



Office of the Executive Director, Chief of Staff
PHONE: (510) 987-9458
FAX: (510) 763-0309
E-MAIL: Martha.Wimmacker@ucop.edu

Assembly of the Academic Senate
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200
Phone: (510) 987-9458
Fax: (510) 673-0309

August 29, 2008

**SYSTEMWIDE SENATE COMMITTEE CHAIRS
DIVISION CHAIRS**

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

RESPONSE DATE: Friday, November 21, 2008

Dear System-wide Senate Committee and Division Chairs:

On behalf of Chair Michael T. Brown and Chair-Elect Mary Croughan, please find attached a proposal to amend the Academic Personnel Policies (APPs) listed above, and to add a new policy, Academic Personnel Policy 765.

In March 2007, Acting Assistant Vice President Sheila O'Rourke wrote to request Senate review of the proposed changes. 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 this request. For your information, I have enclosed these letters, as well as the draft changes to the APP language.

In order for the Academic Council to submit its comments to the administration in time for them to be considered before the APPs are revised, **it will be necessary to receive responses from both the systemwide Senate Committees and the Divisions by no later than November 21, 2008.**

As a reminder to systemwide Senate Committee Chairs, please note that requests for comments are sent out to all systemwide Senate Committees. Each committee may decide whether or not to opine. Please notify the Senate Office if your committee chooses *not* to participate in this review by emailing me or your Committee Analyst. Please do not hesitate to contact me or Chair-Elect Mary Croughan if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink, reading "Martha Kendall Winnacker". The signature is written in a cursive style with a long horizontal flourish at the end.

Martha Kendall Winnacker, Executive Director
Academic Senate

Copy: Academic Council Chair Michael T. Brown
Academic Council Chair-Elect Mary Croughan
Divisional Senate Directors
Academic Senate Committee Analysts

Encl. 10



OFFICE OF THE PROVOST AND EXECUTIVE VICE PRESIDENT -
ACADEMIC AND HEALTH AFFAIRS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

February 29, 2008

ACADEMIC COUNCIL CHAIR BROWN

Dear Michael:

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-l, 710-38, and 710-46; and Proposed New Academic Personnel Policy 765

On May 22, 2007, former Academic Council Chair John Oakley wrote former Acting Assistant Vice President Sheila O'Rourke and requested additional information to justify the above-listed proposals, which were circulated for systemwide review from March 28 through June 29, 2007. I apologize for the delay in my responding to the Academic Council's request. I have briefly described below the proposals, rationale for the proposals, and URLs for relevant documents on the Web.

- **APM - 110-4(10).** This proposal would add the definition of "domestic partner" to academic personnel policy so that the term is consistently defined. The proposed definition is identical to the definition of "domestic partner" in Personnel Policies for Staff Members Section (PPSM) 2 (Definition of Terms), except that the term "employee's" has been replaced with the term "appointee's."

Rationale: PPSM 2 was revised, effective January 29, 2007, to include the category *domestic partner*. See President Dyne's letter announcing the issuance of the revised policy at <http://www.ucop.edu/ucophome/coordrev/policy/PP012907spp.pdf>.

PPSM 2 Definition: "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."

UC Policy: Although California law requires domestic partners to establish a domestic partnership by registering with the State, UC allows employees who have not registered their partnership with the State of California to establish a domestic partnership by filing a *Declaration of Domestic Partnership* form (UBEN 250) with the University. 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. UC academic and staff personnel are eligible for sick leave and family and medical leave to care for their domestic partner. UC academic appointees are also eligible to stop the tenure clock and to engage in a period of active service-modified duties to care for the child of a domestic partner.

UC Publication: The publication *Benefits for Domestic Partners* sets forth benefits available to UC employees who have domestic partners. The publication defines domestic partnership for UCRP survivor income and health and welfare benefits and sets forth the process for establishing a domestic partnership. See http://atyourservice.ucop.edu/forms_pubs/misc/benefits_domestic_partners.pdf.

UC Form: The *Declaration of Domestic Partnership* (UBEN 250) form is used by employees to establish their domestic partnership with the University. See http://atyourservice.ucop.edu/forms_pubs/forms_worksheets/uben250.pdf.

- **APM - 230-17.** This proposal would allow for up to a maximum of three years of consecutive service for appointees in the Visiting Assistant Professor Programs in Mathematics title. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-230.pdf>.

