



OFFICE OF THE VICE PROVOST -
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

June 17, 2014

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR JACOB
ANR VICE PRESIDENT ALLEN-DIAZ

Dear Colleagues:

At the urging of the Academic Senate, we had originally set a tight deadline for comments on proposed draft policies, APM - 133, - 210, - 220, and - 760 (the deadline had been July 21, 2014). The Senate Chair has notified me that the Senate will not be able to complete its review by this time, so we are extending the timeframe for all parties who are reviewing the policy.

Please plan to submit comments on these policies by December 15, 2014. Questions may be directed to Janet Lockwood, telephone (510) 987-9499 or email Janet.Lockwood@ucop.edu.

To assist you in this review, I am also attaching the original memo on the review.

Sincerely,

A handwritten signature in black ink that reads "Susan Carlson".

Susan Carlson
Vice Provost
Academic Personnel

Attachment

cc: President Napolitano
Provost and Executive Vice President for Academic Affairs Dorr
Senior Vice President Vacca
Vice President Duckett
Vice Provosts Academic Affairs/Academic Personnel
Academic Personnel Directors
AA/EEO Directors
Executive Director Tanaka
Executive Director Winnacker
Deputy General Counsel Drown
Deputy Compliance Officer Lane
Senior Counsel Van Houten
Director Chester
Manager Lockwood
Policy and Compensation Analyst Flinker
Policy Coordinator Trifonov



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

May 23, 2014

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR JACOB
ANR VICE PRESIDENT ALLEN-DIAZ

Re: Systemwide Review of Proposed Revised Academic Personnel Manual (APM):

- 1) Section 133-17-g-j, Limitation on Total Period of Service with Certain Academic Titles,**
- 2) Section 210-1-c & d, Review and Appraisal Committees,**
- 3) Section 220-18-b, Professor Series, and**
- 4) Section 760-30-a, Family Accommodations for Childbearing and Childrearing**

Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to Academic Personnel Manual Section 133-17-g-j (APM - 133), Limitation on Total Period of Service with Certain Academic Titles; Section 210-1-c & d, Review and Appraisal Committees (APM - 210); Section 220-18-b, Professor Series (APM - 220); and Section 760-30-a, Family Accommodations for Childbearing and Childrearing (APM - 760). These proposed changes to four separate APM sections result from two substantive issues described below.

Revisions of Language on Evaluating Contributions to Diversity

During the 2012-13 academic year, the University Committee on Academic Personnel (UCAP) and the University Committee on Affirmative Action and Diversity (UCAAD) worked together on a proposal to modify APM - 210-1-d to clarify its language regarding evaluation of contributions to diversity in merit and promotion reviews. In spring 2013, Academic Council approved the language proposed by UCAP and UCAAD. The proposed language enclosed has not been changed, since Management Consultation (January – March 2014) documented general support for the new language. Enclosed is a letter dated January 2, 2014 from Academic Council Chair William Jacob to Vice Provost Carlson requesting review of the Senate's original proposal as well as a letter from UCAP Chair Harry Green and UCAAD Chair Emily Roxworthy to Chair Jacob describing their efforts and rationale for the proposed revisions. The letter from Chairs Green and Roxworthy refers to two attachments which consist of current APM - 210-1-d language and language proposed in spring 2013 by Academic Council. The current language and their proposed language is replicated on the enclosed draft using the "track changes" function. Their proposed language remains the proposed language now being circulated for Systemwide Review.

Revisions of Language on Extending the Eight-Year Limitation on Service

Also during the 2012-13 academic year, the University Committee on Faculty Welfare (UCFW) recommended that APM - 133-17-h, Stopping the Clock for the Care of a Child or Children, be amended to expand the permissible reasons to “stop” the eight-year service limitation “clock” due to exceptional personal circumstances beyond the faculty member’s control which may impede timely progress. Draft language proposes that, in addition to childbearing and child care, a faculty member may request to stop the clock for a serious personal health condition, for illness of or for bereavement of a family member, or other significant circumstance or event.

