



Mary Gilly
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Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
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December 22, 2014

**SUSAN CARLSON, VICE PROVOST
ACADEMIC PERSONNEL**

Re: Proposed revisions to APM 080 and APM 330

Dear Susan,

Academic Senate divisions and committees have reviewed the proposed revisions to APM 080 that clarify procedures for the separation of faculty members who are unable to perform their duties due to a disability or medical condition, and APM 330, which clarify the duties and responsibilities of individuals appointed to the Specialist series. Ten Senate divisions and two systemwide committees (UCAP, UCFW) submitted comments. A summary follows, and all comments are enclosed.

Senate reviewers expressed general support for the revisions. Reviewers did, however, identify a few specific issues that require clarification. I will summarize those for you here, but also encourage you to refer to the attached review documents for more details.

APM 080

Inconsistent Procedures

Four reviewers (UCB, UCD, UCI, and UCFW) note that the policy includes inconsistent procedures for addressing cases involving a Senate member with tenure or security of employment (APM 080-20-a) and cases involving an untenured Senate member (APM 080-20-b). Council agrees that the procedure for requesting a hearing or waiving the right to do so through inaction should be consistent for all Senate members regardless of their employment security status. In addition, the language in APM 080-20-b should be consistent with language describing the “right to a hearing” following a notice of intent to separate in APM 080-20-a, and 080-20-b should clearly state the separate timeframes and deadlines for requesting a hearing and responding after the hearing.

Clarify “reasonable accommodations”

Council agrees with three reviewers (UCR, UCSD, and UCFW) who request clarifications to the two introductory policy paragraphs, particularly the definition of “reasonable accommodation” in the context of the justification required to make a decision to initiate separation procedures. UCFW recommends adding a standard definition of “reasonable accommodation” to the policy as a link or footnote and suggests using the definition in the Americans with Disabilities Act.

Authority for Initiating a Review

Two reviewers (UCFW, UCB) request clarification about the individual authority responsible for initiating a medical separation review of a faculty member, noting that a faculty member's immediate supervisor generally should be responsible for initiating a review, and that a dean should not initiate a review when the chair is the immediate supervisor.

Consistent Timing

UCR suggests extending from 15 business days to 30 calendar days the period in which the chair of the Committee on Privilege and Tenure must respond to the chancellor (section 080-10.d), in order to be consistent with the time period allowed for other steps in the process.

HSCP Faculty

There is a need to clarify how the revisions will impact faculty in the Health Sciences Compensation Plan (HSCP) who are not covered by other APM provisions that allow for long-term medical leave. UCSF suggests that APM 670 be modified to align with the policy revisions.

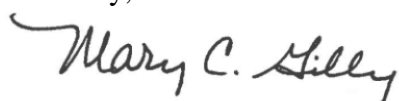
APM 330

Senate reviewers expressed general support for the revisions, and Council agrees that the new language is a substantial improvement, particularly the provision that makes University and public service optional for Specialists based on the requirements of the funding source; two divisions (UCR, UCSD), however, note that the revised policy is still ambiguous regarding the role of service in the criteria for evaluation. To address the ambiguities, Council requests additional amendments to 330-4 and 330-10 stating clearly that service is optional for eligibility and advancement in the series. UCSD also suggests a useful revision to 330-10 to address cases in which a funding source may forbid service.

Council also agreed with Irvine's recommendation to include language allowing for flexibility in setting salaries to respond to the market, and with UCAP's list of suggested clarifications.

Thank you for the opportunity to review and comment. Please do not hesitate to contact me if you have further questions.

Sincerely,



Mary Gilly, Chair
Academic Council

Encl.

Cc: Academic Council
Executive Director Baxter
Policy Manager Lockwood
Senate Executive Directors



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

December 15, 2014

PROFESSOR MARY GILLY
Chair, Academic Council
University of California

Subject: Proposed revisions to Academic Personnel Manual (APM) 080 and 330

Dear Mary,

On December 1, 2014, the Divisional Council (DIVCO) of the Berkeley Division discussed the proposed revision of APM provisions 080 and 330, informed by reports of our divisional committees on Budget and Interdepartmental Relations (BIR), and Faculty Welfare (FWEL).

