



## **Proposal to Review the Interim University of Maryland Policy Leave Without Pay for Faculty (Senate Document #19-20-26)**

**PRESENTED BY** Will Reed, Chair

**REVIEW DATES** SEC – April 27, 2021 | SENATE – May 4, 2021

**VOTING METHOD** In a single vote

**RELEVANT POLICY/DOCUMENT** [II-2.20\(A\) – University of Maryland Policy and Procedures on Leave Without Pay for Faculty](#)

**NECESSARY APPROVALS** Senate, President

### **ISSUES**

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In June 2020, revisions to the University of Maryland Policy and Procedures on Leave Without Pay (LWOP) for Faculty (II-2.20[A]) were approved on an interim basis, pending Senate review, to resolve a direct conflict with the University System of Maryland (USM) Policy on Leave Without Pay for Faculty (II-2.20), the USM Policy on Sabbatical Leave for Faculty (II-2.00), and the University of Maryland Policy and Procedures on Sabbatical Leave for Faculty (II-2.00[A]). Since the policy was created in 1991, the Associate Provost and the Senate leadership agreed that a comprehensive review was needed to ensure that the policy appropriately serves the needs of the University community.

### **RECOMMENDATIONS**

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The Faculty Affairs Committee recommends that the University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) be revised as shown immediately following this report.

The Faculty Affairs Committee recommends that the minor revisions to the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]) be made to clarify that tenure delay may be requested due to leave without pay as shown immediately following this report.

The Faculty Affairs Committee recommends that the Office of Faculty Affairs and the Division of Research should jointly develop a checklist that provides guidance for faculty members considering a leave without pay (LWOP) and Unit Heads responsible for reviewing LWOP Proposals. The checklist should outline the content and steps involved in the LWOP Proposal and the LWOP Request development and submission processes, as well as any potential compliance clearances and administrative changes that may be required for approval.

## COMMITTEE WORK

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The Faculty Affairs Committee (FAC) began discussing its charge in October 2020, and in November 2020, referred the charge to the Faculty Affairs Subcommittee for consideration. The FAC and the subcommittee reviewed the interim Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) and related USM policies, as well as peer institution research. The Office of Faculty Affairs, the President's Office, the Division of Research, and the Office of General Counsel were consulted throughout the review. The subcommittee received feedback on the interim policy from faculty members in several Colleges and Schools.

The review focused on ensuring compliance with the University of Maryland Policy on Conflict of Interest and Conflict of Commitment (II-3.10[A]), University of Maryland Intellectual Property Policy (IV.3.20[A]), and export control; providing for consultation with the Division of Research on matters related to grant or sponsored award administration during the faculty member's absence on leave without pay; considering the impacts of extended leave without pay on the mission and budget of a specific unit; and defining the roles and responsibilities of Unit Head(s) in reviewing and recommending approval of a faculty member's request for leave without pay.

The proposed revisions differentiate between the eligibility and procedures for personal and professional LWOP. The proposed revisions restructure the process for professional LWOP requests into two distinct phases: a planning and review phase and an approval phase. The initial phase provides information on the content that should be included in a LWOP Proposal and defines a collaborative process with the Unit Head to ensure that compliance reviews and any administrative matters are addressed. The second phase allows a Unit Head to recommend a LWOP Proposal to the next-level administrator as a formal LWOP Request, which is considered for approval through a defined pathway that includes the Dean, if applicable, the Office of Faculty Affairs, and the Senior Vice President and Provost, who is the final approval authority. The procedures also specify that a LWOP Proposal should be submitted at least six months in advance of the requested leave period; however, the next-level administrator is given the flexibility to waive that requirement on a case-by-case-basis if there is supporting justification and if the proposal is received at least 90 days prior to the start date for the leave period. The proposed revised policy retains the provision in the interim policy that the decision of the Senior Vice President and Provost is final.

Within the proposed policy, LWOPs may be approved for a period of one year or less, with the option to request an extension for one additional year. Requiring a request for an extension allows for an additional review and confirmation of the required compliance considerations and management of instructional and administrative matters. The revised policy does not discourage LWOP for a longer period and allows an exception to the one-year leave period to be granted for exceptional and specific circumstances, when accompanied by an approved Memorandum of Understanding (MOU).

The review included consideration of the potential impact of taking LWOP on tenure-track and permanent status-track faculty and their progress toward tenure or permanent status. It was recommended that faculty generally should not disrupt their progress towards tenure and permanent status with external engagements. The proposed revisions to the LWOP policy allow tenure-track and permanent status-track faculty to be eligible for a one-year tenure delay and encourages a delay in order to prevent adverse effects on their tenure progress. It is recognized that there may be extraordinary circumstances that would warrant a LWOP for professional reasons, so the proposed policy gives discretion to the Senior Vice President and Provost to approve a LWOP in such circumstances.

The subcommittee forwarded its recommended policy revisions to the Faculty Affairs Committee for consideration. The Faculty Affairs Committee reviewed the recommended proposed revisions and, in its review and consultations with key stakeholders, decided to add two recommendations related to the LWOP process and the tenure delay policy.

On April 23, 2021, the Faculty Affairs Committee voted by email to approve the proposed revisions to the University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) and its recommendations.

## **ALTERNATIVES**

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The Senate could choose not to accept the recommendation. However, the University would lose an opportunity to create and clarify the processes for proposing and requesting leave without pay for professional reasons.

## **RISKS**

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There are no risks to the University in adopting these recommendations.

## **FINANCIAL IMPLICATIONS**

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There are no known financial implications to adopting these recommendations.



