UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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Robert Horwitz
Telephone: (510) 987-0887
Email:robert.horwitz@ucop.edu

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

January 28, 2022

SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL

Re: Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay

Dear Susan:

As requested, I distributed for systemwide Senate review the proposed revisions to APM 759, Leaves of Absence/Other Leaves Without Pay. All ten Academic Senate divisions and three systemwide committee (UCAP, UCORP, and UCFW) submitted comments. These comments were discussed at Academic Council's January 26 meeting and are attached for your reference.

We understand that the revisions add language to APM 759 stating that the pursuit of innovation and entrepreneurship activities is one "good cause" for granting an academic appointee's request for a leave-without-pay of up to one year. This addition was recommended by the Regents Working Group on Innovation Transfer and Entrepreneurship. New language in APM 759 also clarifies that a one-year leave may be renewed "in the interests of the University" in increments of one year or less, though not indefinitely and not beyond June 30 of the academic year it is granted. The policy maintains the provision that multi-year renewals are normally granted to academic appointees with the Professor, Associate Professor, or equivalent rank, and are granted to persons of other ranks only under "exceptional circumstances."

In general, the Senate supports efforts to assist faculty who want to engage in innovation and entrepreneurial activities outside the University. Encouraging these pursuits will help attract and retain talented faculty, facilitate ingenuity, and support UC excellence. However, faculty reviewers also raised several concerns about the policy that we encourage you to consider and address before finalizing it.

First, faculty note that the policy places "innovation and entrepreneurship" first in the list of example activities defining "good cause" for a leave. They are concerned that this ordering gives the appearance of prioritizing those activities over other, more traditional activities such as visiting appointments and professional development, and could favor colleagues in specific academic disciplines. We recommend ordering the other "good cause" activities in this list before "innovation and entrepreneurship," to ensure that APM 759 is applicable and available to academic appointees in all disciplines. We also recommend that this list include scholarly research, creative activity, and public service.

Another concern is that the policy will increase department-based inequities in teaching, mentoring, and service responsibilities for those not on leave. Those particularly affected may include faculty in small departments, assistant professors, and graduate students and postdoctoral researchers who need advising and mentoring. Extended leaves can bottle up an FTE for years, making it difficult for a department to fulfill its mission. The policy should address the impact of extended leaves on departments and academic colleagues.

Another concern is that the new policy defining June 30 as the universal end date for a leave will create unnecessary work for faculty who receive an opportunity to begin a leave after July 1 or toward the end of the academic year. The policy should include a stronger justification for this rule, or better, state simply that a leave of absence without pay shall not exceed one year. The policy should also address what constitutes a reasonable limit on the number of leave extensions. The term "not indefinitely" used in the policy is too vague; more specific parameters about permissible limits would be preferable.

In addition, the policy should clarify definitions of terms such as "innovation" and "entrepreneurial activities" and well as the criteria for determining the "best interests of the University." Doing so will enhance faculty understanding of the policy and is important for its effective implementation.

The policy should also clarify how the new provisions interact with individual campus IP/patent policies, and reference existing guidelines that address faculty's professional obligations to UC while on leave, the use of UC resources while on leave, and how works produced on leave should factor into academic review.

Finally, the Senate recommends that the University consider applying the same leave renewal standard to faculty of "other ranks," so they too can renew leaves beyond one year if it is in the interests of the University.

We appreciate the opportunity to comment. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Robert Horwitz, Chair
Academic Council

Cc: Associate Vice Provost Lee
Academic Policy and Policy Exceptions Director Grant
Academic Council
Campus Senate Directors
Executive Director Baxter

Encl.

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

January 10, 2022

ROBERT HORWITZ
Chair, Academic Council

Subject: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 759, Leaves of Absence/Other Leaves Without Pay (APM - 759)

Dear Chair Horwitz:

On November 29, 2021, the Council of the Berkeley Division (DIVCO) discussed the proposed revisions to the *Academic Personnel Manual (APM) Section 759, Leaves of Absence/Other Leaves Without Pay (APM - 759)*, informed by written comments from the Committees on Budget and Interdepartmental Relations (BIR); Diversity, Equity, and Campus Climate (DECC); Faculty Welfare (FWEL); and Rules and Elections (R&E).

DIVCO supports the revisions that specify a leave of absence without pay can be used for innovation and entrepreneurial pursuits. DIVCO requests clarification and guidance on the statement at the bottom of page one of the cover letter:

> *…a leave of without pay shall not exceed one year in length, but may be renewed in increments of one year or less in the interests of the University (but not indefinitely).*

Our questions about the language include whether the expectation is that individual campuses will determine an "upper limit" on the number of years allowed for renewing a leave of absence without pay and clarification of who makes decisions about renewals. We hope the answers are that the campuses have discretion in these matters.

While we support faculty in undertaking innovation and entrepreneurial activities, we also observe that leaves without pay may result in inequity, specifically for those not on leave as they become responsible for additional teaching, mentoring, and service. Departments with small numbers of faculty may be particularly affected. Please see the attached committee letters for more on this concern.

Finally, the Berkeley campus has formed a collaborative committee including administrative and Academic Senate leaders and we intend to create a policy on these matters that supports Berkeley faculty in their teaching, research, and service on campus and off.

Sincerely,

Ronald C. Cohen
Professor of Chemistry
Professor of Earth and Planetary Science
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Mary Ann Smart, Vice Chair, Berkeley Division of the Academic Senate
Jocelyn Surla Banaria, Executive Director
Victoria Plaut, Chair, Committee on Budget and Interdepartmental Relations
Lok Siu, Chair, Chair, Committee on Diversity, Equity, and Campus Climate
Laura Nelson, Co-Chair, Committee on Faculty Welfare
Thomas Leonard, Co-Chair, Committee on Faculty Welfare
J. Keith Gilless, Chair, Rules and Elections
Sumei Quiggle, Associate Director staffing Rules and Elections
Courtney MacIntyre, Senate Analyst, Committee on Budget and Interdepartmental Relations
Linda Corley, Senate Analyst, Committee on Diversity, Equity, and Campus Climate
Patrick Allen, Senate Analyst, Committee on Faculty Welfare

University of California, Berkeley

COMMITTEE ON BUDGET AND
INTERDEPARTMENTAL RELATIONS

November 29, 2021

CHAIR RONALD C. COHEN
BERKELEY DIVISION OF THE ACADEMIC SENATE

RE: APM–759, Leaves of Absence/Other Leaves Without Pay

We thank you for inviting us to comment on the proposed revisions to APM–759, Leaves of Absence/Other Leaves Without Pay.

