

UNIVERSITY *of* CALIFORNIA, MERCED

Merced Academic Personnel Policies & Procedures

INTRODUCTION

UC Merced Academic Personnel Policies and Procedures (MAPP) contains campus procedures for implementing Academic Personnel policies. These procedures are intended to supplement the policies set forth in the University of California [Academic Personnel Manual \(APM\)](#), and they must always be used in conjunction with that manual.

ROLE OF ACADEMIC PERSONNEL

The **Vice Provost for Academic Personnel (VPAP)** is designated by the Chancellor and the Provost and Executive Vice Chancellor (Provost/EVC) to develop and implement academic review procedures for the Merced campus and to lead the Academic Personnel Office. The VPAP facilitates all Academic Personnel actions on behalf of the Chancellor and the Provost/EVC (Chancellor's designee) via the Academic Personnel Office (APO). All items should be addressed to the Provost/EVC and submitted to APO via the appropriate Dean's Office.

The **Committee on Academic Personnel (CAP)** provides recommendations to the Chancellor (or designee) on Academic Personnel matters. The VPAP is the Chancellor's and Provost/EVC's designee for facilitating administrative input and advice from CAP. Duties and membership of CAP can be found [here](#).

BYLAW 55 UNIT VOTING RIGHTS

[Academic Senate Bylaw 55](#) governs voting rights and other issues related to Academic Personnel procedures for **[Senate faculty titles](#)**.

ACKNOWLEDGEMENTS

The Academic Personnel Office would like to express its gratitude to UC Merced's sister University of California campuses, all of whom have allowed us to learn and borrow from their experience in creating campus AP manuals. We have relied on your manuals as examples for this project, as well as your patience in answering innumerable questions.

We also could not have drafted this document without the input of UC Merced's own faculty and staff. We look forward to further collaboration as we continue to revise and expand the MAPP.

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UNIVERSITY *of* CALIFORNIA, MERCED

Chapter 1

General Policies and Procedures

Merced Academic Personnel Policies & Procedures

1001: OVERVIEW OF ACADEMIC TITLES

A. ACADEMIC SERIES OVERVIEW

	Series	Ladder Rank	Academic Senate	Faculty	Eligible/ Tenure/SOE	Term Limit*
Teaching Titles	Assistant Professor	●	●	●	●	8 years
	Adjunct Professor			●		
	Acting Assistant Professor	●		●	●	8 years
	Acting Associate Professor/Acting Professor	●	●	●	●	
	Visiting Professor			●		2 years
	Visiting Professor, Mathematics					3 years
	Senior/Lecturer Security of Employment (SOE)		●	●	●	
	Lecturer Potential Security of Employment (PSOE) w/ 100% Appt. †		●	●	●	8 years
	Senior/Lecturer Potential Security of Employment (PSOE) w/ <100% Appt.			●		12 semesters
	Lecturer/Senior Lecturer (Unit 18)			●		12 semesters
Research Titles	Assistant Professional Researcher ‡					8 years
	Assistant Project Scientist ‡					8 years
	Postdoctoral Scholars					5 years

*See [APM 133](#) for details regarding the Eight-Year Limit for certain academic titles

† The combined years as Lecturer PSOE and the years in the title of Lecturer/Senior Lecturer may not exceed a total of eight years of service (See [APM 133](#))

‡ The combined years as Assistant Project Scientist and the years in the title of Assistant Researcher may not exceed a total of eight years of service (See [APM 311-17](#)).

B. COMPARISON OF NON-SENATE TEACHING TITLES

	Adjunct	Visiting	Lecturer
Appointment	Appointments can be FT, or PT . Appointment or reappointment is made with a specific ending date. Maximum terms vary by % time (<51% vs. 51% +), rank, and step within rank.	Appointed temporarily; term not to exceed 1 year at a time for a maximum of two years (Math appointments not to exceed 3 years). No tenure or security of employment.	Temporary appointments with potential for Continuing Appointment after 6 years, based on curricular need & Excellence Review
Criteria	Both Teaching and Research 1. Expected to adhere to UC Merced's rigorous standards of scholarship; 2. May be predominantly engaged in research or in teaching, as long as he/she makes some contribution to both; 3. Also expected to engage in some University and public service	Both Teaching and Research 1. Has held, is on leave from, or is retired from an academic or research position at another educational institution; or 2. His/her research, creative activities or professional achievement makes appointment appropriate; Criteria for appointment same as for the corresponding Ladder-Rank faculty title	Teaching only; covered by MOU which specifies personnel procedures, criteria, and standards of excellence.
Special Requirements	Must contribute to both research and teaching	Should have greater teaching load than regular faculty	MOU specifies workload requirements and limitations
Recruitment	Competitive recruitment process not required	Competitive recruitment process not required	Competitive recruitment required (except Summer Session)
Merit/Promotion/Appraisal Reviews	Assistant Adjunct Professors normally undergo a Mid-Career Appraisal.	Merit, promotion, appraisal reviews not applicable.	Reviewed upon reappointment for pre-6; every three years for post-6
Funding	No more than half of Adjunct appointment may be supported by State funds; should be primarily supported by non-State funds.	State-funded	State-funded

C. COMPARISON OF RESEARCH TITLES

	Professional Research Series	Project Series	Specialist Series
Purpose	Engage directly in independent research. The ability to secure funding does not automatically qualify individuals for appointments to the Professional Research series.	Make significant and creative contributions to a research project in the sciences or other areas such as history or art. May be ongoing members of a research team or may be employed for a limited period of time to contribute high-level skills to a specific research or creative program.	Provide technical or specialized expertise (e.g., with instrumentation and research equipment) in the planning and execution of a research project or projects. May be ongoing members of a research team or may be employed for a limited period of time..
Independence	Function as independent investigators and have the major responsibility and leadership for their research programs. The ability to sustain an independent research program is a necessary but not sufficient criterion for the title of research (e.g., Physicist).	Not required to have or develop an independent research program, but may work independently. Ordinarily will carry out research or creative programs with supervision of a member of the Professorial or Professional Research Series.	Will work under the Director of an MRU/ORU or a member of the Professorial, Professional Research, or Project (e.g., Scientist) series.
PI Status	Normally will be PIs. Appointment to the title of Research (e.g., Physicist) may be made to individuals who are not PIs, if they satisfy the research qualification and accomplishments equivalent to those in the Professorial ranks. The award of PI status does not in itself justify an appointment to the Professional Research series.	Consistent with campus policy, may not serve as PIs but may serve as Co-PIs with members of the Professorial or Professional Research series. The Chancellor may grant an exception to allow an appointee to be a PI.	Not expected.
Differences Between Series	Used for appointees who engage in independent research equivalent to that required for the Professor series and not for appointees whose duties are limited to making significant and creative contributions to a research project or to providing technical assistance to a research activity.	Do not demonstrate the same capacity for fully independent research or research leadership required of the Professional Research and Professorial series. Expected to have a broader range of knowledge and competency and a higher level of independence than appointees in the Specialist series.	Perform work that is technical in nature and need not have as broad a range of knowledge and competency or execute original research as do appointees in the Project (e.g., Scientist) series. The Specialist series is not an entry level into the Project series.

1002: RECORD MAINTENANCE & ACCESS

These rules apply to the following series: Professor, Professor in Residence, Acting Professor, Adjunct Professor, Visiting Professor, University Professor, Lecturer, Lecturer with Potential of Security of Employment (LPSOE), Lecturer with Security of Employment (LSOE), Senior Lecturer with Potential Security of Employments (SLPSOE), Senior Lecturer with Security of Employment (SLSOE), Professional Research, Specialist, Project, Librarian.

A. FILE AND RECORD MAINTENANCE

Personnel Review File (“case file”)

The personnel review file is maintained by the University. It is the collection of materials pertaining to an individual for purposes of consideration of **active personnel reviews/actions**. Final administrative decisions concerning personnel actions shall be based solely upon the material contained in the individual’s personnel review file.

Academic Personnel Records

The Academic Personnel Record is the individual’s official University file that is kept in the Academic Personnel Office. It includes the following two categories of materials:

1. Personnel Review Record

All materials related to past and current personnel actions from appointment through separation from UC Merced. Includes:

- Letters of evaluation received by the University with the understanding that they were confidential and not to be shown unredacted to the candidate;
- The Unit Chair's letter setting forth a personal recommendation in connection with an academic personnel action concerning the individual; and
- Reports, recommendations, and other related documents from campus and Unit committees concerning evaluations in connection with an academic personnel action.

2. Other Academic Personnel Records

Other academic personnel records pertaining to the individual as an employee of the University may include the following materials:

- Miscellaneous correspondence
- Leave records
- Documents relating to administrative appointments
- Employment history other than that contained in the personnel review file
- Retirement documents
- Payroll documents
- Academic Senate correspondence concerning the individual
- Other similar information.

Such materials shall not be referred to or considered in connection with a recommendation or decision in a personnel action involving an individual unless they are made part of the individual’s personnel review file by an appropriate administrative officer.

B. ACCESS BY OTHER PARTIES

University policy and State and Federal laws recognize the individual’s right to privacy, as well as the public’s right to know about the governance of public institutions. In order to clarify access rights of the individual to whom academic personnel records and personnel review files pertain and third party disclosure rights, University policy classifies information as confidential, non-confidential, personal, or non-personal.

All requests for access to information in academic personnel records should be made to the Vice Provost for Academic Personnel (VPAP). This applies to all files, wherever they are maintained.

Chart 1002-1 Summary of Types of Academic Personnel Records and Candidate Access Policies

Category	Documents	Classification	Candidate Access Policy
1 Letters	Solicited internal or external student/colleague letters of evaluation requested by Candidate (usually not by formal letter)	Confidential	May receive redacted copy
	Unsolicited internal or external letters of evaluation not submitted by Candidate	Not part of case discussion & not placed in Case File	No Access
	Candidate- or School-suggested external letters of evaluation	Confidential	May receive redacted copies before Unit recommendation or after final decision
	Unit letters/Case Analysis	Non-Confidential & Confidential	May receive copy with committee membership redacted
	Unsolicited letters added to file by Candidate	Non-Confidential	May receive copy intact
	Transmittal memo (Unit Vote)	Confidential	May receive redacted copy
	Dean's letter	Non-Confidential	May receive copy intact after final decision
8	Qualifications of outside letter writers	Confidential	No Access
9 Other Documents/ Reports	Teaching Evaluations	Non-Confidential	May receive copy intact
	Request from CAP for Additional Information	Non-Confidential	May receive copy and has opportunity to respond
	Additional information submitted by Unit or by Chair on behalf of Unit and certified by Candidate	Non-Confidential & Confidential	May receive copy of additional information submitted for further consideration; may receive copy of redacted confidential material; may request opportunity to respond
	CAP Report	Non-Confidential	May receive copy intact after the final decision
	Chancellor's or Designee's Final Decision	Non-Confidential	Receives copy after the final decision
	13		

ACCESS BY ALL OTHER PARTIES

Access by University officers and employees to confidential information shall be strictly limited to those officers and employees who need such access in the performance of their officially assigned duties, provided that such access is related to the purpose for which the information was acquired. Governmental agencies have access to confidential information when required by State or Federal law.

REQUESTS FOR MODIFICATION TO ACADEMIC PERSONNEL RECORDS

An individual may request, in writing, from the Provost and Executive Vice Chancellor via the Academic Personnel Office:

- That a statement of fact in an Academic Personnel Record pertaining to that individual be corrected;
- That material be deleted if it was improperly included; or
- That a statement by the individual, in response to material in the Academic Personnel Record of the individual, be included in that record.

All requests from individuals that their own records be amended (other than routine updates, etc.) should be put in writing and should include a clear statement of the change desired and the reason for it. The statement may be sent directly to the Vice Provost for Academic Personnel.

Within a reasonable time period (not more than 30 calendar days), the Vice Provost for Academic Personnel will, with advice from the Committee on Academic Personnel, determine whether the requested correction or deletion will be made. In any event, the individual has the right to have inserted in the appropriate record any statement the individual wishes in response to or commenting upon the challenged material.