Rationale: Existing policy provides that the total period of consecutive service with a Visiting title shall not exceed two years. The Los Angeles, Berkeley, Santa Cruz, and Davis campuses were each granted for programmatic reasons an exception to policy (in 1971, 1988, 1989, and 1992, respectively) to allow them to appoint individuals with a Visiting title for up to three years in the Mathematics Department. During 2005, the Riverside campus requested this same exception. This proposal would codify systemwide the maximum period of service for Visiting Assistant Professor Programs in Mathematics.

- **APM - 230-18.** Proposed changes withdrawn since APM - 670 will be revised.
- **APM - 279-20.** This proposal would change the title of the policy on Clinical Professor Series, Volunteer Series from “Conditions of Employment” to “Conditions of Appointment.” See <http://www.ucop.edu/acadadv/acadpers/apm/apm-279.pdf>.

Rationale: Appointees in the Clinical Professor series, Volunteer series are volunteers, and are not University employees.

ACADEMIC COUNCIL CHAIR BROWN

February 29, 2008

Page 3

- **APM - 360-80-a.** This proposal would revise the normal periods of service at each rank and step for titles in the non-exclusively represented Librarian series. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-360.pdf>.

Rationale: 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 (MOU). See http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/collective_bargaining_units/librarians_lib/contract_articles/article_4.pdf.

- **APM - 520-4.** This proposal would add the “child of a domestic partner” to the definition of “near relative” in the Employment of Near Relatives policy. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-520.pdf>.

Rationale: The term “near relative” as defined in APM - 520-4 includes an “appointee’s child” and an “appointee’s domestic partner.” However, the definition does not include the “child of a domestic partner.” PPSM 21.G defines as a near relative the “child of a domestic partner.” The definition of a near relative should be the same for academic and staff personnel. See http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/personnel_policies/spp21.html.

- **APM - 710-14-b.** This proposal would add a footnote to indicate the Postgraduate Research and Visiting (_____) – Postdoctoral titles will be removed from the list of eligible titles for sick leave as of January 1, 2010. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-710.pdf>.

Rationale: Removal of the Postgraduate Research and Visiting (_____) – Postdoctoral titles is provided for in Section 5 of the Transition Guidelines in APM - 390 (Postdoctoral Scholars), Appendix A. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-390.pdf>.

APM - 710-14-l. This proposal would add “Project (e.g., *Scientist*) series” to the list of fiscal-year academic titles in APM - 710-14 that are eligible to accrue sick leave. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-710.pdf>.

Rationale: Fiscal-year appointees with a 50 percent or more appointment in the Professional Researcher series are eligible to accrue sick leave. Fiscal-year appointees with a 50 percent or more appointment in the Project (e.g., *Scientist*) series should similarly be eligible to accrue sick leave. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-710.pdf>.

ACADEMIC COUNCIL CHAIR BROWN

February 29, 2008

Page 4

- **APM - 710-38.** This proposal would add “domestic partner (same-sex or opposite-sex)” to this section to conform with APM - 715 (Leaves of Absence/Family and Medical Leave). See <http://www.ucop.edu/acadadv/acadpers/apm/apm-710.pdf>.

Rationale: Existing APM - 715-0 provides that eligible academic appointees are entitled to take leave “to care for the appointee’s child, parent, spouse, **or domestic partner (same-sex or opposite-sex)** [emphasis added] with a serious health condition.” See <http://www.ucop.edu/acadadv/acadpers/apm/apm-715.pdf>.

- **APM - 710-46.** This proposal would correct a reference to APM - 145-7, which was renumbered APM - 145-36 on January 8, 2003. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-710.pdf>.

Rationale: On January 8, 2003, APM - 145-7 was renumbered APM - 145-36. See <http://www.ucop.edu/acadadv/acadpers/apm/apm-145.pdf>.

- **APM - 765.** This proposal would add a new personnel policy to implement Section 103.8 of the Standing Orders of The Regents on Death Benefit (S.O. 103.8) and to clarify eligibility criteria for academic appointees. This proposal is consistent with PPSM 83 (Death Payments). See http://atyourservice.ucop.edu/employees/policies_employee_labor_relations/personnel_policies/spp83.html

Rationale: On January 15, 2004, domestic partner was added to the beneficiary provision of S.O. 103.8 and the beneficiary order of succession was specified. See <http://www.universityofcalifornia.edu/regents/bylaws/so1038.html>.