The revision recognizes and normalizes the existing reality in many fields—including but not limited to—STEM fields. However, the policy is vague with respect to what is a reasonable length beyond which further extensions are not granted or even permissible. We see both upsides and downsides to this greater flexibility. It could be beneficial, for example, when faculty take on major, longer-term roles in government agencies, e.g., Council of Economic Advisors, United States Environmental Protection Agency, Department of Energy, etc. But long absences could also be detrimental to the unit or to other faculty; for example, creating inequities in teaching, mentoring, and service loads. Relatedly, although we recognize that ambiguity regarding length of time may be unavoidable in the policy language, we note that more clarity or guidance could be helpful, especially as there are potential implications for "persons of other ranks"—individuals who are not Professors or Associate Professors, because "no assurance may be given, either directly or by implication, that the applicant will be retained beyond the period of service normally applicable to the applicant's rank, or that the applicant will be promoted when that period is over."

Thank you again for the chance to review the proposed revisions to the APM.

Victoria C. Plaut
Chair

VCP/wl/cm

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 29, 2021

PROFESSOR RONALD COHEN
Chair, 2021-2022 Berkeley Division of the Academic Senate

Re: DECC's Comments on the Proposed Revisions to Academic Personnel Manuel (APM) Section 759, Leaves of Absence/Other Leaves Without Pay (APM – 759)

The Committee on Diversity, Equity, and Campus Climate (DECC) met on November 18, 2021 and discussed the proposed revisions to APM – 759, Leaves of Absence/Other Leaves Without Pay. We submit the following comments for consideration.

The Committee supports the proposed changes to APM – 759-0, which now specifies that a leave of absence without pay can be used for innovation and entrepreneurial pursuits. In regard to the proposed revisions to APM – 759-12, the Committee is concerned that the lack of clarity on the maximum number of years allowed for a leave of absence without pay may lead to long periods of faculty absence, which we believe can have adverse effects on equity. We draw attention to the following statement: "However, in the interests of the University, such a leave may be renewed in increments of one year or less (but not indefinitely)…"

The equity concerns for an extended period (more than 1-2 years) of leave of absence are multiple. The most obvious effect is the offloading of teaching, mentoring, and service responsibilities to other faculty members in the department, creating inequities in workload across these areas. Graduate students working directly with these faculty may not receive adequate or timely mentoring, which can affect their time-to-degree as well as general morale. Moreover, instructor replacement costs can drain department budgets and divert funds away from other department priorities. In these and other ways, extended leaves of absence by any number of faculty will create inequities within the department.

DECC recommends the establishment of an "upper limit" on the number of years allowed for renewing a leave of absence without pay. Given the differential needs and circumstances across the UC system, this "upper limit" may be best determined by each campus.

Thank you for the opportunity to comment on the proposed revisions to APM 759.

Sincerely,

Lok Siu
Chair, Committee on Diversity, Equity, and Campus Climate

LS/lc

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 17, 2021

CHAIR RONALD COHEN
Academic Senate

Re: Proposed Revisions to Academic Personnel Manual (APM) Section 759, Leaves of Absence/Other Leaves Without Pay (APM - 759)

Dear Chair Cohen,

The Committee on Faculty Welfare reviewed and discussed the proposed revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay. Overall, the Committee has no objections to the proposed revisions to APM - 759.

FWEL does draw your attention to this: "*a leave of without pay shall not exceed one year in length, but may be renewed in increments of one year or less in the interests of the University (but not indefinitely)*." Our Committee would like clarification on who is in the conversation at this point and who makes decisions over renewals. Understanding who are the arbitrators would be useful for all parties.

We appreciate the opportunity to weigh in on these matters.

Sincerely,

Thomas Leonard, Co-Chair
Committee on Faculty Welfare

Laura Nelson, Co-Chair
Committee on Faculty Welfare

TL/LN/pga

ACADEMIC SENATE
BERKELEY
320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 23, 2021

RONALD C. COHEN
Chair, Berkeley Division

Re: Proposed revisions to APM 759 on
Leaves of Absence/Other Leaves Without Pay

Dear Chair Cohen,

At its meeting on November 4, the Committee on Rules and Elections reviewed a proposal to revise APM 759 to explicitly state that a leave without pay can be used for innovation and entrepreneurial pursuits. R&E members had no objections to the proposed changes, but there were concerns about the some of the existing language:

- Section 759-12 b. says "In exceptional cases, department chairs may recommend persons of other ranks … for leave without pay for more than one year *when it is certain* that the department wishes to retain the applicant's services…" (emphasis added). The use of "certain" in the absence of a criteria asserting that this is the case, e.g., a supermajority departmental vote, is problematic and the committee recommends striking the entire "when it is certain" clause.
- The next clause, stating that the purpose of the leave must be "one which will enhance the applicant's value to the University", is also problematic given that the absence may be for medical reasons (listed as a "good cause" in 759-0).
- The section ends with the statement "Reappointment at the termination of leave is dependent upon availability of funds." Members found this provision to be inconsistent with the rights of Assistant Professors, and felt that it could run afoul of labor agreements for some other titles.

Sincerely,

J. Keith Gilless
Chair, Committee on Rules and Elections

JKG/scq

UNIVERSITY OF CALIFORNIA, DAVIS

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DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

January 18, 2022

Robert Horwitz
Chair, Academic Council

RE: Proposed Revisions to APM – 759, Leaves of Absence/Other Leaves Without Pay

Dear Robert,

The proposed revisions to APM – 759, Leaves of Absence/Other Leaves Without Pay were forwarded to all standing committees of the Davis Division of the Academic Senate. Seven committees responded: Academic Personnel Oversight (CAP), Faculty Welfare (FW), and the Faculty Executive Committees of the College of Agricultural and Environmental Sciences (CAES), the College of Biological Sciences (CBS), the College of Letters and Science (L&S), the School of Medicine (SOM), and the School of Veterinary Medicine (SVM).

Committees support the revisions but note a few unclear details. Several committees commented that, in the absence of any explanation or justification, the June 30 termination date for leaves of absence is arbitrary, and the one-year renewal length and process is similarly vague. Clear guidance should be provided in these areas.

The Davis Division appreciates the opportunity to comment.

Sincerely,

Richard P. Tucker, Ph.D.
Chair, Davis Division of the Academic Senate
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

UCDAVIS: ACADEMIC SENATE
COMMITTEE ON ACADEMIC PERSONNEL

December 15, 2021

Richard Tucker
Chair, Davis Division of the Academic Senate

RE: RFC: Proposed Revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay

The Committee on Academic Personnel – Oversight (CAP) has reviewed and discussed the RFC: Proposed Revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay. CAP supports the expanded leave policy which would allow faculty to take leaves for innovation and entrepreneurship activities. However, committee members were unclear about why the proposed revisions stipulate June 30th as the date that a leave of absence cannot extend beyond. Additionally, it was unclear what would happen if a faculty member applied for leave equaling one "one year in length" (365 days) but did not use it all by June 30th: would the faculty member still be able apply the unused days to the next cycle or would any unused leave be lost at the June 30th cutoff date? Without more clarification, this date appears arbitrary and may inadvertently disadvantage some faculty who may need to apply for this leave later in the academic year.