While DIVCO is generally supportive of the proposals, two concerns came to the fore in our discussion.

First, the proposed revision of APM 080 grants the authority to initiate a medical separation to review to "the Department Chair, Dean, or unit head." We agree with FWEL (emphasis added):

The committee believes a faculty member's immediate supervisor generally should be responsible for initiating a medical separation review. In particular, a medical separation review generally should be initiated by a faculty member's department chair when the chair is their immediate supervisor. The rule as drafted permits a review to be initiated by a dean in such a case.

We recommend that the language be revised to this effect.

Second, we are concerned that the proposed revision of APM 080 provision includes different procedures for tenured and untenured Senate members. Specifically, FWEL noted:

The difference is a product of untenured members of the Faculty Senate with other faculty “without . . . security of employment” in APM 080-20(b). A faculty member covered by subsection (b) waives the right to a “hearing before the properly constituted advisory committee of the Academic Senate” if there is a “failure to request it within 30 (thirty) calendar days from the date of notice” of intent to separate. Inaction can result in a waiver. There is no similar rule for a tenured faculty member in subsection (a). Presumably a tenured faculty member can lose the right to a hearing only by an affirmative waiver.

We recommend that the language be clarified such that procedures are consistent for all Senate members, regardless of their employment security status.

In addition, I am appending the BIR commentary in its entirety. It offers a number of specific suggestions and notes a number of points in need of clarification.

Sincerely,



Panos Papadopoulos
Chair, Berkeley Division of the Academic Senate
Chancellor’s Professor of Mechanical Engineering

Encl.

Cc: Barbara Spackman, Chair, Committee on Budget and Interdepartmental Relations
Mark Gergen and Calvin Moore, Co-chairs, Committee on Faculty Welfare
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations
Anita Ross, Senate Analyst, Committee on Faculty Welfare

October 30, 2014

CHAIR PANOS PAPADOPOULOS
BERKELEY DIVISION OF THE ACADEMIC SENATE

RE: Proposed Revisions to APM 080 & 330

Thank you for the opportunity to comment on proposed revisions to APM 080 and APM 330, which concern medical separation and the Specialist series, respectively.

Our suggestions and questions are as follows:

APM 080 (pages from the marked draft)

- 1) p. 1: Does a disability or medical condition include psychological problems, and if so, how are they to be determined?
- 2) pg. 1: Does the phrase “self-terminating” appointment mean an appointment that is of limited duration or terminated by the appointee?
- 3) pg. 1: Why is it permissible to separate an impaired person who is not offered “reasonable accommodation” to compensate for the impairment?
- 4) pg. 4: Should “Deans’ submission” be changed to “Dean’s submission?” Do we need a submission from more than one Dean?
- 5) pg. 8: The phrase “to medically separate” should be changed to “to separate on medical grounds.”

APM 330 (pages from the marked draft)

- 1) pg. 1: The phrase “to achieve recognition” is perhaps more straightforward than “to progress towards recognition.”
- 2) pg. 4: Crediting someone in the acknowledgment section of a published work is a meaningless indicator of scholarly achievement and should be deleted.
- 3) pg. 4: The phrase “Specialists may engage in professional activities....” is ambiguous. Does it mean that s/he is permitted to engage in professional activities, or that s/he possibly does so?
- 4) pg. 4: The phrase “demonstrated progression in the development or utilization....” should be changed to “contributed to the development or utilization....”5) pg. 6: as earlier, “Specialists may engage....” can either mean permission to engage or the possibility of doing so.
- 6) pg. 7: What is an “equivalent degree” to a “terminal degree?”

- 7) pg. 7: The phrase “contributions to publishable research in the field” should be changed to “contributions to research that has been published or is in the process of being published in the field.”
- 8) pg. 12: The phrase “candidates for advancement in rank or step are based only....” should be changed to “candidates for advancement in rank or step are evaluated only....”
- 9) pg. 12: The phrase “professional competence is excellent” should be changed to “professional achievement is outstanding.”
- 10) pg. 13: The phrase “justified by new evidence of merit and distinction” should be changed to “new evidence of distinguished achievement.”