## Interim University of Maryland Policy on Leave Without Pay for Faculty

### 2020-2021 Committee Members

**Will Reed** (Chair)

**John Bertot** (Ex-Officio Provost's Rep)

**Michele Eastman** (Ex-Officio President's Rep)

**Marc Pound** (Ex-Officio CUSF Rep)

**Jackie Richmond** (Ex-Officio Director of UHR Rep)

**Ellin Scholnick** (Ex-Officio Ombuds Officer)

**Saverio Giovacchini** (Faculty Senator)

**Tracy Huard** (Faculty Senator)

**Agisilaos Iliadis** (Faculty Senator)

**Nicole LaRonde** (Faculty Senator)

**Mark Fuge** (Faculty)

**Jessica O'Hara** (Faculty)

**Kevin Roy** (Faculty)

**Beth St. Jean** (Faculty)

**Wendy Stickle** (Faculty)

**Donald Webster** (Faculty)

**Mary Shelley** (Staff)

**Naette Lee** (Graduate Student)

**Autumn Perkey** (Graduate Student)

**Shawn Nijjar** (Undergraduate Student)

### Date of Submission

**April 2021**

## BACKGROUND

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In June 2020, revisions to the University of Maryland Policy and Procedures on Leave Without Pay (LWOP) for Faculty (II-2.20[A]) (Appendix 1) were approved on an interim basis, pending Senate review. In May 2020, the Associate Provost for Faculty Affairs informed the Senate leadership that the current LWOP policy was in direct conflict with the University System of Maryland (USM) Policy on Leave Without Pay for Faculty (II-2.20), the USM Policy on Sabbatical Leave for Faculty (II-2.00), and the University of Maryland Policy and Procedures on Sabbatical Leave for Faculty (II-2.00[A]), which all stipulate that "leave of absence without pay shall not be counted as service for purposes of sabbatical leave." The interim policy was put into place to resolve the conflict. Since the policy was created in 1991 (Appendix 2) and had not been reviewed since, the Associate Provost and the Senate leadership agreed a comprehensive review was needed to ensure that the policy appropriately serves the needs of the University community.

In September 2020, the Senate Executive Committee (SEC) charged the Faculty Affairs Committee (FAC) with reviewing the interim University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) (Appendix 3).

## FACULTY AFFAIRS COMMITTEE WORK

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The FAC began discussing its charge in October 2020. In its initial discussions and review of the charge, the committee learned that although the policy had been amended to comply with USM and University policies, there were several additional procedural concerns, including an issue related to professional LWOP requests that involve accepting an engagement with an external entity, that were not addressed in the interim policy. Among those considerations were:

- Providing a procedure that ensures compliance with the University of Maryland Policy on Conflict of Interest and Conflict of Commitment (II-3.10[A]), University of Maryland Intellectual Property Policy (IV.3.20[A]), and export control;

- Providing guidance for consulting with the Division of Research to determine whether the Principal Investigator or Co-Principal Investigator designation or other requirements for grant or sponsored award administration need to be adjusted during the faculty member's absence on leave without pay; and
- Defining the roles and responsibilities of Unit Head(s) in reviewing and recommending approval of a faculty member's request for leave without pay.

The FAC also heard concerns from administrative representatives serving on the committee that there had been occasions when faculty members were able to extend their leave without pay period for more than five years. This made it challenging for the Unit Head to be able to manage the course demands within the Unit during the extended leave period. In addition, the FAC learned that some Units would hire new faculty on lines that were already occupied by a faculty member on LWOP and then request additional funding for the faculty member upon their return to the University from their leave without pay, which creates a unique budgetary challenge for Unit Heads and administrators.

Shortly after the FAC began its consideration of the charge to review the interim policy on leave without pay, the Senate leadership decided that it should form a standing subcommittee of the full Faculty Affairs Committee in order to try to distribute the substantial workload within the committee by referring specific items to the subcommittee and asking it to make a recommendation to the full committee. The LWOP policy charge was among the issues referred to the new standing subcommittee of the FAC.

## **SUBCOMMITTEE WORK**

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The FAC subcommittee began its work in November 2020. It reviewed the interim Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) and related USM policies. The subcommittee also consulted with the ex-officio representatives from the Office of Faculty Affairs (OFA), the President's Office, the Division of Research, and the Office of General Counsel (OGC).

The FAC subcommittee received feedback on the interim policy from faculty members in several Colleges and Schools. Faculty in the Department of Computer Science expressed significant concerns about the interim policy and also provided additional suggestions from faculty in the A. James Clark School of Engineering, the College of Computer, Mathematical, and Natural Sciences; the College of Behavioral and Social Sciences; the College of Informational Studies; and the Robert H. Smith School of Business, and the Computer Science LWOP on those concerns to the subcommittee.

The feedback from various faculty members emphasized the importance and effectiveness of allowing faculty to use leave without pay to engage with external stakeholders such as industrial and commercial organizations, and underscored the overarching concern that the interim policy is too restrictive. The faculty that the subcommittee consulted with also noted that other institutions permit leave periods for two to five years, and emphasized that a progressive and modernized leave without pay policy is necessary for the University to be competitive in recruiting faculty members and graduate students, and obtaining research funding. Among the substantive concerns raised by the faculty were that:

- It is not feasible to expect a request for LWOP to be submitted at least six months in advance of the leave period because most external partners, both private and government, do not operate on such extended timelines;

- Prohibiting faculty members from any opportunity to appeal or grieve the denial of a LWOP request is a denial of due process, particularly for faculty who believe that they are being singled out or who are members of a protected class; and
- LWOP should be able to be granted for more than one year and encouraged for a two-year period when it is beneficial to the University or the State of Maryland, and multi-year LWOPs should be considered and approved on a case-by-case basis.

Following consultations with the Associate Provost for Faculty Affairs, the subcommittee realized that there were two significant principles related to LWOP for professional reasons that should be addressed in the policy. First, there are a number of compliance reviews such as conflict of interest, conflict of commitment, intellectual property, and export control, as well as those related to grant and sponsored award administration that may need to be completed during the consideration of a LWOP request for professional reasons, depending on the circumstances of the individual request. Second, instructional and advising responsibilities, especially advising and mentoring graduate students and their research, need to be managed during the leave period without compromising the educational experience, quality of instruction, and research-related mentorship of students, as well as balancing the needs of the department or unit. Guided by these principles, the subcommittee considered several revisions to the interim policy related to leave without pay for professional reasons.