D. REFERENCES: UNIVERSITY POLICY

APM 158, Rights of Academic Appointees, Including Rights Regarding Records

APM 160, Academic Personnel Records/Maintenance of, Access to, and Opportunity to Request Amendment of

APM 160, Appendix A, Supplemental Information Regarding Academic Policy 160

APM 160, Appendix B, Additional Academic Personnel Policies Pertaining to Academic Records

APM 220-80, Recommendations and Review - General Procedures

1003: CONFLICT OF COMMITMENT AND OUTSIDE PROFESSIONAL ACTIVITIES

Faculty members must manage their outside professional and non-professional activities so that they do not interfere with their University obligations, ensuring in addition that their compensated outside activities do not exceed the time limits established in APM 025 (Conflict of Commitment and Outside Activities of Faculty Members).

This section describes the implementation of APM 025 on the UC Merced campus and applies to all UC Merced faculty as defined in APM 110-4(15) except those covered by a Memorandum of Understanding (MOU) with an exclusive bargaining agent. The latter appointees should adhere to the policies and procedures set forth in the MOU.

REPORTING REQUIREMENTS AND PROCEDURES

Categories of compensated outside professional activities are defined in APM 025. Depending upon the category that compensated outside professional activities fall into, they may require prior administrative approval, adherence to the time limit, and/or annual reporting. The chart below summarizes the requirements of each category.

	Prior Provost/EVC Approval	Adherence to Time Limit	Annual Reporting
Category I	Required	Required	Required
Category II	Not Required	Required	Required
Category III	Not Required	Not Required	Not Required

All members of the Academic Senate are required to report annually on their participation in Category I and Category II outside professional activities, regardless of whether they engaged in such activities. This is accomplished through completion of the Annual Report of Category I and II Compensated Outside Professional Activities (APM 025 Appendix C).

The relevant Dean or designated Unit Chair must establish and maintain a procedure to request and receive an Annual Report from each faculty member by **November 1** of each year, even if there is no activity to report. He or she is also responsible for maintaining a copy of the reports and forwarding the original reports to the Academic Personnel Office (APO).

In the Dean's Recommendation Memo for any faculty member's academic personnel advancement action, the Dean must certify that the appointee has complied with all APM 025 requirements during the review period. No advancement case will be considered unless there is certification from the Dean that the required reports have been submitted in accordance with this policy.

PRIOR APPROVAL

Faculty members must request and receive prior approval from their School's Dean whenever activities are likely to raise issues of conflict of commitment (Category I), or when the faculty member intends to involve UC Merced students in his or her outside professional activities. Prior approval requests should be submitted via the Unit Chair to the Dean on the **APM 025 Appendix B** form. The Dean or designated Unit Chair must establish and maintain a procedure to request and receive prior approval forms. Copies of all reviewed forms should be forwarded to the Academic Personnel Office. **Requests must be submitted to the Dean at least 30 days in advance of expected activity, and no activity may be undertaken without prior approval.**

RECORD MAINTENANCE

After approval by the Dean, Annual Reports will be kept on file at the School or Unit level, and a copy will be sent to APO. When undergoing personnel review, faculty members may, at their discretion, include relevant Annual Reports in their case files.

Under University policy, the Annual Reports are considered to be non-confidential in nature.

As part of the implementation of APM 025, the Office of the President periodically requests summaries and conducts audits of campus reports on outside professional activities to ensure compliance.

1005: VOTING PROCEDURES

BACKGROUND

Unit opinion on proposed academic personnel actions is in part obtained and reported by means of taking votes. These votes should be recorded in such a manner that subsequent review levels receive information about Unit opinion in a coherent and understandable form. Regulations governing Unit voting rights may be found in the Manual of the Systemwide Academic Senate under **Bylaw 55**. See the **Standing Order of the Regents 105.1** for the organization of the Academic Senate.

SUMMARY OF BYLAW 55

Bylaw 55 stipulates that each Unit determines its own form of administrative organization, but that no Unit may be organized in a way that would deny to any of its faculty who are voting members of the Academic Senate (emeritus faculty are an exception; see “Extension of Voting Privileges” below) the right to vote on substantial Unit questions, excepting only certain personnel actions, as indicated below:

DESIGNATION OF VOTING RIGHTS

- a. All tenured faculty in a Unit have the right to vote on all new Unit appointments that confer membership in the Academic Senate. Prior to such a vote, all the Unit members of the Academic Senate must be afforded an opportunity to make their opinions known to the voters.
- b. Professors have the right to vote on all cases of promotion to the ranks of Professor and Professor in Residence and Professor of Clinical (e.g., Medicine). Professors and Senior Lecturers with Security of Employment (SOE) have the right to vote on all cases of appointment or promotion to the rank of Senior Lecturer SOE.
- c. Professors and Associate Professors have the right to vote on all cases of promotion to the ranks of Associate Professor, Professor, Associate Professor, Senior Lecturer SOE, and Lecturer SOE have the right to vote on all cases of appointment to the rank of Lecturer SOE.
- d. For voting purposes, all cases that involve the removal of the Acting modifier from the title of a member of the Academic Senate shall be treated as promotions to the rank in question. (NOTE: On this campus, Acting Assistant Professors are appointed with the intention that they be regularized as soon as they complete all Ph.D. requirements. Therefore, the Unit vote on the original appointment is considered sufficient consultation, unless the Unit indicates otherwise at the time.)
- e. All cases of non-reappointments or terminations of Assistant Professors or Lecturers PSOE and Senior Lecturers PSOE, shall be voted upon by those faculty eligible to vote on promotions to the ranks of Associate Professor or appointments to the titles Lecturer SOE and Senior Lecturer SOE, respectively.
- f. In none of the instances specified above may the right to vote be delegated to a committee. The actual method of voting shall be determined by the eligible voters, subject to the provision that no voter may be denied the option to require a secret ballot.
- g. The tenured faculty members of a Unit shall establish the method by which personnel matters other than those listed above are determined. The method adopted must have the approval of the Academic Senate Committee on Academic Personnel or its equivalent.

EXTENSION OF VOTING PRIVILEGES

Emeriti/ae as a class may be accorded the right to vote on all non-personnel matters within a Unit from which they have retired upon a majority vote by secret ballot of the total non-emeritus/a Academic Senate membership of that Unit. Voting privileges on personnel matters within any unit may be extended to emeriti/ae as a class and/or to other Academic Senate members (e.g., Assistant Professors) of that Unit upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of Article B of **Bylaw 55** (summarized above). Any extensions of the voting privilege must remain in effect for at least one year; thereafter, any faculty member entitled to a vote under the provisions of Article B may request reconsideration. Votes to reaffirm or to withdraw extensions of the voting privilege shall be taken by the appropriate procedure just specified above. Neither emeriti/ae nor other Academic Senate members to whom voting privileges have been extended shall participate in any vote to extend or to withdraw voting privileges with respect to personnel matters.

Emeriti/ae on Recall status retain voting rights on all academic matters except personnel matters. Voting on personnel matters may be extended to Recalled Emeriti/ae as a class by the procedures described above.

UC MERCED POLICY AND PROCEDURES

Statements made or positions taken by individual faculty members regarding personnel matters are deemed confidential. Faculty members should not reveal to anyone, whether through inadvertence or by design, any matters expected to be confidential, including the opinions of others in the Unit and the identities of external evaluators.

Unit Chairs should review Unit voting procedures as filed on the Statement of School/Unit Voting Procedures form (available from the Dean's Offices). A new form should be submitted to the Academic Personnel Office prior to the beginning of the review cycle annually.

The method of taking votes is at the discretion of the Unit. It is important that this be done in a way that will result in a clear picture of faculty opinion about the proposed action. That opinion must be reported in such a way that those who review the case will be able to understand it without having to send the case file back to the Unit for clarification.

Physical presence of faculty members in Academic Units is required in discussions intended to lead to a vote of the Unit on all academic personnel actions, including appointments, merits, promotions, and appraisal reviews. [each Unit should be able to determine what is "physical presence" via their voting procedures] Physical presence (in addition to attending the meeting in person) can be defined as: participation in real time by phone, Skype, video-conferencing, or any other technology that allows the faculty member's voice to be "present and counted" for the deliberations, discussions, decisions, and/or voting.

Emails, written letters, or other non-real time modes of "participation" submitted after the faculty discussion should not be attached to the transmittal letter. They are allowed, however, to be submitted beforehand, when a faculty member requests that the Chair of the committee approve an exception due to circumstances preventing the faculty member from being physically present for the discussion (e.g., faculty member cannot attend the meeting wherein the personnel action is to be discussed and voted upon for work-related or family emergency reasons). In these cases, the Chair of the committee or proceeding will determine the accepted mode of "participation" (for example, the Chair could read the absent faculty member's email to those "physically" present in real time).

UNIVERSITY OF CALIFORNIA, MERCED

Chapter 2

Ladder-Rank Faculty and Other Academic Titles

Merced Academic Personnel Policies & Procedures

SECTION 01

PROFESSORIAL SERIES (PROFESSOR, ASSOCIATE, ASSISTANT)

2011: GENERAL GUIDELINES

A. FUNDING (APM 220-16)

It is the policy of the University of California that no appointment shall be made to a title in the Professor series unless there is an appropriately budgeted provision (“FTE”) for the appointment. No appointment should be forwarded for review unless such a provision, funded at the proposed salary level, is available.

B. AFFIRMATIVE ACTION

A thorough and determined search must be made both inside and outside the University for candidates, including candidates who are minorities, women, handicapped persons, disabled veterans, and Vietnam-era veterans. Unit Chairs must ensure compliance with the letter and the spirit of the **affirmative action policy**. Formal paperwork documenting the search is required for all appointments to Senate titles.

C. EMPLOYMENT ELIGIBILITY (APM 530)

The Immigration Reform and Control Act of November 6, 1986, requires that all employees provide verification of eligibility to work in the United States. The federal government has designated the **I-9 Form**, Employment Eligibility Verification, as the document to be used in this verification process.

During recruitment, special attention must be given to the employment eligibility of any non-immigrants in the pool to be sure that such candidates obtain visas which allow compensation for services. Appropriate visas can take several months to obtain, and the Search Chair should ensure that the School staff and Academic Personnel Office are notified as early as possible of a potential visa case. While an application for a visa cannot be finalized until the appointment is approved, preliminary inquiries can in some cases help in starting the visa process. Questions should be referred to the **Office of International Affairs** (OIA).

D. TIMING OF OFFER

Following University policy, UC Merced policy requires that offers be made before April 1 to candidates from other UC campuses (**APM 510-80.c**) and by April 30 to all candidates holding faculty positions at other institutions that are members of the AAU and/or are in California (**APM 500-16.c** and **APM 501-80.a**) if they are to be effective in the following academic year (i.e., an offer must be made no later than April 30, 2011 for an appointment starting July 1, 2011). These dates are the deadlines for formal offers to be made by the University.

E. RECRUITING FROM ANOTHER UC CAMPUS (APM 510-0 and 510-80)

University policy states that it is the obligation of those involved in the consideration of an intercampus recruitment to pay due regard to the welfare of the University as a whole as well as to the wishes of the particular appointee and to the effect of the proposed transfer on the two campuses directly concerned.

Prior to the initiation of negotiation for an intercampus recruitment, the Chancellors of the two campuses involved shall be informed of the proposed transfer. Ten working days before making the formal written offer of appointment to the candidate, the Chancellor of the hiring campus shall indicate such intention to the Chancellor of the campus from which the appointee will be transferring. In all cases, the Chancellor of the campus to which the appointee is transferring shall also notify the Office of the President.

In the event that any unit at UCM considers recruiting a faculty member from another UC campus, the Academic Personnel Office will coordinate the notification of the other UC campus. The Academic Personnel Office should be notified as early in the process as is reasonably possible, and certainly before any offer is made.

The salary offered by the recruiting campus can be no more than one step, or the equivalent of one step, above the faculty member’s current salary. If the faculty member’s salary is already an off-scale salary, the recruiting

campus may offer the next higher step along with the same off-scale increment. If the home campus is in the process of granting a salary increase to become effective July 1, the recruiting campus may offer one step above that increase, pending approval by the home campus. The home campus is permitted to make a counter offer equivalent to that of the recruiting campus. If both the home and the recruiting campuses agree, higher salary offers may be made. An offer which includes a promotion is permitted if the salary offer is no more than one step above the current salary rate, including off-scale, as described above.

If the faculty member being recruited by another UC campus is also being recruited by an outside institution, then either the home and/or the recruiting UC campus may make a counter offer higher than that described above in order to compete with the outside offer.

