



Mary Croughan
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*Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

January 20, 2009

**INTERIM PROVOST ROBERT GREY
UNIVERSITY OF CALIFORNIA**

Re: Proposed changes to APMs 110-4, 230-17, 230-18, 279-20, 360-80, 520-4, 710-14, 710-38, 710-46; and addition of APM 765.

Dear Bob:

At its December 2008 meeting, the Academic Council considered proposed changes to the above provisions of the Academic Personnel Manual, for which then Acting Assistant Vice President Sheila O'Rourke originally requested Senate review in March 2007. In May 2007, Chair Oakley requested justification for the proposed changes before proceeding with a review. In February 2008, Vice Provost Nick Jewell responded to that request, after which Chair Brown sent the proposed changes out for systemwide review. While we do not wish to prolong approval further than necessary, Council believes that intervening changes in circumstances require further revisions before the proposed changes can be approved.

Since these amendments were first proposed in 2007, there have been a number of legal changes in the definition and status of domestic partners that are not reflected in the proposed changes to APMs 110-4 and 520-4. For example, would those who were legally married either in California or in another state, as opposed to registered domestic partners, be covered? Also, it should be made clear that retirees (not just active employees) may be the beneficiaries of domestic partner benefits. UCLA's Committee on Faculty Welfare asked several questions regarding the definition and attendant rights of domestic partners that should be addressed. Finally, there is some confusion about whether the APMs apply to opposite-sex domestic partners. This last issue could be clarified with reference to other sections of the APM.

Regarding APM 710.14.b, Post-Graduate Researchers (PGRs) may exist on some campuses after January 2010 due to extensions granted to some individuals on an exceptional basis beyond a fifth year. Therefore, a clause should be added to the APM to extend sick leave benefits until no PGRs remain in the UC system.

Finally, UCSC questioned why APM 230-17 applies only to appointments for Visiting Assistant Professors in Mathematics, rather than to the Visiting Assistant Professor title in general.

Committees and divisions raised several other small issues or made suggestions for clarification in wording. Council requested that I forward all comments to you. Thus, I have enclosed all of the responses received in a single document. Please do not hesitate to contact me if you have any questions regarding Council's comments.

Sincerely,

A handwritten signature in black ink that reads "Mary Croughan". The signature is written in a cursive, flowing style.

Mary Croughan, Chair
Academic Council

Copy: Linda Fabbri, Executive Director, Administration, Academic Affairs
Pat Price, Interim Executive Director, Academic Personnel
Janet Lockwood, Associate Director, Academic Personnel
Academic Council
Martha Winnacker, Senate Director



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

November 14, 2008

MARY CROUGHAN
Chair, Academic Council

*Subject: Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18;
279-20; 360- 80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed
New Academic Personnel Policy 765*

Dear Mary,

On November 3, 2008, the Divisional Council (DIVCO) of the Berkeley Division discussed the proposed revisions to the Academic Personnel Manual cited above. The discussion was informed by the comments of the divisional committees on Faculty Welfare and Budget and Interdepartmental Relations. DIVCO endorsed or was mute on all of the proposed revisions except APM 110-4(10) and 520-4. With respect to these two provisions, the discussion in DIVCO echoed the comments of our Committee on Faculty Welfare. Accordingly, I am attaching their comments in their entirety.

Sincerely,

A handwritten signature in cursive script that reads 'Mary K. Firestone'.

Mary K. Firestone
Chair, Berkeley Division of the Academic Senate
Professor, Environmental Science, Policy and Management

Encl.

Cc: Christopher McKee, Chair, Committee on Budget and Interdepartmental Relations
Yale Braunstein, Chair, Committee on Faculty Welfare
Aimee Larsen, Manager, Committee on Budget and Interdepartmental Relations
Adrienne Banner, Senate Assistant, Committee on Faculty Welfare



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

October 2, 2008

CHAIR MARY FIRESTONE
BERKELEY DIVISION OF THE ACADEMIC SENATE

Comments on Proposed revision to APM-110-4(10) and APM 520-4

At their meeting of September 15, members of the Faculty Welfare Committee reviewed the proposed new Academic Personnel Policy 765 and the proposed changes to the Academic Personnel Policies 110-4(10); 230-17; 230-18; 2879-20; 360-80a; 520-4; and 710-14-b, 710-14-I, 710-38, and 710-46. We have concerns about the proposed wording for Sections 110-4(10) and 520-4.