R. Jay Wallace
Acting Chair

RJW/al



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December 10, 2014

MARY GILLY, CHAIR

UC Academic Council
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

RE: UC-Wide Review – Proposed Amendment of APM 80 and 330

The proposal to amend APM 80 and 330 was forwarded to all Davis Division of the Academic Senate standing committees and school/college Faculty Executive Committees. The Committees on Academic Personnel-Oversight Subcommittee (CAP) and Faculty Welfare responded.

The Committee on Faculty Welfare is concerned that the wording describing the "right to a hearing" following notice of intent to separate is inconsistent for faculty with tenure compared to that of faculty without tenure or security of employment. Specifically, the language in APM 080-20 b. (1) (on page 7) which states that "the faculty member may request in writing, within 30 (thirty) days of the date of the notice of intent, a hearing..." should be revised to reflect that the faculty has "a right to a hearing" as stated in APM 080-20 a. (1) (on page 6). As written, it is unclear if such a request may be denied and by whom.

CAP has no advisory comments to make on either of the APM amendments.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Knoesen".

André Knoesen, Chair
Davis Division of the Academic Senate
Professor: Electrical and Computer Engineering



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307 Aldrich Hall
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December 9, 2014

Mary Gilly, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review of Proposed Revision to APM 080, Medical Separation and APM 330, Specialist Series

Dear Mary:

At its meeting of November 18, 2014, the Irvine Divisional Academic Senate reviewed the proposed revisions to APM-080, Medical Separation and APM-330, Specialist Series. The Council on Academic Personnel had reviewed the proposal and did not suggest additional comments. The Council on Faculty Welfare had reviewed the proposed changes and provided comments that are attached.

APM 080. Medical Separation

The Cabinet agreed with the CFW observations that the proposed revisions were vague and with their recommendation that the procedures for tenured and untenured faculty should be the same, particularly since medical separation is rarely an issue.

APM 330. Specialist Series

The Cabinet agreed with the CFW recommendation that there should be a procedure to allow for flexibility in setting salaries to respond to the market. Cabinet unanimously endorsed adding the following sentence to section 330-18 Salary, a. "The Chancellor shall have the authority to approve off-scale salaries when appropriate."

The Irvine Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Bill" with a stylized flourish underneath.

William Molzon, Senate Chair

c: Hilary Baxter
Executive Director, Academic Senate

November 13, 2014

**WILLIAM MOLZON, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

**RE: SYSTEMWIDE REVIEW OF PROPOSED REVISED ACADEMIC
PERSONNEL MANUAL (APM) SECTION 080. MEDICAL SEPARATION
AND SECTION 330. SPECIALIST SERIES**

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed the proposed policy revisions to APM 080 and 330 at its November 10, 2014 meeting.

APM 080. Medical Separation

The proposed revisions are intended to bring consistency to the Academic Personnel Manual (APM), Standing Orders of the Regents, and the American with Disabilities Act (ADA) while clarifying the review process between Deans, Department Chairs, and the Disability Management Office.

The Council was uncomfortable with the vagueness of the proposed revisions, but after considering various scenarios, decided that there was no obvious way to overcome this vagueness. The Council was unable to determine any reason why the process and timelines for the medical separation of tenured and untenured faculty should be different. Thus the Council recommends that the process and timeline for tenured and untenured faculty be made the same. It was noted that a Medical Separation is rarely invoked.

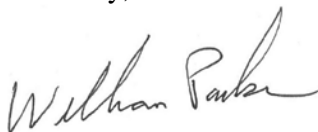
APM 330. Specialist Series

APM 330 relates to the Specialist title series which was originally used only in the Agricultural Experiment Station, but has now been expanded across many different disciplines. The proposed revisions respond to requests to update the policy and distinguish between the Specialist title, the Staff Research Associate title and other academic research titles.

The Council was concerned about the proposed wording in section APM 330-18 Salary “a. Individuals appointed to the Specialist series are compensated on the fiscal year salary scales issued by the Office of the President for the Specialist Series.” In order to have greater flexibility to respond to marketplace variables, the Council suggests the addition of the following sentence to section 330-18 Salary, a. *“The Chancellor shall have the authority to approve off-scale salaries when appropriate.”* Otherwise, the Council found the proposed revisions APM 330 to be reasonable.

