UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Robert L. Powell
Telephone: (510) 987-0711
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Email: *Robert.Powell@ucop.edu*

Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

December 20, 2012

SUSAN CARLSON
VICE PROVOST, ACADEMIC PERSONNEL

Dear Susan:

As you requested, I distributed the proposed changes to APM 700 for systemwide review. All ten divisions and two committees (UCAP, UCFW) responded. In general, respondents questioned the need for new policy language, and suggested that other sections of the APM can be, and in fact have been, used to handle the situations apparently envisioned by the proposed policy. In particular, APM 75, Termination for Incompetent Performance, could be revised to include language on presumptive resignation. Respondents also commented that any final version of the proposed new APM section should include a definition of the term "absence from duty" and specify who determines that such an absence has occurred. Finally, respondents felt that the time period following the expiration of an approved leave should be extended prior to initiating a process of dismissal.

Council unanimously supported a motion to recommend that UC abandon the proposed APM 700 and instead modify APM 075 to incorporate a process that addresses presumptive resignation.

Sincerely,

Robert L. Powell, Chair
Academic Council

Cc: Academic Council
Martha Winnacker, Senate Executive Director

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

December 3, 2012

ROBERT POWELL
Chair, Academic Council

Subject: Proposed revisions to APM 700, Leaves of absence/general, presumptive resignation

Dear Bob,

On November 5, 2012, the Divisional Council of the Berkeley Division considered the proposed revisions to APM 700, informed by reports of the divisional committees on Budget and Interdepartmental Relations (BIR), Faculty Welfare (FWEL), and Privilege and Tenure (P&T). While we appreciate the intent of the proposed revisions, we agreed with FWEL: "It is true that the policies concerning faculty absences are under-enforced in higher education … We think however that UC can do better than this attempt at such a policy."

In general, we find the proposed revisions to be poorly drafted, and conceptually flawed. We echoed FWEL's concern about the lack of clear definitions for many of the terms used: "If the university is proceeding to dismiss a tenured faculty member on the basis of such definitions, the language must be much more precise."

Our discussion highlighted numerous examples when such a policy could be a useful tool. Yet, given the ambiguities and lack of clarity in the proposed revisions, it is unclear to us how the revised APM provisions would apply. We also noted that a number of tools and options are currently available, such as APM 075. The proposed revisions should be drafted to dovetail with these.

Finally, we are pleased that the right to a hearing by the divisional Committee on Privilege and Tenure is explicit in the policy. We agreed with P&T that the final policy should include a timeline that balances the interests of both faculty members and the institution.

In sum, we strongly recommend that the proposed revisions be reconsidered and redrafted. We note that APM 075 might serve as a useful example in this regard.

Sincerely,

Christina Maslach

Christina Maslach
Chair, Berkeley Division of the Academic Senate
Professor of Psychology

Cc: Shannon Jackson, Chair, Committee on Budget and Interdepartmental Relations
Calvin Moore, Chair, Committee on Faculty Welfare
Robert Powell, Chair, Committee on Privilege and Tenure
Martha Winnacker, Executive Director, Academic Senate
Andrea Green Rush, Berkeley Division Executive Director staffing Committee on Privilege and Tenure
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations

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OFFICE OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
TELEPHONE: (530) 752-2231

December 11, 2011

ROBERT L. POWELL, CHAIR
University of California
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: APM 700 – Leaves of Absence General Revision Proposal

The proposal was forwarded to all Davis Division of the Academic Senate standing committees and Faculty Executive Committees within the schools and colleges for comment. Responses were received from Committee on Academic Personnel-Oversight (CAP), Committee on Elections, Rules and Jurisdiction, and Faculty Welfare Committee.

The Davis Division has reviewed the proposed APM 700 revision, and generally supports the proposal. CAP noted some ambiguity as to when the 30 days of absence period will begin. CAP believes this could cause some confusion when an academic appointee is absent for a few days or even weeks before their supervisor officially notices the absence. This raises the issue of whether the 30 days should begin when the employee's absence is first noted by a supervisor or when evidence indicates it to have begun. CAP therefore offers the following suggested wording: "In such cases the supervisor shall make appropriately diligent efforts to establish the starting date of the unexplained absence."