APM-110-4(10) Committee members expressed concerns about the new definition of “Domestic Partner” contained in this provision. That definition is reproduced below:

A domestic partner means the individual designated as an employee’s domestic partner under one of the following methods: (i) registration of the partnership with the State of California; (ii) establishment of a same-sex legal union, other than marriage, formed in another jurisdiction that is substantially equivalent to a State of California registered domestic partnership; or (iii) filing of a Declaration of Domestic Partnership form with the University. If an individual has not been designated as an employee’s domestic partner by any of the foregoing methods, the following criteria are applicable in defining domestic partner: each individual is the other’s sole domestic partner in a long-term committed relationship with the intention to remain so indefinitely; neither individual is legally married, a partner in another domestic partnership, or related by blood to a degree of closeness that would prohibit legal marriage in the State of California; each individual is 18 years of age or older and capable of consenting to the relationship; the individuals share a common residence; and the individuals are financially interdependent.

Problem #1: According to the proposed text, if methods (i), (ii), or (iii) have not established a domestic partnership, then the criteria stipulated in the definition

will be used to establish whether an individual is a domestic partner. This gives the impression that establishing a domestic partnership through method (i), (ii), or (iii) is not necessary in order for the domestic partner to receive benefits. But our understanding is that, at least in the case of survivor and death benefits, the domestic partnership must be certified by method (i), (ii), or (iii) prior to the employee's or retiree's death.¹ Although we are less certain about the procedures that apply in the case of other benefits, such as family and medical leave to care for a domestic partner or active-service-modified duties to care for the child of a domestic partner, establishing the domestic partnership through method (i), (ii), or (iii) may also be required.

Suggestion: Strike the text "If an individual has not been designated as an employee's domestic partner by any of the foregoing methods." The relevant sentence would then begin "The following criteria are applicable in defining domestic partner . . ."

Problem#2: The definition makes no mention of the distinction between same-sex and opposite-sex domestic partners even though this distinction is important to the benefits domestic partners can and cannot receive.

Suggestion: Add some mention of this distinction to the definition, perhaps at the end.

Problem #3: The definition refers to employees whereas the designation of a domestic partner is relevant to employees and to retirees.

Suggestion: Replace references to employee with employee/retiree.

APM 520-4 This provision defines a "near relative" for the purposes of conflict of interest policies. The existing text includes "domestic partners" while the revision adds text to include "the child of a domestic partner."

Problem: Surely, conflict of interest policies are meant to apply to domestic partners or their children so long as the criteria for a "domestic partner" are met, even if that partner has not been certified by one of the three methods (i), (ii), and (iii) discussed above.

Suggestion: Perhaps a sentence to this effect is needed in 520-4 or elsewhere in the "Employment of Near Relatives" section of the APM.

Yale Braunstein
Chair, Committee on Faculty Welfare

¹ In the UC Publication *Benefits for Domestic Partners*, the text on "Declaration of Domestic Partnership Form" reads "Signing this Declaration establishes your domestic partnership with the University of California and will be used to help determine your partner's eligibility for a number of survivor and death benefits. Signing this Declaration does not guarantee eligibility for benefits; however if you die before confirming your partnership by an accepted method, your partner cannot be considered for such benefits" (emphasis added).

URL: http://atyourservice.ucop.edu/forms_pubs/misc/benefits_domestic_partners.pdf



OFFICE OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
TELEPHONE: (530) 752-2231

December 2, 2008

MARY CROUGHAN, CHAIR

Assembly of the Academic Senate
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765

The subject proposal was distributed to all of the Davis Division standing committees and the Faculty Executive Committees of the schools and colleges. Comments were received from the Committees on Academic Personnel-Oversight and Faculty Welfare.

We support the addition of the proposed revisions into the Academic Personnel Manual.

Sincerely,

A handwritten signature in black ink that reads "R. L. Powell".

Robert L. Powell III, Chair
Davis Division of the Academic Senate and
Professor and Chair, Department of
Chemical Engineering and Materials Science



Office of the Academic Senate
2300 Berkeley Place South
Irvine, CA 92697-1325
(949) 824-2215 FAX

November 20, 2008

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

RE: SYSTEMWIDE REVIEW OF THE PROPOSED REVISIONS TO ACADEMIC PERSONNEL POLICY 110-4(10); 230-17; 230-18; 279-20; 360-80-A; 520-4; AND 710-14-B, 710-14-1, 710-38, AND 710-46; AND PROPOSED NEW ACADEMIC PERSONNEL POLICY 765

At its meeting of November 18, 2008, the Irvine Division Academic Senate Cabinet reviewed the proposed revisions to Academic Personnel Policy listed, and a proposed new Academic Personnel Policy 765. The Cabinet agreed to the definition and new wording pertaining to “domestic partner” relationships, and unanimously approved the proposed revisions.

