

APM 759 Revisions

UCSF FAQs for HSCP members: Leaves of Absence Without Pay (LWOP) For Innovation and Entrepreneurship Activities pursuant to APM 759

[APM 759](#), *Leaves of Absence/Other Leaves Without Pay*, has recently undergone review and revisions to clarify that under certain circumstances LWOP may be granted to faculty for innovation and entrepreneurship activities. Revised APM - 759 was officially issued on May 20, 2022 with an effective date of July 1, 2022.

Background

APM - 759 serves as the general 'catch-all' policy governing leaves without pay taken for reasons that are not addressed elsewhere in the APM. Under APM - 759, Chancellors have the authority to grant a leave without pay for up to one year and in certain cases, the leave may be extended for more than one year. These leaves are primarily personal leaves and may be requested for a variety of reasons, such as when a faculty member has the opportunity to work at a non-profit/non-governmental organization, work at a for-profit company (innovation and entrepreneurship), pursue a visiting appointment at another institution, for professional development, or for medical reasons. In cases where the requested leave without pay will involve an outside professional activities, the leave request will accompany a Category I prior approval request to engage in the activities pursuant to the University's conflict of commitment policies.

Faculty participating in the Health Sciences Compensation Plan (HSCP) are governed by APM - 671, *Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants*, and the local HSCP School/Department/ORU Implementing Procedures, while on leave. The following FAQs are applicable to all HSCP faculty.

The information below, related to the implementation of the revised policy, is provided to address specific questions that should be considered when faculty are requesting a leave without pay for the purpose of innovation or entrepreneurship activities under APM 759:

1. What types of activities are covered under the policy?

The revisions to this policy provide faculty with the opportunity to request a leave of absence without pay (LWOP) to pursue innovation and entrepreneurship activities with an outside organization. In general, LWOP for the purpose of innovation and entrepreneurship activities will be considered when the request involves work at a company that is licensing and commercializing University intellectual property and the purpose of the activities is expected to enhance a faculty member's contributions to the University. APM 759 provides general guidelines regarding when requests for leaves of absence without pay (LWOP) will be considered by the Executive Vice Chancellor and Provost (EVCP) who has been delegated authority for approval of leaves to advance innovation and entrepreneurship activities.

LWOP under this policy is intended to support entrepreneurship, advance academic opportunities for a faculty member, and enhance the faculty member's contributions to the university upon their return. Leaves for the purpose of entrepreneurship activities are not intended to allow a faculty member to pursue a "trial" period to consider transitioning to industry and resigning from the University, but rather to support the commercialization of products developed as a result of work done at the University or similar activities.

2. For what duration may a LWOP for the purpose of innovation and entrepreneurship activities be requested? Is renewal of the leave possible, and if so, for what duration?

Leaves of absence without pay are approved for a duration of **no more than one year** at a time. Requests to extend the leave for an additional year or less will be considered on a case-by-case basis. Under no circumstances will leaves be extended indefinitely. The approval process shall take into consideration the impact of the faculty member's leave on the teaching, research, clinical, business and service obligations of the department.

3. Does the leave of absence require a full time position with the outside company?

Full time employment with the outside company is not required. However, a full leave of absence from the University must be taken. Partial leaves of absence without pay to engage in innovation and entrepreneurship activities will not be approved.

4. How do I request a leave for entrepreneurship activities under APM 759?

Faculty must submit a request in writing to their Department Chair using the request template located here: [https://facultyacademicaffairs.ucsf.edu/academic-personnel/leaves/UCSF-Request-for-Leave-of-Absence-Without-Pay-\(LWOP\)-For-Innovation-and-Entrepreneurship-Activities-Pursuant-to-APM-759.pdf](https://facultyacademicaffairs.ucsf.edu/academic-personnel/leaves/UCSF-Request-for-Leave-of-Absence-Without-Pay-(LWOP)-For-Innovation-and-Entrepreneurship-Activities-Pursuant-to-APM-759.pdf)

5. Who gives approval for leaves of absence without pay under APM 759?

Approval of requests for LWOP under APM 759 must be obtained from the EVCP. Departments should submit the draft request to their Dean's Office for Academic Affairs using the UCSF Request for LWOP for Innovation and Entrepreneurship form. At UCSF, Category I prior approval and a completed leave of absence (LOA) request will also be required. The approval process for such leaves must consider the impact of the requested leave on the teaching, clinical, business, research, and service obligations to the department and the potential benefit to the University. Please allow 6-12 months for the review and approval process.