CFW appreciates the opportunity to comment.

Sincerely,



William Parker, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

CFW (November 13, 2014)
RE: APM 080 and APM 330
Page 2

c: Alan Terricciano, Senate Chair-Elect
Luisa Crespo, Executive Director
Wendy Chamorro, Senate Analyst

December 11, 2014

Mary Gilly
Chair, UC Academic Council

Re: Proposed Revisions to Academic Personnel Manual (APM) Section 080, Medical Separation, and Section 330, Specialist Series

Dear Mary,

The Executive Board of the UCLA Academic Senate discussed the proposed revisions to APM Section 080, medical separation, and Section 330, specialist series at its meeting on December 4, 2014. The individual responses from our various committees are available [online](#).

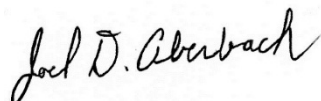
The Board noted that while APM 080, medical separation, seems to address few individuals, the Board raised several questions as follows:

- Because one goes on disability, will he or she automatically be considered for medical separation if leave has been exhausted? Several faculty recommended that language initiating medical separation due to disability be reconsidered or removed.
- If vested, can the member opt to retire rather than be medically separated?
- How does the revised policy affect the aging faculty who might become ill?
- What is the role of the Disability Manager and to whom does this person report?
- Please clarify whether a faculty member can receive disability and UCRP at the same time.

The Board raised no objections to the revisions of APM 330 to expand the use of the Specialist Series.

Please feel free to contact me if you should have any questions.

Sincerely,



Joel D. Aberbach
Chair, Academic Senate

cc: Dan Hare, Vice Chair, Academic Council
Hilary Baxter, Executive Director, Systemwide Academic Senate
Todd Giedt, Associate Director, Systemwide Academic Senate
Michael LaBriola, Principal Policy Analyst, Systemwide Academic Senate
Linda Mohr, Chief Administrative Officer, UCLA Academic Senate

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OFFICE OF THE ACADEMIC SENATE
JIAN-QIAO SUN, CHAIR
senatechair@ucmerced.edu

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(209) 228-7954; fax (209) 228-7955

December 10, 2014

To: Mary Gilly, Chair, Academic Council

From: Jian-Qiao Sun, Chair, Division Council

Re: Systemwide Review of Proposed Revised Academic Personnel Manual (APM) Section 080, Medical Separation and Section 330, Specialist Series

Dear Mary,

The Merced Division assessed proposed changes to the Academic Personnel Manual (APM) Section 080, Medical Separation and Section 330, Specialist Series. The following committees reviewed and provided no objections or concerns to the changes: Committee on Research (COR), the Faculty Welfare, Diversity and Academic Freedom Committee (FWDAF), and the Graduate Council (GC).

COR specifically conveyed support of the changes to APM 330, as the revisions will enable flexibility in the Specialist title series which strengthens research activities in a variety of disciplines and interdisciplinary research areas. The committee particularly appreciates the clarifying language distinguishing this title series from the Staff Research Associate title and highlighting the importance of skill-based educational and experiential qualifications for appointment and advancement as a specialist. COR hopes that the proposed revisions to APM 330 serve to further encourage the employment of Specialist in a manner that will support the research mission of the university.

Similarly, FWDAF is in favor of all the proposed changes as they will enhance faculty welfare and diversity.

Thank you for the opportunity to comment.

Sincerely,

Jian-Qiao Sun, Chair
Division Council

cc: Division Council
Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON RESEARCH
DAVID C. NOELLE, CHAIR
dnoelle@ucmerced.edu

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5200 NORTH LAKE ROAD
MERCED, CA 95344
(209) 228-4369; fax (209) 228-7955

November 17, 2014

To: Jian-Qiao Sun, Chair, Division Council

From: David C. Noelle, Chair, Committee on Research (COR) *David C. Noelle*

Re: Request to Review Proposed Revisions to APM 80 and 330

COR has no comments on the proposed revisions to APM 80.