Although the following sentence was not part of the proposed revisions, clarification of the following sentence on Page 2 of Vice Provost Nicholas P. Jewell’s memo (2/29/08) was suggested. An explanation of the word “some” would be appreciated and could be added to the policy for further clarity.

“ . . . UC provides benefits for domestic partners of active employees and retirees including (1) UCRP survivor income and (2) health and welfare benefits for same-sex domestic partners and some opposite-sex domestic partners. . . .”

The Irvine Division appreciates the opportunity to comment.

A handwritten signature in cursive script that reads "Jutta Heckhausen".

Jutta Heckhausen, Senate Chair

C: Martha Kendall Winnacker, Executive Director, Academic Senate



ACADEMIC SENATE EXECUTIVE OFFICE
LOS ANGELES DIVISION
3125 MURPHY HALL
LOS ANGELES, CA 90095-1408

PHONE: (310) 825-3851
FAX: (310) 206-5273

November 26, 2008

Mary Croughan
Chair of the Academic Council
University of California Academic Senate

In Re: [Proposed Revisions to Academic Personnel Policies 110-4\(10\); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765](#)

Dear Mary,

Thank you for the opportunity to review the above referenced revisions and addition to the Academic Personnel Manual. Upon receipt, I notified all Senate Committees and invited them to opine. I specifically requested responses from the following committees: Executive Board, which speaks for the Division: All Proposals; Faculty Welfare Committee: APM 110-4(10), APM 520-4, APM 710-14-1, APM 710-38, APM 765; Committee On Diversity and Equal Opportunity: APM 110-4(10), APM 520-4, APM 710-14-1, APM 710-38, APM 765; Committee on Library and Scholarly Communications: APM 360-80-a; Graduate Council: APM 710-14-b.

APM 110-4(10) UCLA supports the proposal with the following conditions: The Executive Board strongly recommends removing the phrase “other than marriage” from the definition of domestic partnership in section (ii). Since California does not presently recognize same sex marriages, why wouldn’t the University of California allow someone’s marriage from another jurisdiction stand as sufficient evidence of domestic partnership? The Board also forwards the response from the Faculty Welfare Committee which raises serious questions and concerns that should be addressed (please see attached).

APM 230-17, 230-18 and 279-20 UCLA raises no objections to the proposals.

APM 360-80-a UCLA endorses the proposal.

APM 710-14-b UCLA cannot support this revision. A postdoctoral scholar who is appointed as a Postgraduate Researcher (PGR) in December 2004 would reach the five-year limit of this appointment in December of 2009. However, the appointment could be extended for an

additional period of time, beyond January 2010; such PGRs would be adversely impacted by the revision. Accordingly, UCLA believes a clause should be added to extend to PGRs the privileges of 710.14.b until such as time as no PGRs remain in the system. I refer you to the response by the Graduate Council for further explication.

APM 710-14-1, 710-38, 710-46, and 765 UCLA raises no objections to the proposals.

I am attaching all of the responses from the various Senate Committees for your reference. Many of them offer further rationale for the position of UCLA than I am able to outline here.

Again, thank you for the opportunity to review and opine upon these APM revisions and proposal. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Goldstein". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michael Goldstein
UCLA Academic Senate Chair

Cc: Martha Kendall Winnacker, Systemwide Senate Executive Director
Jaime Balboa, UCLA Academic Senate Chief Administrative Officer

To: Michael Goldstein, Chair, Academic Senate

From: Jan Reiff, Chair, Graduate Council

Date: November 18, 2008

RE: Proposed Revisions to APM 710.14.b

As requested, the Graduate Council considered the proposed revision to the APM 710.14.b, which adds a footnote to this section of the Academic Personnel Manual to indicate that the Postgraduate Researcher (PGR) title will be removed from the list of eligible titles for sick leave as of January 1, 2010. Council members questioned whether or not this revision was reasonable given the fact that PGRs may exist on campus after January 2010 due to an extension being granted on an exceptional basis beyond a fifth year.