6. How do I complete a leave of absence request form?

For assistance with completing a leave of absence request, faculty should contact their HR Academic Generalist. Faculty may find their HR Academic Generalist using the [Find Your HR Representative Search](#).

7. Do I remain a member of the Health Sciences Compensation Plan (HSCP / APM 671) while on this leave?

The faculty member taking leave for entrepreneurship purposes under APM 759 remains a member of the HSCP and is required to follow the disclosure and prior approval requirements outlined in APM 671 and the HSCP as well as University conflict of interest, intellectual property, sponsored research, and export control policies.

What HSCP rules remain in effect? Faculty on an approved LWOP remain subject to APM - 671 *Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants*, and their Department/ORU Compensation Plan and must fulfill all disclosure requirements related to time spent and compensation received for any outside activities other than those for which the leave has been approved. Prior approval is required for all Category I outside professional activities and requests to exceed the time and earnings thresholds unrelated to the approved leave. Category I prior approval requests and requests to exceed the time and earnings thresholds should be submitted in OATS. In addition to complying with University policies on conflict of commitment and outside professional activities, faculty on an approved LWOP must also comply with all University policies involving University intellectual property, conflict of interest, sponsored research, and the use of University resources.

The APM 671 and Health Sciences Compensation Plan prohibition on outside patient care activities and clinical work applies to faculty on an approved leave under APM 759.

During an approved leave, faculty members may pursue other outside professional activities (OPA) unrelated to the approved leave, provided these activities are consistent with APM 671, their Department/ORU Compensation Plan, and are approved by the company with which they will be working.

For faculty members interested in continuing to engage in part-time clinical work at UCSF during a period of leave, please contact your Dean's Office – Academic Affairs, to discuss other types of leave options. Partial LWOP under APM 759 will not be approved.

The following disclosure and reporting obligations under the terms of the HSCP must be fulfilled:

a. What is the Category of OPA for this leave?

Leaves for the purpose of entrepreneurship or innovation are Category I activities.

b. What approvals are needed?

Leaves for the purpose of entrepreneurship activities require approval from the EVCP. In addition, a Category I prior approval request must be submitted and approved in OATS. Before beginning the activities, approvals from the

department chair, dean, VPAA, and EVCP, must be documented in OATS and will include the Category I prior approval, the completed and approved APM 759-UCSF Request for LWOP for Innovation and Entrepreneurship form, and an approved LOA form. The approval process will consider the impact of the faculty member's requested leave on the teaching, clinical, business, research, and service obligations of the department and the potential benefit to the University.

c. What are my reporting and disclosure obligations?

Disclosure (including the application of time/earnings thresholds and prior approval requirements) is required for all OPA unrelated to the approved Category I activity that is the basis for the approved leave. Faculty maintain access to OATS and are subject to OPA reporting requirements, prior approvals, and annual certifications as noted in APM 671 and their Department/ORU Compensation Plan. In addition, faculty on leave under this policy remain subject to conflict of interest, sponsored research, export control and intellectual property disclosures and reporting.

d. What are my obligations regarding time and earning thresholds?

As stated above in c., the time/earning thresholds do not apply to the OPA approved under APM 759. However, any additional outside activities performed during the leave are subject to the time and earnings thresholds and prior approval requirements. As such, prior approval is required to exceed the time and earnings thresholds and for Category I activities not related to the approved reason for the leave.

8. May I continue to supervise trainees while on leave?

While on leave without pay, a faculty member may not continue to maintain the responsibilities of a salaried faculty member. Supervision of trainees, other employees and other associated responsibilities must be transferred to another faculty member for the duration of the leave. **In addition, trainees or others, including student employees, under the supervision of the faculty member on leave are not permitted to participate in the approved outside activities with a company or other organization while they are an employee or student of the University.**

9. What approvals do I need from current funding agencies?

If the faculty member has extramural funding for research activities, approval to defer completion of the funded project must be obtained from the funding agency. Alternatively, if the responsibility for the project will be transferred to a new principal investigator, the funding agency must approve this change. Faculty are responsible for contacting the [UCSF Office of Sponsored Research](#) to coordinate the request for approval from funding agencies in advance of applying for a leave.

10. May I continue to administer grants while on leave?

Faculty are not typically permitted to administer grants while on a leave without pay. Faculty with extramural research funding must contact the [UCSF Office of Sponsored Research](#) for guidance on how to transfer oversight of their extramural funds during the leave.

