatical leave, but shall not be included as accumulated time required to qualify for sabbatical leave.

B. Conditions.

The recipient of a sabbatical leave is permitted to receive other remuneration in the form of fellowships, assistantships, grants, honoraria or consultant fees. However, an individual on sabbatical leave is generally not expected to engage in paid employment elsewhere. Each applicant for sabbatical leave shall disclose, as part of his/her proposal, all anticipated remuneration including but not limited to, professional development and/or tuition reimbursement dollars and, if paid employment is involved, he/she shall describe the relationship of such employment to the purpose of the sabbatical leave as outlined in Section 1 above. Total compensation while on sabbatical leave shall normally not exceed the regular salary (base pay plus longevity) of the recipient plus expenses attributable to the leave. The recipient of a sabbatical leave must agree to return to the college for at least one year of full-time service following the expiration of the leave. Failure to return to the college for at least one year may result in forfeiture of any and all compensation due him/her and shall be considered a resignation not in good standing.

Section 3. Rights

Time on sabbatical leave at full or partial pay shall be considered as continuous service for longevity and retirement pursuant to the professional staff member's particular State-approved retirement plan. Time on sabbatical leave at less than full pay will be considered as full-time service for the purpose of determining years

of service for longevity. All fringe benefits shall be continued during the period of the sabbatical leave. Upon completion of such leave, the professional staff member shall return to the same college at the same salary and rank he/she would have attained had he/she not taken such leave.

Section 4. Number

The number of professional staff members on sabbatical leave at any time at a college shall not exceed five percent (5%) of the full-time professional staff in the bargaining unit, provided that the Chancellor may approve more than 5% in the bargaining unit, except that at colleges with fewer than twenty (20) such professional staff members, one (1) such member may be granted a sabbatical in any given year. For the purpose of calculating this limitation, twelve-month staff on sabbatical leave during the summer months shall not be considered a part of the five percent (5%) limitation.

It is anticipated by the parties that sabbatical leave shall be granted to five percent (5%) of the bargaining unit in each year of this Agreement, provided that there are sufficient qualified applicants and there is no net cost to the System.

Section 5. Sabbatical Leave Committee

At each college, there shall be a Sabbatical Leave Committee elected by the members of the bargaining unit(s). Only tenured employees or employees on tenure track appointment at the college may serve as members of a Sabbatical Leave Committee. The size and composition of the committee shall be determined by mutual agreement. At merged campuses, subcommittees of the Sabbatical Leave Committee will be established consisting of representatives of each bargaining unit. Each subcommittee shall make the recommendation with respect to its own bargaining unit members. AFSCME members shall apply directly to the President for sabbaticals, unless they opt to apply to the committee.

The Sabbatical Leave Committee shall have the responsibility to review all applications for sabbatical leave and shall make recommendations to the President listing in priority order applicants recommended for sabbatical leave at full pay, and separately, applicants recommended for sabbatical leave at half pay.

The operation of the Sabbatical Leave Committee shall be subject to the supervision of the President or his/her designee. The committee shall review the Chancellor's guidelines for its work and shall keep a written record of the dates of all meetings, attendance at the meetings and materials considered. These records and materials shall be in the custody of the President or his/her designee. The committee shall not disclose its records or recommendations except as provided herein.

Section 6. Procedure

Applicants for sabbatical leave shall prepare a proposal for leave which describes the prospective activity, indicates the contribution it will make to the individual concerned and to the college, and addresses all other conditions set forth in Sections 1 and 2 above. By November 1st of the year prior to the year in which the sabbatical would occur, the proposal shall be presented to the President on a form established by the employer.

The President shall seek the recommendations of the supervisor. In making his/her recommendation, the supervisor shall be guided only by the criteria contained in this Article. Prior to making his/her recommendation to the President, the supervisor shall meet with the applicant and discuss his/her intended recommendation.

The President shall also seek the recommendation of the Sabbatical Leave Committee which shall be completed by December 15. In making its recommendations, the committee shall be guided only by the criteria contained in Section 1 of this Article and shall proceed in the manner set forth in Section 5 above. By February 1, the President shall forward his/her recommendations to the Chancellor. Prior to making his/her recommendations, the President or his/her designee shall meet and discuss his/her intended recommendations with the committee. Where there are differences between the President and the committee, the committee may forward a statement of the reasons for its position to the Chancellor, with a copy to the President.

In addition, the President may consult with and/or seek the recommendations of other representatives of the employer, provided, however, that the President shall inform persons under consideration of any formal recommendation process and any such recommendation shall be guided only by the criteria contained in this Article. Formal recommendations made to the President by other employees of the college shall be consistent with the following:

(a) Recommendations shall be limited to bargaining unit members for whom the management personnel have direct supervisory responsibility;

(b) Management recommendations shall be guided by the criteria contained in this Article and management personnel shall give consideration to all materials specified and the recommendations of the Sabbatical Leave Committee.

The foregoing shall not be deemed to limit the right of the President to consult others as provided in this paragraph. (See side letter re: Consultation.)

The Chancellor or his/her designee shall consolidate the recommendations of all college presidents and shall act on the recommendations by April 1. The Chancellor shall consider the priority recommendations of the presidents within the bargaining unit and allocate such full-pay and half-pay sabbatical leaves as he/she may