In any proposed intercampus recruitment, either Chancellor may request mediation or intervention by the Office of the President.

F. COMPETING OFFERS TO AN OUTSIDE CANDIDATE FROM TWO OR MORE UC CAMPUSES (APM 500-16-g)

University policy requires that the same level of salary will be offered by each campus with coordination of the appropriate salary level to be arranged by the Office of the President. The following procedure is to be followed to make this coordination possible: when it becomes known to any campus administrative officer that another campus of the University is also recruiting an individual for an appointment, that officer is obliged to inform the Chancellor who shall, in turn, inform the Office of the President. The latter will then consult with each of the Chancellors concerned with the matter and will arrange for the determination of a single appropriate salary.

2012: RECRUITMENT

PROCEDURES

A. FTE REQUESTS

Before recruiting can begin, the Academic Unit's FTE request must be approved by the Provost and Executive Vice Chancellor.

B. SEARCH COMMITTEE

The Search Chair is appointed by the Unit Chair in consultation with the Dean (or designee) of the School in which that Unit resides. The Unit Chair then nominates the Search Committee members, in consultation with the Search Chair. Each Unit should make provisions for soliciting input on the membership of the Committee from the faculty of the Unit. Following **best practices for faculty recruitment**, the Dean should verify that the composition of the Search Committee represents a diverse cross-section of the faculty.

In cross-Unit searches, the Provost/EVC will develop a process to select a Committee made up of members from appropriate Units, in consultation with Deans and Chairs.

C. ADVERTISING

After consultation with the Chair of the Academic Unit, the Search Committee develops the Search Plan, creates advertisements, and develops an external job advertisement list that fulfills diversity goals. All Professor series appointments must be advertised nationally in suitable academic or professional publications and must allow at least 30 days following the appearance of the advertisement for interested applicants to apply.

If the Search Committee wishes to extend the position beyond the original closing date, the Search Chair must inform APO of the new closing date prior to the date the position closes. In exceptional cases, a closed search may be reopened for a period of 15 days at the request of the Search Chair, with approval from the Vice Provost for Academic Personnel.

Generally, advertisements should contain the following: program or Academic Unit name, position level, teaching duties (if appropriate), preferred research area, and necessary qualifications and experience as well as the following affirmative action statement:

The University of California, Merced is an affirmative action/equal opportunity employer with a strong institutional commitment to the achievement of diversity among its faculty, staff and students. The University is supportive of dual-career couples.

The Academic Personnel Office is responsible for approving all ads and posting on the UC Merced website. Approved ads will be posted in external journals and websites by School staff. The Search Chair submits the signed and completed form **AP1: Academic Search Plan and Job Posting Report**, **AP3: External Publication Advertising Request** and a narrative Diversity Plan, to APO.

D. POOL OF CANDIDATES

As the search progresses, the Search Chair, Unit Chair and Dean review statistical applicant pool data throughout the search and pursue additional diversity search methods as needed. At the end of the recruiting period and prior to the beginning of the selection process, it is important to determine that the pool of candidates contains women and minorities in reasonable proportion to their availability and that appropriate affirmative action search measures have been taken. The authority to postpone, extend, or cancel a search for reasons of inadequate diversity lies with the Dean. Please consult the University of California Diversity **website**.

E. SELECTION PROCESS

After the closing date of the search has passed, the formal application review process can begin. When the Search Committee, in consultation with the Dean and the Unit Chair, determines that the pool composition is appropriate, the Search Committee proceeds by selecting a short list of candidates, inviting those candidates for

campus interviews. This group of candidates should contain qualified affirmative action candidates whenever possible.

The Search Committee recommends a final candidate. After review of the application file, the Bylaw 55 Unit votes on the proposed appointment according to the Unit's approved voting procedures. The Appointment File is forwarded to APO for preparation for review by the Committee on Academic Personnel, according to procedures outlined in **MAPP 2013** below.

F. RETENTION OF RECORDS

Complete records of the search, including applicant files and any Search Committee reports, must be maintained for a minimum period of two years after the close of recruitment. The Search Committee Chair completes the Affirmative Action Summary with information regarding the list of finalists and the reasons for non-selection, and forwards it to the Unit Chair and the Dean for signature. The Academic Personnel Office is the office of record for the Affirmative Action Summaries.

G. WAIVER OF RECRUITMENT

Occasionally, an opportunity to hire someone of outstanding ability, or under a special circumstance, will arise. It may not be possible to comply with all affirmative action procedures. If this is clearly the case, an exception to affirmative action procedures may be requested from the Provost/EVC. Such a request may be granted if a strong case can be made that there is a unique and very important opportunity for UCM at hand (e.g., a highly distinguished faculty member, spousal hire, President's Postdoc). Care should be exercised in requesting exceptions in order that their value does not become eroded by too-frequent use. The Chair of the Academic Unit proposing the appointment shall consult the Dean to determine if an FTE may be allocated. A vote of the Unit's faculty on the waiver of recruitment shall then take place and a Transmittal memo recording the vote is sent forward to the Provost/EVC. If there is approval from the Provost/EVC, the appointment process follows the standard procedures outlined in **MAPP 2013**.

2013: APPOINTMENT

An appointment (as distinguished from a reappointment, merit increase, or promotion) occurs when a person is employed with the University for the first time, or when a University employee is appointed to a title in a different personnel program or academic series. This section will cover some of the University and campus policies pertaining to the appointment of members of the Academic Senate; however, all persons involved in the appointment review process must also refer to policies contained in the **Academic Personnel Manual (APM)** and pertinent sections of this manual for more detailed statements of policies affecting use of titles, criteria for appointment, affirmative action, the review process, etc.

GENERAL GUIDELINES FOR PREPARATION OF ACADEMIC APPOINTMENT FILES

A. SALARIES (APM 600)

Academic Salary Scales

Academic salaries are based upon salary scales. These are published and issued through the University of California Office of the President Academic Personnel Office and can be found [here](#).

Rank and Step

When establishing the rank and step for a proposed appointee, a Unit should give due consideration to the candidate's experience, accomplishments, and standing relative to others at the same level in the same discipline at other UC campuses.

Off-Scale Salaries

Off-scale salaries may be used when necessary to meet competitive conditions. (See **APM 620-14** for a complete list of eligible titles) Off-scale salaries for acting appointees are determined administratively in the same manner as for regular ranks. If counter offers arise during the course of negotiations, the Unit should document these offers.

Effective Date of Employment

The effective date of an appointment for purposes of payroll and other record keeping is the first day on which salary commences. The beginning date of service for a new appointee, or of service in a new title for a continuing appointee, is the first day on which the appointee is required to be on duty under the terms of the appointment. The effective date is always either July 1 or January 1. An academic-year appointment is also known as a nine-month appointment and refers to the period in which an academic appointee renders services, i.e., the academic year, from the beginning of the fall term through the end of the spring term (**APM 600-4-b**).

B. POTENTIAL CONFLICT OF INTEREST

If the Search Chair and the candidate proposed for appointment are close collaborators, the Search Chair should not participate in the preparation of the appointment case file. Another independent senior faculty member should oversee the process and prepare the Case Analysis and Transmittal Letter.

If a recommended appointment will result in a near relative being employed in the same Academic Unit as an existing faculty member, the existing faculty member may not participate in any academic review actions affecting the near relative. (For the definition of "near relative," refer to **APM 520: Appointment of Near Relatives**.) The Transmittal Memo for the appointment case should state that the existing faculty member did not participate in the recruitment or vote on the appointment of the near relative, and will not participate in any future academic review decisions for the candidate if he or she is appointed.

If the Unit Chair or any faculty member contributing to the file has a financial interest in a company employing a potential faculty member, that information should be included in the file, and such individuals should recuse themselves from contributing to the appointment case file.

APPOINTMENT FILE DOCUMENTATION & PROCEDURES

The documentation required to support a recommendation for appointment to an Academic Senate title includes recruitment data, candidate's documents, extramural letters of reference, the Case Analysis, the Dean's Letter, the Salary Justification memo and the Transmittal Letter.

Appointment files should be documented as carefully as promotion files, addressing all the relevant criteria and providing reviewers with appropriate evidence of excellence in all categories of review.

A. RECRUITMENT DATA

Detailed recruiting and equal opportunity and diversity procedures are described in **MAPP 2012**.

- Affirmative Action Summary form
- Diversity Plan
- Advertisements

Note: CAP finds it useful when the Unit includes in the Case Analysis a statement about the scope of the search..

B. CANDIDATE'S DOCUMENTS

The candidate provides the following key documents:

1. Curriculum Vitae
2. Publications - Publications should be listed on the Curriculum Vitae and should be numbered in sequence to the extent possible. Copies of the most significant publications, reviews, and/or exhibits, should be included whenever possible, in either printed or electronic form. For easy reference, each publication should be numbered as it is numbered on the Curriculum Vitae.
3. Student Evaluations - Copies of individual student evaluations should be included if possible.
4. Other documents requested by the Unit (e.g., Statement of Teaching Philosophy, Statement of Research).

C. EXTRAMURAL LETTERS

Extramural letters of evaluation should be from qualified and distinguished authorities.¹ When letters are handwritten, the Unit is asked to prepare a typed version. Letters in foreign languages should be translated into English.

a. Soliciting Extramural Letters

The solicitation of letters for appointments is done by the School staff working with the Search Committee Chair and the Unit Chair. For appointments at the level of Assistant Professor, Steps I-III, three to five letters from candidate-suggested reviewers are required. For appointments at the levels of Assistant Professor, Step IV and above (including all Associate and Full Professor levels), three to four letters from candidate-suggested reviewers and at least five letters from School-suggested reviewers are preferred. Of the School-suggested letters, two to three should be from a UC campus whenever possible. In rare cases, candidates may identify individuals whom they prefer not be solicited. Should the Unit decide to solicit from any individual whom the candidate has requested not be contacted, the Case

¹ **Suggestions for Increasing Response Rate for Letters of Reference**

- a) Start soliciting letters as early as possible
- b) Informal requests are encouraged
- c) Send request from known personage (i.e., Dean or Unit Chair)
- d) Do not wait until case materials are perfect

Analysis should explain why that individual was contacted despite the candidate's request (e.g., best or most knowledgeable in the field).

The Search Chair should solicit evaluations from individuals who are experts in the candidate's field and who are able to provide an objective evaluation of the candidate's work.

Opinions from colleagues at other institutions where the candidate has served and from other qualified persons having first-hand knowledge of the candidate's attainments should be included. For candidates just completing degree or postdoctoral work and being proposed for entry-level positions, letters from supervisors are appropriate. For appointments at higher levels, however, it is desirable to avoid excessive use of external referees whom the reviewers may not regard as objective evaluators either because they are too close to the candidate professionally (e.g., close collaborators, doctoral supervisors), or because they have a personal relationship with the candidate. Contact between the Chair and individuals from whom letters are being solicited is permissible in order to encourage response after the formal request has been sent, but great care must be taken not to bias or influence the judgment of the referee.

Letters soliciting such external evaluations must contain the following:

- A description of the nature of the position to be filled; e.g., probationary or tenured professorship,
- An explanation of the significance of the level of the position so that the referee can evaluate achievement in relation to UC criteria for appointments, especially at the top steps of the series (VI, VII, VIII and Above Scale),
- A request for analytical review of the candidate's performance under the applicable criteria and comparison to other scholars in the field at similar rank, and
- The following confidentiality statement:

Although the contents of your letter may be passed on to the candidate at prescribed stages of the review process, your identity will be held in confidence. The material made available will lack the letterhead, the signature block, and material below the latter. Therefore, material that would identify you, particularly your relationship to the candidate, should be placed below the signature block. In any legal proceeding or other situation in which the source of the confidential information is sought, the University does its utmost to protect the identity of such sources.

Referees should be urged to provide critical evaluation and analysis. The letter soliciting evaluations must not contain leading suggestions (e.g., "we need your help to persuade our reviewers that our candidate...").

b. Sample Letters of Solicitation

Include a sample of the letter sent soliciting outside evaluations in the Case File. If the letters soliciting evaluations from different sources (i.e., for candidate-suggested vs. School-suggested letters) are substantially different, include samples of all such letters.