Please let me know if you would like to meet to discuss the above proposals.

Sincerely,



Nicholas P. Jewell
Vice Provost
Academic Personnel

Enclosure

ACADEMIC COUNCIL CHAIR BROWN

February 29, 2008

Page 5

cc: Provost and Executive Vice President Hume
Executive Director Bertero-Barceló
Executive Director Slocum
Director Westlye
Acting Director Sykes
Principal Analyst Agustin
Principal Analyst Lopez
Administrative Assistant Durrin



John B. Oakley
Distinguished Professor of Law, U.C. Davis
Telephone: (510) 987-9303
Fax: (510) 763-0309
Email: John.Oakley@ucop.edu

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

May 22, 2007

SHEILA O'ROURKE, ACTING ASSISTANT VICE PRESIDENT
ACADEMIC ADVANCEMENT

Re: Systemwide review of (1) proposed revisions to Academic Personnel Policies 110-4, 230-17 and -18, 279-20, 360-80, 520-4, and 710-14,-38, and -46; and (2) proposed new Academic Personnel Policy 765.

Dear Sheila,

On Wednesday, April 25, 2007, during the meeting of the Academic Council, we considered your request for systemwide review of proposed (1) proposed revisions to Academic Personnel Policies 110-4, 230-17 and -18, 279-20, 360-80, 520-4, and 710-14,-38, and -46; and (2) proposed new Academic Personnel Policy 765. We require additional information in order for Council members better to understand the nature and importance of the proposed changes.

Though you have described the proposed changes as either technical or minor, the Council would appreciate information that justifies them. As one example, APM 110-4 would add a definition of "domestic partner" that some Council members viewed as inconsistent with the requirements of state law (e.g., the state requires persons seeking to establish a domestic partnership to file a declaration with the State whereas the definition proposed allows for other alternatives). Though your letter indicated that the definition was consistent with Personnel Policies for Staff Members Section 2 (Definitions of Terms), it would be helpful to submit that reference along with the requested change and along with a justification for why that reference ought to be the standard.

With the justifications in hand, the Academic Senate's review can proceed on a more fully informed basis. We await this information in order to start the review.

Sincerely,

John B. Oakley, Chair
Academic Council

Copy: Academic Council
María Bertero-Barceló, Senate Executive Director



OFFICE OF THE PROVOST AND EXECUTIVE VICE PRESIDENT –
ACADEMIC AND HEALTH AFFAIRS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

March 28, 2007

**COUNCIL OF VICE CHANCELLORS
ACADEMIC COUNCIL CHAIR OAKLEY
ASSOCIATE VICE PRESIDENT – AGRICULTURE AND NATURAL RESOURCES**

Dear Colleagues:

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

Enclosed for systemwide review are the following Academic Personnel policy proposals, which are described below.

- **APM - 110-4 (Academic Personnel Definitions)**

Would add the definition of “domestic partner” to APM - 110-4 so that all references to domestic partner in the APM would be consistently defined. This proposed definition is consistent with the definition of domestic partner in Personnel Policies for Staff Members Section 2 (Definition of Terms).

- **APM - 230-17 and -18 (Visiting Appointments)**

Would revise APM - 230-17 to allow for up to a total period of three years of consecutive service for appointees in the Visiting Assistant Professor Programs in Mathematics.

Would delete APM - 230-18-c which prohibits an appointee with a Visiting title in one of the schools of health sciences to be a member of special compensation plans of the schools. Pursuant to APM - 670 (Health Sciences Compensation Plan), individuals in the Visiting Professor title who meet specified conditions are eligible for membership in the Health Sciences Compensation Plan.

- **APM - 279-20 (Clinical Professor Series, Volunteer Series)**

Would change the title of APM - 279-20 from “Conditions of Employment” to “Conditions of Appointment” because appointees in this series are volunteers.

- **APM - 360-80-a (Librarian Series)**

Would revise APM - 360-80-a to set forth normal periods of service at each rank and step for the Librarian series. The periods are consistent with the periods set forth for unit

members 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.

- **APM - 520-4 (Employment of Near Relatives)**

Would add “child of a domestic partner” to the definition of near relative in APM - 520-4.

- **APM - 710-14, -38, and -46 (Leaves of Absence/Sick Leave)**

Would add a footnote to APM - 710-14 to indicate the Postgraduate Research and Visiting (_____) – Postdoctoral titles will be removed from the list of eligible titles for sick leave as of January 1, 2010. Removal of these titles is consistent with Section 5 of the Transition Guidelines in APM - 390 (Postdoctoral Scholars), Appendix A.