The proposed revisions to the policy and procedures restructure the process for professional LWOP requests into two distinct phases, a planning and review phase and an approval phase. This approach was based on feedback from faculty that the planning and compliance aspects of the process is best handled outside of the approval phase. The initial phase of the process provides information on the content that should be included for the development of a LWOP Proposal and defines a collaborative process with the Unit Head to ensure that compliance reviews and any administrative matters are addressed. The second phase allows a Unit Head to recommend a LWOP Proposal that has completed the requirements of the first phase to the next-level administrator as a formal LWOP Request, which is considered for approval through a defined pathway that includes the Dean, if applicable, the Office of Faculty Affairs, and the Senior Vice President and Provost who is the final approval authority. The procedures also specify that a LWOP Proposal should be submitted at least six months in advance of the requested leave period; however, the next-level administrator is given the flexibility to waive that requirement on a case-by-case-basis if there is supporting justification and if the proposal is received at least 90 days prior to the start date for the leave period.

The subcommittee agreed with the feedback that it received from faculty and the Associate Provost for Faculty Affairs that leave without pay is not a protected right of employment, so the decision of the Senior Vice President and Provost will remain final and will not be subject to appeal or open to grieve. In addition, if faculty members and unit heads perform their due diligence and ensure that compliance reviews are completed during the proposal process, review and approval of the LWOP Request through the defined pathway of the Deans, the Office of Faculty Affairs, and final approval by the Senior Vice President and Provost, can proceed in a much more efficient and expeditious manner.

The subcommittee considered faculty feedback and peer institution research. It determined that it is important to balance a faculty member's obligations and commitment to the University and its students with the benefits that are available when faculty members participate in external engagements with public and private entities. In order to address this balance, the subcommittee recommends that LWOPs be approved for a period of one year or less, with the option to request an

extension for one additional year. Approving a leave without pay for a period of one year allows for an additional review and confirmation of the required compliance considerations and management of instructional and administrative matters when the extension request is reviewed. The policy does not include a statement discouraging LWOP for a longer period and allows an exception to the one-year leave period to be granted for exceptional and specific circumstances, when accompanied by an approved Memorandum of Understanding (MOU).

The charge from the SEC included a request to consider the potential impact of taking LWOP on tenure-track and permanent status-track faculty and their progress toward tenure or permanent status. Recognizing that teaching effectiveness, research and scholarship, and service, as well as input from peers are important criteria for tenure and permanent status, the subcommittee determined that tenure-track and permanent status-track faculty should not disrupt their progress towards tenure and permanent status with external engagements. However, the subcommittee recognized that there may be extraordinary circumstances that would warrant a tenure-track or permanent status-track faculty member taking a LWOP for professional reasons, and decided that the policy should give discretion to the Senior Vice President and Provost to approve a LWOP in such circumstances. In these cases, the subcommittee felt that faculty should receive a one-year automatic delay of their consideration for tenure or permanent status. While provisions in the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]) do not allow for an automatic tenure delay, the proposed revisions to the LWOP policy clearly allow tenure-track and permanent status-track faculty to be eligible for a one-year tenure delay and encourages them to follow the process for requesting one in order to ensure that the faculty member is not adversely affected by their time on leave.

Finally, the subcommittee identified a need to differentiate between the eligibility and procedures for personal and professional LWOP Requests. The proposed revisions to the policy indicate that the eligibility and criteria requirements for professional LWOP do not apply to personal LWOP requests and that emergency requests for LWOP for personal reasons do not require the submission of a formal LWOP Proposal.

The subcommittee consulted with the Office of General Counsel on the draft policy language. After due consideration, the subcommittee voted by email on April 22, 2021, to approve the proposed revisions to the interim policy as its recommendation and forward them to the Faculty Affairs Committee for consideration and potential recommendation of the proposed revisions to the University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) to the Senate.

## **FACULTY AFFAIRS COMMITTEE REVIEW OF SUBCOMMITTEE RECOMMENDATION**

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The Faculty Affairs Committee reviewed the recommended proposed revisions forwarded from the subcommittee. In its review and in consultations with key stakeholders, the Faculty Affairs Committee decided to add two additional recommendations related to processes and tenure delay.

In its review, the subcommittee felt that it would be best for tenure-track and permanent status-track faculty who take LWOP for professional reasons to receive a one-year automatic delay of their consideration for tenure or permanent status. Since the delay process cannot be automatic, the subcommittee instead recommended revisions to the University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) to encourages faculty to request a delay in order to ensure that the faculty member is not adversely affected by their time on leave. The University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]) allows for tenure delay for professional reasons when “ individual,

departmental, or facility related situations that are beyond the control of the faculty member and substantially impede normal professional development of the faculty member.” This language is not broad enough to encompass LWOP circumstances, since professional LWOP is typically within the control of the faculty member. Therefore, in consultation with OGC and OFA, the committee developed an administrative recommendation to make minor modifications to the extension of time for tenure review policy to clarify that a tenure delay may be granted in cases involving LWOP.

The subcommittee also expressed that it is important for faculty members and Unit Heads to understand their responsibilities and expectations in developing and reviewing LWOP Proposals and to have guidance in addition to the revised Policy. The Faculty Affairs Committee developed a recommendation, in consultation with OFA, that a checklist should be developed to help explain the process. The checklist would detail the compliance clearances and attestations noted in the Policy, as well as other specific considerations that should be detailed in the Proposal or Request.

On April 23, 2021, the Faculty Affairs Committee voted by email to approve the proposed revisions to the University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) and the recommendations below.

## **RECOMMENDATIONS**

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The Faculty Affairs Committee recommends that the University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]) be revised as shown immediately following this report.

The Faculty Affairs Committee recommends that the minor revisions to the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]) be made to clarify that tenure delay may be requested due to leave without pay as shown immediately following this report.

The Faculty Affairs Committee recommends that the Office of Faculty Affairs and the Division of Research should jointly develop a checklist that provides guidance for faculty members considering a leave without pay (LWOP) and Unit Heads responsible for reviewing LWOP Proposals. The checklist should outline the content and steps involved in the LWOP Proposal and the LWOP Request development and submission processes, as well as any potential compliance clearances and administrative changes that may be required for approval.