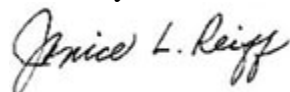
According to the transition guidelines for APM 390
(<http://www.ucop.edu/acadadv/acadpers/apm/apm-390.pdf>):

Phase-Out of Postgraduate Research and Visiting Postdoctoral Scholar Titles: Starting January 1, 2004, the University will begin phasing out the use of title codes 3240 and 3370 (see section 9). Only those Postdoctoral Scholars who were appointed in these title codes prior to January 1, 2005, may continue, and be reappointed, in these title codes.

A postdoctoral scholar who was appointed as a PGR in December 2004 would reach the five-year term limit of this appointment in December 2009. If the appointment were to be extended for an additional period of time, beyond January 2010, to afford continued advanced training on a limited basis, there would be no provision for sick leave. Additionally, when asked to opine on the rescission of APM 350 in Spring 2008, the Council was assured that that action would not impact those postdoctoral scholars that remain under the title PGR, largely because the title was covered under APM 390 with the exception of a few components of their benefits, which are covered by other sections of the APM, including sick leave. Since this is an important benefit to all, the Council feels that a clause should be added to afford PGRs the privileges of 710.14.b until that time when no PGR appointment remains in the system.

Thank you for the opportunity to opine on this matter. If you have any questions, please feel free to contact me or the Graduate Council's analyst, Kyle Cunningham, at extension 51162.

Sincerely,



Janice L. Reiff
Chair, Graduate Council

cc: Jaime Balboa, CAO, Academic Senate
Kyle Cunningham, Graduate Council Analyst, Academic Senate



MEMORANDUM

Academic Senate Executive Office
Los Angeles Division
3125 Murphy Hall
140801

November 6, 2008

To: Michael S. Goldstein
Academic Senate, Chair

From: Ruth Bloch
Committee on Diversity & Equal Opportunity, Chair

Re: Senate Item for Review: Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765

The Committee on Diversity and Equal Opportunity reviewed and discussed the proposed revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b; and 710-14-b, 710-14-1, 710-38, and 710-46; and the Proposed New Academic Personnel Policy 765 at their meeting on October 6, 2008.

The committee unanimously agreed that the suggested revisions be made to the Academic Personnel Policies listed above and that the New Academic Personnel Policy 765 be approved.

We thank you for the opportunity to participate in this process.



MEMORANDUM

Academic Senate Executive Office
Los Angeles Division
3125 Murphy Hall
140801

November 18, 2008

To: Michael Goldstein
Academic Senate, Chair

From: Mitchell Wong
Faculty Welfare Committee, Chair

Re: Senate Item for Review: Proposed Revisions to APM 520-4; APM 710-14-1; APM 710-38;
APM 765

The Faculty Welfare Committee reviewed and discussed the proposed revisions to APM 520-4; APM 710-14-1; APM 710-38; APM 765 at their meeting on November 13, 2008. The Committee has the following questions and concerns about the proposed revisions in APM 110-4(10):

1. How does this policy apply to same sex couples who were legally married in California or another state? The current definition seems to exclude these individuals. We believe they should be included.
2. Does this policy apply to opposite sex couples who are not married, but fit the criteria outlined in the second sentence? The current definition appears to include them; it is our understanding that UC benefits for opposite sex couples are limited to those with one member over age 62 and eligible for Social Security benefits based on age. Has the policy been changed to cover all opposite sex couples who meet the stated criteria?
3. What is the purpose of the second sentence? Is there a reason to include same sex couples who are not married, are not registered domestic partners under some state's laws, and who do not file a Declaration with the University? We believe this definition is at odds with UC policy which appears to require filing a Declaration for unmarried couples who are not registered domestic partners.
4. If the second sentence (II) is retained, it should be clarified to state whether all or only some of the stated criteria must be met. If all of the criteria must be met, the committee suggests the following language, though it does not recommend adopting different standards for staff members and academic personnel. The committee believes that, if the following language is adopted, the definition should apply to both staff members and academic personnel:
 - A "domestic partner" refers to (I) the individual designated as an employee's domestic partner under one of the following methods: (A) registration of the partnership with the State of California; (B) establishment of a same-sex legal

union, other than marriage, formed in another jurisdiction that is substantially equivalent to a State of California-registered domestic partnership; or (C) filing of a Declaration of Domestic Partnership form with the University, or (II) an individual in a long-term committed relationship with an employee, provided that each party is the sole partner of the other and intends to remain in the relationship indefinitely; neither party is legally married, a partner in another domestic partnership, or related by blood to a degree of closeness that would prohibit legal marriage in the State of California; each party is 18 years of age or older and capable of consenting to the relationship; the parties share a common residence; and the parties are financially interdependent.”