Exhibits A, B, C, and D contain examples of typical letters soliciting external evaluations. Exhibit A concerns the appointment of an Assistant Professor. Exhibit B was written for the recruitment of an Associate Professor, thus it refers to tenure. Exhibits C and D are for high-level professors, and as such outline UC criteria for appointment to those levels.

c. List of Reviewers

Extramural reviewers who have provided confidential letters of evaluation should not be identified in the case materials except by means of a coded list which indicates the names and qualifications of all those from whom letters were solicited. It is also important to list letter writers who were asked to supply an evaluation but did not respond. It should not be assumed that non-response means non-support for the candidate. When referring to a particular letter in the Case Analysis or any other case materials, the letter writer should only be identified by the code assigned on the list (e.g., "Reviewer A"). Sample Lists of Reviewers may be found [here](#) and [here](#).

D. CASE ANALYSIS

The Case Analysis is prepared by the Search Committee, all of whose members must sign it to certify agreement. Before preparing the Case Analysis, writers should consult the “Instructions to the Review Committee” for the appropriate series (**APM 210**).

The Case Analysis should 1) set out and explain the recommendation of the Search Committee for appointment, and 2) should support the recommendation by evaluating analytically, not merely describing, the candidate’s performance and/or potential in each of the areas of responsibility expected from UC faculty: teaching; research and creative activity; professional competence and activity; and University and public service. The Case Analysis should be professional, objective, balanced and concise. The assessment put forth in the Case Analysis should be supported by evidence from extramural letters, although excessive quotation, as well as rhetorical statements, should be avoided.

The candidate’s scholarly and/or creative activities should be critically evaluated. The evaluation should provide a careful assessment of the craftsmanship, originality, significance and impact of the candidate’s work. The assessment should not merely state that the work is significant or has had impact. It should indicate what is significant about the work and the nature and extent of impact. Writers should also indicate the relative stature of the candidate in his or her field.

Performances or other creative activities should not merely be listed, they should be evaluated by the Committee. In certain fields such as art, architecture, dance, music, literature, and drama, distinguished creation should receive consideration equivalent to that accorded to distinction attained in research. In evaluating artistic creativity, the Committee should attempt to define the candidate’s merit in light of such criteria as originality, scope, richness, and depth of creative expression. It should be recognized that in music, drama and dance, distinguished performance, including conducting and directing, is evidence of the candidate’s creativity (**APM 210.1.d.2**). Reviews of the work and publications or other outside evaluation should be discussed and copies included in the Case File.

The placement of publications should be addressed. The quality of journals or presses in which work appears can be an important measure of the impact and quality of the candidate’s work. Where the placement is unusual, or may seem so to reviewers outside the Unit, the Case Analysis should discuss the implications of this. For those works that appear in conference proceedings, information about the publication is needed as there is large variation within and amongst disciplines. The information may include, as appropriate, the conference’s acceptance and publication rates, whether the paper was accepted on the basis of title or abstract only, and the archival status of the conference proceedings.

In assessing the types of contracts, grants, or fellowships awarded to the candidate, the Case Analysis should address the importance and the expectations of such support for the particular discipline.

Any Case Analysis proposing Professor, Step VI or above must include a discussion of the candidate’s impact and stature, including national and/or international honors received, election to distinguished societies, and other evidence of the individual’s outstanding leadership in the profession.

E. FACULTY VOTE

The Case Analysis and supporting materials are made available for faculty review for a length of time determined by the Unit, after which the Search Chair (or designee) presents the Case Analysis to the faculty and allows for a full discussion. The discussion should focus on the academic merits of the case, and not on any extraneous issues. Affirmative action policies should be adhered to. [**UCM AA Policy** and **UC AA Policy**]. At the conclusion of this discussion, a vote is taken according to the Unit’s bylaws and voting procedures. Comments are not permitted on the ballots, as all points of discussion should have been raised beforehand during the group meeting.

Academic Units should develop policies that encourage the maximum number of faculty members to participate in the evaluation of candidates. Excessive abstentions or a small number of votes relative to the total number of faculty eligible to vote are likely to raise concerns for other reviewers evaluating the file.

F. TRANSMITTAL LETTER

The vote and the faculty discussion are recorded in the Transmittal Letter.

The Transmittal Letter is a critical component of the appointment case file as it is the record of faculty opinion and should include any pertinent discussion of the strengths and weaknesses of the case, as well as a recommendation for the step and effective date of the proposed appointment.

In cases of abstentions or recusals, the Transmittal Letter should provide a reason for these actions whenever possible.

G. DEAN'S RECOMMENDATION LETTER

The Dean assesses the Transmittal Letter, Case Analysis and other evidence provided in the Case File to ensure that the Unit's review is fair and rigorous in maintaining University standards. The Dean's Letter should be an independent assessment of the case. In the Letter, the Dean puts forth his or her recommendation regarding the appointment and provides additional analysis as needed.

H. SALARY JUSTIFICATION

In a separate memo, the Dean provides a recommendation as to the salary associated with the proposed appointment, based on the University of California **Academic Salary Scales** plus any off-scale increment.

OTHER APPOINTMENTS

A. SPLIT APPOINTMENTS

Whenever a candidate has a split appointment (with the FTE split between two Academic Units), a joint committee comprised of faculty from both Units decides which will be the lead Unit. The lead Unit will write the single Case Analysis. The Case Analysis covers the candidate's research, teaching, professional activity, and University and public service from both Schools' perspectives. Each Academic Unit will vote separately and prepare separate Transmittal Letters. Each School Dean will write a separate Dean's Recommendation Letter and Salary Justification Letter.

B. APPOINTMENTS WITHOUT SALARY

An individual appointed to a faculty title in one Unit may be invited to hold a joint appointment without salary in another Unit. Such appointments, while easily renewable, are made on a year-to-year basis.

C. TRANSFER TO ANOTHER UNIT THROUGH FTE REASSIGNMENT

Instances may arise in which a faculty member requests that his or her position be transferred from one Unit to another on campus. Cases of requests to transfer an FTE will be addressed on an ad hoc basis, and decisions will be made by the Provost and Executive Vice Chancellor after thorough examination of the request and the potential impact on each Unit. The process of reviewing the request will minimally include:

- Consent of the Unit and Dean that would be receiving the transfer conveyed via Dean's memo and Transmittal memo to Provost/EVC via APO.
- Consultation with the Dean of the Unit from which the individual is transferring, if in a different School. Dean's memo conveyed to Provost/EVC via APO.

2014: MERIT, PROMOTION, APPRAISAL REVIEW

The following policies and procedures have been developed to support the University's goal of retaining high quality faculty. It is the policy of the University to evaluate objectively and thoroughly each candidate for promotion or merit increase.

In 1977 (revised in 1992), the University adopted policies to ensure fairness in the academic review process. These policies are contained in **APM 160**, including Appendices A and B; **APM 200**, **APM 220**, and in the UC Merced **Procedural Safeguard Statement**. Unit Chairs are responsible for adherence to these policies and procedures and should provide copies of the pertinent APM and MAPP sections to each candidate. Unit Chairs are required to complete the Procedural Safeguard Statement with each candidate.

ELIGIBILITY FOR REVIEW

Faculty members are eligible for advancement or promotion each year; however, advancement usually occurs in conjunction with completion of "normal" time in step (see **Chart 2014-I** below). Throughout this document, the term "eligible" refers to the completion of normal time in step with the understanding that nothing precludes submission of a file during any review cycle.

The Academic Personnel Office maintains the Eligibility List, which indicates the time at rank and step for each faculty member. On or about March 1st of each year, APO sends out notification letters to those faculty members who are eligible for an Academic Personnel action.

The Unit Chair is responsible for making certain that there is an annual informal review of the status and performance of each faculty member in the Unit with regard to her or his time at rank and step (**APM 220-80.b**). Each faculty member is required to submit a current academic record (e.g., curriculum vitae, Bio-bibliography form, etc.) to her or his Dean's Office each July 15, which will in part form the basis for this review.

Units are encouraged to review each faculty member who is at normal time in step and to make a recommendation for or against advancement. All faculty members must be reviewed at least every five years (**APM 200-0**) if not reviewed at normal time in step. This mandatory quinquennial review process will follow the usual review procedures as described below. Tenured faculty members may request to defer review, but a deferral request will not be considered as fulfilling the mandatory quinquennial review. Such requests must be approved by the Dean. Assistant Professors may not defer.

*Note: **Appendix 2014-A** provides a description and information regarding the Mid-Career Appraisal (MCA), also known as the Formal Review, which is an assessment of an Assistant Professor's progress toward tenure and is separate from the merit or advancement review. See **Appendix 2014-B** for information regarding Career Equity Reviews, which do not fall under the category of normal advancement actions.*

A. SPECIAL CONSIDERATIONS

Service in an "Acting" or a "Visiting" title does not technically count toward years at rank and step, though it does count in determining years toward the eight-year limit to tenure (**APM 133**). This service, however, should be considered in any full-career review.

Regarding periods of leave, the issue of whether or not a particular leave counts towards time at rank or step, and/or towards the eight-year limit, needs to be resolved in consultation with APO and the Provost/EVC at the time the leave is requested. (**MAPP 2015**, **APM 200-19**) Relevant information regarding approved leaves will be recorded on the Faculty History Cards provided to the School and CAP by APO.

B. NORMAL TIME AT STEP

"Normal" time refers to the standard rate at which the majority of faculty will progress through the ranks and steps. Normal merit increases within Assistant Professor, Associate Professor and Professor I-V ranks, although less critical than promotions, are not automatic and do require demonstrated merit. See **Appendix 2014-C** below for information regarding use of the **Short Form for Normal Merits**.

Chart 2014-I - Normal Time in Step					
Assistant Professor	Associate Professor	Full Professor		Distinguished Professor Above Scale	Normal Period of Service at Step
Step	Step	Step	Step	Step	Period
I					2 years
II					2 years
III					2 years
IV*					2 years
V	I				2 years
VI	II				2 years
	III				2 years
	IV	I			3 years
	V	II			3 years
		III			3 years
		IV			3 years
		V			3 or more years
			VI		3 or more years
			VII		3 or more years
			VIII		3 or more years
			IX		4 or more years
				No Steps/just merits	4 or more years between merit advancements

*See Section E below "Postponement of Tenure Review" below for timing of the tenure review. Visiting Assistant Professor and Acting Assistant Professor appointments count toward the eight-year rule.

C. ACCELERATION

Advancement to a higher step before normal eligibility constitutes an "acceleration." The campus encourages Units to put forward deserving candidates for acceleration. Advancement to a higher rank must meet the appropriate criteria for promotion ([APM 210-1](#) and [APM 220-18-b](#)). The minimum criterion for acceleration within rank is excellence in all areas of review during the abbreviated review period. In addition: for one-year acceleration within rank, the record for the abbreviated review period must reflect a level of accomplishment commensurate with the normal on-time merit.

For multiple-year accelerations within rank, the record for the abbreviated review period must reflect excellence in all areas of review commensurate with the proposed step, as well as performance deemed to be especially outstanding in at least one area as the driving force for the acceleration.

The Unit and Dean are expected to explicitly address the acceleration recommendation in their letters. Multiple-year accelerations and those at the senior Professor and Above-Scale steps should be particularly well justified.

A promotion is not considered an acceleration, regardless of years at rank or step when a candidate is advancing to the "normal" step in the next rank.

Chart 2014-II: Promotion from Assistant Professor to Associate Professor (Tenure)					
		To Associate Professor			
Steps		I	II	III	IV
From Assistant Professor	I, II, III, IV	Normal	2-year acceleration	4-year acceleration	6-year acceleration
	V	Lateral	Normal	2-year acceleration	4-year acceleration
	VI		Lateral	Normal	2-year acceleration

Chart III: Promotion from Associate Professor to Full Professor					
		To Full Professor			
Steps		I	II	III	IV
From Associate Professor	I, II, III	Normal	3-year acceleration	6-year acceleration	9-year acceleration
	IV	Lateral	Normal	3-year acceleration	6-year acceleration
	V		Lateral	Normal	3-year acceleration

D. OVERLAPPING STEPS

The normal periods of service are described in **APM 220-18-b**. The use of Assistant Professor, Steps V and VI is encouraged as an alternative to premature consideration of promotion to tenure. Overlapping steps are those in which the published salaries vary by \$100. The following are overlapping steps in the Professor series:

- Assistant Professor V → Associate Professor I
- Assistant Professor VI → Associate Professor II
- Associate Professor IV → Professor I
- Associate Professor V → Professor II

E. POSTPONEMENT OF TENURE REVIEW

Per **APM 133-0.a** (the so-called "**Eight-Year Rule**"), an Assistant Professor shall not be continued after the eighth year of service unless promoted to the rank of Associate Professor with tenure. **How to calculate eight years of service.**

The following UC Merced policy shall be applied beginning with those candidates who are eligible for formal appraisal ("Mid-Career Appraisal" or "MCA;" see **Appendix 2014-A** below) during the academic year 2011-12:

In the latter half of an Assistant Professor's fifth year, the Academic Unit should determine whether the tenure review should take place, as normal, in the sixth year or whether circumstances exist which warrant postponement of the tenure review until the seventh year. Postponement of the tenure review is rarely granted, but may be justified if the candidate has significant work in progress which will be evaluated within a year but not in time to be included in a sixth-year review.