## **APPENDICES**

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- Appendix 1 — 2020 Interim University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A])
- Appendix 2 — 1991 University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A])
- Appendix 3 — Charge from the Senate Executive Committee





## **II-2.20(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES ON LEAVE WITHOUT PAY FOR FACULTY**

(Approved by the President August 1, 1991; Amended and approved on an interim basis pending Senate review on June 23, 2020)

### **I. Introduction**

The University of Maryland is dedicated to the discovery and transmission of knowledge; the achievement of excellence in all academic disciplines; and the growth and development of our society. Faculty support those goals through their research, scholarship, and service as well as through innovation and entrepreneurship. There may be professional development opportunities for faculty to go beyond their capabilities at the University and temporarily engage with industry, laboratories, federal agencies, not-for-profit and nonprofit entities, or other institutions in order to further the mission of the University and allow the faculty member to grow professionally.

Faculty engagement in strategic partnerships with external entities requires thoughtful consideration and compliance with the University System of Maryland (USM) Policy on Leave Without Pay for Faculty ([II-2.20](#)), as well as with other University policies and State of Maryland laws and regulations. The University and the faculty member need to exercise due diligence to ensure compliance with these policies, laws, and regulations and also to ensure that core missions and responsibilities are not compromised by the faculty member's absence from the University. It is critical to forge a balance between the benefits of the engagement for the faculty member and the University and the impact on resources and other University obligations. This policy and procedures describes the process for a faculty member to request and be granted a temporary leave of absence without pay from the University for personal or professional reasons such as participating in opportunities with external entities that advance the University's mission or enhance the faculty member's ability to support that mission.

### **II. Definitions**

- A. "Leave Without Pay" (LWOP) means a temporary and fixed-period reduction in service to the University with concomitant reduced compensation. It does not include a sabbatical leave. A LWOP may be granted for professional reasons or for personal reasons. A LWOP is not a change from full-time (100%) to part-time status or a change in calculating the appointment's full-time equivalency (FTE). A LWOP may be:
1. Partial: reduced service and compensation; or
  2. Full: complete suspension of compensable services.
- B. "LWOP Proposal" means the information about the requested LWOP, including a description of the purpose of the leave, how it conforms to the criteria for LWOP, a plan to minimize disruptions to the academic, research, extension, or service programs of the faculty member's academic unit(s), a commitment to seek the appropriate compliance requirements, and an attestation by the faculty member that they will comply with any University requirements necessary for a Unit Head to make a

determination about a LWOP.

- C. “LWOP Request” means a LWOP Proposal or a request for an extension of a LWOP that has been reviewed by the Unit Head and recommended for approval.
- D. “Sabbatical Leave” means a discretionary period of paid leave granted after six years of service at the University to tenured faculty members who wish to conduct scholarly work and research activities that would advance the faculty member’s standing in the professional community and further the University’s mission.
- E. “Unit Head” means a Department Chair, Dean, or any University administrator who has a supervisory relationship to a faculty member who is seeking a LWOP.

### **III. Policy**

- A. This Policy and Procedures applies to all faculty who have been continuously employed at the University for at least one year prior to the beginning of the proposed leave period.
  - 1. Faculty members may request an exception to the one-year eligibility requirement by requesting the approval of the Senior Vice President and Provost.
  - 2. Specific eligibility criteria for professional LWOP are defined in section IV of this Policy and Procedures.
- B. The authority to approve LWOP Requests lies with the President or their designee.
  - 1. The President has delegated the authority to approve LWOP Requests and extensions to the Senior Vice President and Provost.
- C. LWOP may be granted for professional reasons if the purpose of the leave is to advance the University's mission of teaching, research, and service or to enhance the ability of the faculty member to support that mission.
- D. LWOP may be granted for personal reasons such as medical necessity. Requests for LWOP for these types of circumstances are available to all faculty and will be handled on a case-by-case basis and based on the needs of the situation. These requests are not limited by the criteria in section IV of this Policy and Procedures.
- E. LWOPs are approved for a period of one year or less.
  - 1. A LWOP may be extended for up to one additional year with the approval of a LWOP extension request. These requests must be accompanied by a Memorandum of Understanding (MOU) between the faculty member, the faculty member’s Unit Head(s), and other relevant parties, as appropriate.
    - a. LWOP extension requests must be submitted to the Unit Head(s) for their consideration and potential endorsement and must follow the same approval process as the original LWOP Request defined in section VII of this Policy and Procedures.
    - b. The MOU should articulate the rationale for the extension of the leave period, the conditions and terms of the leave extension, and the start and end dates of

the extended leave period.

- c. The MOU must be approved by the Senior Vice President and Provost.
2. LWOP Requests that are deemed to benefit the University as identified in section V of this Policy and Procedures may, under exceptional circumstances, be granted an exception to the one-year limitation for the LWOP period. These requests must include an MOU, as specified in section III.E.1 above.
- F. LWOP shall not count toward the period used in determining eligibility for sabbatical leave and may not be contiguous with a sabbatical, except in exceptional circumstances and with approval of the Senior Vice President and Provost.
- G. LWOP shall not extend beyond the termination of the faculty member's appointment at the University.
- H. Faculty members who hold administrative positions at the University and are approved for a LWOP may not retain those positions during the leave period.
- I. Faculty members who fail to return to the University to resume their faculty responsibilities at the conclusion of the LWOP period without contacting the University or making other arrangements will be in violation of this Policy and Procedures and in dereliction of their duties, and may face disciplinary action up to and including termination.
- J. This Policy and Procedures addresses extended leaves that are not covered under the University of Maryland Procedures Related to Family and Medical Leave for Faculty (II-2.31[A]). They do not apply to short-term leave for jury duty, illness, or personal reasons; sabbatical leave; or permanent reduction of the full-time-equivalent (FTE) University appointment of the faculty member.

#### **IV. Eligibility & Criteria for Professional LWOP**

##### **A. Eligibility for Professional LWOP**

1. Faculty on the tenure-track or permanent status-track must demonstrate extraordinary circumstances to be considered for professional LWOP.
2. LWOP may not be granted to a faculty member who holds a permanent faculty position at another institution.