11. What are my obligations regarding University conflict-of-interest (COI) policies and use of University resources?

In addition to complying with University policies on conflict of commitment and outside professional activities, faculty on an approved leave of absence without pay must also comply with all University policies involving conflict of interest, and the use of University resources. See [Appendix A](#) for a list of other relevant University policies. Additional information may be found here: [Office of Ethics and Compliance](#).

12. What are my obligations regarding intellectual property?

Faculty are required to comply with the [UC Patent Policy](#). Prior to requesting a leave without pay, the faculty member must clarify with the [Office of Technology Management](#) whether any UC intellectual property will be used or created to support the OPA during the leave. For example, if the faculty member has founded a company based on UC intellectual property licensed to the company, the faculty member must clarify what specific intellectual property has been licensed and discuss with the Office of Technology Management how to manage any future intellectual property created during the leave. This clarification about management of intellectual property will protect both the University and company from any future disputes regarding ownership of intellectual property and protect the faculty member from potential violations of the UC Patent Policy.

13. Do the leaves of absence under APM – 759 include sabbatical leaves?

Leaves of absence under APM - 759 are not sabbatical leaves, which are managed under [APM - 740](#).

14. Are there any limitations on the location where these activities are undertaken?

As noted in the policy, when a request for a leave without pay involves service or activities with an entity or organization outside the University, the request may be approved when the purpose for the leave is one that will enhance the academic appointee's contributions to the University upon their return. In general, entrepreneurship leave will be considered for work being performed at a US company, most often a company licensing UC intellectual property. For leaves involving non-US entities and/or international collaborations, additional considerations will apply. Contact the [UCSF Office of Ethics and Compliance](#) for information on export control compliance and other disclosure requirements and your school Dean's Office – Academic Affairs.

15. Can I keep my UCSF email access during an LOA?

Faculty members on an approved leave of absence will retain their UCSF email account and address. The UCSF address should not be used to support their leave activities or activities with the company; all communications should clarify that the faculty member is on leave. Faculty are responsible for monitoring UCSF email communications related to their academic advancements, outside professional activities, and other relevant University communications pertaining to their academic appointment.

16. What happens with academic actions (promotion, merit advancement) during my LWOP?

In general, academic actions will be processed as usual unless deferred by the faculty. Faculty will be subject to the same applicable requirements for advancement that would be in place if they were not on leave.

For Assistant Professors in a senate series, [APM – 133](#) governs academic actions during a leave of absence without pay. Periods of leave without pay shall be included as service toward the eight-year period, unless the Chancellor provides an exception under the limited reasons provided for in APM – 133. In general, petitions requesting that the leave of absence without pay for innovation and entrepreneurship activities not count toward the eight-year service period will not be granted.

17. What happens with my health care and retirement benefits during the LOA?

Faculty should contact their HR Representative or Benefits office to clarify how this type of leave will impact their health and retirement benefits. <https://hr.ucsf.edu/contact> . Please see the [UCNet Fact Sheet: Leave Without Pay](#) for additional information.

18. Am I eligible to apply for a UCRP service credit buy back?

Please see page 5 of the [UCRP Service Credit Purchase Guide](#) for more information on the program. Contact your HR representative or Benefits office to discuss your eligibility for this program. <https://hr.ucsf.edu/contact>

19. How will my leave of absence for the purpose of entrepreneurship activities be documented?

Leaves of absence for the purpose of innovation and entrepreneurship activities will be documented as a leave without pay, leave type “other circumstance”, using a Leave of Absence form. For questions and assistance, Faculty may contact their HR Academic Generalist using the [Find Your HR Representative Search](#).

20. During leave, what should be my communication with the University? How far in advance should I notify the University about my leave request? Faculty should submit requests for leave under this policy 6-12 months in advance of the requested leave date. Changes to the return date for an approved leave should be requested no less than three months in advance of the approved leave end date.

21. How often can I take advantage of this opportunity? Are there any limits on how many times I can take leave to work at another company?

The approval process for leaves under this policy must take into account the impact of the requested leave on the teaching, clinical, business, research, and service obligations of the department. Leaves without pay to engage in innovation and entrepreneurship activities will be approved for work at a specific company for a single leave period. Requests for additional leave periods for the purpose of innovation and entrepreneurship activities at other companies are discouraged, but may be considered on a case-by-case basis.