To request postponement, the Assistant Professor should provide tangible evidence to his or her Dean that the record will change significantly during the sixth year. The Academic Unit should discuss the evidence and vote for or against the postponement of tenure review. The postponement file should be accompanied by the candidate's full merit or reappointment file, which will normally be required for continuation beyond the sixth year. Form **UCM-AP47** itemizes the documentation required for the postponement of tenure request. Requests for postponement of tenure are due to APO by **September 15** of each year.

PREPARATION OF THE CASE REVIEW FILE

*Note: For "normal" merit reviews, use of the so-called **Short Form** is permissible. See **Appendix 2014-C** below for information.*

Once a faculty member has been informed of her or his eligibility for an Academic Personnel action, he or she is expected to assemble a file of documentation supporting the proposed action. This file includes: summary and annual bio-bibliographies from the period to be reviewed; curriculum vitae; self-statement; publications or other creative work; and teaching evaluations and syllabi.

It is the candidate's and the Unit Chair's responsibility to prepare a file that presents the scholarly and intellectual contributions of the candidate in each area of review. Review will be based only on what is contained in the file. It is in the candidate's interest to provide all pertinent material and information to the Unit and to be certain that the file is complete.

It is the expectation of the Deans, CAP and the VPAP that all faculty having advancement cases will provide their updated material to the Unit/Dean's Office as early as possible. Deadlines for submission of materials are established by the Schools and must be adhered to in order to meet Academic Personnel **deadlines**. Cooperation in providing information for one's personnel file is a professional obligation without which the review process cannot be initiated.

A. BIO-BIBLIOGRAPHY AND DIGITAL MEASURES

Digital Measures is an online faculty database which assists faculty in tracking teaching, research and service activities. Once a faculty member's data are entered into the system, she or he can extract from the database a subset of information to produce a Bio-bibliography in the format required by CAP. Use of Digital Measures, while not mandatory, is strongly encouraged. In any case, **use of the CAP-approved format is required**.

The Bio-bibliography should clearly indicate which new activities and publications should be credited since the last review. Articles "in press" are credited as accepted for publication and cannot be counted in later reviews as new activities. If there are joint publications, it is important that the role of the faculty member in the research be described and defined.

B. PUBLICATIONS AND OTHER SUPPORTING DOCUMENTS

Copies of all publications, reviews and/or exhibits, including work in press, should be included for the period under review. Abstracts, book reviews, and letters published in professional journals should be grouped separately. In the case of "in press" or "accepted" work, an acceptance letter from the publisher should be included. For easy reference, publications must be numbered the same on the bio-bibliography as on the curriculum vitae.

For actions that require a career review, all scholarly, teaching and service evidence pertain to the review and should/can be addressed in the Case File. This includes materials prior to an individual's appointment at UC Merced as well as research that has not yet been published.

For actions that do not require a career review, the general rule is that evidence may only be counted once and only in the review period to which the evidence pertains. In some instances, determining the review period is fairly straightforward; for example, a grant should be included in the review period in which it was awarded. For publications, the relevant review period can be less apparent because a research manuscript can be described in four stages: "in preparation," "submitted," "accepted (or in press)," and "published (or in print)." The Case File

should never pay attention to or count manuscripts that are in the “in preparation” or “submitted” status. Both “accepted” and “published” statuses can be relevant to a review period, but any given manuscript can only be referred to or counted in one review period. In other words, if a Case Analysis or other materials in the Case File refer to or count a manuscript when it is “accepted” in one review cycle, it may not be referred to or counted in the next, even if its status has changed to “published.”

Inclusion of book-type products warrants further attention. Typically a book is introduced in the Bio-bibliography and Case Analysis when a publisher has agreed to publish the manuscript as a book after it has been vetted and reviewed, thus signifying that it is “in press.” It is accepted that the candidate receive credit in that review period for the achievement of “in press” status and then again when the book is published. Occasionally, an “in press” book does not get published. It is the responsibility of the Unit to review progress on a book in press and address in subsequent Case Analyses, as appropriate, any failure in the book being published.

C. SELF-STATEMENT

The self-statement is a narrative summary of the candidate’s accomplishments in the four evaluative areas (teaching, research or creative activity, professional activity and University and public service) (APM 210(d)) during the review period. It should be viewed as a supplement to or enhancement of the information contained in the Bio-bib and curriculum vitae, not merely a recap of material provided elsewhere.

D. TEACHING MATERIALS

Student evaluations and course syllabi for the period under review should be included in the Case File. Other evidence of teaching such as peer evaluations, assessment of learning outcomes, or other assessments may be included.

E. EXTRAMURAL LETTERS

If the proposed action requires solicitation of extramural letters of reference from experts in the candidate’s field, the eligible faculty member should submit a list of proposed referees to the School’s AP staff early in the process. Letters of reference are required for all advancements and promotions, and for advancement to Professor, Step VI and Professor, Above Scale. The School staff shall then solicit letters from the candidate-suggested list as well as from a list of School-suggested reviewers. Five to eight analytical letters are sufficient for most actions, as substance of the letters and not the quantity is evaluated.

Extramural reviewers should be selected from academic or research institutions with standards comparable to the University of California. Preferably, at least two to three letters should come from individuals at UC campuses. The reviewers should normally be full Professors or of equivalent stature, although occasionally it may be appropriate to ask an Associate Professor to provide a letter for an Assistant Professor coming up for tenure. For promotions to the highest levels, such as Professor Step VI and Above Scale, as well as for accelerations, it is helpful to have some letters from within the UC system that speak directly to the issue of the appropriateness of the step and/or the magnitude of the acceleration proposed. Individuals outside the system may not be familiar with the criteria for the highest levels in the UC system. Of course, non-UC letters are also expected because the highest levels require distinction at the national and international level. For normal merit increases up to Professor Step V, the Case Analysis is the primary source of essential evaluative information and letters of reference are generally inappropriate and unnecessary.

Letters soliciting such external evaluations, sent from the School, should contain the following: 1) explanation of the proposed action (essential with Step VI and Above Scale); 2) request for analytical review of the candidate’s performance under the applicable criteria and comparison with other scholars in the field at similar rank; and 3) the following confidentiality statement:

Although the contents of your letter may be passed on to the candidate at prescribed stages of the review process, your identity will be held in confidence. The material made available will lack the letterhead, the signature block, and material below the latter. Therefore, material that would identify you, particularly your relationship to the candidate, should be placed below the signature block. In any legal proceeding or other

situation in which the source of confidential information is sought, the University does its utmost to protect the identity of such sources.

Samples of all solicitation letters sent should be included in the case materials forwarded to APO. **Sample Solicitation Letters.**

The selection of extramural referees for candidates above the Assistant Professor level requires considerable care. Initiators should keep in mind that letters from former mentors, collaborators, or other persons with whom the candidate has had close associations tend to carry less weight than those from less closely-tied persons. Reviewers should not be individuals who are known family members or who are business or professional partners. Contact between the Unit Chair and individuals from whom letters are being solicited is permissible in order to encourage response, but care must be taken not to bias or influence the judgment of the referee.

Extramural reviewers who have provided confidential letters of evaluation should not be identified in the case materials except by means of a coded list, included in the Case Review File, which indicates the names and qualifications of all those from whom letters were solicited. It is important to also list potential letter writers who were asked to supply an evaluation but did not respond. When a particular letter is evaluated in the Case Analysis or any other case materials, the letter writer should only be identified by the code assigned on the list (e.g., "Reviewer A"). Sample Lists of Reviewers may be found [here](#) and [here](#).

F. UNSOLICITED LETTERS

Unsolicited letters of evaluation that are added to the file by the candidate are not considered confidential and should be classified as "supplemental material." Unsolicited letters not submitted by the candidate shall not be part of the case discussion nor placed in the appointment case file. In rare instances where unsolicited letters may be viewed as relevant to the case, they shall be reviewed by the Vice Provost for Academic Personnel on a case-by- case basis.

G. REQUESTS TO EXCLUDE REVIEWERS

The UC Merced **Procedural Safeguard Statement** allows candidates for review to request the exclusion of certain persons who might not provide objective evaluations. According to **APM 220-80-c**, "any such statement provided by the candidate shall be included in the personnel review file." Due to UC Merced's small faculty base and unique campus climate, however, the following directives are to be followed on this campus with regards to this process:

In the vast majority of cases, the Unit honors the request to exclude a certain number of potential letter writers or reviewers. In rare circumstances, when the Unit is not able to honor this request, the list will be forwarded to CAP. For example, a faculty member may be in a field of research represented by a small nationwide community, and the Unit may have no option but to request an evaluation from a person on the list. The list provided by the faculty member would become part of the review file and would go to CAP for information.

A request to exclude an internal faculty member will be sent to the next highest level of review. For example, if the faculty member lists his or her Unit Chair as a person who may not provide an objective evaluation, then the request is shared with the school Dean or EVC. The list would not become part of the review file or go to CAP but, depending on the circumstances, the EVC may decide to discuss the list with the CAP Chair.

H. CASE ANALYSIS

The Case Analysis is prepared by the AP Review Committee, whose members should consult the **"Instructions to the Review Committee"** (**APM 210**) for the appropriate series.

The Case Analysis should 1) set out and explain the recommendation of the Review Committee for action on a personnel case, and 2) support the recommendation by evaluating analytically, not merely describing, the candidate's performance in each of the areas of responsibility: teaching; research and creative activity; professional competence and activity; and University and public service. The Case Analysis should be objective, professional, balanced, and concise, avoiding the use of rhetorical statements. The assessment put forth in the

Case Analysis should be supported by evidence from the extramural letters, if any, as well as from all of the materials submitted by the candidate, although excessive quotation is to be avoided.

The candidate's scholarly and/or creative activities should be critically evaluated. The evaluation should provide a careful assessment of the craftsmanship, originality, significance and impact of the candidate's work. The Analysis should not merely state that the work is significant or has had impact; it should indicate what is significant about the work and the nature and extent of the impact. Writers should also indicate the relative stature of the candidate in his or her field. **APM 210-1-d-2** provides specific guidance on discussing and evaluating creative works in particular.

If there is collaborative research, the Case Analysis should describe the relative contributions of the person under review. In addition, the placement of publications should be addressed. The quality of journals or presses in which work appears can be an important measure of the impact and quality of a candidate's work. In cases in which the placement is unusual, or may seem so to reviewers outside the discipline, the Case Analysis should discuss the implications of this. For those works that appear in conference proceedings, information about the publication is needed as there is great variation within and amongst the disciplines. The information may include, as appropriate, the conference's acceptance and publication rates, whether the paper was accepted on the basis of title or abstract only, and the archival status of the conference proceedings.

In assessing the types of contracts, grants or fellowships awarded to the candidate, the Case Analysis should address the importance and the expectations of support for the particular discipline.

Any Case Analysis proposing Professor, Step VI or above must include a discussion of the candidate's professional impact and stature, including national and/or international honors received, election to distinguished societies, and other evidence of the candidate's outstanding leadership in the profession. Proposals for accelerated actions must likewise explicitly address the grounds for the acceleration.

I. TRANSMITTAL LETTER

The Case Analysis and supporting materials are made available to the appropriate Unit's faculty for a length of time specified in each Bylaw 55 Unit's voting procedures (typically five days). At the conclusion of this review period, the Unit Chair (or designee) presents the Case Analysis to the faculty and allows for a full discussion. This discussion should focus only on the merits of the case materials provided. The discussion culminates in a vote of all eligible voting members, according to the Unit's bylaws and voting procedures.