##### **B. Criteria for Professional LWOP Requests**

1. The LWOP should not significantly disrupt the program of the faculty member's academic unit(s).
2. The intended activities during a professional LWOP should benefit the University. Benefits may include, but are not limited to:
  - a. Support for the University's mission of teaching, research, and service;
  - b. Development of University derived innovation, or entrepreneurial activities;
  - c. Public service, or improvement of the public welfare; or

d. Enhancement of a faculty member's professional competence or stature.

**V. Specific Circumstances for Professional LWOP**

- A. Public Service: LWOP may be granted to allow a faculty member to serve in a position in federal, state, and local government agencies or to perform some other form of public service that requires a temporary interruption of normal University activities. Such LWOP can improve a faculty member's professional competence upon their return to the University. Service of this nature is also a contribution that the University community can make to the public good by lending the expertise of its members to improving the public welfare.
- B. Private/for-profit Sector Engagement: LWOP may be granted to allow faculty to serve in positions within the private/for-profit sector to foster collaboration, entrepreneurship, and innovation. Such LWOP can improve a faculty member's professional competence upon their return to the University and foster collaborative ventures and community engagement.
- C. Non-profit and Non-governmental Institution Sector Engagement: LWOP may be granted to allow faculty to serve in positions within the non-profit or non-governmental institution sectors such as foundations or national academies that are intended to foster collaboration and/or to serve the public good. Such LWOP can improve a faculty member's professional competence and standing upon their return to the University, foster collaboration, and promote community engagement.

**VI. Proposals for LWOP**

- A. The preliminary process for requesting a LWOP begins with a faculty member's submission of a LWOP Proposal.
  - 1. Emergency requests for personal LWOP do not require the submission of a formal LWOP Proposal and will be handled on a case-by-case basis.
- B. LWOP Proposals must contain, as applicable and appropriate to the request:
  - 1. A description of the purpose of the leave;
  - 2. A description of how the leave conforms to the provisions of this Policy and Procedures and any extraordinary circumstances that should be considered with the request, if applicable;
  - 3. A plan to minimize disruption of the academic, research, extension, or service program of the faculty member's unit(s);
  - 4. A plan for addressing grant administration during the LWOP when the faculty member is a Principal Investigator (PI), Co-PI, or key personnel, developed in consultation with their Unit Head(s) and the Office of Research Administration (ORA);
  - 5. A commitment from the faculty member to seek the necessary compliance clearances, such as conflict of interest, intellectual property, and export control in accordance with University policies and procedures, and any relevant

documentation of compliance reviews; and

6. Attestation by the faculty member that they will comply with any University requirements determined necessary for their LWOP Request.
- C. Normally, LWOP Proposals should be submitted in writing to the Unit Head at least six months prior to the commencement of the proposed leave.
- D. Unit Heads will determine whether they support the LWOP Proposal, or if it will be denied or returned to the faculty member for further information and development. Revised LWOP Proposals must be submitted in alignment with section VI.C above.
- E. All LWOP Proposals must be collaboratively reviewed by the Unit Head and the faculty member to ensure that:
1. The proposal meets the provisions for a LWOP defined in this Policy and Procedures;
  2. Compliance reviews such as conflict of interest, conflict of commitment, intellectual property, and export control are conducted, if applicable, after consultation with the Division of Research to determine which compliance reviews may be appropriate for the LWOP Proposal;
  3. The LWOP Proposal and the faculty member are in compliance with USM and University policies and review requirements, and the Unit Head attests to such compliance;
  4. An MOU related to the intended leave is developed and appropriate approvals are obtained, if applicable and necessary, as specified in section III.E.1 of this Policy and Procedures;
  5. The faculty member understands applicable restrictions imposed by law; and/or University policies and guidelines concerning:
    - a. The faculty member's use of University intellectual property, including intellectual property developed by the faculty member;
    - b. Interactions with University students;
    - c. Public ethics law; and
    - d. Other matters such as conflicts of interest and export controls; and
  6. The faculty member is informed that they should contact the Benefits Office regarding the impact of the LWOP on benefits eligibility.
- F. Any revisions to the LWOP Proposal after compliance reviews have been completed must be resubmitted for additional review and approval.
- G. LWOP Proposals recommended by the Unit Head for further consideration should be put forward as a formal LWOP Request to the next-level administrator(s) for approval. For departmentalized Colleges/Schools, the next-level administrator(s) shall be the Dean(s).

- H. The next-level administrator has discretion to waive the six (6) month LWOP Proposal period on a case-by-case basis upon submission of supporting justification, provided the LWOP Proposal is received at least ninety (90) days prior to the commencement of the proposed leave. Failure to submit a complete LWOP Proposal may result in the LWOP Request being denied or the start date for the LWOP period being delayed.

## **VII. LWOP Request Approval Process**

- A. The Dean(s) should review the LWOP Request and any associated compliance approvals and/or MOUs, if applicable, and decide whether or not to approve the request.
- B. LWOP Requests, approved by the Dean(s) for further consideration should be forwarded to the Office of Faculty Affairs for a final review prior to consideration by the Senior Vice President and Provost.
- C. The Senior Vice President and Provost will make the final decision to grant or deny LWOP Requests and will notify the faculty member of their decision in writing, with a copy to the faculty member's Unit Head(s).
- D. The decision by the Senior Vice President and Provost is final and not subject to appeal or grievance.

## **VIII. Impact of LWOP**

- A. Tenure & Permanent Status Delay
  - 1. Tenure-track and permanent-status track faculty members who have been approved for LWOP are eligible for a one-year delay of their consideration for tenure or permanent status during the LWOP regardless of the total period of the LWOP and in accordance with the University of Maryland Policy & Procedures on Appointment, Promotion, and Tenure of Faculty (II-1.00[A]), the University of Maryland, College Park Policy on Appointment, Promotion, and Permanent Status of Library Faculty (II-1.00[B]), and the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]). Faculty should submit a formal request for a tenure delay or a permanent-status delay through the procedures established by the Office of Faculty Affairs.
- B. Other Benefits
  - 1. A faculty member on LWOP may continue to participate in retirement, health and medical programs, and other benefit programs only to the extent and under the conditions permitted by each program.
  - 2. Upon being granted leave, it is the responsibility of the faculty member to contact the Benefits Office to determine which benefits will continue during the LWOP period.