With regard to the proposed revisions to APM 330, COR supports the modifications, as they enable flexibility in the Specialist title series which strengthens research activities in a variety of disciplines and interdisciplinary research areas. In particular, COR appreciates the clarifying language distinguishing this title series from the Staff Research Associate title and highlighting the importance of skill-based educational and experiential qualifications for appointment and advancement as a Specialist. COR hopes that the proposed revisions to APM 330 serves to further encourage the employment of Specialists in a manner that will support the research mission of the university.

cc: COR Members
Division Council Members
Senate Office

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ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON FACULTY WELFARE, DIVERSITY & ACADEMIC FREEDOM
RUDY ORTIZ, CHAIR
rortiz@ucmerced.edu

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November 21, 2014

To: Jian-Qiao Sun, Chair, Division Council

From: Rudy Ortiz, Chair, Committee on Faculty Welfare, Diversity, and Academic Freedom (FWDAF)

A handwritten signature in black ink, appearing to read "R. Ortiz", is positioned below the "From:" line.

Re: Request to Review Proposed Revisions to APM 80 and 330

FWDAF reviewed and discussed the proposed changes to APM sections 80 and 330. The committee is in favor of all the proposed changes as they will enhance faculty welfare and diversity.

FWDAF appreciates the opportunity to opine.

cc: FWDAF members
Division Council members
Senate office

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ACADEMIC SENATE, MERCED DIVISION
GRADUATE COUNCIL (GC)
KATHLEEN HULL, CHAIR

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343
(209) 228-6312

November 4, 2014

To: Jian-Qiao Sun, Senate Chair

From: Kathleen Hull, Chair, Graduate Council (GC)

Re: GC response to the proposed revisions to APM 80 and 330

In response to DivCo's request, the Graduate Council reviewed the documents related to the proposed revisions to Academic Personnel Manual Section 80- Medical Separation and Section 330- Specialist Series. Members had no objections or comments.

We appreciate the opportunity extended to opine.

Cc: Graduate Council
Division Council
Academic Senate Office



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

JOSE WUDKA
PROFESSOR OF PHYSICS AND ASTRONOMY
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December 3, 2014

Mary Gilly, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Review of Proposed Changes to APM 080 – Medical Separation

Dear Mary,

The UCR Executive Council reviewed the proposed changes to APM 080 during its November 17 meeting. Council provided several comments (summarized below) that we hope will be included in the final version of the document.

Though this was not changed in the proposed version several reviewers noted that the language in 080:

An appointee's inability to perform the essential assigned functions of the position or another vacant position on campus for which the appointee is qualified, with or without reasonable accommodation, due to a disability or medical condition, will constitute a good cause for separation, and an appointee may be separated after the required review is completed.

(my emphasis), may be interpreted to allow initiating separation procedures even when appropriate accommodations might resolve the problem. At best this paragraph can be confusing. The current process presents the opportunity to clarify this section.

The first paragraph of 080-0 refers to a 'reasonable period of leave defined on a case-by-case basis'. Here it would be appropriate to clarify who has the authority to determine the length of such period.

It is unclear whether the first paragraph of 080-10 also requires the employee to be notified of the initiation of a separation review (prior to the provisions of 080-10.b), should that action be taken. Council's recommendation is that the employee be kept informed of the actions being taken throughout the process from its inception.

Paragraph 080-10.d allows for 15 business days for the response form the Committee on Privilege an Tenure. This short period will be problematic, especially during the summer months; it is also a much shorter period that the ones allowed for other steps. Council recommends this period be augmented to 30 calendar days.

Paragraph 080-20.b.(1) should specify whether the 30 day period listed therein refers to calendar or business days.

The UCR Division appreciates the opportunity to comment.

Sincerely yours,

A handwritten signature in black ink that reads 'J Wudka'.

Jose Wudka
Professor of Physics & Astronomy and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cynthia Palmer, Director of UCR Academic Senate office



CHAIR, ACADEMIC SENATE
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JOSE WUDKA
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November 23, 2014

Mary Gilly, Chair, Academic Council
1111 Franklin Street, 12th Floor
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RE: Review of Proposed Changes to APM 330

Dear Mary,

The UCR Executive Council reviewed the proposed changes to APM 330 during its November 17 meeting and offers the following suggestions and comments.