Would add “Project (e.g., *Scientist*) series” to the list of fiscal-year academic titles in APM - 710-14 that are eligible to accrue sick leave.

Would add “domestic partner (same-sex or opposite-sex)” to APM - 710-38 to conform with APM - 715 (Leaves of Absence/Family and Medical Leave).

Would correct reference in APM - 710-46 for APM - 145-7, which has been renumbered APM - 145-36.

- **APM - 765 (Death Payments)**

Would add new APM - 765 to implement Section 103.8 of the Standing Orders of The Regents (Death Benefit) and to clarify eligibility criteria for academic appointees. This proposal is consistent with Personnel Policies for Staff Members Section 83 (Death Payments).

As this is a systemwide review of Academic Personnel policy proposals, employees should be afforded the opportunity to review and comment on the proposals, which are available online at: <http://www.ucop.edu/acadadv/acadpers/apm/review.html>. Enclosed is a model communication which can be used to inform non-exclusively represented employees affected by these proposals. Please forward your comments to me by June 29, 2007. Comments may be sent by e-mail if you wish. If you have any questions, please contact Principal Analyst Doris Lopez at (510) 987-9450 or doris.lopez@ucop.edu.

Sincerely,



Sheila O'Rourke
Acting Vice President
Academic Advancement

March 28, 2007

Page 3

cc: Provost and Executive Vice President Hume
Associate Vice President Boyette
Vice Provosts for Academic Personnel
Executive Director Bertero-Barcelo
Executive Director Pripas
Associate Director Glasscock
Interim Director Frazier
Director Simon
Interim Director Slocum
Academic Personnel Directors
Assistant Director Dudley
Coordinator Capell
University Labor Relations Consultant Donnelly
University Labor Relations Consultant Okada
Principal Analyst Agustin
Principal Analyst Lopez
Principal Analyst Sykes
University Counsel Van Houten
LAUC President Snyder

110-4 **Definitions**

(10) Domestic Partner

A domestic partner means the individual designated as an appointee'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 appointee'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.

~~(10)~~ **(11) Eleven-Month Appointment**

See the definition, *Fiscal-Year Appointment*.

~~(11)~~ **(12) Emeritus**

An honorary title conferred, upon retirement, on certain academic appointees.

230-4 **Definition and Policy**

- a. The Visiting prefix is used to designate one who:
 - (1) is appointed temporarily to perform the duties of the title to which the prefix is attached; and
 - (2) either has held, is on leave from, or is retired from an academic or research position at another educational institution, or, alternatively, whose research, creative activities or professional achievement makes a Visiting appointment appropriate. In the latter cases, the Chancellor must solicit advice on the appointment from the Divisional Committee on Academic Personnel or its equivalent.
- b. The Visiting prefix may be attached to titles in any of the following series: Professor, Astronomer, Agronomist in the Agricultural Experiment Station, Professional Research, Specialist in Cooperative Extension, and Librarian; except that the Visiting prefix shall not be attached to the title Instructor, Junior Astronomer, or Junior Agronomist.
- c. When a title with the Visiting prefix is assigned to a faculty member on leave or retired from another educational institution, the title will usually be the same as the individual's title at the home educational institution, with exceptions when connotations differ (e.g., Reader or Tutor in a British university).
- d. If an academic appointee with a Visiting title is later considered for transfer to a corresponding appointment in the regular series, the proposal for such transfer shall be treated as a new appointment subject to full customary review.

230-10 **Criteria**

The criteria for evaluation of a candidate for appointment with a Visiting title shall be the same as for the corresponding regular title. Because the appointment is temporary, reasonable flexibility may be employed in the application of these criteria. Care should be taken to inform the appointee of the provisions of Section 230-4-d.

230-17 **Terms of Service**

Each appointment or reappointment with a Visiting title shall be for a specified term not to exceed one year. The total period of consecutive service with a Visiting title shall not exceed two years.

In the case of Visiting Assistant Professor Programs in Mathematics, the total period of consecutive service shall not exceed three years.