## **II-1.00(D) UNIVERSITY OF MARYLAND POLICY ON EXTENSION OF TIME FOR TENURE REVIEW DUE TO PERSONAL AND PROFESSIONAL CIRCUMSTANCES**

(Approved by President William E. Kirwan on August 13, 1996; Amended June 2, 2006; March 6, 2007; Amended and approved March 25, 2020)

Terminological Note: In the provisions below, the term “Chair” refers to the administrator of the first level of review of a faculty person’s request for an extension. In non-departmentalized Colleges and Schools, this will be the Dean.

### **I. Policy**

#### **A. Eligibility for a Delay**

1. Any faculty member may request an extension of time for tenure consideration based on personal or professional circumstances. Personal circumstances are individual or family situations that substantially impede normal professional development of the faculty member. Professional circumstances are individual, **unit level** ~~departmental~~, or facility related situations that are beyond the control of the faculty member and substantially impede normal professional development of the faculty member **or may be related to an approved leave without pay (LWOP)**. The University will normally grant up to two one-year extensions, each tied to a different initiating event. Such a request shall be made no later than the end of the Spring semester prior to the year in which the individual is slated to be reviewed.
2. The following shall be considered a nonexclusive list of personal circumstances that might support such a request:
  - a. The assumption of parenting responsibilities through childbirth, adoption, foster care, or legal guardianship;
  - b. Personal illness or injury;
  - c. Care of ill or injured dependents, including children, relatives, or any other persons who are dependent on the applicant for care; or
  - d. Death of a spouse, family member, or other closely affiliated person.
3. If the extension is granted, an appropriate indication shall be placed in the applicant’s University personnel file and a notification will be sent by the Office of

Faculty Affairs to the faculty member, the Chair, and the Dean. Appropriate adjustments shall be made to the contract review timetable. All documentation regarding the rationale for the request shall be kept confidential and maintained in a file separate from the faculty member's official institutional personnel file. This confidential file may be accessed by and must be released to the applicant upon request.

4. No person shall be discriminated against in any promotion and tenure proceedings for seeking or obtaining an extension under this provision.
5. Any faculty member who feels an extension request has been denied inappropriately may bring the case to the attention of the Faculty Ombuds Officer or appeal the decision **in accordance with the University of Maryland Policies and Procedures Governing Faculty Grievances (II-4.00[A])** ~~through the Faculty Grievance Procedure.~~

B. Procedures for Obtaining a Delay due to the Assumption of Parenting Responsibilities

1. The procedures for obtaining an extension for the assumption of parenting responsibilities differ from the procedures for obtaining an extension for other causes. Any tenure-track faculty member who becomes the parent of a child by birth, adoption, foster care, or legal guardianship will automatically be granted a one-year extension of the deadline for tenure review by the **Senior Vice President and Provost**, upon mandatory written notification by the faculty member's department. A second automatic extension for the addition of another child to the family will be granted as long as the total number of all extensions does not exceed two.
2. Normally, the process of securing tenure delay should be initiated within a month of the expected arrival of the child. After having been given notice by the faculty member of the child's expected arrival, it is the Chair's responsibility to initiate the formal process. For purposes of record keeping, the Chair shall inform the Dean, **Senior Vice President and Provost**, and the Office of Faculty Affairs of the extension and the reasons for granting the extension. The Office of Faculty Affairs will send a written acknowledgment of receipt of notification to the faculty member, the Chair, and the Dean, and ensure that an appropriate indication is placed in the applicant's University personnel file.
3. Although the extension of the deadline for review is automatic, faculty members have the option at any time to be reviewed earlier and obtaining the delay shall be considered normal progress in the promotion process.

C. Other Personal **or Professional** Circumstances



1. Tenure track faculty may request a one-year extension of time for tenure consideration based on personal ~~or professional~~ circumstances such as those listed in **section I.A.2- of this Policy or professional circumstances such as a LWOP.**
2. To do so, the faculty member must make a request for **an** extension in writing to the **department** Chair. The request for **an** extension and the rationale for the request shall be treated confidentially. Only the granting of an extension shall be made public.
3. The Chair may ask for suitable supporting material from the applicant indicating the personal or professional circumstance and how the professional development is substantially impeded **or information on the approved LWOP**, and shall afford the applicant an opportunity for a personal discussion of the extension request. In deciding to recommend the request for a tenure delay, the Chair may take into account the time elapsed since the event under consideration, but the applicant shall not be denied an extension for having attempted to maintain progress towards tenure despite hindering personal or professional circumstances.
4. The Chair shall forward the request with **their** ~~his or her~~ recommendation to the Dean, who shall forward the material with **their** ~~his or her~~ recommendation to the **Senior Vice President and** Provost for final approval.



## **II-2.20(A) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES ON LEAVE WITHOUT PAY FOR FACULTY**

(Approved by the President August 1, 1991; Amended and approved on an interim basis pending Senate review on June 23, 2020)

### **I. Purpose**

There are situations in which a temporary leave of absence without pay from the University may be granted to a faculty member. This policy and procedures set forth conditions for granting such requests.

### **II. Definitions**

- A. “Leave Without Pay” (LWOP) means a temporary and fixed-period reduction in service to the University, for up to one year, with concomitant reduced compensation. It does not include a sabbatical leave. A LWOP is not a change from full-time (100%) to part-time status or a change in calculating the appointment’s full-time equivalency (FTE). A LWOP may be:
  - 1. Partial: reduced service and compensation; or
  - 2. Full: complete suspension of compensable services.
- B. “Sabbatical Leave” means a period of paid leave granted after six years of service at the University to tenured faculty members who wish to conduct scholarly work and research activities that would advance the faculty member’s standing in the professional community and further the University’s mission.
- C. “Unit head” shall refer to a department Chair, Dean, or any University administrator who has a supervisory relationship to a faculty member who is seeking a LWOP.