Aside from the ambiguity noted by CAP, the Division is not concerned with any other aspects of the proposed revision.

Sincerely,

Bruno Nachtergaele, Chair
Davis Division of the Academic Senate
Professor: Mathematics

UNIVERSITY OF CALIFORNIA, IRVINE

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Office of the Academic Senate
307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-2215 FAX

December 5, 2012

Robert Powell, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review of Proposed Revisions to APM 700: Leaves of Absence

At its meeting of December 4, 2012, the Irvine Division Academic Senate reviewed the proposed revision to APM 700, leaves of absence, which would create a presumption of resignation and spell out procedures for notifying the academic employee of that presumption. The following Councils commented on the proposal.

Council on Faculty Welfare, Diversity, and Academic Freedom (CFW)

The Council felt the proposed revisions offer a reasonable means of handling unexpected leaves of absence and unanimously endorsed the proposal.

Council on Academic Personnel (CAP)

In discussing the proposed policy, CAP noted that it is unclear what "absent" means and how it can be proven. For instance, if a faculty member asserts he/she has been working in the lab at night, but no one has seen him/her, is he/she absent? Other than pointing out this concern, the members of CAP endorsed the proposed revisions to APM-700.

The Irvine Division appreciates the opportunity to comment.

Mary C. Gilly, Senate Chair

C: Martha Kendall Winnacker, Executive Director, Academic Senate

UCLA *Academic Senate*

November 27, 2012

Robert Powell
Chair, Academic Council

Re: APM 700, Leaves of Absence

Dear Bob,

Thank you for the opportunity to review and opine on the proposed policy 700, for the APM. I specifically requested responses from the Faculty Welfare Committee, the Council on Academic Personnel, the Committee on Diversity and Equal Opportunity, and the Faculty Executive Committees; I've attached their responses for your information.

UCLA supports the proposal, but this is contingent on substantive revisions detailed below.

- The Executive Board is concerned about the short timeframe for triggering this policy. Several committees agreed with this concern that 30 days is not a long enough period to wait before beginning the process of presumptive resignation. We propose that a 90 day period of attempted contact with the faculty member be utilized before the process begins.
- Generally speaking, faculty found the proposal to have been lacking a clear rationale. Faculty were puzzled as to why the University needs a separate, presumptive resignation policy. Clarification is required regarding why disciplinary proceedings—already clearly outlined in the APM and generally understood by faculty—should supplanted by this new policy.
- Finally, faculty were concerned that the phrase "absence from duty" was too vague. As the College FEC remarked, the phrase "suggests the absence of a work product (e.g., teaching, research, service). We believe the APM should include a definition of 'absence from duty' in the manner that 'leaves of absence' are defined."

Thank you again for the opportunity to opine.

Sincerely,

Linda Sarna

Linda Sarna
Chair, UCLA Academic Senate

Cc: Martha Winnacker, Executive Director
Jaime R. Balboa, Chief Administrative Officer, UCLA Academic Senate

FWC Response

UCLA *Academic Senate*

November 13, 2012

To: Linda Sarna
Chair, UCLA Academic Senate

From: Gerald Kominski
Chair, UCLA Faculty Welfare Committee

Re: Senate Item for Review: *APM 700, Leaves of Absence/General*

The UCLA Faculty Welfare Committee (FWC) discussed *APM 700, Leaves of Absence/General* at their meeting on November 6, 2012. The Committee endorses the proposal contingent upon the below specified revision.

While the members felt that the proposal was reasonable on principle, the members felt that the defined 30-day absence of a faculty member was too brief. The members felt that the time period should be extended to 60-days following the expiration of an approved leave/absence from academic duty without approval.

Should you have any questions, please feel free to let me know.

cc: Jaime Balboa, Academic Senate Chief Administrative Officer
Dottie Ayer, Academic Senate Policy Analyst

CAP Response

UCLA *Academic Senate*

October 23, 2012

To: Linda Sarna, Chair
Academic Senate

From: Council on Academic Personnel

RE: Leaves of Absence/General – APM 700

CAP has reviewed the Revised APM 700 and has no comment at this time.