We thank you for the opportunity to participate in this process.

MEMORANDUM

Academic Senate Office
Los Angeles Division
3125 Murphy Hall
140801

DATE: November 14, 2008

TO: Michael Goldstein, Chair, Academic Senate

FROM: Committee on Library and Scholarly Communications Meeting,
November 6, 2008

RE: Action Item: Revision to Academic Personnel Policy APM 360-80-a

UCLA's Committee on Library and Scholarly Communication (COLASC) discussed the above-entitled action item during their November 6, 2008 meeting. This proposal would revise the normal periods of service at each rank and step for titles in the non-exclusively represented Librarian series.

The Committee on Library and Scholarly Communication unanimously supports the revisions to APM 360-80-a and agrees that the periods of service for titles in the non-exclusively represented Librarian series should be consistent with the periods of service non-exclusively represented Librarian members as provided in Article 4.C. of the Memorandum of Understanding between the University of California and University Council – American Federation of Teachers for the Professional Librarian Unit.

Sincerely,

Shane Butler, PhD
Chair, Committee on Library and Scholarly Communication



1156 HIGH STREET
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

November 21, 2008

Mary Croughan, Chair
Academic Council

RE: UCSC Response to Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765

Dear Mary,

Thank you for providing us with the opportunity to comment on the proposed additions and amendments of APMs 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765. Our Committees on Academic Personnel (CAP), Committee on Faculty Welfare (CFW) and our Committee on Privilege and Tenure (P&T) submitted comments on the proposed APM policies. All committees found the changes to be unexceptional with the following recommendations and queries noted below.

APM 110-4(10): This change broadens the definition of “domestic partner” to include unofficial means of establishing such partnerships. UCSC certainly approves the change—it is humane and appropriate. We presume that this revision also applies to heterosexual couples that register their partnership or file a Declaration of Partnership—it may well be appropriate to make this clear.

APM 230-17: This proposed change allows a maximum three-year appointment for Visiting Assistant Professors in Mathematics. In particular, we are puzzled as to why the APM would specify a department-based exception to a personnel norm: why mathematics, and not, say, French? That most UC math departments are requesting exceptions to the rule does not seem like sufficient justification to enshrine an exception engendered by departmental practice into the APM. We wonder if it would be better to change this APM to apply to the Visiting Assistant Professor title more generally.

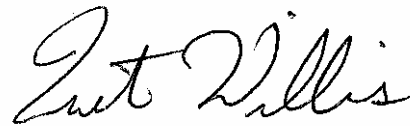
APM-360-80-a: The rationale given for this change is difficult to interpret (we suspect that there is a missing word or two). The document referenced for justification is labeled “University Final Offer” and is annotated in multiple places by hand in a marginally legible fashion (and apparently signed for concurrence at 3:13 A.M. on March 9, 2008). Perhaps this is the final copy, and we believe we can understand where the

change from annual to biannual reviews arises, but cleaner documentation (and a better rationale) would really have helped.

APM 710-14-b: We assume, but wish to ensure, that the removal of Postgraduate Research and Visiting-Postdoctoral titles from the list of eligible titles for sick leave is associated with the combination of the elimination of these titles as of January 1, 2005, as per APM-390, and the designate maximum lifetime of five years residence in post-doctoral positions at UC.

APM 710-38: This is another conforming change (with APM 110-4(10)) having to do with the definition of the term “domestic partner.” The wording here, however, reads (in this case) “domestic partner (same-sex or opposite-sex).” One could either opt for such wording in APM 110-4(10) (as per the comment above), or take the view that the proposed new definition of domestic partner is automatically inclusive of both same- and opposite-sex domestic partners, and hence the specificity here may be redundant. In either case, a consistency of language would be desirable.

Sincerely,

A handwritten signature in black ink that reads "Quentin Williams". The signature is written in a cursive, flowing style.