While current policy provides for an automatic exclusion from service limitations when leave is related to childbearing or childrearing (see APM - 133-17-g-(3) and APM - 760-25-30), the proposed revisions specify that campus Academic Personnel procedures will establish how a faculty member may apply for an extension of the eight-year rule when the request is related to a serious personal health condition, for illness of or for bereavement of a family member, or other significant circumstance or event, and how the request will be evaluated.

In addition to amending APM - 133-17-g-j, related revisions are proposed to APM Sections 210-1-c-(4), 220-18-b, and 760-30-a. Language in Sections 210-1-c-(4) and 220-18-b adds reference to stopping the clock due to personal reasons in addition to family accommodation as defined in APM - 760. Also, language is added to confirm that all evidence produced during the probationary period, including the period of extension, counts in the evaluation of the candidate’s review file. Language removes from APM - 760-30-a the child’s five-year age limit for an academic appointee to qualify for an extension of the eight-year rule.

Summarized below are some of the recommendations from Management Consultation (January – March 2014) that have been incorporated in the Systemwide Review drafts:

- Some reviewers found the definition of “child” to be overly descriptive and narrowly focused to the exclusion of other appropriate child care arrangements that warrant consideration for extending the clock. Proposed revisions reflect the recommendation that the focus be on the family member’s commitment to 50 percent or more of the care of the child rather than defining a child.
- Additionally, the restriction of eligible children of the appointee or the appointee’s partner is unduly narrow. Proposed language in APM - 133-h-1 extends the definition to any child who becomes part of the faculty member’s family. Proposed new language in APM - 133-17-h-2 enables a faculty member to request to stop the clock for illness of, or bereavement for, a close family member, other persons residing in the faculty member’s household, or in cases of close personal connection or interdependence, instead of trying to list all possible relationships.
- Reviewers recommended that proposed APM - 133-17-h-3 be modified to include examples such as significant delays in the provision of research space, facilities, or resources promised to the faculty member and necessary for his or her research activities.

May 23, 2014

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- Lastly, reviewers recommended language to reflect that requests to stop the tenure clock for a serious personal health issue constituting disability would be considered a reasonable accommodation requiring documentation confirming the existence of the disability.

Systemwide Review Process

Systemwide Review is a public review distributed to the Executive Vice Chancellors/Provosts, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, affected employees and union membership about policy proposals. Systemwide Review also includes a mandatory full Senate review, in this instance, for 60 days, as agreed with Academic Council Chair Jacob.

Employees should be afforded the opportunity to review and comment on the draft new policy, available online at: <http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html>. Attached is a Model Communication which may be used to inform non-exclusively represented employees affected by these proposals.

This letter and enclosures anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than July 21, 2014. Please send comments on the proposed policy to ADV-VPCARLSON-SA@ucop.edu. Questions may be directed to Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel

Enclosures: Letter from Academic Council Chair Jacob to Vice Provost Carlson (1/2/14)
Letter from UCAP Chair Green and UCAAD Chair Roxworthy to
Academic Council Chair Jacob (1/2/14, without attachments)
Proposed Revisions to APM Sections 133-17-g-j, 210-1-c(4), 210-1-d, 220-18-b,
and 760-30-a

cc: President Napolitano
Provost and Executive Vice President for Academic Affairs Dorr
Senior Vice President Vacca
Vice President Duckett
Vice Provosts Academic Affairs/Academic Personnel
Academic Personnel Directors
AA/EEO Directors
Executive Director Tanaka
Executive Director Winnacker
Deputy General Counsel Drown
Deputy Compliance Officer Lane
Senior Counsel Van Houten
Director Chester
Manager Lockwood
Policy and Compensation Analyst Flinker
Policy Coordinator Trifonov

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g. Applicability of Periods of Leave

The applicability of periods of leave toward the eight-year period shall be as follows:

- (1) Temporary transfers or changes of status from Assistant Professor (or any other title listed in APM - 133-0) to any other title or title series shall be regarded as periods of academically-related leave under this rule and shall be included as service toward the eight-year period.
- (2) A leave of absence, with or without salary, taken in the year in which the promotion review of an Assistant Professor is otherwise scheduled shall not provide a basis for postponement of that review.
- (3) Periods of leave, whether with or without salary, shall be included as service toward the eight-year period unless, upon the basis of a petition filed at the time leave is requested, or in the case of sick leave, normally within one quarter or semester after the leave is taken, the Chancellor, ~~after consultation with the appropriate committee of the~~

~~Academic Senate~~ determines that the activity undertaken during the course of the leave is substantially unrelated to the individual's academic career. The Chancellor shall report such a decision in writing to the individual.