CODEO Response

UCLA *Academic Senate*

November 06, 2012

To: Linda Sarna
Academic Senate, Chair

From: Francisco Ramos-Gomez
Committee on Diversity and Equal Opportunity, Chair

Re: APM 700 – Leaves of Absence/General

The Committee on Diversity and Equal Opportunity reviewed the proposed changes to APM 700 and is supportive.

Cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Dottie Ayer, Assistant to Chief Administrative Officer, Academic Senate
Carolynne B. Hogg, Principal Policy Analyst, Academic Senate

AGSM FEC Response

MEMORANDUM

November 2, 2012

To: Jaime R. Balboa
Chief Academic Officer, UCLA Academic Senate

From: Dominique M. Hanssens
Chair, UCLA Anderson Faculty Executive Committee

The UCLA Anderson Faculty Executive Committee (FEC) met on Friday, October 26, 2012 to review and discuss the following five Academic Senate items:

- Open Access Proposal Policy
- Revised APM – Leaves of Absence/General
- New APM – Visiting Scholars
- Negotiated Salary Pilot Plan
- Re-benching Report

After review and discussion, the FEC agreed that they had no comments to provide in relation to the Open Access Policy, and the new Academic Personnel Policy 430 - Visiting Scholars. With respect to the three remaining items, they wished to relay these comments:

Revised Academic Personnel Policy 700 – Leaves of Absence/General, Presumptive Resignation: Suggest that absence from duty be defined as a 60-day period rather than 30 days, following the expiration of an approved leave or 30-day absence from academic duty without approval. The FEC endorses this proposal.

Negotiated Salary Pilot Plan: A concern was raised that the proposed plan institutionalizes inequity and promotes a compensation (rather than excellence) based culture. The University's focus should be on excellence in research and teaching. This proposal also removes the first and last tiers of the evaluation system (Faculty, Chair, Dean and AVC) of academic work and teaching contribution. The removal of the first tier, wherein the greatest level of scrutiny occurs, is particularly disturbing as it opens up the system to non-transparent side deals. The FEC does not endorse this proposal.

Re-benching Report: The FEC agreed that they support UCLA's opposition to this proposal.

Please let me know if you require any further information.

c: R. Bucklin, Faculty Chairman & Deputy Dean, Academic Affairs, UCLA Anderson
J. Olian, Dean & John E. Anderson Chair, UCLA Anderson

College FEC Response

UCLA MEMORANDUM

FACULTY EXECUTIVE COMMITTEE
College of Letters and Science

A265 Murphy Hall
Box 951571
Los Angeles, California 90095

To: Linda Sarna, Chair, UCLA Academic Senate

Fr: Michael Meranze, Chair, College Faculty Executive Committee MM

Date: November 13, 2012

Re: **College FEC response to the proposed creation of APM 430 (Visiting Scholars) and revisions to APM 700 (Leaves of Absence)**

The College FEC appreciates the opportunity to review and opine on the creation of section 430 (Visiting Scholars) and the proposed revisions to section 700 (Leaves of Absence) of the Academic Personnel Manual. We discussed the proposals at our November 9, 2012 meeting, and I recount here a brief summary of the points that were made during that discussion:

1. APM 430: Members generally agreed on the importance of creating a formal system that can accommodate visiting scholars on UC campuses; however, the APM is reserved for policies that pertain to the employment relationship between academic appointees and the University of California. APM 430's explicit statement that Visiting Scholars are not academic employees of the University suggests the policy does not belong in the APM.

2. APM 700: A concern was raised about the adoption of the phrase "absence from duty," which suggests the absence of a work product (e.g. teaching, research, service). We believe the APM should include a definition of "absence from duty" in the same manner that "leaves of absence" are defined in 700-8.