The vote and the faculty discussion are recorded in the Transmittal Letter. The Transmittal Letter is a critical component of the Case File and should include any pertinent arguments regarding the strengths and weaknesses of the case, as well as a recommendation for the step and effective date of the proposed action.

Academic Units should develop policies that encourage the maximum number of faculty members to participate in the evaluation of candidates (See **MAPP 1005** for policy on physical presence for voting). Participation in shared governance is a primary expectation of University of California faculty members, and excessive abstentions or a small number of votes relative to the total number of faculty eligible to vote are likely to raise concerns in other reviewers evaluating the file. In cases of abstentions or recusals, the Transmittal Letter should provide a reason for these actions whenever possible.

J. DEAN'S RECOMMENDATION LETTER

After the faculty vote, the Dean assesses the Transmittal Letter, Case Analysis and other evidence provided in the Case File to ensure that the Unit's review is fair and rigorous in maintaining University standards. The Dean's Letter should be an independent assessment of the case. In the Letter, the Dean provides his or her recommendation regarding the proposed action and supplies additional analysis as needed.

K. SALARY JUSTIFICATION

In a separate memo, the Dean provides a recommendation as to the salary associated with the proposed appointment or advancement, including any off-scale increment, based on the **University of California**

Academic Salary Scales. This salary should be justified in terms of prevailing norms within the Unit, School, University and discipline. Proof of any competing offers should be provided with the case.

UNFAVORABLE OUTCOMES

A. NON-REAPPOINTMENT

A proposal for non-reappointment of an Assistant Professor may originate with the Unit Chair as a result of Unit review during consideration of reappointment or promotion to tenure (APM 220-84).

Should the recommendation for non-reappointment be issued by the Dean after a positive recommendation by the Unit:

1. The Dean shall notify the Unit Chair and the candidate and provide redacted copies of all confidential materials, if any, added to the candidate's personnel file after the Unit's recommendation.
2. After receipt of the notice of a negative recommendation from the Dean, the candidate will have five business days to notify the Unit of his or her intention to appeal the decision.

Should the recommendation for non-reappointment be issued by CAP after a positive recommendation from the School:

1. The Dean shall be notified of the negative CAP recommendation by the Vice Provost for Academic Personnel.
2. The Dean shall notify the Unit Chair and the candidate of the CAP recommendation and provide redacted copies of all confidential materials, if any, added to the candidate's personnel file after the School's recommendation.
3. After receipt of the notice of a negative CAP recommendation, the candidate will have five business days to notify the Unit of his or her intention to appeal the decision.

In cases in which non-reappointment is considered, the appeal, if any, shall be considered by CAP. An ad hoc committee shall be appointed if the Chancellor or CAP requests it.

The Chancellor is responsible for a decision not to reappoint an Assistant Professor. This authority may not be redelegated.

B. NEGATIVE MERIT REVIEW

Should a merit increase review have an unfavorable outcome, the next review will consider all materials from the review periods since the most recent successful advancement review. The Case Analysis should address the most recent CAP recommendation as well as the record from the latest review period.

APPENDIX 2014-A: MID-CAREER APPRAISALS

The **Mid-Career Appraisal (APM 220-83)**, or "MCA," is a formal evaluation, which is conducted in order to arrive at a preliminary assessment of an Assistant Professor's prospect for eventual promotion to Associate Professor with tenure. Normally occurring in the fourth year of service to the University under the **Eight-Year Rule**, the purpose of the MCA is to provide the Assistant Professor with a careful, considered analytical evaluation of his or her performance to date in the areas of teaching, research and creative work, professional competence and activity, and University and public service, and to make a candid prediction concerning the probability or improbability of a favorable promotion decision based upon the evidence.

The list of case materials for the MCA is analogous to that provided for other types of personnel actions, although the MCA is a substantially different type of assessment from that done for the normal merit review and this should be reflected in the content of the documents prepared. Outside letters may be obtained but are not required if members of the Unit have sufficient expertise to make the assessment.

The case for the MCA should examine the complete record-to-date (including work in progress), and it should carefully and frankly assess the prospects for the individual to achieve promotion based on continuation of the

current trajectory. The appraisal should note specific areas of weakness, if any, and should recommend actions to be taken by the individual and/or the Unit and Chair.

The MCA should clearly designate an outcome of “Good,” “Fair” or “Poor.” These categories are broadly defined as follows:

- **Good:** promotion is likely, contingent on maintaining the current trajectory of excellence and on appropriate external evaluation
- **Fair:** promotion is likely, if identified weaknesses, deficiencies, or imbalances in the record are corrected
- **Poor:** substantial deficiencies are present; promotion unlikely

Because the MCA is directed primarily toward the candidate, it is in the best interest of the candidate and the Unit that the appraisal be careful, cautious and candid, addressing problems where they exist while there is still time for adjustment and improvement. It is important that the faculty member is made thoroughly aware, in a formal way, of her or his situation with regard to eventual promotion.

The MCA file should be forwarded to the Academic Personnel Office through the appropriate Dean’s Office. The Committee on Academic Personnel will review the file and forward its recommendation to the Provost/EVC for final approval.

APPENDIX 2014-B: CAREER EQUITY REVIEWS

Career Equity Reviews (CERs) permit faculty members to request a special review to determine whether they are correctly calibrated at rank and step. They are intended to supplement regular academic reviews, and they neither replace nor affect existing procedures for regular reviews.

A. OBJECTIVE

On rare occasions, a Senate faculty member may be at a rank and step seriously inconsistent with his or her attainments. For example, an appointment may have been made at a rank or step below that suggested by merit, or accomplishments that would warrant accelerated advancement may not have been identified. The CER is designed to examine those cases in which normal personnel actions, from the initial hiring onward, may have resulted in an inappropriate rank and/or step, and, when warranted, to allow placement of faculty at the appropriate rank and step consistent with prevailing UCM standards.

A CER is not a substitute for a normal merit, promotion, or acceleration review. It functions as a supplemental process to correct a substantial inequity, typically a product of multiple past actions, not as a means of appeal for, or expression of disagreement with, a single personnel decision.

Because the purpose of a CER is to assess rank and step, recommendation of a bonus off-scale salary award in lieu of recalibration is inappropriate.

B. ELIGIBILITY FOR AND INITIATION OF REVIEW

A Senate faculty member (e.g., an academic employee in the Professor, In Residence, or Lecturer SOE series, excluding those at the LPSOE, Assistant, or Above Scale levels) may initiate a CER at the time of his/her regular, on-cycle review by submitting a written request to the appropriate Unit Chair or Dean. If the request is submitted to a Unit Chair, a copy should also be submitted to the Dean. The decision to initiate a CER rests with the candidate.

C. CONTENT AND CRITERIA

A request for CER must contain justification for recalibration. Possible justification for a CER may include, but is not limited to, the following assessments: 1) the cumulative record warrants an acceleration, even though no one review period did; 2) the rank/step was inappropriately low at the time of initial hiring; 3) particular work and contributions have been overlooked or undervalued by the Unit and/or other reviewing bodies.

The candidate must identify the specific area(s) of the record that he or she believes were not previously evaluated properly, or the area(s) of the record that indicate that he or she was not hired at a rank and step

commensurate with his or her accomplishments. The candidate may submit selected publications from earlier review periods that he or she considers relevant to the CER request.

The Unit Chair will develop an academic review file that will address the candidate's entire academic record. The file will include the request for a CER. If the CER request involves advancement to or through a "barrier" step (promotion to Full Professor or advancement to Professor, Step VI, or to Professor, Above Scale), the Unit must seek external letters addressing the barrier step advancement for inclusion in the file.

The CER review will typically proceed in parallel with the normal review, but will address the candidate's overall record using the University's established criteria for the rank and step requested.

D. FILE REVIEWERS

The appropriate Dean and CAP will consider all CERs. There are two ways in which consideration of a CER may proceed:

- If the candidate submits the request for a CER to a Unit Chair, following Unit review and vote, the Chair will write the Unit Letter of Recommendation regarding the CER request. It will subsequently be forwarded to the Provost/EVC via the Academic Personnel Office, which will refer the file to CAP for its recommendation.
- If the candidate submits the request for a CER to the Dean, the Dean may recommend someone other than the Unit Chair to interact with the Unit Reviewers and write the Letter of Recommendation. The Provost/EVC must approve the Dean's selection. Further review of the file will then proceed as described above. (In rare cases, if it is believed that there is insufficient expertise at any level of review, the Provost/EVC may recommend to CAP that an ad hoc committee be formed to advise CAP.)

E. FREQUENCY

A CER may be requested once at the Associate Professor level, once at the Full Professor level prior to advancement to Professor, Step VI, and once after advancement to Professor, Step VI, up to Above Scale. All CER actions become part of the academic personnel file. A CER decision by the Provost/EVC is not subject to appeal.

APPENDIX 2014-C: SHORT FORM FOR NORMAL MERIT REVIEWS

Normal merit increases within Assistant Professor, Associate Professor and Professor I-V ranks, although less critical than promotions, are not automatic and do require demonstrated merit.

For many merit reviews where the record seems clear and there is expected to be essentially unanimous agreement in the Unit regarding the proposed action, UC Merced has adopted the "**Short Form for Normal Merit Review**" to simplify the preparation of the Case File. It should be noted that a Case File that reveals issues of concern or potential controversy regarding the proposed action will not be indicative of a "normal merit," and thus is ineligible for use of the Short Form. The Short Form should likewise not be used for accelerated actions. Use of the Short form is not mandatory and is subject to the discretion of the AP Chair.

The Short Form may be used for the following normal merit reviews:

- | | |
|----------------------|---|
| Assistant Professor: | First and second merit reviews (does not include MCA) |
| Associate Professor: | Every other merit review within rank, exclusive of promotion |
| Full Professor: | Every other merit review within rank, exclusive of barrier steps or promotion |

2015: SABBATICAL AND OTHER LEAVES

*Section Under Construction: Please refer to **APM Section 5** for information on leaves*

2016: DISCIPLINE

GENERAL GUIDELINES

The following serves to implement the **University Policy on Faculty Conduct and the Administration of Discipline** at UC Merced. While the **Faculty Code of Conduct** applies to all faculty members, both Senate and non-Senate, these procedures apply exclusively to members of the Academic Senate (as identified in the **Standing Order of the Regents 105.1**). No disciplinary sanction for professional misconduct of a member of the Merced Division of the Academic Senate shall be imposed except pursuant to the procedures specified herein and consistent with **Academic Senate Bylaw 336**. No faculty member's right to a hearing before the **Committee on Privilege and Tenure** under Academic Senate Bylaws **335, 336, and 337**, or Standing Orders of the Regents **103.9 and 103.10**, shall be abridged in any way by these procedures.

With respect to the imposition of disciplinary sanctions, the Faculty Code deals only with professional conduct or misconduct. Faculty members, however, in common with all other members of the University community, are subject to the general rules and regulations of the University, such as those pertaining to parking, library privileges, health and safety, and use of University facilities. Faculty members are subject to appropriate sanctions for failure to comply with such rules and regulations. Senate faculty members holding administrative appointments may be subject to disciplinary action under the Faculty Code for professional misconduct that falls within the types of unacceptable conduct set forth in the Faculty Code. In addition, the Chancellor and Provost and Executive Vice Chancellor may take administrative actions (e.g., removal from the administrative position), which need not adhere to the disciplinary procedures outlined herein.

The authority to discipline faculty members derives from The Regents. The Regents have made the Chancellor of each campus responsible for administering discipline on that campus, and there is to be no re-delegation of the Chancellor's authority to impose disciplinary sanctions; however, in any case of discipline of a Senate faculty member, the Chancellor will normally delegate to the Provost/EVC the authority to initiate disciplinary action (i.e., to initiate and monitor the investigation of the complaint and the process to determine probable cause). In the event that the Provost/EVC recuses him- or herself from a disciplinary case at any stage, the Chancellor may delegate his or her authority to a person or persons whom the Chancellor judges to be appropriate. The Chancellor will discuss the selection of this person or persons with the Chair of the Academic Senate.