CAP appreciates the opportunity to comment.

UC DAVIS: ACADEMIC SENATE
COMMITTEE ON FACULTY WELFARE

December 29, 2021

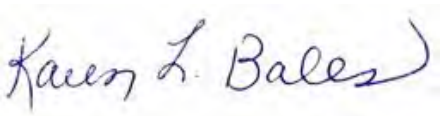
Richard Tucker
Chair, Davis Division of the Academic Senate

RE: Request for Consultation – Proposed Revisions to APM-759, Leaves of Absence/Other Leaves Without Pay

Dear Richard:

The Committee on Faculty Welfare has reviewed the RFC – Proposed Revisions to APM-759, Leaves of Absence/Other Leaves Without Pay and have a few concerns. Some members expressed concern about how long leaves of absences could be renewed, as the limitations are not all that clear. Additionally, members felt that there was not enough clarity on the process itself and who has the authority to grant faculty leaves of absence.

Sincerely,



Karen L. Bales
Chair, Committee on Faculty Welfare

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

Proposed Revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay

FEC: College of Agricultural and Environmental Sciences Committee Response

January 10, 2022

The Faculty Executive Committee of the College of Agricultural and Environmental Sciences (CA&ES) reviewed the proposed revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay. We note two areas of ambiguity with the revisions.

First, why must leaves of absence terminate on June 30? Some (perhaps most) leaves of absence of one year or less could quite easily span across June 30. Would the requestor need to petition for renewal even during the first year of a leave?

Second, the sentence “a leave may be renewed in increments of one year or less (but not indefinitely)” is very vague. Twenty years is not indefinitely, but it would not appear to be congruent with the intent of the policy. Could clearer guidance be given here, such as “except in extraordinary situations, leaves of absence cannot be extended beyond three years” or words to that effect?

The CA&ES faculty appreciates the opportunity to comment.

January 10, 2022

Richard Tucker
Chair, UC Davis Division of the Academic Senate

RE: Leaves of Absence/Other Leaves Without Pay

Dear Richard,
The Faculty Executive Committee of the College of Biological Sciences has reviewed the request for consultation regarding the proposed revisions to APM - 759 (Leaves of Absence and Other Leaves Without Pay). This is an excellent amendment, allowing faculty to take a leave of absence for innovation and entrepreneurship pursuits. One possibility worth considering: if the innovation / entrepreneurship brings financial benefits to the UC, for example through patent income, should the UC then provide some salary support?

With this exception, we approve this proposal and have nothing to add. We appreciate being consulted on this proposal.

Artyom Kopp
On behalf of the CBS Faculty Executive Committee

Proposed Revisions to APM - 759, Leaves of Absence/Other Leaves Without Pay

FEC: College of Letters and Science Committee Response

January 10, 2022

The College of Letters and Science FEC reviewed this RFC and approves provisionally with the questions/comments here:

In general, the FEC appreciates the policy and believes it encourages entrepreneurship, diversity of thought and point of entry, and perhaps even fundraising potential. The FEC did had some questions. Specifically, the process for granting notice: who approves and when? It was also agreed that the length/timing language could be tightened up to be more clear.

University of California, Irvine

Academic Senate
307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-7685
www.senate.uci.edu

January 18, 2022

Robert Horwitz, Chair
Academic Council

Re: Systemwide Review of Proposed Revised APM-759, Leaves of Absence/Other Leaves without Pay

Dear Chair Horwitz,

The Irvine Division discussed the proposed revisions to APM-759 at its January 18, 2022 Cabinet meeting. The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) also reviewed the revisions. CFW's feedback is attached for your review.

Members did not raise any major concerns about the revisions and generally agreed that such pursuits should be encouraged at UC.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

Joanna Ho, Chair
Academic Senate, Irvine Division

Encl: CFW memo

Cc: Georg Striedter, Chair Elect-Secretary
Gina Anzivino, Interim Executive Director

University of California, Irvine

Academic Senate
Council on Faculty Welfare, Diversity & Academic Freedom
307 Aldrich Hall
Irvine, CA 92697-1325
(949) 824-7685
www.senate.uci.edu

December 17, 2021

JOANNA HO, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

Re: Proposed Revised APM - 759, Leaves of Absence/Other Leaves Without Pay

Systemwide Senate Chair Robert Horwitz has distributed for comment proposed revisions to Section 759 of the Academic Personnel Manual. In May 2021, the Regents Working Group on Innovation Transfer and Entrepreneurship recommended in its final report that APM - 759 be revised to explicitly state that a leave without pay can be used for innovation and entrepreneurship pursuits. The proposed revisions to APM - 759 are responsive to the Regents Working Group recommendation.

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed this issue and solicited feedback electronically. The Council would like to submit the following comments:

1. Generally, members did not have any major concerns with these revisions and agreed that such pursuits should be encouraged at UC. It was encouraging that the working group report supported the proposed changes as part of a cohesive strategy for unshackling UC's ability for translating basic research into applied tools and technologies.

2. A member expressed some concern regarding APM 759-0 and stated that further clarification should be given regarding why an explanation for a leave of absence would be approved under this revision: "for medical reasons under APM - 710-11 when an appointee's paid medical leave has been exhausted." If the medical leave has been exhausted, are there not other mechanisms of support?

Sincerely,

Terry Dalton, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

UCLA Academic Senate
Executive Board

January 10, 2022

Robert Horowitz
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed Revised APM 759 - Leaves of Absence/Other Leaves without Pay

Dear Chair Horowitz,

The Divisional Executive Board, councils, and committees appreciate the opportunity to review the proposed revisions to APM 759. The Executive Board reviewed the proposal and divisional council and committee feedback at its meeting on January 6, 2022.

Executive Board members voted unanimously to endorse the proposal with the suggestion to clarify the points raised in the response from the Council on Planning and Budget (CPB). CPB had questions about outside earnings and intellectual property. They suggested the policy needs to clarify obligations of faculty to the university while on leave. Moreover, it would be helpful to indicate the consequences for a faculty member who violates the policy (inadvertently or otherwise).

Sincerely,

Jody Kreiman
Chair
UCLA Academic Senate

Encl.

Cc: Jessica Cattelino, Vice Chair/Chair Elect, UCLA Academic Senate
April de Stefano, Executive Director, UCLA Academic Senate
Shane White, Immediate Past Chair, UCLA Academic Senate

UCLA Academic Senate
Council on Academic Personnel

December 14, 2021

Jody Kreiman, Chair
Academic Senate

Re: (Systemwide Senate Review) Proposed Revised APM 759_Leaves of Absence/Other Leaves Without Pay

Dear Chair Kreiman,

At its meeting on December 7, 2021, the Council on Academic Personnel (CAP) had an opportunity to review the Proposed Revised APM 759 Leaves of Absence/Other Leaves Without Pay. Members agreed with the proposal and offered no additional comments.