3. APM 700: Members were concerned about the proposed 30 day trigger. It is more conventional in employment matters such as these to allow 90 to 180 days before the process begins. The FEC could imagine various scenarios where a 30 day trigger might lead to a premature start of the process. Given that once the process is started, the burden falls on the faculty member to prove that s/he has not resigned, this short trigger seems unjustified.

4. APM 700: While members were not necessarily opposed to the remedies proposed under APM 700, several wondered whether there was a genuine need for such a policy and why other provisions in the APM (e.g. APM 016: University Policy on Faculty Conduct and the Administration of Discipline, or APM 075: Termination for Incompetent Performance) could not be used to handle situations where academic appointees abandon their teaching, research, or service responsibilities.

As always, our membership appreciates the consultative process and welcomes the opportunity to opine on important matters like this. You are welcome to contact me at meranze@history.ucla.edu with questions. Kyle Stewart McJunkin, Academic Administrator, is also available to assist you and he can be reached at (310) 825-3223 or kmcjunkin@college.ucla.edu.

cc: Jaime Balboa, Chief Administrative Officer, Academic Senate
Lucy Blackmar, Interim Associate College Dean, College of Letters and Science

GSEIS FEC Response

From: Johanna Drucker [mailto:drucker@gseis.ucla.edu]
Sent: Monday, November 19, 2012 1:14 PM
To: Balboa, Jaime
Subject: From FEC

Dear Jaime,

Leaves of Absence without Leave

GSEIS's FEC felt that the new policy proposal should be changed to extend the window in which action is taken to at least 90 and maybe as much as 180 days for the good faith effort of contact, and from 180 days to a longer period for the consultation towards presumptive resignation. We also felt very strongly **that this policy should be used with great restraint and only in extreme cases or circumstances.** It should also be governed by common sense with regard to conditions that might cause **unintentional** absence without leave –such as detention in remote circumstances during field work.

HSSEAS FEC Response

UCLA

MEMORANDUM

Faculty Executive Committee
The Henry Samueli School of Engineering and Applied Science
6426 Boelter
160010

TO: Linda Sarna, Academic Senate Chair

FROM: Alan Laub, Chair of the HSSEAS Faculty Executive Committee

DATE: November 14, 2012

RE: COMMENTS ON THE REPORT ON THE ACADEMIC SENATE'S LEAVES OF ABSENCE/GENERAL POLICY

The Faculty Executive Committee (FEC) of HSSEAS has looked at and approves the proposed APM 700 (Leaves of Absence/General) policy. The issue of unexplained absence has never arisen in the School but could be dealt with along the lines outlined in the proposed policy should it ever arise.

SOAA FEC Response

From: O'Shea, Janet
Sent: Tuesday, November 13, 2012 1:18 PM
To: Balboa, Jaime
Subject: SOAA FEC Response to APM 700

Dear Jaime,
The School of Arts and Architecture discussed the proposed revision to APM 700 at our last meeting and have no objection to the new policy.

Best Regards,
Janet O'Shea
Chair, SOAA FEC

SOD FEC Response

UNIVERSTIY OF
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SCHOOL OF DENTISTRY

FACULTY EXECUTIVE COMMITTEE

Memorandum

November 16th 2012

To: Executive Committee, Academic Senate

From: Diana Messadi, DDS., MMSc., DMSc
Chair, UCLA School of Dentistry
Faculty Executive Committee

Re: Revised policy, APM-700 Leave of Absence/General

Thank you for soliciting our input regarding the revised policy, APM-700 Leave of Absence/General. The School of Dentistry FEC met on October 22nd and unanimously approved and supported the revised policy, APM-700 Leave of Absence/General as presented.

TFT FEC Response

UCLA SCHOOL OF THEATER, FILM, AND TELEVISION

FACULTY EXECUTIVE COMMITTEE

S.I. Salamensky, Chair (ss@tft.ucla.edu)

REPORT TO THE ACADEMIC SENATE, NOVEMBER 9, 2012:

Proposal Paper: APM 700, Leaves of Absence General – Response Due Date: November 16, 2012.

Response: We endorse this initiative.