Comment [AP1]: The Chancellor holds the authority to grant requests for leave and requests to extend the eight-year service period due to qualifying leave; thus, consultation with the Senate is removed.

However, any childbearing or parental leave, provided for in APM - 760-25 and 760-27 which is equal to or exceeds one semester or one quarter and which is not greater than one year, whether with or without salary, shall automatically be excluded from service toward the eight-year period unless the faculty member informs the department chair in writing before, during, or within one quarter or semester after the leave that it should not be excluded from service toward the eight-year period. (See APM - 133-17-a, -b, -c, -d, and -i.)

Note: Exclusion of one or two quarters or one semester will not necessarily delay the timing of a review.

Any other approved leave provided for in APM - 133-17-h also is excluded from service toward the eight-year period.

- (4) For determining years toward the eight-year limitation of service, the combined total of periods of leave unrelated to academic duties and time off the clock may not exceed two years.

h. Stopping the Clock ~~for the Care of a Child or Children~~

A faculty member may request to stop the clock during the probationary period for personal reasons (see below), including child care, serious health condition or bereavement, or significant circumstance or event that disrupts a faculty member's ability to pursue his or her duties. Extensions are normally granted for a period of up to one year for each event, automatically for some reasons, and upon request and approval for other reasons. A faculty member may be granted no more than two years of extension during the probationary period. A faculty member is eligible to stop the clock even if the faculty member does not take a formal leave or have a modification of duties. A request to stop the clock should be made as soon as the need becomes apparent.

(1) Child Care

A faculty member may stop the clock during the probationary period to care for any child who becomes part of the faculty member's family. ~~newborn child or a child under age five newly~~

~~placed for adoption or foster care.~~ To be eligible to stop the clock, a faculty member at the Assistant level must be responsible for 50 percent or more of the care of the child. ~~The child may be the appointee's child or that of the appointee's spouse or domestic partner. The clock may be stopped for up to one year for each event of birth or placement; provided that all the time off the clock totals no more than two years in the probationary period.~~ The birth or placement of one or more children at the same time constitutes a single event of birth or placement. ~~A faculty member is eligible to stop the clock even if the faculty member does not take a formal leave or have a modification of duties.~~ (See [also](#) APM - 760-30 ~~for additional provisions.~~)

(2) Serious Health Condition or Bereavement

A faculty member may request to stop the clock during the probationary period, which may be approved by the Chancellor, when his or her ability to pursue his or her duties is significantly disrupted by a debilitating health condition, by the need to care for a close family member who is seriously ill, or by the death of a close family member. This provision also covers other persons residing in the faculty member's household or in cases involving

close personal connection or interdependence.

A faculty member's request to extend the tenure clock for a period longer than an approved sick leave or extended illness leave may be appropriate in certain circumstances. Requests to extend the tenure clock for a serious personal health issue must include documentation confirming the existence of the disability and the need for reasonable accommodation.

(3) Significant Circumstance or Event

A faculty member may request to stop the clock during the probationary period, which may be approved by the Chancellor, for reasons due to a significant circumstance or event beyond the faculty member's control that disrupts the faculty member's ability to pursue his or her duties. Examples of significant circumstances or events beyond the faculty member's control for which the faculty member may request to stop the clock include the effects of a natural disaster or the effects of significant delays in the provision of research space, facilities, or resources promised to the faculty member and necessary for his or research activities.

- i. Provisions of APM - 133-17-g and -h when combined may not exceed one year for each event of birth or placement for adoption or foster care.