If you have any questions for us, please do not hesitate to contact me at csternin@ucla.edu or via the Council's analyst, Lori Ishimaru, at lishimaru@senate.ucla.edu.

Sincerely,

Catia Sternini, Chair
Council on Academic Personnel

cc: Jessica Cattelino, Vice Chair/Chair-Elect, Academic Senate
Shane White, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Lori Ishimaru, Senior Policy Analyst, Academic Senate
Members of the Council on Academic Personnel

UCLA Academic Senate
Council on Planning & Budget

November 16, 2021

Jody Kreiman, Chair
Academic Senate

Re: (Systemwide Senate Review) Proposed Revised APM 759: Leaves of Absence/Other Leaves Without Pay

Dear Chair Kreiman,

At its meeting on November 8, 2021, the Council on Planning and Budget (CPB) had an opportunity to review the proposed revised policy, APM 759: Leaves of Absence/Other Leaves Without Pay. Members offered the following comments.

The revisions state that leaves without pay can be used for innovation and entrepreneurial pursuits. Members requested further clarification, especially in areas concerning outside earnings and intellectual property. Some members were concerned that faculty may inappropriately draw upon their UC status in their innovation and entrepreneurship activities and suggested clarifying the appointees' professional obligations to the University while on these leaves. Members agreed that the policy should specify the requirements and implications for not following the policy, otherwise faculty may run afoul without sufficient knowledge about what they may have done wrong.

If you have any questions for us, please do not hesitate to contact me at eblumenb@ucla.edu or via the Council's analyst, Elizabeth Feller, at efeller@senate.ucla.edu.

Sincerely,

Evelyn Blumenberg

Evelyn Blumenberg, Chair
Council on Planning and Budget

cc: Jessica Cattelino, Vice Chair/Chair-Elect, Academic Senate
Shane White, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Elizabeth Feller, Assistant Director, Academic Senate
Members of the Council on Planning and Budget

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OFFICE OF THE ACADEMIC SENATE
LEROY WESTERLING, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

January 13, 2022

To: Robert Horwitz, Chair, Academic Council

From: LeRoy Westerling, Chair, UCM Divisional Council

Re: Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay

The proposed revisions to APM 759 were distributed for comment to the Merced Division Senate Committees and the School Executive Committees. The following committees offered several comments for consideration. Their comments are appended to this memo.

- Committee on Academic Personnel (CAP)
- Committee on Research (CoR)
- Committee on Faculty Welfare and Academic Freedom (FWAF)
- Graduate Council (GC)

CAP found the revisions to be reasonable; however, CAP assumes that there is some process by which academic appointees request such leave and that the departments have the opportunity to weigh in on how such an absence would impact (positively or negatively) the department.

FWAF found the revisions to be appropriate and endorses them with the following comment: FWAF wonders if the caveat "(but not indefinitely)" added to 759-12 might benefit from further elaboration. Presumably, the yearly departmental review and approval sufficiently safeguards against indefinite renewal of leaves without pay. However, one can imagine instances where a department chair may feel obligated to approve renewal, such as when the requestor is of higher rank than the department chair, as is the case in some UCM departments.

CoR offers some comments and questions regarding specific sections of the policy:

> **759-0 Policy** (second paragraph)
> "For a leave without pay to engage in outside professional activities, appointees remain subject to conflict of commitment and outside professional activities requirements (such as disclosure and prior approval, annual reporting, and earnings provisions under APM - 671, but not limits on time spent)."

CoR interprets this sentence to mean that for leave without pay for work in outside activities, employees are still constrained by Conflict of Commitment. However, it is unclear if this is APM policy.

> **759-12 Leaves of Absence Without Pay for More Than One Year**
> **Section b. Persons of other ranks** (last sentence)
> "Reappointment at the termination of leave is dependent upon availability of funds."

Does this mean that an employee could potentially lose their job after they take the leave of absence?

> **759-24 Authority**
> "Chancellors and the Vice President-Agriculture and Natural Resources are authorized to approve all leaves of absence without pay for appointees under their respective jurisdictions, subject to the provisions of APM - 759-0."

CoR recommends that this passage be modified to make clear that the Vice President of ANR only has the authority to approve ANR-related leaves.

GC expresses its concerns about the impact of prolonged leave on the well-being of graduate students and others for whom the absentee is an advisor/supervisor. The leave of one year by the advisor/supervisor already carries the risk of significant adverse impact on the mentees/trainees. GC thus recommends that the proposed revision that allows for extended leaves beyond one year, in one-year increments, be implemented only with safeguard measures to ensure that graduate students and postdoctoral researchers receive the advising and mentoring they deserve.

Divisional Council reviewed the committees' comments via email and supports their various points and suggestions.

The Merced Division thanks you for the opportunity to comment on this item.

CC:
Divisional Council and UCM Senate Office
Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON ACADEMIC PERSONNEL (CAP)
RAMESH BALASUBRAMANIAM, CHAIR
ramesh@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

November 12, 2021

To: LeRoy Westerling, Senate Chair

From: Ramesh Balasubramaniam, Chair, Committee on Academic Personnel (CAP)

Re: Proposed Revisions to APM 759 - Leaves of Absence/Other Leaves Without Pay

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CAP reviewed the proposed revisions to APM 759 and found them to be reasonable. However, the committee assumes that there is some process by which academic appointees request such leave and that the departments have the opportunity to weigh in on how such an absence would impact (positively or negatively) the department.

We appreciate the opportunity to provide comments.

Cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RESEARCH (COR)
JASON SEXTON, CHAIR

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

November 12, 2021

To: LeRoy Westerling, Senate Chair

From: Jason Sexton, Chair, Committee on Research (CoR)

Re: Proposed Revisions to APM 759 - Leaves of Absence/Other Leaves Without Pay

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At their November 1 meeting, CoR discussed the proposed revisions to APM 759.

The document describes the policy for leaves of absence without pay. A time limit of a year is given for leave of absence although extensions can be made depending on a person's rank. Revisions added thus far to the document include an expanded definition of what constitute "good cause" for leaves of absence which now includes innovation, entrepreneurship activities, visiting appointment, medical reasons, among others. Other revisions include a provision stating that personnel will still be subject to conflict of commitment for outside activities. Moreover, the section on leaves of absence for more than a year was expanded to clarify the time limits on leaves.

759-0 Policy

"For a leave without pay to engage in outside professional activities, appointees remain subject to conflict of commitment and outside professional activities requirements (such as disclosure and prior approval, annual reporting, and earnings provisions under APM - 671, but not limits on time spent)."

CoR interprets this sentence to mean that for leave without pay for work in outside activities, employees are still constrained by Conflict of Commitment. However, it is unclear if this is APM policy.

