



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

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

May 15, 2015

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

**Re: Final Review of Proposed Revised Academic Personnel Manual (APM)
Section 133-17-g-j, Limitation on Total Period of Service with Certain Academic Titles**

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. Proposed changes result from the substantive issues described below.

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

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)), 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 health condition including disability or bereavement, or other significant circumstance or event.

Summarized below are some of the other recommendations from Management Consultation (January – March 2014) and Systemwide Review (May – December 2014) that have been incorporated in the Final 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, reviewers found that the restriction of eligible children to those of the appointee or of 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, for example, when acquiring a blended family. Also, language reflects the need to permit stopping the clock when an assistant professor arrives with a child, an increasing trend on some campuses.

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- Proposed 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.

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.

Final Review Process

Final Review is intended to advise the results of the Systemwide Review and how language has been refined. We do not anticipate substantive revisions during Final Review. This stage of consultation is intended to resolve prior discussions and to answer remaining questions.

This letter and enclosures anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than **June 15, 2015**. 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 and Programs

Enclosures: Proposed Revisions to APM Sections 133-17-g-j

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
Executive Director Baxter
Executive Director Tanaka
Deputy General Counsel Friedlander
Deputy General Counsel Woodall
Deputy Compliance Officer Lane
Senior Counsel Van Houten
Director Chester
Director Henderson
Director Lockwood
Policy and Compensation Analyst Fauroat
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, the Chancellor determines that the activity undertaken during the course of the leave is substantially unrelated to the individual's academic career and that the period of the leave shall not count toward the eight-year service period.

A period of leave, with or without salary, which is based on a serious health condition or disability, shall be included as service toward the eight-year period, unless, upon the basis of a petition normally filed within one quarter or semester after the leave is taken, the Chancellor determines that the leave shall not be included as service toward the eight-year period. In any case, the Chancellor shall report such a decision in writing to the individual.

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 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

A faculty member may request to stop the clock during the probationary period for personal reasons (see below), including childbearing, childrearing, serious health condition, disability, 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. For those extensions needing approval, such approval will be at the discretion of the Chancellor.

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) Childbearing or Childrearing (See APM - 760)

A faculty member may stop the clock during the probationary period to care for any child who is, or becomes part of the faculty member's family. 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 birth or placement of one or more children at the same time constitutes a single event of birth or placement. (See also APM - 760-30.)

For a faculty member who takes childbearing and/or parental leave and who has provided the appropriate documentation supporting the need for the leave, the period of approved leave will be automatically excluded from service in accordance with APM - 133-17-g(3).

(2) Serious Health Condition Including Disability or Bereavement

A faculty member may request to stop the clock during the

probationary period, when his or her ability to pursue his or her duties is significantly disrupted by a serious health condition or disability, 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.

For a faculty member with a serious health condition or disability who has provided the appropriate supporting medical documentation and for whom stopping the clock would be a reasonable accommodation as determined by the University, an appropriate period (which may include periods of leave provided as a reasonable accommodation) will be excluded from service upon the request of the faculty member. A faculty member's request to stop the clock by the need to care for a close family member who is seriously ill or by the death of a close family member must provide supporting documentation as required by campus procedures.

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, although the two-year extension limit still applies.

(3) Significant Circumstance or Event

A faculty member may request to stop the clock during the probationary period, 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 committed to the faculty member and necessary for his or her research activities.

The faculty member must provide appropriate supporting documentation, as determined by established campus procedures.

- 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 and two years total.

- 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 specified ending dates, and no further notice is required.

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

APM - 133
DRAFT

133-96 **Reports**

See APM - 200-96.

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- (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-~~

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

APM - 133
DRAFT

~~Senate,~~the Chancellor determines that the activity undertaken during the course of the leave is substantially unrelated to the individual's academic career.~~The~~ and that the period of the leave shall not count toward the eight-year service period.

A period of leave, with or without salary, which is based on a serious health condition or disability, shall be included as service toward the eight-year period, unless, upon the basis of a petition normally filed within one quarter or semester after the leave is taken, the Chancellor determines that the leave shall not be included as service toward the eight-year period. In any case, the Chancellor shall report such a decision in writing to the individual.

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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 childbearing, childrearing, serious health condition, disability, 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. For those extensions needing approval, such approval will be at the discretion of the Chancellor.

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

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For a faculty member who takes childbearing and/or parental leave and who has provided the appropriate documentation supporting the need

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