- j. Faculty members shall not be arbitrarily disadvantaged in their promotion, advancement, or compensation because they have elected to take a childbearing or parental leave, to stop the clock for reasons listed in section (h) above, or to defer a personnel review. Personnel reviews that are deferred due to a family accommodation as defined in APM - 760 should be treated procedurally in the same manner as personnel reviews conducted at the usual intervals. The file shall be evaluated without prejudice as if the work were done in the normal period of service and so stated in the department chair's letter.

133-20 Notice of Non-Reappointment

The schedule for the Professor series set forth in APM - 220-20 applies also to notice not to reappoint individuals with titles listed in APM - 133-0-a except for individuals with Acting or Visiting appointments. Appointments of these latter types are self-terminating with

GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Limitation on Total Period of Service with Certain Academic Titles

APM - 133
DRAFT

specified ending dates, and no further notice is required.

133-96 **Reports**

See APM - 200-96.

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210-1 **Instructions to Review Committees Which Advise on Actions Concerning
Appointees to the Professor and Corresponding Series**

c. **Procedure**

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(4) **Assessment of Evidence** – The review committee shall assess the adequacy of the evidence submitted. If in the committee’s judgment the evidence is insufficient to enable it to reach a clear recommendation, the committee chair, through the Chancellor, shall request amplification. In every case all obtainable evidence shall be carefully considered.

If in assessing all obtainable evidence, the candidate fails to meet the criteria set forth in Section 210-1-d below, the committee should recommend accordingly. If, on the other hand, there is evidence of unusual achievement and exceptional promise of continued growth, the committee should not hesitate to endorse a recommendation for accelerated advancement. If there is evidence of sufficient achievement in a time frame that is extended due to stopping the clock for reasons as defined in APM - 133-17-h or a family accommodation as defined in APM - 760, the evidence should be treated procedurally in the same manner as evidence in personnel reviews conducted at the usual intervals. All evidence produced during the probationary period, including

the period of extension, counts in the evaluation of the candidate's review

file. The file shall be evaluated without prejudice as if the work were done in the ~~normative~~normal period of service and so stated in the department chair's letter.

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210-1 **Instructions to Review Committees Which Advise on Actions Concerning
Appointees in the Professor and Corresponding Series**

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d. **Criteria for Appointment, Promotion, and Appraisal**

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The University of California is committed to excellence and equity in every facet of its mission. Contributions in teaching, research and other creative work, professional activity, and University and public service contributions that promote equal opportunity and diversity ~~and equal opportunity~~ are to be encouraged. ~~and given recognition in the evaluation of the candidate's qualifications. They should be given the same weight in the evaluation of the candidate's qualifications during Academic Personnel actions as any other contributions in these areas.~~ These contributions to diversity and equal opportunity can take a variety of forms including efforts to advance research, teaching, equitable access to education, and public service that addresses the needs of California's diverse population, ~~or research in a scholar's area of expertise that highlights inequalities.~~ Mentoring and advising of diverse students or ~~new~~ faculty members are to be encouraged and given due recognition in the teaching or service categories of ~~the Academic Personnel actions process.~~

The criteria set forth below are intended to serve as guides for minimum standards in judging the candidate, not to set boundaries to exclude other elements of performance that may be considered.

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220-18 **Salary**

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- a. Authorized salary scales established for this series are issued by the Office of the President.

- b. **Normal Periods of Service**

The normal periods of service at rank and step in this series are shown in the published salary scales and are described below. Although these time periods indicate the usual intervals between advancements, they do not preclude more rapid advancement in the case of exceptional merit, or more gradual advancement when warranted. Personnel reviews that are deferred due to stopping the clock for reasons as defined in APM - 133-7-h or a family accommodation as defined in APM - 760 should be treated procedurally in the same manner as personnel reviews conducted at the usual intervals. All evidence produced during the probationary period, including the period of the extension, counts in the evaluation of the candidate's review file. The file shall be evaluated without prejudice as if the work were done in the normal period of service and so stated in the department chair's letter.

.....

.....