759-12 Leaves of Absence Without Pay for More Than One Year

b. Persons of other ranks

"Reappointment at the termination of leave is dependent upon availability of funds."

Does this line mean that an employee could potentially lose their job after they take the leave of absence?

759-24 Authority

"Chancellors and the Vice President-Agriculture and Natural Resources are authorized to approve all leaves of absence without pay for appointees under their respective jurisdictions, subject to the provisions of APM - 759-0."

CoR recommends that this passage be modified to make clear that the Vice President of ANR only has the authority to approve ANR-related leaves.

We appreciate the opportunity to review.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM
DAVID JENNINGS, CHAIR
djennings3@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

NOVEMBER 19, 2021

To: LeRoy Westerling, Chair, Divisional Council

From: David Jennings, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

Re: Proposed Revised APM - 759, Leaves of Absence/Other Leaves Without Pay

---

At its meeting on November 4, 2021, FWAF reviewed the proposed revised APM-759. The proposed revisions incorporate the recommendations from the Final Report of the Regents Working Group on Innovation Transfer and Entrepreneurship. FWAF found the proposed revisions to be appropriate, and is pleased to endorse them, with the following comment.

FWAF discussed whether the caveat "(but not indefinitely)" added to 759-12 might benefit from further elaboration. Presumably, the yearly departmental review and approval sufficiently safeguards against indefinite renewal of leaves without pay. However, one can imagine instances where a department chair may feel obligated to approve renewal, such as when the requester is of higher rank (full professor, for example) than the department chair (associate professor, as is the case with some of our departments).

FWAF appreciates the opportunity to opine.

cc: Senate office

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OFFICE OF THE ACADEMIC SENATE
ERIN HESTIR, CHAIR, GRADUATE COUNCIL
ehestir@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

NOVEMBER 17, 2021

TO: LEROY WESTERLING, CHAIR, DIVISIONAL COUNCIL

FROM: ERIN HESTIR, CHAIR, GRADUATE COUNCIL

RE: PROPOSED REVISIONS TO APM-759, LEAVES OF ABSENCE/OTHER LEAVES WITHOUT PAY

Graduate Council (GC) has reviewed the proposed revisions to APM-759, Leaves of Absence/Other Leaves Without Pay.

GC expresses its concerns about the impact of prolonged leave on the wellbeing of graduate students and others for whom the absentee is an advisor/supervisor. The leave of one year by the advisor/supervisor already carries the risk of significant adverse impact on the mentees/trainees. GC thus recommends that the proposed revision that allows for extended leaves beyond one year, in one year increments, be implemented only with safeguard measures to ensure that graduate students and postdoctoral researchers receive the advising and mentoring they deserve.

Graduate Council appreciates the opportunity to opine.

CC: Graduate Council
Senate Office

Enclosure: 0

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

JASON STAJICH
PROFESSOR OF BIOINFORMATICS
RIVERSIDE, CA 92521-0217
TEL: (951) 827-6193
EMAIL: JASON.STAJICH@UCR.EDU

January 14, 2022

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

RE: (Systemwide Senate Review) Proposed Revised APM - 759, Leaves of Absence/Other Leaves Without Pay

Dear Robert,

The Riverside Executive Council discussed the proposed revisions to **APM - 759, Leaves of Absence/Other Leaves Without Pay** at their January 10, 2022 meeting. There was brief discussion regarding a potentially chilling effect these changes could have in the Humanities, as well as consideration of putting controls in place to prevent abuse of Assistant Professors.

I've included the comments of consulted Riverside Divisional committees regarding the subject issue and trust these responses prove helpful.

Sincerely yours,
/s/Jason
Jason Stajich
Professor of Bioinformatics and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

UC RIVERSIDE

Academic Senate

October 22, 2021

To: Jason Stajich
Chair, Riverside Division Academic Senate

From: Sean Cutler
Chair, Committee on Academic Personnel

Re: [Systemwide Review] Proposed Revisions to Academic Personnel Manual (APM): APM - 759, Leaves of Absence/Other Leaves Without Pay

CAP discussed the proposed revisions to APM-759 regarding Leaves of Absence and Other Leaves without Pay, and in general, did not take issue with the changes recommended regarding innovation and entrepreneurship. However, the committee did identify some issues on which they had comments. The committee suggests that: (1) a limit on the number of years a faculty member can remain on leave be clearly defined, (2) that guidance be provided to reviewing bodies about how to weigh and evaluate creative and research products, professional service, and teaching conducted while on leave. The committee noted that some leaves might be associated with traditional research outcomes and others not, complicating review processes. Service to the University and departments and UC teaching would be absent or diminished or difficult to untangle from commitments to non-UC entities. In addition, members were concerned about the precedent of the Regents guiding policy changes.

UC RIVERSIDE Academic Senate

COMMITTEE ON FACULTY WELFARE

November 17, 2021

To: Jason Stajich
Riverside Division Academic Senate

From: John Heraty, Chair
Committee on Faculty Welfare

Re: [Systemwide Review] Proposed Revisions to Academic Personnel Manual (APM): APM - 759, Leaves of Absence/Other Leaves Without Pay

The Committee on Faculty Welfare met on November 16, 2021, to consider the changes proposed to APM-759 that would accommodate unpaid leave for innovation and entrepreneurial pursuits. CFW was in support of the proposed revisions and did not identify any changes or further clarification necessary to the revision.

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OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

January 13, 2022

Professor Robert Horwitz
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of Proposed Revisions to APM-759, Leaves of Absence/Other Leaves Without Pay

Dear Professor Horwitz,

The proposed revisions to APM-759, Leaves of Absence/Other Leaves Without Pay were distributed to San Diego Divisional Senate standing committees and discussed at the January 10, 2022 Divisional Senate Council meeting. Senate Council endorsed the proposal, and offered the following comment. To adjudicate review files where the candidate was on leave from the university for part of the review period, it would be helpful for file reviewers to have guidance on how work produced while on leave should factor into the academic review of the candidate.

The responses from the Divisional Committee on Academic Personnel, Committee on Diversity and Equity, and Committee on Faculty Welfare are attached.

Sincerely,

Tara Javidi
Chair
San Diego Divisional Academic Senate

Attachments

cc: Nancy Postero, Vice Chair, San Diego Divisional Academic Senate
Lori Hullings, Executive Director, San Diego Divisional Academic Senate
Hilary Baxter, Executive Director, UC Systemwide Academic Senate

ACADEMIC SENATE: SAN DIEGO DIVISION, 0002
UCSD, LA JOLLA, CA 92093-0002
(858) 534-3640
FAX (858) 534-4528

December 14, 2021

IN CONFIDENCE

TARA JAVIDI, CHAIR

SUBJECT: Proposed Revisions to APM 759- Leaves of Absence

The Committee on Academic Personnel (CAP) appreciates the opportunity to provide comments on the proposed revisions to APM 759-Leaves of Absence. The committee has no objections and unanimously endorses the revisions as proposed.