University procedures afford safeguards against arbitrary or unjust disciplinary actions, including provisions for hearings and appeal. Senate faculty members may accept the disciplinary sanctions as proposed by the Chancellor, or they may request a hearing before the **Committee on Privilege and Tenure of the Merced Division of the Academic Senate**. The role of this Committee is to take under consideration complaints against or by members of the Academic Senate. The Committee holds hearings and advises the administration. The Chancellor will not appoint any current member of the Committee on Privilege and Tenure as an investigator.

Discipline is defined to include the following actions: written censure; reduction in salary; demotion; suspension; denial or curtailment of emeritus status; and dismissal from the employ of the University (**APM 16 Section II**). More than one disciplinary sanction may be imposed for a single act of misconduct; e.g., a demotion and a suspension. Any disciplinary action must begin within three years of the time when the Chancellor knew or should have known about the alleged violation of the Faculty Code.

When a complaint has been made, all faculty members, campus officers and agencies shall treat the identities of the complainant and the faculty member against whom the complaint is made (herein referred to as "respondent") as a matter of utmost confidentiality.

INITIATING THE COMPLAINT PROCESS

A complaint may be brought under these procedures by any student, staff member, or faculty member of the University of California. Systemwide policy statements clearly indicate that the investigation of faculty misconduct should be an administrative function, while holding hearings on such charges is an Academic Senate function to be carried out by the Committee on Privilege and Tenure.

A. INFORMAL COMPLAINT

In some circumstances, informal means of resolution may be appropriate as a first resort. Such efforts may include discussion with the faculty member as well as the pursuit of all available administrative actions. Informal complaints may be heard by the relevant Dean; Associate or Assistant Dean; Human Resources; Academic Personnel Office; or the complainant's immediate supervisor. The informal complaint may also be referred to the Provost/EVC, who may ask the Charges Committee (see box, "Charges Committee Membership," below) to assist in the informal resolution of the complaint.

Any recipient of an informal complaint may in all cases listen to the complaint without informing the accused faculty member of it. If the recipient of the complaint, or any campus officer or agency, begins to investigate the merits of the complaint, beyond what can be established by talking to the complainant, the accused faculty member shall at that stage have a right to notification. Should the complaint be resolved informally or not pursued further, all documents, notes, or other evidence shall be destroyed or returned to the complainant.

If the recipient of the informal complaint deems it to be appropriate, and if procedures for informal resolution are either unsuccessful, unacceptable to the complainant, or deemed inappropriate by the campus officer or agency involved, then that officer or agency shall refer the complainant to the Provost/EVC. The Provost/EVC will keep the Chair of the Committee on Privilege and Tenure apprised of all such actions. At this stage of the process, the Provost/EVC is not required to notify the faculty member against whom the complaint has been made.

B. FORMAL COMPLAINT

If the complainant wishes to file a formal complaint, the following procedures must be followed.

Allegations of violations of the **Faculty Code of Conduct** against a Senate faculty member shall be addressed to the Provost/EVC and shall normally be submitted in the form of a written, signed letter from the complainant. The complainant must include a written explanation of any attempts made to resolve the matter prior to the filing of the formal complaint. The complainant should, whenever possible, identify the section(s) of the Faculty Code of Conduct alleged to have been violated. It is important that the complainant submit supporting documentation sufficient to substantiate the allegations of misconduct.

The Provost/EVC shall review the complaint to ensure that it conforms to these requirements, and to a reasonable standard of conciseness and order. The Provost/EVC may also consult with the appropriate School Dean as necessary. The Provost/EVC may, at his or her discretion, reject any complaint that does not meet these requirements. In this event, the complaint will be returned to the complainant who shall have the opportunity to correct the stated deficiencies, and then return the complaint for consideration.

The Provost/EVC will conduct a preliminary inquiry to determine whether there are reasonable grounds to believe that a violation of the Faculty Code of Conduct may have occurred. The Provost/EVC may engage one or more members of the Charges Committee and/or appoint additional internal or external faculty members or administrators to conduct the informal, preliminary inquiry. The respondent will be notified by the Provost/EVC that a formal complaint has been filed against him or her, and he or she will receive a copy of the complaint with all supporting documentation.

If there is apparent merit to the complaint, the Provost/EVC shall convene the full Charges Committee to investigate and provide a determination as to whether there is probable cause that a violation has occurred (**APM 15, Part III.A.4**).

Charges Committee Membership

The Charges Committee shall be comprised of three Academic Senate members. No two members may have faculty appointments in the same School. The members of this committee shall be selected by the Academic Senate, subject to approval by the Vice Provost for Academic Personnel. Any member of the Charges Committee who has membership in the same Bylaw-55 Unit as the respondent and/or the complainant will normally be expected to recuse him or herself from a complaint. Only under extenuating circumstances will this not be the case. The Academic Senate may need to appoint additional faculty members and/or Senate members from another Division to assist the review of the complaint. These additional members are subject to the approval of the Vice Provost for Academic Personnel. Until a UC Merced Charges Committee is established, Academic Personnel may solicit services from a Charges Committee or its equivalent at a sister campus.

Appointments to the Charges Committee normally shall be staggered for one to three year periods, to assure continuity from year to year, with the expectation that a term of service will be for more than one year. While the Charges Committee will normally convene during the academic year as needed, it may be necessary for the Vice Provost for Academic Personnel to call upon the Committee to serve during the summer period, depending on the nature of the complaints. Staff will be assigned to assist the Charges Committee.

The Charges Committee will advise the Provost/EVC:

- Whether any of the allegations in the formal complaint, if true, would constitute a violation of the Faculty Code of Conduct;
- If so, whether there is probable cause to warrant the initiation of disciplinary action by the administration; and
- If there has been a finding of probable cause, what specific disciplinary sanction(s) are recommended by the Committee.

The Charges Committee may discuss procedural and interpretive questions with the Provost/EVC at any stage of the investigation and may seek legal interpretation. In addition, the Charges Committee has the Provost/EVC's authority to seek further information (normally in writing, but also in person as deemed appropriate) from individuals who may have relevant information. The Charges Committee should advise individuals who have been consulted that the University will do all in its power to assure that information will be kept confidential to the extent allowable by law and University policy. Additionally, all parties involved will be instructed of the strict confidentiality of the review.

Following its investigation of the formal complaint, the Committee shall write a final report to the Provost/EVC. The report shall include the Committee's assessment of the evidence, a recommendation to dismiss the complaint or to initiate disciplinary action, and a recommendation of the type of disciplinary sanction(s) proposed, if any. It is expected that the Charges Committee will conclude its work within 90 calendar days from receipt of the complaint, unless an extension is granted by the Provost/EVC.

INITIATING THE DISCIPLINE PROCESS

A. INFORMAL RESOLUTION

As an alternative to formal disciplinary procedures, the respondent and the administration may explore informal resolutions at any point in the disciplinary process. Upon written agreement by both the Provost/EVC and the respondent, the Provost/EVC may agree to waive the proposed disciplinary sanction(s) on the condition that the respondent performs some specified action(s) designed to address the violation and/or to prevent future harm or continued violation. Such actions may include, but are not limited to, monetary restitution, repayment of misappropriated resources, compliance with a commitment not to repeat the misconduct, or other action to remedy the harm caused by the respondent.

Respondents who are interested in pursuing an informal resolution may negotiate directly with the administration or may request the involvement of the Chair of the Committee on Privilege and Tenure.

Respondents should contact the Provost/EVC and/or the Chair of Privilege and Tenure to discuss this option further or to propose an informal resolution.

If an informal resolution is reached with the administration at any point in the disciplinary process (with or without the Chair of the Committee on Privilege and Tenure), the Chancellor shall report to the entire Committee on Privilege and Tenure for informational purposes, and without using the respondent's name, a statement of the charges and the negotiated resolution.

B. INVOLUNTARY LEAVE

The Provost/EVC may initiate involuntary leave with pay prior to the initiation of disciplinary action if it is determined that there is a strong risk that the respondent's continued assignment to regular duties or presence on campus will cause immediate and serious harm to the campus community or impede the investigation of his or her alleged wrongdoing, or in situations in which the respondent's conduct represents a serious crime or felony that is the subject of investigation by a law enforcement agency.

Such action does not represent the imposition of a disciplinary sanction; however, the respondent's return to University premises without written permission from the Provost/EVC may create independent grounds for disciplinary action.

The Provost/EVC must mandate such investigatory leave in writing, including the reasons for and expected duration of the leave, to the respondent and must initiate disciplinary procedures by bringing charges against the respondent within ten working days after the imposition of involuntary leave.

C. INFORMING THE RESPONDENT OF THE INTENT TO DISCIPLINE

Upon receipt of the Charges Committee's report, the Provost/EVC will determine whether there is probable cause for undertaking disciplinary action against the accused faculty member. If so, the findings of the Charges Committee will be transmitted to the Chair of the Committee on Privilege and Tenure, together with a written notice of intent to discipline from the Provost/EVC describing the reasons for undertaking the proposed action and the type of sanction(s) that are recommended. The Chancellor may not impose a type of discipline more severe than that set forth in this notice.

At this stage, the name of the respondent, the nature of the charges, and the proposed discipline shall be confidential information, limited to the Chair of the Committee on Privilege and Tenure and not known to the other members of the Committee.

The notice of intent to discipline, along with a copy of the report of the Charges Committee, shall normally be presented to the respondent in person or, if not feasible, the notice and report shall be sent to the respondent's campus address and last known home address using a proof of service form.

D. DISCIPLINARY HEARING

At the time the notice is personally delivered to the respondent, or within three working days if the notice is mailed, the Chair of the Committee on Privilege and Tenure shall make known to the respondent his or her Senatorial right to a hearing pursuant to **Academic Senate Bylaw 336** before disciplinary sanctions can be imposed. The Chair shall also provide information about the the nature of Privilege and Tenure hearings, as well as information about the options available to the respondent. These options include accepting the proposed discipline or negotiating an informal resolution directly with the administration.

The respondent shall have 21 calendar days from the date of receipt of the notice in which to file a written response with the Provost/EVC indicating that he or she accepts the findings and proposed sanctions, or to inform the Chair of the Committee on Privilege and Tenure that he or she waives the Senatorial right to a formal hearing before the Committee. Absent any such written response, a hearing shall be conducted as specified by Academic Senate Bylaw 336.

In connection with hearings before the Committee on Privilege and Tenure (or any properly constituted hearing panel subcommittee), a respondent will be entitled to all procedural privileges and protections specified in the

Standing Orders of the Regents (**103.9** and **103.10**) and in the Academic Personnel Manual (**APM 15** and **APM 16**). All investigations and hearings will be treated as confidential and open only to those persons directly involved.

Every effort shall be made to conform to a reasonable time frame in the implementation of all procedures. Consistent with **Academic Senate Bylaw 336.B.3**, the Committee on Privilege and Tenure shall consider the matter within 21 calendar days after receipt of a response or after the deadline for receipt of a response if none is received. Pursuant to **APM 15 Section 3.B.7**, a hearing should commence within 90 days of the date on which the respondent was informed of the intention to initiate a disciplinary proceeding. A hearing shall not be postponed because the respondent is unavailable or unwilling to cooperate.

The Chancellor has final authority to determine and execute appropriate sanctions, except in those cases of dismissal or demotion in which final authority rests with the President or the Regents (**APM 16 Section II**). The Chancellor will inform the accused faculty member in writing of his or her final decision.

COMPLAINT FILE

Upon final resolution of the formal complaint, the complaint file will be maintained only in the Academic Personnel Office. The complaint file shall include the following:

- The original formal complaint and all accompanying documentation;
- The letter from the Provost/EVC forwarding the complaint to the Charges Committee for its probable cause investigation;
- The Charges Committee's final report;
- The Provost/EVC's written notice of intent to initiate disciplinary action, if any;
- A copy of the Committee on Privilege and Tenure's hearing report, if any; and
- A copy of the Chancellor's letter communicating his or her decision.

In the event that the allegations against the respondent are not sustained; all materials related to the claim shall be destroyed after a period of three years. All other files shall be maintained for ten years after separation of the respondent from UC Merced and then destroyed.