### **III. Policy**

- A. This policy and procedures allow for LWOP in accordance with the University System of Maryland (USM) Policy on Leave Without Pay for Faculty (II-2.20).
- B. This policy and procedures apply to all eligible University of Maryland faculty covered by the provisions of the University of Maryland Policy & Procedures on Appointment, Promotion, and Tenure of Faculty (II-1.00[A]).
- C. The authority to approve LWOP requests lies with the President.
  - 1. The President has delegated the authority to approve LWOP requests and renewals to the Senior Vice President and Provost.

- D. This policy and procedures address extended leaves that are not covered under the University of Maryland Procedures Related to Family and Medical Leave for Faculty (II-2.31[A]). They do not apply to short-term leave for jury duty, illness, or personal reasons; sabbatical leave; or permanent reduction of the full-time-equivalent (FTE) University appointment of the faculty member.

#### **IV. Applicability and Procedures**

##### **A. Eligibility**

1. To be eligible for a LWOP, a faculty member must:
  - a. Be employed on a full-time term or continuing contract; and
  - b. Normally, have been employed at the University as a faculty member for at least one year prior to the beginning of the proposed leave. Exceptions must be approved by the Senior Vice President and Provost.

##### **B. Criteria for Approval**

1. LWOP requests must fulfill specific criteria for consideration:
  - a. The LWOP should not significantly disrupt the program of the faculty member's academic unit(s).
  - b. The intended activities during the LWOP should benefit the University. Benefits may include, but are not limited to:
    - i. Support for the University's mission of teaching, research, and service;
    - ii. Development of University derived innovation, or entrepreneurial activities;
    - iii. Public service, or improvement of the public welfare; or
    - iv. Enhancement of a faculty member's professional competence or stature.
2. A LWOP may be granted for personal reasons, which must be substantiated upon request.

##### **C. Specific Circumstances for LWOP**

1. Opportunities or circumstances that may merit a LWOP include:
  - a. **Public Service:** LWOP may be granted to allow a faculty member to serve in a position in federal, state, and local government agencies or to perform some other form of public service that requires a temporary interruption of normal University activities. Such LWOP can improve a faculty member's professional competence upon their return to the University. Service of this nature is also a contribution

that the University community can make to the public good by lending the expertise of its members to improving the public welfare.

- b. Private/for-profit Sector Engagement: LWOP may be granted to allow faculty to serve in positions within the private/for-profit sector to foster collaboration, entrepreneurship, and innovation. Such LWOP can improve a faculty member's professional competence upon their return to the University and foster collaborative ventures and community engagement.
- c. Non-profit and Non-governmental Institution Sector Engagement: LWOP may be granted to allow faculty to serve in positions within the non-profit or non-governmental institution sectors such as foundations or national academies that are intended to foster collaboration and/or to serve the public good. Such LWOP can improve a faculty member's professional competence and standing upon their return to the University, foster collaboration, and promote community engagement.
- d. Personal Reasons: LWOP may be granted for specific, unusual personal circumstances. Such LWOP may be needed in cases of significant personal situations, such as poor health or unusual family obligations.

#### D. Terms and Conditions

- 1. LWOPs are approved for a period of one year or less.
- 2. Extensions of LWOPs beyond one year are discouraged and will only be approved upon demonstration of exceptional circumstances by the faculty member.
- 3. LWOPs for periods greater than one year that are deemed to benefit the University (as identified in Section IV.C.1.a-c) require a Memorandum of Understanding (MOU) between the faculty member, the faculty member's Unit Head(s), and other relevant parties, as appropriate. The MOU requires approval of the Senior Vice President and Provost.
  - a. At a minimum, the MOU should articulate the rationale for the extended leave period, the conditions and terms of the extended leave, and the start and end dates of the leave.
- 4. LWOP may not be contiguous with sabbatical, except in exceptional circumstances and with approval of the Senior Vice President and Provost.
- 5. LWOP may not be granted to a faculty member who holds a permanent faculty position at another institution.
- 6. If applicable, faculty on LWOP may not retain their University administrative positions.

## E. Responsibilities of Faculty

1. Faculty requesting a LWOP must:
  - a. Obtain any necessary approvals from University oversight bodies prior to applying for a LWOP.
  - b. Work with appropriate University entities to develop and obtain approval of any memorandums of understanding related to the intended leave if applicable and necessary.
  - c. Contact the Benefits Office regarding the impact of the LWOP on benefits eligibility.
  - d. Submit a request in writing to the Unit Head at least six months in advance of the leave. Requests submitted less than six months in advance may be considered when there are unusual circumstances. Requests must contain:
    - i. A description of the purpose of the leave;
    - ii. A description of how the leave conforms to the requirements of the guidelines articulated in this policy and procedures;
    - iii. A plan to minimize disruption of the academic program;
    - iv. Confirmation by the faculty member that the faculty member has obtained any necessary and applicable University reviews and approvals; and,
    - v. Attestation by the faculty member that they will comply with any necessary University requirements determined necessary for their LWOP request.

## F. Responsibility of LWOP Approvers

1. Upon receiving a request for a LWOP, the Unit Head(s) must:
  - a. Ensure that faculty members on LWOP understand applicable restrictions:
    - i. On the faculty member's use of University intellectual property (including intellectual property developed by the faculty member);
    - ii. On interactions with University students; and
    - iii. Imposed by public ethics law and/or relevant University policies and guidelines governing such matters as conflicts of interest and export controls.
2. Ensure that the LWOP complies with USM and University policies and review requirements such as conflict of interest/commitment, intellectual property, and export controls prior to recommending a LWOP for approval.

3. Forward the application, together with their recommendation, to the next level administrator.
4. The Senior Vice President and Provost will make the final decision to grant or deny LWOP requests and will be responsible for notifying the faculty member in writing.
5. The decision by the Senior Vice President & Provost is final and not subject to appeal or grievance.

## **V. Impact of LWOP**

### **A. Tenure**

1. In approving the LWOP, the Dean of the faculty member's tenure home shall recommend whether the period of the LWOP should delay the clock before consideration for tenure pursuant to the University of Maryland Policy & Procedures on Appointment, Promotion, and Tenure of Faculty (II-1.00[A]). A tenure delay is not automatic and will undergo a review and approval process pursuant to the University of Maryland Policy on Extension of Time for Tenure Review Due to Personal and Professional Circumstances (II-1.00[D]).
2. If a tenure delay is not specifically requested, and LWOP is approved without mention of tenure delay, the period of LWOP shall count as part of the period prior to mandatory review for tenure.