Quentin Williams, Chair
Academic Senate
Santa Cruz Division



OFFICE OF THE ACADEMIC SENATE

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November 4, 2008

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

SUBJECT: Proposed Changes to Academic Personnel Policies:

- Revision: APM 110-4, Definitions
- Revision: APM 230-17, 230-18, Visiting Appointments
- Revision: APM 279-20, Clinical Professor Series, Volunteer Series
- Revision: APM 360-80, Librarian Series
- Revision: APM 520-4, Employment of Near Relatives
- Revision: APM 710-14, 710-38, 710-46, Leaves of Absence/Sick Leave
- New: APM 765, Death Payments

Dear Chair Croughan:

In response to 2007-08 Academic Council Chair Brown's request of August 29, the San Diego Division sought and received comment from the appropriate Divisional committees on the proposed Academic Personnel Policy changes. The Divisional Senate Council also considered these at its meeting on November 3. Divisional reviewers were supportive of the proposed changes and of the proposed new APM 765.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Donoghue".

Daniel J. Donoghue, Chair
Academic Senate, San Diego Division

cc: W. Hodgkiss

University of California
San Francisco



Academic Senate
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David Gardner, MD, Chair
Elena Fuentes-Afflick, MD, MPH, Vice Chair
Mary J. Malloy, MD, Secretary
Jean Olson, MD, Parliamentarian

November 20, 2008

Mary Croughan, PhD
Chair, Academic Council
Academic Senate, University of California
1111 Franklin St., 12th Floor
Oakland, CA 94607-5200

Re: Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765

Dear Chair Croughan:

The UCSF Committee on Faculty Welfare reviewed and discussed the proposed revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765. The San Francisco Division recommends approval of the proposed revisions.

Regarding the proposed change to APM 110-4(10), the Committee on Faculty Welfare noted the following:

APM 110-4(10): It is not clear whether item (ii) in the PPSM 2 Definition "*establishment of a same-sex legal union, other than marriage, formed in another jurisdiction that is substantially equivalent to a State of California-registered domestic partnership*" would exclude or include a couple that was legally married in another state (i.e. Massachusetts or Connecticut) or country (e.g. Spain, Norway, Belgium, Canada, etc.) under this definition of Domestic Partner.

There still seems to be a discrepancy in APM 110-4, noted by Chair Oakley in his letter, dated May 22, 2007, between California law which requires domestic partners to file a declaration with the state while PPSM 2 lists other options. This is not a reason to prevent approval of the proposed changes, but revision to clarify this discrepancy should be considered.

Thank you for the opportunity to review and discuss these proposed amendments. If you have further questions, please contact me at David.Gardner@ucsf.edu.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Gardner'.

David Gardner, MD
Chair, UCSF Academic Senate

UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)
Steven Plaxe, Chair
splaxe@ucsd.edu

Assembly of the Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9466
Fax: (510) 763-0309

October 16, 2008

MARY CROUGHAN, CHAIR
ACADEMIC COUNCIL

Re: Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; and 279-20.

Dear Mary,

UCAP reviewed and endorsed without comment APM 230-17, APM 230-18, and APM 279-20

Sincerely,

Steven Plaxe, Chair
UCAP



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Helen Henry, Chair
helen.henry@ucr.edu

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November 14, 2008

**MARY CROUGHAN, CHAIR
ACADEMIC SENATE**

RE: Proposed Revisions to Academic Personnel Policies 110-4(10); 230-17; 230-18; 279-20; 360-80-a; 520-4; and 710-14-b, 710-14-1, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765

Dear Mary,

At its meeting of October 10, 2008, the University Committee on Faculty Welfare discussed the proposed changes to the Academic Personnel Policies 110-4(10); 230-17; 230-18; 2879-20; 360-80a; 520-4; and 710-14-b, 710-14-I, 710-38, and 710-46; and proposed new APM 765. We urge clarification in Sections 110-4(10) and 520-4.

In APM section 110-4, we are unclear when one of the three formalized and documented registration methods must be used and when the “implicit” codification suffices. For example, in the case of death and survivor benefits, must certification be ex ante, or is ex post facto demonstration permissible? In order to address this concern, we suggest changing “If an individual has not been designated as an employee’s domestic partner by any of the foregoing methods...” to “The following criteria are applicable in defining domestic partner. . .”

Also in this section, same-sex domestic partners should be specifically included, lest further amendments be necessary. Similarly, we feel that specific language should be included to state clearly that retirees can also be the beneficiaries of domestic partner benefits, not just active employees as the current text implies by omission.

In APM section 520-4, we again feel that the distinction, if any, between the three formalized partnerships and the “implied” partnership in relation to the definition and consideration of conflict of interest and employment of near relatives should be fully and explicitly addressed.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Helen L. Henry".

Helen Henry, UCFW Chair

Copy: UCFW
Martha Winnacker, Executive Director, Academic Senate