230-18 **Salary**

- a. The salary of an appointee with a Visiting title shall be determined according to the special circumstances of the case, with due consideration given to the individual's regular salary or professional income. In some cases, it will be appropriate to separate considerations of rank from those of salary.
- b. Since the negotiated salary for an appointment to a Visiting title may take into account certain relocation expenses, it should not necessarily be regarded as the appropriate salary for any subsequent regular appointment. (Relocation expenses are not the same as travel expenses; for travel expense reimbursement to a Visiting appointee, see the provisions of APM - 230-20-h.)
- ~~c. An appointee with a Visiting title in one of the schools of health sciences is not eligible for any of the Strict Full-Time or other special compensation plans of these schools. The Chancellor, after consultation with the Academic Senate, may approve exceptions to this provision in cases of full-time appointments involving patient-care responsibilities.~~
- ~~d.~~ c. Because salaries of Visiting appointees are negotiated on an individual basis, such salaries are not subject to range adjustments which, when given, automatically affect the regular salary scales.

230-20 **Conditions of Employment**

- a. Inasmuch as a Visiting appointment is temporary, with an ending date, and there is no expectation of continued employment, notice of intention not to reappoint is not required, but the formal appointment letter shall specify the starting and termination dates of the service period and indicate that the appointment is self-terminating.

279-0 **Policy**

Appointees in the Clinical Professor series are community volunteer clinicians who teach the application of clinical and basic sciences in areas of patient care. These appointments constitute a valuable way to utilize the interest and expertise of practitioners from the community on a part-time unsalaried voluntary basis in the areas of teaching, patient care, and clinical research.

For an individual who is employed by the University as a staff physician or clinician or who holds a clinical appointment paid by an affiliated site, a concurrent without salary appointment should be made in the Health Sciences Clinical Professor series (see APM - 278) not in the volunteer Clinical Professor series.

279-8 **Types of Appointments**

Titles and ranks in this series are:

- (1) Clinical Instructor
- (2) Assistant Clinical Professor
- (3) Associate Clinical Professor
- (4) Clinical Professor

279-10 **Criteria**

An appointee must have the appropriate license to practice in his or her field and must contribute significantly to the clinical teaching program. Each school may establish other minimum standards (e.g., board certification). The Chancellor shall establish campus guidelines that specify the minimum number of required hours per year; the number of minimum hours may vary in different schools or departments.

Clinical competence and excellence in teaching will be the primary basis for appointment, reappointment, and promotion in this series. Clinical competence should be determined by primary verification of licenses, written peer recommendations from recent supervisors, National Practitioner Data Bank (NPDB) report (may be self-query by applicant), evidence of current medical malpractice insurance, chronology of employment with no unexplained gaps since completion of residency, and list of malpractice claims and suits in which the applicant has been involved with narrative description of the underlying allegations, facts and resolution of the complete case. The Chancellor in

consultation with the schools and clinical departments shall determine the need for additional review criteria. For example, if the individual has participated in professional organizations, University and community service, and/or research, a description of these activities should be included in the appointee's personnel file as part of the review material.

279-17 **Terms of Service**

The initial appointment of an individual to a title in this series shall have a specified ending date and may be for a maximum term of three years. Subsequent reappointments may have maximum terms of five years. There is no limit on the number of times an appointment may be renewed or the number of years spent in each rank.

After the initial appointment, there shall be at least a minimal review prior to reappointment that includes evaluation of clinical expertise. Such evaluation must include a written evaluation from the chair or designee of clinical competence. After that review, each appointee shall be reviewed at least every five years. The Chancellor may defer the review for one year.

The Chancellor in consultation with the clinical schools and departments shall establish written criteria and guidelines, including the timing for a promotion review. In general, after 10 (ten) years of service, promotion should be considered.

Appointees in the volunteer Clinical Professor series may not be transferred to another University title. Appointment to another University title may be made after a competitive affirmative action search.

279-20 **Conditions of ~~Employment~~ Appointment**

An appointment in this series with a specified ending date expires by its own terms on that date. Written notice should be provided when the appointment is not renewed. It is within the University's sole discretion not to reappoint an individual. APM - 137, Non-Senate Academic Appointees/Term Appointment, does not apply.

An appointment may be terminated before the ending date for cause, such as failure to serve the required minimum number of hours, or when in the judgment of the Dean, upon the recommendation of the chair, there is no longer a need for the appointee's services or the conduct or performance of the appointee does not warrant continued appointment with the University. The Dean shall give the individual 30 (thirty) days written notice with a statement of the reason for the termination. APM - 145, Non-Senate Academic Appointees/Layoff and

Amendment of; APM - 160 Appendix A: Supplemental Information Regarding Academic Policy; APM - 160 Appendix B: Additional Academic Personnel Policies Pertaining to Academic Personnel Records; APM - 200-30: Academic Personnel Actions—Personnel Review Files; APM - 210-4: Review and Appraisal Committees.