Some of the reviewers were confused with the description of the duties for this series.

- The introduction notes that University and public service is optional, but this is not clearly reflected in the language in 330-4: "... engaged in any specialized research, professional activity, and University and/or public service ..." (my emphasis).
- In addition the language in 330-10 (" ... according to the following guidelines for specialized research, professional competence and activity, or University and/or public service.") does not clearly state whether excellence in any of these three categories is sufficient for advancement or whether only the last one is optional. It is important to clarify this in order to avoid any ambiguity in the evaluation criteria.

Other reviewers noted the lack of specificity in the evaluation process: what will be the mechanisms? Who will have the responsibility for carrying out the evaluation? More specifically, section 330-6 has been removed and its full content does not appear to be included in the new version.

One review commented that in 330-20 there is no term of appointment for specialist above-scale, and proposes that a term of 4 years be used for that step.

Some reviewers suggest that the draft be revised to ensure that the term 'terminal degree' is used consistently; noting, for example, that an MS degree may or may not have this characteristic.

The UCR Division appreciates the opportunity to comment on this proposed modification to the APM.

Sincerely yours,

A handwritten signature in black ink that reads "J Wudka".

Jose Wudka
Professor of Physics & Astronomy and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cynthia Palmer, Director of UCR Academic Senate office



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Kum-Kum Bhavnani, Chair
Deborah Karoff, Executive Director

December 9, 2014

Mary Gilly, Chair
Academic Senate

RE: APM 80, Medical Separation and APM 330, Specialist Researcher

Dear Mary,

The following Senate groups reviewed the revisions to APM 80, Medical Separation and APM 330, Specialist Researcher: Committee on Academic Personnel (CAP), the Council on Faculty Issues and Awards (CFIA), Council on Planning and Budget (CPB), the Faculty Executive Committees from College of Letters and Science (L&S FEC) and from Engineering (COE FEC), the Committee on Courses and General Education (CCGE) and the Committee on International (CIE).

The Council on Faculty Issues and Awards stated that the revisions to APM 80 are consistent with federal guidelines and consistent with policies regarding unproductive faculty. They caution against potential abuse while acknowledging the need for clear policies and procedures. CFIA views the revisions to APM 330 as a positive improvement over the current language.

Other groups had no comment or chose not to opine.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Kum-Kum Bhavnani".

Kum-Kum Bhavnani, Chair
Santa Barbara Division



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125 CLARK KERR HALL
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1156 HIGH STREET
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December 3, 2014

Mary Gilly, Chair
Academic Council

Re: Systemwide Review of Proposed Revised APM Sections 080 and 330

Dear Mary,

The UC Santa Cruz Division has reviewed and discussed the proposed revised Academic Personnel Manual (APM) Sections 080, Medical Separation, and 330, Specialist Series. Our committees on Academic Personnel (CAP), Faculty Welfare (CFW), and Privilege and Tenure (P&T) provided comments. The Santa Cruz Division finds the revisions to be logical and reasonable, and is in support of the proposed policy revisions.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Don Brenneis".

Don Brenneis, Chair
Academic Senate
Santa Cruz Division

cc: Carolyn Dean, Chair, Committee on Academic Personnel
James Zachos, Chair, Committee on Faculty Welfare
Paul Roth, Chair, Committee on Privilege and Tenure



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December 3, 2014

Professor Mary Gilly
Chair, Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

Subject: Systemwide Review of Proposed Revised Academic Personnel Manual (APM)
Section 080, Medical Separation and Section 330, Specialist Series

Dear Mary,

The San Diego Divisional Senate has reviewed the proposed revisions to APM Section 080, Medical Separation, and Section 330, Specialist Series. The proposed revisions were reviewed by the Divisional Committees on Academic Personnel, Diversity and Equity, Faculty Welfare, and Privilege and Tenure. The Senate Council discussed the proposed changes at its meeting on December 1, 2014. Senate Council endorsed the proposed revisions, but had the following suggestions regarding certain phrases that could be clarified in the language:

APM 80:

In the second paragraph of APM 080, the language has been changed to: "An appointee's inability to perform the essential assigned functions of the position or another vacant position on campus for which the appointee is qualified, with or without reasonable accommodation, due to a disability or medical condition, will constitute a good cause for separation." Council members would like clarification on whether "another vacant position on campus" refers to another faculty position. Second, committee reviewers noted that the sentence referenced originally referred to a "termination" rather than a "separation." The Committee on Faculty Welfare would appreciate an explanation of the difference between the two terms in relation to this policy.