During the discussion, several CAP members opined that it was difficult to adjudicate review files where the candidate was on leave for part of the review period, in particular when the nature of the leave was purported to conduct research outside of UC San Diego. CAP recommends that the campus adopt some sort of guidelines that describe how such works produced while on leave from the university should factor into the academic review of the candidate.

Pamela Cosman

Pamela Cosman, Chair
Committee on Academic Personnel

Cc: N. Postero
L. Hullings
J. Lucius

December 15, 2021

TARA JAVIDI, CHAIR
Academic Senate, San Diego Division

SUBJECT: APM 759 Leaves of Absence Review

The Committee on Diversity & Equity (CDE) reviewed the proposed revisions to the APM 759 Leaves of Absence Policy at its November meeting. The members of the committee endorsed the revisions.

Sincerely,

Jennifer Burney, Chair
Committee on Diversity & Equity

cc: N. Postero

December 15, 2021

TARA JAVIDI, CHAIR
Academic Senate, San Diego Division

SUBJECT: APM 759 Leaves of Absence Review

The Committee on Faculty Welfare (CFW) reviewed the proposed revisions to the APM 759 Leaves of Absence Policy at its November meeting. The members of the committee endorsed the revisions.

Sincerely,

Juan Pablo Pardo-Guerra, Vice Chair
Committee on Faculty Welfare

cc: N. Postero
S. Sinha

UCSF Academic Senate

http://senate.ucsf.edu

Office of the Academic Senate
500 Parnassus Ave, MUE 230
San Francisco, CA 94143-0764
Campus Box 0764
tel.: 415/514-2696
academic.senate@ucsf.edu
https://senate.ucsf.edu

January 18, 2021

Robert Horwitz
Chair, Academic Council
Systemwide Academic Senate
University of California Office of the President
1111 Franklin St., 12th Floor
Oakland, CA 94607-5200

Re: UCSF Comments on the Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay

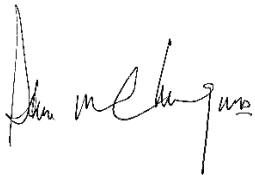
Dear Robert:

The San Francisco Division of the Academic Senate recently reviewed the proposed revisions to APM 759, Leaves of Absence/Other Leaves Without Pay. Both UCSF's Committee on Academic Personnel (CAP) and the Committee on Faculty Welfare (CFW) provided comments. Given the entrepreneurial nature of the UCSF campus, we are *generally* supportive of ways and/or APM revisions to explicitly encourage leaves of absences for innovation and entrepreneurship activities, among other activities, as a means to support and encourage faculty engaging in these activities. That said, we have the following specific concerns and suggestions:

1. Leave Extension beyond June 30: We note that the specific policy states that a leave of absence without pay shall not extend beyond June 30 of the academic year in which the leave is granted, except as may otherwise be required by law. This timing may indeed be related to the fact that appointment terms begin in July. However, certain activities may not operate on the same time frame as the University does, and this rule may create unnecessary work for faculty who receive an opportunity to participate in one of the stated activities toward the end of the academic year, as they will need to renew their leave soon after it begins. Based on this concern, UCSF's CAP would like to ask whether it would be sufficient to state that a leave of absence without pay shall not exceed one year in length.

2. *Consistency in Application of APM 759 across Professorial Ranks*: The proposed revision would allow Professors, Associate Professors, or equivalent academic ranks to take leaves without pay for more than one year. For persons of other ranks, leaves without pay for more than one year are only allowed under exceptional circumstances. We therefore question why there is one set of rules for Professors and Associate Professors and another set of rules for "Persons of other ranks." The same standard should apply to all faculty, and the UCSF Senate recommends that the proposed revisions to APM 759 be revised so that "persons of other ranks" can have their leaves of absence without pay renewed beyond one year if it is "in the interests of the University" just as it would be for Professors and Associate Professors. Additionally, UCSF's CFW recommends that the policy explicitly state what happens to a ladder rank nontenured faculty member's tenure clock if he/she should take a leave of absence without pay.

Thank you for the opportunity to opine on the revisions to this important APM. If you have any questions, please let me know.



Steven W. Cheung, MD, 2021-23 Chair
UCSF Academic Senate

Enclosures (2)
Cc: Steven Hetts, Chair, UCSF Committee on Academic Personnel
Lindsay Hampson, Chair, UCSF Committee on Faculty Welfare

UCSF Academic Senate

http://senate.ucsf.edu

Communication from the Committee on Academic Personnel

Steven Hetts, MD, Chair

October 28, 2021

TO: Steven Cheung, Chair of the UCSF Division of the Academic Senate

FROM: Steven Hetts, Chair, UCSF Committee on Academic Personnel

CC: Todd Giedt, Executive Director of the UCSF Academic Senate Office

RE: Systemwide Review of Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay

Dear Chair Cheung:

The Committee on Academic Personnel (CAP) writes to comment on the Systemwide Review of Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay. CAP is generally supportive of the proposed revisions to explicitly encourage leaves of absences for innovation and entrepreneurship activities, among other activities, as a means to support and encourage faculty engaging in these activities.

CAP is writing to ask about the specific policy that a leave of absence shall not extend beyond June 30 of the academic year in which the leave is granted, except as may otherwise be required by law. CAP recognizes that this timing may be related to the fact that appointment terms begin in July. However, CAP also notes that certain activities may not operate on the same time frame as the university does. This rule may create unnecessary work for faculty who receive an opportunity to participate in one of the stated activities toward the end of the academic year, as they will need to renew their leave soon after it begins. Based on this concern, CAP would like to ask whether it would be sufficient to state that a leave of absence without pay shall not exceed one year in length.

Thank you for the opportunity to comment on this important issue. If you have any questions on CAP's comments, please contact me or Academic Senate Analyst Liz Greenwood (liz.greenwood@ucsf.edu).

UCSF Academic Senate

https://senate.ucsf.edu

Committee on Faculty Welfare
Lindsay Hampson, MD, MAS, Chair

January 13, 2022

Steven Cheung, MD
Division Chair
UCSF Academic Senate

Re: Systemwide Review of Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay

Dear Chair Cheung:

The Committee on Faculty Welfare (CFW) writes to comment on the Systemwide Review of Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay. CFW supports revising APM 759 to explicitly allow for leaves of absence for innovation and entrepreneurship activities, but CFW questions why there is one set of rules for Professors and Associate Professors and another set of rules for "Persons of other ranks."

The proposed revision would allow Professors, Associate Professors, or equivalent academic ranks to take leaves without pay for more than one year. For persons of other ranks, leaves of pay for more than one year are only allowed under exceptional circumstances. CFW believes the same standard should apply to all faculty and recommends the proposed revisions to APM 759 be revised so that "persons of other ranks" can have their leaves of absence renewed beyond one year if it is "in the interests of the University" just as it would be for Professors and Associate Professors. Additionally, CFW recommends that the policy explicitly state what happens to a junior faculty member's tenure clock if they take a leave of absence.