360-80 **Procedures**

- a. In order to assure fair and equitable treatment for appointees to this series, the following provisions shall apply:
 - (1) The performance of each appointee shall be reviewed periodically and the review shall include participation by an advisory review committee (see APM - 360-6-b and -c). The normal intervals for academic reviews of incumbents in the librarian series are as follows:

every two years in the Assistant Librarian rank; every two years in the first ~~two~~ six steps of the Associate Librarian rank; every ~~two~~ three years beginning with Step ~~III~~ VII of the Associate Librarian rank through Step ~~III~~ VII of the Librarian rank (~~following the initial two year review at Associate Librarian Step VII, the Associate Librarian Step VII shall be subject to subsequent reviews every three years.~~); every ~~three~~ years beginning with Step ~~III~~ of the Librarian rank through Step ~~V~~ of the Librarian rank. Service at Associate Librarian Step VII and Librarian Steps ~~IV~~ V, VI, and VII may be of indefinite duration. However, reviews must be conducted at least every three years at these steps unless an individual or review initiator requests an earlier review.
 - (2) A deferred review is the omission of an academic review during a year when a review would normally take place. It is a neutral action which can only be initiated with the written agreement of the reviewee.

A review may be deferred if prolonged absence or other unusual circumstances have resulted in insufficient evidence to evaluate performance. Reasons for review deferral must be in writing and all proposed deferrals must be submitted for written recommendations to the following: reviewee, the review initiator, the appropriate administrative officer(s), and the divisional advisory review committee(s). All documentation and recommendations must be forwarded to the deciding officer for a decision. A review, if deferred, is deferred for a period of one year.

A deferral is defined as a deferred action for one 12-month period whether a person's review cycle is 1, 2, or 3 years. Hence deferral for an additional, consecutive year should be regarded as a new request and thus subject to the same procedure. After the completion of a review which has been deferred, the review cycle will resume anew at the 1, 2, or 3-year interval.

- b. In order to assure adequate consideration of all proposals for personnel actions in this series, each Chancellor, in consultation with the University Librarian or comparable administrative officer and after opportunity for receiving recommendations from appropriate representatives of the campus division of LAUC, shall establish review procedures which (1) meet the requirements of APM - 360-6 and the provisions of APM - 360-17; (2) utilize appropriately the criteria mentioned in APM - 360-10 and described in APM - 210-4; (3) are consistent with the provisions of APM - 360-80-c through -l outlined below; (4) insure that all recommendations and decisions are based solely upon the material in the academic review record; and (5) are appropriate to the needs and functions of the campus.
- c. The call for merit increases, promotions and career status actions and the calendar of due dates for the review process shall be issued and distributed each year to every member of the librarian series no later than thirty (30) days prior to the first action of the review process required on each campus. The calendar shall be adhered to by all parties and the appointee shall be notified of the decision within six (6) months of the first required action. Guidelines for reasonable extension of the calendar shall be developed by campuses in the event that an extension is requested.

520-0 **Policy**

The employment of near relatives, including domestic partners and those listed in APM - 520-4 (below), in the same department is permitted when such employment has been authorized in accordance with the following subsections. Such concurrent employment may arise under the following circumstances:

- a. Two employees already holding positions in the same department subsequently become near relatives.
- b. Simultaneous appointment of near relatives in the same department is recommended.
- c. Appointment of one who is the near relative of an individual already employed in the same department is recommended.

520-4 **Definition**

A near relative is defined as an appointee's child (including the child of a domestic partner), parent, spouse, domestic partner, or sibling. In-laws or step relatives in the relationships listed, including relatives of the domestic partner who would be covered if the domestic partner were the appointee's spouse, are also so defined. This provision also covers other persons residing in the appointee's household.

520-10 **Standards**

In searching for qualified candidates for a new or vacant position in a department, those persons responsible for recruitment shall not disqualify a candidate by reason of near relationship to an appointee already in the department or by reason of near relationship when simultaneous appointment of near relatives in the same department is recommended. When the recommended appointment involves such near relationship, this fact shall be noted in the recommendation, and an analysis of the possible conflict of interest or other disadvantage in the situation shall be forwarded through normal channels with the recommendation in sufficient time to permit complete review of the case before the proposed effective date.