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OFFICE OF THE ACADEMIC SENATE
PEGGY O'DAY, CHAIR
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-7930; fax (209) 228-7955

December 7, 2012

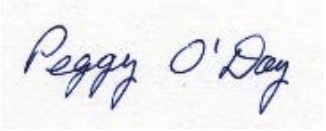
ACADEMIC COUNCIL CHAIR POWELL

RE: Merced Division Comments on the Proposed Revised APM – 700 Leaves of Absence/General, Presumptive Resignation

Three standing committees of the Merced Division reviewed proposed revisions to APM-700. The Division Council reviewed the committees' responses and discussed the proposed revisions at its December 6 meeting.

Two committees (Committee on Academic Personnel and the Graduate and Research Council) approved the proposed revision as presented. The Faculty Welfare Committee responded that the policy was unclear regarding the criteria for absence from academic duty, and did not state who was responsible for making a determination of absence from duty. If these criteria are given in another part of the APM or elsewhere in University Standing Orders or Bylaws, it would be helpful to add references to the appropriate source. Otherwise, Division Council supported the revision.

Sincerely,



Peggy O'Day, Chair
Division Council

cc: Executive Director Winnacker
Division Council
Senate Office

Encl. (5)

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON ACADEMIC PERSONNEL (CAP)
RAYMOND GIBBS, CHAIR
rgibbs@ucsc.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95344
(209) 228-7930; fax (209) 228-7955

Date: November 8, 2012
To: Peggy O'Day, Chair, Division Council (DivCo)
From: Raymond Gibbs, Chair, Committee on Academic Personnel (CAP)
Re: Proposed Revisions to APM 700 (Leaves of Absences)

CAP has reviewed and approves of the proposed changes to APM 700 on "Leaves of Absences."

CC: CAP
DivCo

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SEAN MALLOY, FW CHAIR
smalloy@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
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MERCED, CA 95311
209) 228-7930; fax (209) 228-7955

Date: **November 6, 2012**
To: **Peggy O'Day, Chair, Division Council (DivCo)**
From: **Sean Malloy, Chair, Committee on Faculty Welfare (FW)**
Re: **Proposed Revision of APM 700 (Presumptive Resignation)**

Faculty Welfare acknowledged the rationale behind the proposed revisions to APM 700 with respect to presumptive resignation, though the committee felt some additional clarification was needed. In particular, FW would like to see a clear definition of what constitutes "academic duty" for the purposes of this APM. Who will decide whether a faculty member "is absent from academic duty" (700-30) and what criteria will be used to make this determination?

CC: **DivCo**
FW

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ACADEMIC SENATE, MERCED DIVISION
GRADUATE AND RESEARCH COUNCIL (GRC)
VALERIE LEPPERT, CHAIR

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-6312

November 6, 2012

To: **Peggy O'Day, Senate Chair**

From: **Valerie Leppert, Chair, Graduate and Research Council (GRC)**

Re: **GRC response to Proposed Revised APM-700, Leaves of Absence/General**

GRC has reviewed the proposed Systemwide revisions to APM-700, Leaves of Absence/General.

The committee has no objections or additional comments to the proposed revisions that address the need for a presumptive resignation policy.

CC: Graduate Research Council
Division Council
Academic Senate Office

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CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

JOSE WUDKA
PROFESSOR OF PHYSICS AND ASTRONOMY
RIVERSIDE, CA 92521-0217
TEL: (951) 827-5538
E-MAIL: JOSE.WUDKA@UCR.EDU

November 26, 2012

Robert Powell, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

Dear Bob:

RE: Systemwide Review of Proposed Revised APM-700, Leaves of Absence/General, Presumptive Resignation

The Executive Council reviewed the proposed APM 700 addition to the Academic Personnel Manual; the committees on Academic Freedom, Charges, Faculty Welfare, Privilege and Tenure, and Rules & Jurisdiction also commented on the proposal. The responses were all positive and we recommend adoption with two proposed changes:

