

June 20, 2020

DEANS AND CHAIRS

Re: A temporary policy of forgiveness of return-to-service requirement for faculty changing the semester of sabbatical prior to retirement.

Dear Colleagues,

As we seek to find all means possible to accommodate colleagues in the light of the COVID-19 disruption, we offer the following temporary adjustment to sabbatical return-to-service obligations. This adjustment applies only to faculty members planning to be on sabbatical in fall 2020 and retiring in June 2021. One of its effects will be to provide more instructor availability in fall 2020.

As you know, if a faculty member is on a one-semester sabbatical, that faculty member has a return-to-service obligation for the next semester; hence, a faculty member who took a semester's sabbatical in spring 2021 would not normally be allowed to retire in June 2021 (or if that individual did retire, there would be an obligation to repay salary received while on sabbatical). The campus is willing to waive that return-to-service obligation for faculty who take a semester's sabbatical in spring 2021 provided they meet *all* of the following conditions:

1. They currently have an approved sabbatical for *fall* 2020.
2. They forgo that fall 2020 sabbatical and are instead on full-time duty in fall 2020.
3. Their teaching in fall 2020 meets one (or both) of two criteria:
  - a. They teach at least one course (remote or in-person) that would otherwise have been taught by a Senate faculty member whose child or dependent-care responsibilities have become a challenge due to COVID-19; and/or
  - b. They teach at least one *in-person* course that would otherwise have been taught by a Senate faculty member who is reluctant to teach in person because that faculty member or someone in that faculty member's household is in a group known to be at high-risk for serious illness and complications from SARS-CoV-2 (the virus that causes COVID-19).
4. Their not teaching the course(s) they would otherwise teach in spring 2021 will not cause their department, school, or program undue hardship.

A faculty member meeting those four conditions will be allowed to swap a fall 2020 semester sabbatical for a spring 2021 sabbatical and still be eligible to retire in June 2021.

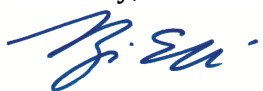
The rationale for this temporary policy is reflected in condition #3 above and a presumption that the disruption from COVID-19 is likely to be worse in the fall than in the spring.

The rest of this memorandum seeks to anticipate various questions you might have about this policy.

- Q.** What if a faculty member was on sabbatical spring 2020, planning to extend it to fall 2020, is this faculty member eligible?
- A.** No, there is still a return-to-service obligation for spring 2020. The rationale is that the adjustment outlined in this memorandum, in effect, permits the faculty member to swap the order of the sabbatical semester and the return-to-service semester for the 2020–21 academic year. A faculty member who took sabbatical in spring 2020 has a return-to-service obligation for that semester; coupled with a spring 2021 sabbatical, that faculty member would have two return-to-service semester obligations, which would not be satisfied by one semester of teaching in fall 2020.
- Q.** What if a faculty member has an approved sabbatical for the entire 2020–21 academic year, can this faculty member forgo the fall portion (*i.e.*, be on sabbatical for spring 2021 only) and, now, be eligible to retire in June 2021. (NB absent forgoing the fall 2020 portion, such an individual would have a full year’s return-to-service obligation and not be eligible for retirement until June 2022.)
- A.** Yes.
- Q.** Who determines if criterion #4 is met?
- A.** As always when it comes to teaching assignments and the approval of sabbatical leaves, this falls to the department chairs and school deans, with further review as relevant by college or divisional deans.
- Q.** What documentation is needed?
- A.** A short letter from the department chair or school dean to me routed through the normal channels for personnel matters is sufficient. The letter should attest that the faculty member in question had approved sabbatical for fall 2020, will be on sabbatical in spring 2021, and a brief explanation of how criterion #3 has been satisfied.

Please discuss this option with all your faculty with approved sabbaticals for fall 2020 (keep in mind that one should not presume who might be contemplating retirement).

Sincerely,



Benjamin E. Hermalin  
Vice Provost for the Faculty

cc: A. Paul Alivisatos, Executive Vice Chancellor and Provost

Oliver O'Reilly, Chair, Berkeley Division of the Academic Senate  
Angelica M. Stacy, Associate Vice Provost for the Faculty  
Sharon Inkelas, incoming Associate Vice Provost for the Faculty  
Heather Archer, Assistant Vice Provost & Executive Director of APO  
Andrea Lambert, Chief of Staff to the Executive Vice Chancellor & Provost