710-0 **Policy**

- a. With the exception of those fiscal-year academic appointees listed in APM - 710-14, academic appointees do not accrue sick leave. In the case of illness of appointees who do not accrue sick leave, Chancellors may approve leave with pay. (See APM - 710-24, Authority.)
- b. APM - 710 does not apply to Postdoctoral Scholars (see APM - 390).
- c. Student academic appointees do not accrue sick leave.
- d. For an academic appointee holding an appointment with a definite ending date, sick leave shall not be approved beyond the ending date of the appointment. In the event the appointment is renewed or extended or a subsequent appointment is made, further leave may be granted.

710-1 **Related Policies**

For information about other related policies, refer to the Academic Personnel Manual sections listed below:

- a. APM - 133, Limitation on Total Period of Service with Certain Academic Titles
- b. APM - 715, Leaves of Absence/Family and Medical Leave
- c. APM - 730, Leaves of Absence/Vacation
- d. APM - 760, Family Accommodations for Childbearing and Childrearing

710-14 **Eligibility for Accrual**

The following groups of non-student fiscal-year academic appointees accrue sick leave credit provided the appointment is at 50 percent or more time. Appointees at less than 50 percent time do not accrue sick leave. Visiting appointees in the following titles or series are eligible to accrue sick leave credit. (See APM - 230-20-g.)

- a. Professional Research series
- b. Postgraduate Research*

- c. Visiting (_____) – Postdoctoral*
- d. Specialist series
- e. Appointees in Cooperative Extension
- f. Librarian series
- g. Associate University Librarian and Assistant University Librarian
- h. Continuing Education Specialist series
- i. Academic Administrator series
- j. Academic Coordinator series
- k. Coordinators of Public Programs
- l. Project (e.g., *Scientist*) series

*These titles will be removed as of January 1, 2010.

* * *

710-38 **Relation with Family and Medical Leave Entitlement**

If an employee is eligible for family and medical leave (see APM - 715), the appointee is entitled to up to 12 workweeks of unpaid leave to attend to the appointee's own serious health condition or to care for the appointee's child, parent, or spouse, or domestic partner (same-sex or opposite-sex) with a serious health condition. For academic appointees who accrue sick leave and/or vacation leave, accrued paid leave may be substituted for unpaid leave. For academic appointees who do not accrue sick leave and/or vacation leave, Chancellors may approve leave with pay. Family and medical leaves run concurrently with other approved leaves taken for a purpose which meets the criteria for a family and medical leave-qualifying event.

* * *

710-46 **Reinstatement of Sick Leave**

An appointee who is reemployed after a separation from employment of less than 15 calendar days shall have all accrued sick leave from prior service reinstated. If the separation from employment is more than 15 calendar days but less than 6 months, not more than 80 hours of accrued sick leave shall be reinstated as determined by the Chancellor. If separation is for 6 months (180 days) or more, accrued sick leave shall not be reinstated. For purposes of this section only, State of California service shall be treated the same as University service.

An appointee who is reemployed from layoff status shall have all sick leave reinstated in accordance with APM - ~~145-7~~ 145-36, Benefits Upon Reemployment.

710-95 **Records**

Chancellors and Vice Presidents shall assure that records are maintained in the department (or specified unit) for those academic appointees under their jurisdictions who accrue sick leave.

765-0 **Policy**

Section 103.8 of the Standing Orders of The Regents provides for death payments. Upon the death of an employee who has completed at least six continuous months on pay status at 50 percent time or more without a break in service prior to death, a sum equal to the salary of the deceased for one month shall be paid to the person or persons in the first of the following categories in which there is a survivor: legal spouse or domestic partner; child or children; parent or parents; or siblings.¹ If there is no survivor in any of the foregoing categories, the benefit will be paid to the estate, or if there is no estate, to the beneficiary designated in the deceased's University-paid life insurance policy. This benefit is in addition to vacation, salary, or other monies due the employee.

¹ Written confirmation of a family relationship will be required. A domestic partnership must be confirmed by registration with the State of California, registration of a same-sex legal union formed in another jurisdiction that is substantially equivalent to a State of California-registered domestic partnership, or filing of a Declaration of Domestic Partnership form with the University prior to the death of the employee.