1. That the Chancellor should not merely notify P&T (700-30.c), but await their comments before acting.

2. That the policy be extended to cover circumstances that do not correspond to illness or incapacity, but that nonetheless prevent the academic appointee from responding to the University (e.g. foreign detention or kidnapping). Though such cases might be rare, there is no reason not to extend the policy to cover them. To this end we offer the following modifications:

Below the second bullet point on p. 3, add a third point reading:

> **Circumstances known to the University which furthermore make it impossible for the appointee to communicate with the University.**

Elsewhere in the document, add the following

> **An appointee who can prove that the cause for his or her separation under this rule is due to an inability to communicate within the required time-frame resulting from extraordinary circumstances beyond his or her control, shall be entitled to reinstatement.**

Sincerely yours,
Jose Wudka
Professor of Physics & Astronomy and Chair of the Riverside Division

CC: Martha Kendall Winnacker, Executive Director of the Academic Senate
Cynthia Palmer, Director of UCR Academic Senate office

UC RIVERSIDE | Academic Senate

November 16, 2012

TO: Jose Wudka, Chair
Riverside Division Academic Senate

FR: Thomas Morton, Chair
Committee on Academic Freedom

RE: Proposed revision of APM700

At its meeting on November 14, UCR's Committee on Academic Freedom discussed concerns regarding APM700, particularly with regard to the possibility that it might serve to disincline faculty from pursuing field work that entails a risk of being kidnapped or held incommunicado. For that reason, the committee voted to endorse the proposal transmitted by UCR's Committee on Faculty Welfare in its memo dated November 8, that APM700-30 be expanded so as to expedite restoration of UC employment (along with salary and service credit) to faculty held against their will and presumed to have resigned under the terms of the proposed wording of APM700.

UC RIVERSIDE | Academic Senate

COMMITTEE ON CHARGES

November 2, 2012

To: Jose Wudka, Chair
Riverside Division of the Academic Senate

From: Timothy Close, Chair
Committee on Charges

Re: Systemwide Review of APM 700

The Committee on Charges reviewed the revisions to APM 700 and has no concerns related to the charge of the Committee.

UC RIVERSIDE | Academic Senate

Committee on Faculty Welfare

November 8, 2012

To: Jose Wudka
Chair, Riverside Division Academic Senate

From: Irving G. Hendrick
Chair, Committee on Faculty Welfare

Re: Review of Proposed Changes to APM 700

The Committee on Faculty Welfare appreciates the need for the University to discontinue the appointments of faculty and other academic employees who, while able to communicate their intentions, consciously leave their positions without notifying their departments or other appropriate officers of their intention. Under such circumstances, the time periods, review procedures, and rights of appeal stated in APM 700 appear fair and appropriate. We do, however, offer the suggestion that a time line of conditions, consequences and next steps would make the policy clearer.

Beyond that, we can imagine certain conditions that may warrant the full reinstatement of the employee without the need for an elaborate system of administrative and committee review and appeals procedures. In particular, it is possible that conditions other than physical illness, injury, or disability might preclude a faculty member from communicating his or her intentions. An example of such a situation might be involuntary detention. Such extraordinary conditions could arise from foreign travel or field work in a remote location. Should such improbable conditions be shown to exist, we would wish that Section 700-30 be expanded to include such exceptions to the policy.

UC RIVERSIDE | Academic Senate

Committee on Privilege and Tenure

October 26, 2012

To: Jose Wudka
Chair, Riverside Division Academic Senate

From: Helen Henry
Chair, Committee on Privilege and Tenure

Re: Systemwide Review of Changes to APM 700

The Committee on Privilege and Tenure has considered the proposed revision to APM 700 - the policy of presumptive resignation - at its October 15 meeting. We note that there is a provision for the Chancellor to notify and receive a response from our Committee prior to making the final determination on whether an appointee will be considered to have resigned. Furthermore, a member of the Academic Senate who has been deemed to have resigned can appeal the decision before P&T. With these provisions in place, we believe the policy is a sound one and support it.