760-30 **Stopping the Clock for Child Care~~the Care of a Child or Children~~**

- a. An academic appointee may stop the clock during the probationary period to care for any a newborn child who becomes part of a faculty member's family or a child under age five newly placed for adoption or foster care. To be eligible to stop the clock, an appointee at the Assistant level must be responsible for 50 percent or more of the care of a child. ~~The child may be the appointee's child or that of the appointee's spouse or domestic partner. The clock may be stopped for up to one year for each event of birth or placement; provided that all time off the clock totals no more than two years in the probationary period.~~ The birth or placement of one or more children at the same time constitutes a single event of birth or placement. An appointee is eligible to stop the clock even if the appointee does not take a formal leave or have a modification of duties. (See APM - 133-17-g-jh.)

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UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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SANTA BARBARA • SANTA CRUZ

Bill Jacob
Telephone: (510) 987-9303
Fax: (510) 763-0309
Email: William.jacob@ucop.edu

*Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

January 2, 2014

SUSAN CARLSON, VICE PROVOST ACADEMIC PERSONNEL

Re: Proposed revision of APM 210

Dear Susan:

As I believe you are aware, ambiguities in the language of APM 210-1d contains have raised concerns in Senate committees about inconsistent implementation and potential misunderstanding. Accordingly, over the past year, the University Committee on Academic Personnel (UCAP) and the University Committee on Affirmative Action and Diversity (UCAAD) have worked together to develop proposed revisions that they believe would more precisely state the University's commitment to faculty diversity while also avoiding the misperception that research in some fields will be valued more highly than research in others without regard to its academic quality.

I write now to transmit a memo from UCAP and UCAAD chairs Harry Green and Emily Roxworthy providing background context for the proposed change. Please note that the language of APM 210-1d was first proposed by the Senate.

As always, please feel free to contact me or Professors Green or Roxworthy if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Bill Jacob".

Bill Jacob

Encl. (1)

Cc: Academic Council
Executive Director Winnacker
Policy Manager Lockwood
Senate Analysts



UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL (UCAP)

Harry Green, Chair

harry.green@ucr.edu

UNIVERSITY COMMITTEE ON AFFIRMATIVE ACTION & DIVERSITY

Emily Roxworthy, Chair

eroworthy@ucsd.edu

Assembly of the Academic Senate

1111 Franklin Street, 12th Floor

Oakland, CA 94607-5200

Phone: (510) 987-9466

Fax: (510) 763-0309

January 2, 2014

BILL JACOB, CHAIR
ACADEMIC COUNCIL

RE: APM210-1.d Historical Context and Need for Revision

Dear Bill,

Historical Context

In the fall of 2002, President Atkinson convened a Strategic Review Panel that recommended incorporating educational outreach (which helps disadvantaged and underrepresented populations) into the teaching and research mission of the UC faculty. The Panel's final report in Spring, 2003, also recommended involving faculty more directly in efforts to serve the community. One of the University's responsibilities as a land-grant institution is to provide broad and equitable education for all eligible California residents, including those in disadvantaged and underrepresented groups. As a consequence, faculty contributions to diversity and equal opportunity are to be highly valued by the University. Accordingly, the Panel asked the Academic Senate to develop means by which faculty members could be properly recognized and rewarded for their participation in these forms of educational outreach.

In 2003-04, the Senate's University Committee on Affirmative Action and Diversity (UCAAD) worked with several other Senate committees to propose language for the Academic Personnel Manual (APM) that would instruct campus reviewers to evaluate contributions to diversity and equal opportunity in all three categories of the academic appointment, review, and promotion process (teaching, research, and service). Revisions of three sections of the APM were proposed to guide Deans (APM 240), Department Chairs (APM 245) and the Academic Merit and Promotion process (APM 210) in promoting diversity and equity. The first two revisions were approved with little discussion but the proposed revisions to APM 210 met with considerable controversy. In particular, the University Committee on Research Policy (UCORP) commented that "By singling out a specific area of work for special treatment, it seems to imply that the subject matter itself is more important than and substitutes for scholarly rigor, objectivity and originality" and "It is also unclear how to distinguish between diversity efforts that should count as "research and creative work" rather than as "University and public service." In 2004-05, following further discussion and system-wide review, the Academic Council unanimously approved creation of a new paragraph of APM 210 (section 210-1.d) [Attached]. The Administration concurred and charged each campus with devising local strategies to implement the new policy.