### **B. Sabbatical Leave**

1. The LWOP shall not count toward the period used in determining eligibility for sabbatical leave.

### **C. Other Benefits**

1. A faculty member on LWOP may continue to participate in retirement, health and medical programs, and other benefit programs only to the extent and under the conditions permitted by each program.
2. Upon being granted leave, it is the responsibility of the faculty member to contact the Benefits Office to determine which benefits will continue during the LWOP.

UNIVERSITY OF MARYLAND

# Policies

AUGUST 1, 1991

## University of Maryland, College Park Guidelines and Procedures for Faculty Leave of Absence Without Pay

### Consolidated USM and UMD Policies and Procedures

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#### II-2.20(A) UMCP GUIDELINES AND PROCEDURES FOR FACULTY LEAVE OF ABSENCE WITHOUT PAY

(APPROVED BY THE PRESIDENT 1 AUGUST 1991)

The President may grant a faculty member leave of absence without pay in accordance with the policy set forth in II-2.20 of the UMS Bylaws, Policies and Procedures of the Board of Regents, and the guidelines and procedures set forth below.

A leave of absence without pay is defined as any reduction in service to UMCP, other than a sabbatical, which results in reduced compensation. Leave may be:

#### A. Leave of Absence Defined

1. Partial Leave- reduced service and compensation;
2. Full Leave-complete suspension of compensable services.

To be eligible for a leave of absence, a faculty member must:

#### B. Eligibility

1. be employed on a full-time term or continuing contract; and
2. be actively employed for at least one year prior to the beginning of the proposed leave.

#### C. Criteria

1. Leave without pay shall not significantly disrupt the program of the faculty member's academic unit.

2. The activities to be undertaken must support UMCP's missions of teaching, scholarly and creative activity, and University, professional, or public service; and enhance the faculty member's ability to support these missions.
3. The President may determine that unusual circumstances warrant granting a leave without pay for personal reasons, such as poor health or family obligations.

#### D. Period of Leave

1. Leave is granted for:
  - a. one semester, or
  - b. one year
2. Leave should not exceed one full year, and any exception requires a showing of exceptional circumstances.
3. Leave is not normally granted contiguous with sabbatical leave if when combined the leave would exceed one year.

#### E. Application

1. Application must be:
  - a. in writing to the department chairperson; and
  - b. at least six months in advance of the leave unless it is determined there are unusual circumstances.
2. Applications must contain:
  - a. description of the purpose of the leave, and
  - b. how it conforms to the requirements of these guidelines; and
  - c. a plan to minimize disruption of the academic program.

#### F. Approval Procedure

1. The department chair, or equivalent academic officer shall review the application for leave and make a written recommendation.
2. The application together with the recommendation shall be forwarded through normal administrative channels to the President.
3. The President shall make the final decision whether leave with pay should be granted or denied and the faculty member shall be notified in writing. THE GRANTING OF LEAVE WITHOUT PAY IS AT THE SOLE DISCRETION OF THE PRESIDENT.
4. A new application with renewed recommendations and approval shall be required for:
  - a. the extension of a leave beyond the original period,



- b. the award of a leave contiguous in time to a sabbatical leave or any absence from active duty exceeding twelve calendar months.

## G. Consequences of Leave Without Pay

### 1. Tenure Track

- a. It shall be specifically stated in the approval whether the period of leave shall be counted as service toward eligibility for tenure.
- b. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
- c. Leave granted for personal reasons may not be counted toward eligibility for sabbatical leave.

### 2. Sabbatical Leave

- a. It shall be specifically stated, whether the period of leave shall count toward eligibility for sabbatical leave.
- b. If not specifically stated, the period of leave shall not be counted toward eligibility for tenure.
- c. Leave granted for personal reasons may not be counted toward eligibility for sabbatical leave.

### 3. Other Benefits

A faculty member on leave without pay may continue to participate in retirement, health and medical protection, and other benefit programs only to the extent and under the conditions permitted by each program. Upon being granted leave, it is the responsibility of the faculty member to contact the Benefits Office to determine which benefits are to be continued.



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**Interim University of Maryland Policy on Leave Without Pay for Faculty  
(Senate Document #19-20-26)  
Faculty Affairs Committee | Chair: William Reed**

The Senate Executive Committee (SEC) and Senate Chair Dugan request that the Faculty Affairs Committee review the interim University of Maryland Policy and Procedures on Leave Without Pay for Faculty (II-2.20[A]).

Specifically, it asks that you:

1. Review the University System of Maryland (USM) Policy on Leave Without Pay for Faculty ([II-2.20](#)).
2. Review the interim University of Maryland Policy and Procedures on Leave Without Pay for Faculty ([II-2.20\[A\]](#)).
3. Review similar policies and procedures at Big 10 and other peer institutions.
4. Consult with a representative of the Office of Faculty Affairs.
5. Consult with a representative of the Division of Research.
6. Consider whether the policy ensures that the use of professional leave without pay is limited to specific situations that benefit the University and align with its mission and also benefits the professional development of the faculty member.
7. Consider the potential impact of taking a professional LWOP on tenure-track and permanent-status-track faculty and their progress toward tenure or permanent status, and whether faculty members without tenure or permanent status should be eligible to take leave without pay for professional reasons.
8. Consider the impact of utilizing or not utilizing a tenure delay in conjunction with a professional leave without pay request for faculty members without tenure or permanent status and whether or not a tenure delay should be automatic and/or require additional justification.
9. Consider the issues related to professional leave without pay for professional track faculty.
10. Consider the operational impact on academic units that receive multiple leave without pay requests within the same period of time.
11. Consider how the LWOP process should be structured to provide Department Chairs with appropriate flexibility to balance the financial and workforce impacts on their departments.
12. Consult with a representative of the Office of General Counsel on any proposed changes to the University's policy.
13. If appropriate, recommend whether the interim policy should be revised.

We ask that you submit a report to the Senate Office no later than **January 15, 2021**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.