UC RIVERSIDE | Academic Senate

COMMITTEE ON RULES AND JURISDICTION

October 3, 2012

To: Jose Wudka, Chair
Riverside Division Academic Senate

From: Ziv Ran, Chair
Committee on Rules and Jurisdiction

Re: Systemwide Review of APM 700

The proposed changes are about situations where the University may infer a resignation, absent an explicit one. Broadly, we feel the changes are necessary and appropriate. However, we think the situations under purview must be narrowed to take into account the case of circumstances, either known or unknown to the university at the time, that make a resignation inference invalid.

Specifically, we propose
1. Below the second bullet point on p. 3, add

- **Circumstances known to the University which furthermore make it impossible for the appointee to communicate with the University.**

2. Elsewhere in the document, add the following

An appointee who can prove that the cause for his or her separation under this rule is due to an inability to communicate within the required time-frame resulting from extraordinary circumstances beyond his or her control, shall be entitled to reinstatement.

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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ACADEMIC SENATE
Santa Barbara Division
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Kum-Kum Bhavnani, Chair
Deborah Karoff, Executive Director

December 5, 2012

Robert Powell, Chair
Academic Senate

RE: Proposed APM 700: Leaves of Absence, General

Dear Bob,

The proposal for APM 700 regarding Leaves of Absence was commented on by the following groups at the Santa Barbara Division: Committee on Academic Personnel (CAP), Committee on Privilege and Tenure (P&T), Council on Faculty Issues and Awards (CFIA), and the Faculty Executive Committees from College of Letters and Science, College of Engineering, College of Creative Studies, Bren School of Environmental Science and Management, and the Gevirtz Graduate School of Education.

CAP, the Faculty Executive Committee from College of Letters and Science and P&T concurred with the wording of the proposed APM. These groups suggest that the procedures reflect a reasonable way to handle a situation when a faculty member is absent from the university but not on an approved leave.

However, other groups were less sanguine. For example, while some members of CFIA found the procedure to be reasonable, others were more skeptical about the need and rationale for the policy. CFIA concluded: “Overall, the Council feels that it may be important to spell out such procedures only for very egregious cases. CFIA is very wary of the potential for misuse and would expect that the implementation of APM 700 would be very rare.” CFIA wondered what had motivated this APM, a thought echoed by the Faculty Executive Committee from the College of Engineering, who would have found it helpful to “have some background on the motivation…behind these changes, and what prompted the revisions”. Some CFIA members also questioned whether the phrase ”absent from academic duty” is intended to include absent from teaching duties only, or absent from other, additional, faculty responsibilities. The Faculty Executive Committee from the Gevirtz Graduate School of Education supported the proposal but suggested that when a leave is requested but not approved, the situation might not be one of presumptive resignation but one that requires conflict resolution.

My thinking, in reading these responses, is that at systemwide we need to be watchful over the introduction of such an APM as policy, and I do worry about its potential to be used in circumstances for which it has not been designed.

Thank you for the opportunity to comment.

Sincerely,

Kum-Kum Bhavnani, Chair
Santa Barbara Division

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November 14, 2012

Robert Powell, Chair
Academic Council

Re: Systemwide Review of Proposed Revised APM-700, Leaves of Absence/General, Presumptive Resignation

Dear Bob,

The UC Santa Cruz Division has reviewed and discussed the Proposed Revised APM-700, Leaves of Absence/General, Presumptive Resignation. Our Committees on Academic Personnel (CAP), Affirmative Action and Diversity (CAAD), Faculty Welfare (CFW), Research (COR), and Privilege and Tenure (P&T) have expressed overall support for the proposal with one caveat and three recommendations.

The committees are supportive of the proposed revisions with the caveat that an appeals process be established and defined within APM-700, so that a faculty member may appeal a termination based on presumption of resignation, if appropriate. Although extremely unlikely, there could be cases where an academic appointee is medically incapacitated and unable to respond to the University during the 90 day duration of the APM-700 termination process. As such, we recommend that there be an additional subsection:

> 700-30.e An academic appointee who is deemed to have resigned from the University may subsequently submit evidence that establishes that it was impossible for them to be present for academic duty or to respond to the Notice of Intent in a timely manner. After reviewing such evidence and consulting with the Committee on Privilege and Tenure, the Chancellor shall have the authority to determine whether to reinstate the appointee.