APM 330:

The Committee on Diversity and Equity suggested that APM 330 would ideally include amendments to reflect potential contributions to diversity that might be forthcoming from candidates in the Specialist series. The Committee on Academic Personnel felt that the proposed language in APM 330 is ambiguous regarding the criteria for evaluation. If the purpose of the revisions is to make University and public service optional depending on the requirements of the funding source and duties, CAP suggested that the following paragraph be modified (*italics indicate proposed addition to the policy*):

“A candidate for appointment or advancement in this series is evaluated using a process of academic peer review according to the following guidelines for specialized research, professional competence and activity, and, if possible, University and/or public service. If the funding source forbids service then the candidate must have a written plan to document extra research or professional activity in lieu of service.”

CAP also asked that the term “terminal degree” under APM 330-11-d be clearly defined within the policy.

Thank you for the opportunity to comment on this important topic.

Sincerely,



Gerry Boss, Chair
Academic Senate, San Diego Division

cc: Divisional Vice Chair Continetti
Divisional Director Rodriguez
Executive Director Baxter



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
Jeffrey Knapp, Chair
jknapp@berkeley.edu

Assembly of the Academic Senate
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November 17, 2014

MARY GILLY, CHAIR
ACADEMIC COUNCIL

RE: Proposed Revisions to APM-080 and APM-330

Dear Mary,

UCAP reviewed proposed revisions to APM-080 on Medical Separations and APM-330 on the Specialist Series during its meeting on November 7th. We endorse these proposed revisions, although we have several questions and suggested changes for the draft of APM-330, which I list here.

330-4: We suggest adding the italicized words “Specialists are expected to use their technical or professional expertise to make scientific and scholarly contributions to the research enterprise *of the University, and to progress towards recognition in the professional and scientific community.*” Furthermore, this sentence strikes us as implying that “progress towards recognition” is required for continued appointment in the series. If that is the intention of APM-330, then it should be more clearly stated; if it is not the intention, then some further statement, here or elsewhere in APM-330, should make clear that “progress towards recognition” is not a requirement for continuing appointment. Finally, in the next sentence of this paragraph, “required duties” seems obscure to us: we suggest that it be replaced with the phrase “the duties required by the job description for the position” or with some similar elucidation.

330-8: We suggest adding the italicized word: “Appointment, *reappointment*, and promotion in this series,” etc.

330-10-a: Section 3 under this heading seems to us ambiguous: if it is intended to specify a form of contribution to a publication that differs from authorship (the subject of Section 4), it does not say so directly. We suggest that the sentence be revised to make clear what aspects of a publication’s “content” are to be understood as marks of “significant and meaningful contribution to the work.” “Recognize” in this context is both awkward and confusing: a “content” cannot “recognize.” (We also note the subject/verb disagreement in “content . . . recognize.”)

330-11-d: The phrase “a terminal degree” is unclear: we suggest adding a better definition of the degree required. In this same paragraph, “publishable research” is also unclear: we suggest substituting the phrase “published or in-press research.”

330-20: We suggest changing the specification of years in rank at Specialist, Step V, to “No normal period of service,” or to a phrase better indicating that service at this step may be of indefinite duration. We also suggest that the list of appointments include the Above Scale rank, whose terms are specified in 330-80-c.

Sincerely,

Jeffrey Knapp, Chair
UCAP



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Joel Dimsdale, Chair
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December 15, 2014

**MARY GILLY, CHAIR
ACADEMIC COUNCIL**

RE: Proposed Revisions to APM 080 (Medical Separation) and 330 (Specialists)

Dear Mary,

The University Committee on Faculty Welfare (UCFW) has discussed the proposed revisions to APM 080 (Medical Separation) and 330 (Specialists), and we have comments on both.