Thank you for the opportunity to comment on this review. Please contact me or our Senate analyst Kristie Tappan if you have questions about CFW's comments.

Sincerely,

Lindsay Hampson, MD, MAS
Committee on Faculty Welfare Chair

UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
http://www.senate.ucsb.edu

January 18, 2022

To: Robert Horwitz, Chair
Academic Senate

From: Susannah Scott, Chair
Santa Barbara Division

Re: Proposed Revisions to Academic Personnel Manual (APM) 759 - Leaves of Absence/Other Leaves Without Pay

The Santa Barbara Division distributed the proposed revisions to the Council on Faculty Welfare, Academic Freedom, and Awards (CFW), Committee on Academic Personnel (CAP), and the Committee on Privilege and Tenure (P&T). CFW and P&T generally supported the revisions. Both CFW and CAP submitted several comments in response to the policy, which are attached for your review.

We thank you for the opportunity to comment.

Academic Senate
Santa Barbara Division

December 13, 2021

To: Susannah Scott, Divisional Chair
Academic Senate

From: Lisa Parks, Chair
Council on Faculty Welfare, Academic Freedom, and Awards

Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) 759 - Leaves of Absence/Other Leaves Without Pay

The Council on Faculty Welfare, Academic Freedom, and Awards met on December 1, 2021 to discuss the Proposed Revisions to Academic Personnel Manual (APM) 759 - Leaves of Absence/Other Leaves Without Pay.

Generally, members were supportive of the revisions. Some members expressed feeling conflicted about whether a cap should be imposed to limit the total time that a faculty can go on leave, as is the practice at other institutions e.g. Stanford. On the one hand, they acknowledged the need to reward/facilitate ingenuity and find mechanisms to support and retain talented faculty; on the other, they noted it usually only takes a few years for a startup to establish itself and they were mindful of the burdens imposed (by gaps in teaching and mentorship) on the faculty that remain on campus. In this context, they also acknowledged the university's intent to grow enrollments in the near term and the compounded impacts that will have on departments that are short-handed. Ultimately, they supported a department's ability to manage the decisions and to act in the interests of the university. Lastly, they hoped that this policy will allow for opportunities to be pursued by faculty across disciplines and not just STEM.

CC: Shasta Delp, Executive Director, Academic Senate

January 12, 2022

TO: Susannah Scott, Divisional Chair
Academic Senate

FROM: Omar Saleh, Chair
Committee on Academic Personnel

RE: Proposed Revisions to Academic Personnel Manual (APM) 759 - Leaves of Absence/Other Leaves Without Pay

CAP discussed the proposed changes to leave policy (APM 759) and wishes to make the following comments:

1. The proposed revision includes a list of activities that constitute 'good cause' for justifying a leave of absence. CAP was generally concerned that including lists in such policy documents directly implies that only the listed activities are permissible; replacing this list with a more general definition of the types of activities allowed would be more appropriate. More specifically, it seems inappropriate that 'innovation and entrepreneurship activities' are emphasized by being placed first in the list, while activities more clearly related to the mission of the university as a public educational institution (e.g. 'visiting appointments') are placed later. Finally, the list is notably lacking 'public service', which CAP feels is an activity that would clearly represent 'good cause,' and is closely tied to the university's mission.

2. Aspects of the discussion of extended leaves (longer than one year) are vague. It is stated that leaves can be renewed, "but not indefinitely"; CAP finds the phrase "but not indefinitely" to lack clarity. CAP further finds it inappropriate that extended leaves are apparently unconstrained for Professors and Associate Professors in 759-12-a, but, for other ranks (759-12-b), they are subject to clear constraints (if "the department wishes to retain the applicant's services" and if the leave "will enhance the applicant's value to the University"). It would be more appropriate for the constraints to be the same for all faculty. On this point, UCSB's own extended leave policy, RB VI-7-D, is more suitable, subjecting all faculty to the requirement that such leaves must present "a clear benefit to campus."

3. The proposed policy does not clarify how leaves, and particularly extended leaves, affect the review periods of merit advancements.

For the Committee,

Omar Saleh, Chair

UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
http://www.senate.ucsb.edu

October 25, 2021

To: Susannah Scott, Divisional Chair, Academic Senate

From: Risa Brainin, Chair, Committee on Privilege and Tenure

Re: Review of Proposed Revisions to the Academic Personnel Manual (APM 759)

At its meeting on October 13th, 2021, the Committee on Privilege and Tenure (P&T) discussed the proposed revisions to the Academic Personnel Manual (APM 759) regarding Leaves of Absence/Other Leaves Without Pay.

Following a careful review of the proposed changes, the Committee has decided to support the revisions without objection.

The Committee appreciates the opportunity to respond to these proposed changes to APM policy.

Cc: Shasta Delp, Executive Director, Academic Senate
Monica J. Solorzano, Analyst, Committee on Privilege and Tenure

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1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

January 18, 2022

Robert Horwitz, Chair
Academic Council

RE: **Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 759, Leave of Absence/Other Leaves Without Pay (APM-759)**

Dear Robert,

The Santa Cruz Division has reviewed the proposed revisions to APM Sections 759, Leaves of Absence/Other Leaves Without Pay. Our Committees on Affirmative Action and Diversity (CAAD), Faculty Welfare (CFW), Research (COR), Privilege and Tenure (P&T), and Rules, Jurisdiction and Elections (RJ&E) have responded. The Santa Cruz Division understands that the majority of the proposed revisions to Academic Personnel Manual (APM) 759 in this review are in response to recommendations made in the May 2021 report of the Regents Working Group on Innovation Transfer and Entrepreneurship. Our committees raised concerns that the proposed revisions appear to favor certain divisions, do not adequately define important terms, and do not address intellectual property concerns, the need for exceptional multi-year leave approvals, or the real impact of extended leaves on departmental colleagues. Recommendations to remedy these concerns may be found below.

Although the proposed revisions in Section 759-0 state that good cause for leaves of absence without pay "include, but is not limited to, leaves for: innovation and entrepreneurship activates, a visiting appointment at another intuition, professional development, or medical reasons", our responding committees raised concerns that the proposed revisions appear to favor certain divisions and entrepreneurial pursuits. The Santa Cruz Division recommends that additional examples of good cause be included, such as scholarly research and creative activity, so that the policy is applicable and available to faculty and academic appointees in all disciplines.

Section 759-12 notes that leave extensions of up to one year may be provided when "in the interests of the University". Our responding committees were left to question what the criteria was for determining these "best interests". This criteria should be clearly stated in the revised policy. In addition, our committees noted that there may be cases in which a multi-year leave may be needed, for instance, if a faculty member is asked to serve as an interim administrator at another institution for a specified period of time. The addition of an

option in 759-12 for the Chancellor to grant a multi-year leave for these exceptional cases would provide remedy, and could assist in the overall retention of exceptional UC faculty and academic appointees.