Need for Revision

Since 2005, each campus has approached APM 210-1.d autonomously, and its implementation has been uneven and inconsistent across the system, primarily due to confusions and/or disagreements concerning the original two concerns of UCORP. Finally, in 2011/12, after extensive and animated discussions, the University Committee on Academic Personnel (UCAP) concluded that the current wording of APM 210-1.d was unworkable because its language is ambiguous; it can be read to say that research into diversity and equity holds a privileged position above other academic disciplines. This conclusion was reached while UCAP was reviewing the report of a Faculty Diversity Working Group convened by President Yudof in early 2011 as part of the Campus Climate Council. One of the Working Group's key recommendations was that the Senate devise strategies for fully implementing APM 210-1.d as soon as possible. As a consequence of the Working Group's recommendation and UCAP's conclusion of unworkability of the current wording, in Fall 2012, the Senate Chair tasked UCAAD and UCAP with revising the language of APM 210-1.d to make it unambiguous to ensure that the policy would be fully and consistently implemented on every campus.

Proposed New Language

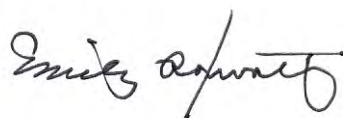
During the 2012-13 academic year, UCAAD and UCAP worked together to modify the language of APM 210-1.d to clarify: (i) that all academic disciplines have equal standing in the merit/promotion process; (ii) that contributions to diversity and equity by faculty members for whom diversity and equity are not primary research fields are also to be encouraged as an aspect of their teaching and/or service; (iii) that mentoring of diverse students and faculty in any discipline is important and can require considerable time and effort, for which faculty should be rewarded appropriately. The proposed revisions include explicit language stating that research, teaching, and service related to diversity and equal opportunity comprise a valid disciplinary area that is to be judged on its own merits—at the same level of recognition as any other academic discipline recognized by the University of California. At the same time, contributions toward diversity, equity and inclusion in teaching and/or service are to be highly valued in the merit/promotion process of faculty in any discipline. Mentoring of diverse students and faculty is specifically to be given “due recognition” in the merit/promotion system. That is, such mentoring is to be addressed on a “sliding scale”, thereby giving appropriate recognition depending on the level of involvement of the faculty member. In Spring, 2013, the Academic Council approved with a large majority the revised wording for APM 210-1.d [attached] that is now to be distributed for discussion and approval by the full Senate.

Finally, both UCAAD and UCAP recommend that every campus provide dedicated sections on the biobibliography or elsewhere in the review file where faculty can, if they wish, document their contributions to diversity and include narrative that details the efforts and impacts of these activities. Such presentation will allow reviewers at all levels to evaluate these voluntary contributions to teaching and service in the context that they are valued highly by the University.

Sincerely,



Harry Green, Chair
UCAP



Emily Roxworthy, Ph.D., Chair
UCAAD

MODEL COMMUNICATION

The University invites comments on Proposed Revised Academic Personnel Manual Section 133-17-g-j (APM - 133), Limitation on Total Period of Service with Certain Academic Titles; Section 210-1-c & d, Review and Appraisal Committees (APM - 210); Section 220-18-b, Professor Series (APM - 220); and Section 760-30-a, Family Accommodations for Childbearing and Childrearing (APM - 760). These proposed changes to four separate APM sections result from two proposals received from the Academic Senate regarding evaluating contributions to diversity and expanding the reasons for “stopping” the eight-year service limitation “clock.”

The proposal is located on the UCOP Academic Personnel website, “Policies under review”, under the “Systemwide Review” tab at <http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html>. It also may be viewed at (*e.g., the campus Academic Personnel Office*).

If you have any questions or if you wish to comment, please contact _____ at _____, no later than _____ 2014.