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 Leave, 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.