For APM 080, the committee felt that language on p7 (strikethrough) for faculty without tenure or SOE should be tightened to clarify that two separate processes are being discussed (the timeframe to request a hearing and the timeframe after the hearing to respond). In addition, it should make clear the deadlines for each, and the rationale for each time frame. The committee reiterates its concern that language suggests that some faculty must request the right to a hearing, rather than being imbued with that right inherently; parallel language is urged. Language on p8 (strikethrough) in (2) could be improved by making explicit that there is no further appeal available after issuance of the chancellor's finding. The committee recommends that a standard definition of "reasonable accommodation", perhaps as defined by the Americans with Disability Act, be included or linked in a footnote. The committee also suggests that the regulation indicate who in the administration may initiate separation proceedings – the immediate superior only or may a dean?

For APM 330, members suggested an internal citation pointing readers to the relevant sections of APM 600 series to facilitate salary determinations.

Thank you for the opportunity to comment on these important items.

Sincerely,

A handwritten signature in cursive script that reads "Joel E. Dimsdale".

Joel E. Dimsdale, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate



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San Francisco

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Farid Chehab, PhD, Chair
Ruth Greenblatt, MD, Vice Chair
Paul Green, PhD, Secretary
Anne Slavotinek, MD, Parliamentarian

December 16, 2014

Mary Gilly, PhD, Chair
Academic Council
Systemwide Academic Senate
University of California Office of the President
1111 Franklin Street, 12th Floor
Oakland, CA 94607-52000

Re: *Systemwide Review of Proposed Revised Academic Personnel Manual (APM) Section 080, Medical Separation, and Section 330, Specialist Series*

Dear Chair Gilly:

The San Francisco Division of the University of California Academic Senate received and reviewed the proposed revisions to Academic Personnel Manual (APM) Sections 080 and 330.

The Committees on Academic Personnel (CAP), Faculty Welfare (CFW) and Research (COR) reviewed the proposed revisions. While UCSF CAP had no comments on either APM, the CFW commented on APMs 080 and 330 and the COR on APM 330. Below are their responses on these revisions.

Academic Personnel Manual (APM) – 080, Medical Separation

The CFW raised questions related to how these new revisions will impact faculty in the Health Sciences Compensation Plan (HSCP) since faculty in the HSCP are not covered by the provisions of APM – 710 that allow for long term paid medical leave of two or three quarters or twelve months, depending on length of service and appointment. CFW also noted that:

- The lack of security of faculty in the HSCP compared to the fixed protection of APM-710, is particularly concerning. Committee Members are not convinced that instituting additional fixed policies for such faculty would necessarily eliminate that concern. CFW members highly recommend that all faculty regardless of compensation plan be given due process in cases where Medical Separation is being considered.
- Although beyond the purview of this revision, the Committee recognizes that modifications to APM – 080: Medical Separation directly impacts on APM - 710.
- Concern is also expressed about the broad flexibility (but lack of security) built into the HSCP—compared to the fixed protection within APM - 710.

Overview conversations with the Disability Office at this campus have led CFW Committee members to believe that all possible measures for faculty, regardless of plan or series, would be tried beyond the guaranteed weeks of leave, prior to the initiation of any process leading to Medical Separation.

Academic Personnel Manual (APM) – 330, Specialist Series

The COR supports revisions as authored and appreciates the clear guidelines for advancement and promotion to UC employees in the Specialist series. It does, however, raise the following questions, which should be answered prior to final implementation:

- Could this change create budget issues if Specialists are currently listed on grants, and by the proposed revisions being implemented, are required to be promoted?
- How does this change impact post-docs who might have been at the University between five to ten years, thereby making them eligible to become Specialists?
 - On 330-11 Qualifications (page 6) UCSF suggests the phrase “master’s degree” be replaced by “terminal degree”, which would alleviate the concern in reference to post-docs.

The San Francisco Division of the University of California Academic Senate appreciated the opportunity to review. For any additional inquiries, feel free to contact either the Senate Office or myself through Interim Executive Director Alison Cleaver (415.476.3808; Alison.cleaver@ucsf.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Farid Chehab", is written over a faint, circular watermark of the UCSF Academic Senate seal.

Farid Chehab, Ph.D.
Chair, UCSF Academic Senate