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Office of the Academic Senate
SANTA CRUZ DIVISION
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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.

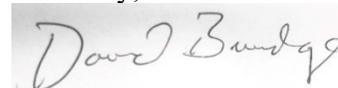
We would like to emphasize concerns that were raised regarding 759-12.b. – Leaves of Absence Without Pay for More Than One Year, Persons of Other Ranks, with regards to reappointment. The proposed policy states that for those at ranks other than Professor, Associate Professor, or the equivalent, reappointment “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