Other primary terms that are in need of clarification and further definition in the policy include "innovation" and "entrepreneurial activities". Examples of each should be included. Further, a discussion of what qualifies as "entrepreneurial activities" and what does not, would assist in drawing a clear line between academic and corporate interests.

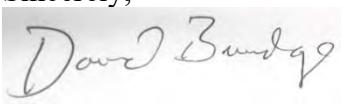
We would like to emphasize concerns that were raised regarding 759-12.b. – Leaves of Absence Without Pay for More Than One Year, Persons of Other Ranks, with regards to reappointment. The proposed policy states that for those at ranks other than Professor, Associate Professor, or the equivalent, reappointment "at the termination of leave is dependent upon availability of funds". The reference to "availability of funds" is vague, and appears contrary to the fundamental concept of an approved leave of absence, which implies that at its end, reappointment is assured. We also note that the non-reappointment of Assistant Professors is governed by other policies in the APM such as Section 220-20 – Condition of Employment and Section 220-84 – Procedure for Non-Reappointment of an Assistant Professor, which are not referenced here, but should be. Careful attention and revisions should be made to ensure that this section of policy does not become an unmarked "exit door" for pre-tenure faculty and other academic appointees.

The Santa Cruz Division does note that extended leaves of absence may create hardship for departments and departmental colleagues. Our responding committees raised particular concern that a policy of this kind may create inequities in a department where members who are not in a position to take a leave without pay are left to fill in and take on additional teaching and service responsibilities. The potential impacts of extended leave should be taken into consideration during the extended leave approval process. As for the potential impacts on the faculty member or academic appointee who takes a leave of absence without pay, there may be promotion and personnel action implications due to a reduction in teaching and service. As such, the revised policy should reference any relevant policies in the APM that speak to leave of absence and personnel review.

Our responding committees additionally raised concerns that the proposed policy does not adequately address intellectual property (IP) issues that may arise during leave for entrepreneurial pursuits. The policy should clearly state how these new provisions interact with individual campus IP/patent policies, and differentiate between IP developed using campus resources, and that developed under independent entrepreneurial pursuits of the faculty member or academic appointee. If there are other systemwide policies that outline the ownership of products produced while on leave, these should be referenced in the policy.

It is clear that the proposed changes to APM 759 - Leave of Absence/Other Leaves Without Pay are in need of further revision in order to be more inclusive, transparent, and clear. The Santa Cruz Division looks forward to the opportunity to opine on these new revisions in the near future.

Sincerely,



David Brundage, Chair
Academic Senate, Santa Cruz Division

cc: Kirsten Silva Gruesz, Chair, Committee on Affirmative Action and Diversity
Nico Orlandi, Chair Committee on Faculty Welfare
Jarmila Pittermann, Chair, Committee on Research
Julie Guthman, Chair, Committee on Privilege and Tenure
Kenneth Pedrotti, Chair, Committee on Rules, Jurisdiction, and Elections

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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UNIVERSITY COMMITTEE ON RESEARCH POLICY (UCORP)
Karen Bales, Chair
Email: klbales@ucdavis.edu

University of California
Academic Senate
1111 Franklin Street, 12th Fl.
Oakland, California 94607

January 14, 2022

ROBERT HORWITZ
CHAIR, ACADEMIC COUNCIL

RE: Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay

Dear Robert,

UCORP offers the following comments on the Proposed Revisions to APM 759, Leaves of Absence/Other Leaves Without Pay:

UCORP members' primary concern is with the ordering of identified reasons for leaves without pay. Listing "innovation and entrepreneurship" first gives the appearance of prioritizing that reason, which may or may not be intentional.

There was some confusion about the exception for Leaves of Absence Without Pay for More Than One Year, and how those decisions would be made. Because extended leaves of absence will likely have an impact on the teaching and service responsibilities of other members in a department, we suggest additional clarity regarding the potential length of leave renewals for Professors, Associate Professors or equivalent ranks.

UCORP appreciates the opportunity to comment on these revisions.

Sincerely,

Karen L. Bales

Karen Bales
Chair, University Committee on Research Policy

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UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
John Kuriyan, Chair
kuriyan@berkeley.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466

January 12, 2022

ROBERT HORWITZ, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED REVISIONS TO APM 759 (LEAVES OF ABSENCE/OTHER LEAVES WITHOUT PAY)

Dear Robert,

The Committee on Academic Personnel (UCAP) has reviewed the proposed revisions to proposed revision to APM 759 (Leaves of Absence/Other Leaves Without Pay) and we find that the revisions are appropriate. However, the committee notes that the following statement is ambiguous as to whether a one-year leave of absence that starts on a date other than July 1 is permitted:

"A leave of absence without pay shall not exceed one year in length and shall not extend beyond June 30 of the academic year in which the leave is granted, except as may otherwise be required by law."

UCAP feels that the specification that the leave should not extend beyond June 30 is unnecessary, given that it is stipulated that the leave of absence shall not exceed one year. If the June 30 date is retained, then it will be difficult for faculty to take a one-year leave of absence that does not start on July 1. This seems to us to introduce unnecessary rigidity, and may not have been intended.

UCAP appreciates the opportunity to comment on this matter. Please don't hesitate to contact me if you have any questions.

Sincerely,

John Kuriyan, Chair
UCAP

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UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Jill Hollenbach, Chair
Jill.Hollenbach@ucsf.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

January 19, 2022

ROBERT HORWITZ, CHAIR
ACADEMIC COUNCIL

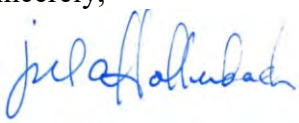
RE: Proposed Revisions to APM 759 (Leaves of Absence/Other Leaves without Pay)

Dear Robert,

The University Committee on Faculty Welfare (UCFW) has reviewed the proposed revisions to APM 759 (Leaves of Absence/Other Leaves without Pay), and we have several comments. UCFW supports flexibility when recognizing legitimate absences, but we do not support highlighting only entrepreneurial activities. As you know, not all disciplines are equally marketable, so unintended consequences, such as to teaching and service loads and to equity outcomes, should be considered. We note that intellectual property ownership policies should be clarified to avoid possible confusion regarding use of university resources while on such leaves. We question why current sabbaticals are inadequate, and we suggest including a "sunset" or other "cap" clause, should the proposal advance. For example, without a time limitation, an FTE within a given department could be tied up indefinitely. Finally, we note that this seems to be a companion piece to Regents' broader Innovation Transfer and Entrepreneurship initiative, and we think all associated recommendations should be considered as a whole, rather than piecemeal.

Thank you for your consideration.

Sincerely,



Jill Hollenbach, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate
Susan Cochran, Academic Council Vice Chair