An academic appointee whose appointment is terminated under APM-700 will have been paid their University salary for a minimum of 90 days during which they were absent from academic duty. As such, UCSC recommends that the effective date of the deemed resignation in APM 700-30.b.1 should be advanced to the start of the 30 day period of absence from academic duty, and the University be allowed to recover salary paid after this date.

Additionally, UCSC recommends that the word ‘consecutive’ be added for clarity under 700-30 Presumptive Resignation Policy & Procedures, so that the policy reads “or does not return to academic duty for 30 consecutive days or more after the approval leave expires.” Further, we recommend a change in wording in APM 700-30.b.2 to correct grammar: “could neither have been

obtained prior to the first day of absence nor during the intervening period" should be replaced by "could not have been obtained prior to the first day of absence or during the intervening period".

Sincerely,

Joseph Konopelski, Chair
Academic Senate
Santa Cruz Division

UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD

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December 7, 2012

Professor Robert Powell
Chair, Academic Council
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

Subject: Proposed Revision to APM 700, Leaves of Absence

Dear Bob,

The Proposed Revision to APM 700, Leaves of Absences was sent to the appropriate Divisional committees for comment; the Senate Council discussed the proposal on December 3, 2012.

Reviewers noted that a clear definition of "academic duty" is necessary before a proposed policy on presumptive resignation based on an absence from such duty can be implemented. Some reviewers were unclear as to why the proposed policy is needed and would like additional information regarding current procedures for dismissing faculty who have been missing for an extended period of time and regarding the frequency of these cases. The Committee on Privilege and Tenure has requested that it be notified at two points in the separation process: first, when the initial written notice of intent to separate is sent (APM 700-30.a.) and, second, when the final written notice is sent (as proposed in the policy).

Reviewers agree that if the proposed changes are implemented, the changes will need to be clearly communicated to the faculty at large.

Sincerely,

T. Guy Masters, Chair
Academic Senate, San Diego Division

cc: Divisional Vice Chair Pogliano
Executive Director Winnacker

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December 10, 2012

Robert Powell, PhD
Chair, Academic Council
Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
senatereview@ucop.edu

Re: Proposed Revised APM 700 Leaves of Absence

Dear Chair Powell:

The San Francisco Division of the University of California Academic Senate has reviewed the proposal for revisions to APM 700 Leaves of Absence. Comments were requested from the Committee on Academic Personnel and the Committee on Faculty Welfare.

We support the proposed revisions.

Thank you for the opportunity to review and provide input.

Sincerely,

Robert Newcomer, PhD
Chair, UCSF Academic Senate

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November 13, 2012

BOB POWELL, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED REVISIONS TO APM 700

Dear Bob,

UCAP discussed the proposed APM 700 leave of absence policy during its October 23rd meeting. The committee understands that the proposed policy addresses an infrequent problem, but agrees that having such a policy is well intentioned and generous.

Sincerely,

Harry Green, Chair
UCAP

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December 4, 2012

ROBERT POWELL, CHAIR
ACADEMIC COUNCIL

RE: Proposed Revisions to APM 700 (Leaves of Absence)

Dear Bob,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed revisions to APM 700 (Leaves of Absence). The committee does not endorse the proposed changes as several questions remain unanswered from the management review. UCFW still questions the problem that is being targeted, especially as other means of redress currently exist. Members also noted that many terms need definitions. For example, members questioned when a faculty person has returned to duty, especially in light of the consecutive absence requirement. That is, if a faculty person is absent for 29 days, but returns for 2, and then repeats the cycle, he would be beyond the scope of the revision as written. Members also suggested that a process map and exception chart be developed to help guide use of the policy, should it be adopted.

Please let us know if you have any questions or concerns.

Sincerely,

J. Daniel Hare, UCFW Chair

Copy: UCFW
Robert Powell, Chair, Academic Council
William Jacob, Vice Chair, Academic Council
Martha Winnacker, Executive Director, Academic Senate