2017: GRIEVANCE PROCESS

See UC Senate Bylaw 335

UNIVERSITY *of* CALIFORNIA, MERCED

Chapter 3

Non-Senate and Temporary Teaching Titles

Merced Academic Personnel Policies & Procedures

ADJUNCT PROFESSOR SERIES

3021: GENERAL GUIDELINES

In many ways the Adjunct Professor series parallels that of the Professor series. While the Adjunct title does not confer Senate membership, this campus-affiliated faculty is expected to adhere to UC Merced’s rigorous standards of scholarship, making significant contributions to its research and teaching endeavors. Academic personnel policy and procedures for the Adjunct title generally mimic those for the Professor title. Distinctions are described in this section but, when appropriate, a reader is referred to **MAPP Chapter 2** (Professor Series).

A. RANKS & CRITERIA

Appointments in this series are made to individuals who are affiliated with UC Merced through their participation in the campus’ research and teaching activities. Appointees may be predominately engaged in research or in teaching, as long as they make some contribution to both. If research ceases to be a part of the appointee’s duties, the individual should be considered for transfer to an instruction-only title. Appointees are also to engage in University and public service consistent with their assignments. Please refer to **APM 210-1-d** for a description of the teaching, research, and service criteria.

Adjunct Professor appointment and advancement cases must clearly state the assigned duties and responsibilities for review at all levels of the AP process (**APM 280-4 and 280-10**). An Adjunct faculty member needs to be apprised at the time of appointment of the nature of the appointment, and relevant duties and responsibilities.

It is expected that an appointment in the Adjunct Professor series be made at a certain percentage (full-time, or part-time), whether for pay or not. The Case Analysis is then expected to analyze the Adjunct faculty member’s performance relative to both the appointment percentage and the agreed-upon duties and responsibilities.

Titles for the Adjunct series are listed below. Ranks and steps in this series correspond with those in the Professor series. An appointment or reappointment should be made at a level that is appropriate for the candidate’s scholarly and creative productivity and achievement.

Adjunct Professor Titles

- Assistant Adjunct Professor
- Associate Adjunct Professor
- Adjunct Professor

B. FUNDING

Appointments made to the Adjunct series should be supported primarily by non-State funds, and no more than one half of the Adjunct appointment may be supported by State funds (19900 – 19999).

Authority to grant exceptions to this policy belongs only to the Chancellor and cannot be redelegated. Requests for exceptions must be written, addressed to the Chancellor, provide clear justification for the exception, and adhere to the eight-year limitation as stated in **APM 280-16-b (2)**. The requests originate with the relevant Unit Chair or Dean and have the Dean’s approval via her or his signature. Once submitted to APO, the request will be forwarded to the Chancellor for approval. All exceptions must be approved prior to commencing the appointment process.

C. SALARY

Appointments may be made with or without salary. For appointments with salary, the academic salary scales for the regular Professor series shall apply, subject to the terms of the compensation plan and adjusted to reflect percentage time.

Appointments may be made at full-time or part-time. The assigned percentage time should accurately reflect the expected workload carried with an appointment to this title. It should not be confused with salary rate. For example, an appointee may make research and teaching contributions to UC Merced that are consistent with a 20 percent time appointment, even though the appointment was made without salary.

D. TERMS OF SERVICE

An appointment or a reappointment to an Adjunct title is made with a specified ending date. This is communicated to the appointee in the Appointment Letter or the Reappointment Letter.

Maximum terms for appointments and reappointments are provided below; when appropriate, recommended terms may be shorter. Reappointments may be made to the same rank and step, i.e., without a merit increase or promotion. Effective beginning and ending dates of an appointment generally coincide with the University’s fiscal calendar, which begins on July 1.

Level	Max. Appt. Term	Service Limit(s)
Assistant Adjunct Professor (50% time or less)	2 Years	None
Assistant Adjunct Professor (51% time or more)	2 years	8 Years (See Section E)
Associate Adjunct Professor, Steps I, II, and III	2 Years	None
Associate Adjunct Professor, Steps IV and V	3 Years	None
Adjunct Professor	3 Years	None

E. NORMAL PERIOD AT STEP & LIMITATIONS OF SERVICE

In computing time for the Adjunct title, only those semesters at more than 50 percent time count. The normal periods of service at each step in this series coincide with those of the Professor series as described in APM 220-18-b.

An eight-year limitation of service applies to appointees who hold the Assistant Adjunct Professor title, either in that title alone or when combined with those titles listed in **APM 133-0-c**. Assistant Adjunct Professors normally undergo a Mid-Career Appraisal.

3022: RECRUITMENT

A. RECRUITMENT DATA

Unless a competitive affirmative action search takes place, recruitment data do not pertain to the appointment and are thus not included in the appointment case file. If a competitive affirmative action search takes place, refer to **MAPP 2012** for pertinent policies and procedures.

3023: APPOINTMENT

Because Adjunct appointees are considered to be affiliated faculty of UC Merced, the same academic personnel procedures and standards of excellence for the Professor series apply to the Adjunct series. For general appointment processes and guidelines, please refer to **MAPP 2013**, taking into consideration the exceptions and additions listed below.

A. CASE ANALYSIS

The case analysis should make a clear justification for the proposed appointment or reappointment. It should address the recommended rank and step, providing solid evidence that supports the level of the appointment or reappointment.

B. TRANSMITTAL LETTER & DEAN'S RECOMMENDATION LETTER

Both the Transmittal Letter and the Dean's Recommendation Letter should articulate specific justification for each appointment in order to gain the support of the Committee on Academic Personnel and the approval of the Provost/EVC.

Towards that goal, the letters should address the following:

1. The quality of the candidate and her/his specific ability to contribute to the unit, the program, and/or the campus;
2. The value added to the program/unit mission not currently afforded by the ladder-rank and other faculty;
3. Whether the recommendation is without salary and the proposed percentage of time of the appointment;
4. The appropriate funding source. Special and additional permission is required if there is a proposal to use State funds (19900-19999);
5. The beginning and specific ending date of the appointment;
6. The specific assignment of duties and responsibilities. Evaluation and subsequent reviews of the candidate shall be based upon the candidate's specific assignment and be consistent with **APM 280**;
7. The specific appropriateness of the candidate's abilities and background with respect to the assigned duty and responsibilities.

C. APPOINTMENT LETTER

The Appointment or Reappointment Letter must indicate the ending date of the appointment and include the following text:

"University policy requires that you be informed of the following: appointments to the title of <rank> Adjunct Professor are self-terminating (no further notice of non-reappointment will be forthcoming) and do not create an obligation on the part of the university to either extend or renew the appointment."

D. UNIVERSITY OF CALIFORNIA PATENT POLICY

All Adjunct faculty participating in research as employees or otherwise, with or without salary, shall execute a University of California Patent Policy as a condition of receiving their adjunct faculty appointment. Notwithstanding the above, an individual acknowledges that he or she is bound by the University of California Patent Policy by accepting or continuing University employment or by using University resources, facilities, or interacting with University faculty and staff. Failure to sign the Policy shall result in the appointment not being granted.

3024: MERIT, PROMOTION, APPRAISAL REVIEW

*Section Under Construction: Please refer to **MAPP 2014** for information on merit, promotion and appraisal review.*

3026: DISCIPLINE

This policy provides the standards and procedures for instituting corrective action or dismissal of non-Senate academic appointees. Corrective action or dismissal may be instituted for good cause, including but not limited to: misconduct, unsatisfactory work performance, or dereliction of academic duty. For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion and dismissal for unsatisfactory work performance shall involve the regular peer review process. Such peer review shall be advisory to the administrator authorized to institute the demotion and dismissal action.

RESPONSIBILITY

Unit Chairs, supervisors and other appropriate administrative authorities have the responsibility to ensure that each appointee has the appropriate training and mentoring opportunities in order to successfully carry out the job duties and responsibilities of his or her position. It is expected that each aforementioned supervisor will ensure that timely communications, documentation and performance review have occurred prior to initiating corrective action and/or any recommendation for dismissal.

PRIOR TO INSTITUTING ACTION

Prior to instituting corrective action and/or dismissal as described in the sections that follow, efforts to resolve the problem should be attempted.

For performance-related issues, supervisors are responsible for counseling individuals as deficiencies in job duties occur. If deficiencies continue, counseling memos should be issued to the appointee. The documentation, in the form of a counseling memo should clearly identify the problem area(s), the expected standards, and refer to any previous discussions the supervisor has had with the appointee. The supervisor should follow up with the appointee at an appropriate interval, informing him or her whether the deficiency has been corrected or further improvement is required.

Performance reviews should appropriately address any deficiencies that required documentation. If during the course of the performance review it is determined that previously acknowledged deficiencies still exist or performance continues to be unsatisfactory, corrective action should be instituted.

For actions that involve serious misconduct, such as those involving the health and safety of other University employees, or that may involve the misuse of University property, it may be appropriate to initiate corrective action and/or dismissal immediately.

TYPES OF CORRECTIVE ACTION AND DISMISSAL

Corrective actions include written warning with consequence, written censure, suspension without pay, or demotion. Corrective action shall normally be taken in progressive steps, beginning with a written warning, except when corrective action is the result of conduct which an appointee knows or reasonably should have known was unsatisfactory. Unsatisfactory conduct may include but is not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, acts endangering others, sexual harassment or other serious misconduct.

Written warning is a formal communication that informs the appointee of a deficiency in performance or an incident of misconduct. A written warning contains not only the specifics of the performance or an incident, but also a method for correction and a clear statement of the probable consequence if the deficiency or misconduct is not corrected.

Written censure is a formal reprimand that conveys institutional rebuke. It may be issued to an appointee for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. Written censure informs the appointee of the serious nature of the event. A written notice of intent must precede the issuance of a written censure.

Suspension is debarment without pay from the appointee's responsibilities for a stated period of time. An appointee may be suspended for performance or conduct the appointee knows or reasonably should have

known was inappropriate or unsatisfactory. A written notice of intent to suspend must precede the issuance of a written notice of suspension.

Demotion is a temporary or indefinite reduction in rank, step, and/or salary. An appointee may be demoted for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. A written notice of intent to demote must precede the issuance of a written notice of suspension. For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion for unsatisfactory work performance shall involve the regular peer review process.

Dismissal is the termination of employment initiated by the University prior to the ending date of appointment. An appointee may be dismissed for continued poor performance as a consequence of a previous written warning. An appointee may also be dismissed without previous written warning or as a result of conduct the appointee knows or reasonably should have known was unsatisfactory or inappropriate. In both cases, a written notice of intent to dismiss must precede the issuance of a written notice of dismissal. For non-Senate academic appointees who are subject to peer review for performance evaluation, dismissal for unsatisfactory work performance shall involve the regular peer review process.

PROCEDURES

Corrective action or dismissal as defined by this policy is subject to review and approval of the Vice Provost for Academic Personnel.

A. INVESTIGATORY LEAVE

An appointee may be placed on an immediate investigatory leave with pay without prior written notice for the purpose of reviewing or investigating charges of misconduct or dereliction of duty, which, in the judgment of the supervisor, requires removal of the appointee from responsibilities and/or University premises. Such investigatory leave must be confirmed in writing to the appointee normally within five working days after the leave is effective. The notice shall include the reasons for and the expected duration of the leave.

B. WRITTEN WARNING

A written warning issued under this policy as a result of continued poor performance, a less than satisfactory performance review, or due to inappropriate or unsatisfactory conduct must state the serious nature of the performance or conduct and a probable consequence appropriate to the circumstance.

C. WRITTEN NOTICE OF INTENT

A written notice of intent shall be provided to the appointee prior to initiating a written censure, suspension without pay, demotion, or dismissal. Notice of intent is not required for a written warning. The notice of intent shall provide:

- the serious nature of the deficiency or conduct;
- the intended action, including any salary consequence of the action;
- proposed effective date;
- reason for the action and or basis of the charges, including copies of pertinent material upon which the intended action was based;
- the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written notice of intent;
- the name of the person to whom the appointee should respond.

D. WRITTEN NOTICE OF ACTION

Following the review of an appointee's oral or written response, if any, to the notice of intent, a written notice of action shall be issued to the appointee. The notice of action shall be issued within thirty (30) calendar days of the date of issuance of the written notice of intent. Such notice of action shall:

- notify the appointee of the corrective action or dismissal to be taken;
- notify the appointee of the effective date of the action;
- notify the appointee of the right to grieve the action under **APM 140**.

The notice of action may specify corrective action less severe than that described in the notice of intent, or it may specify that no corrective action will be taken; however the notice of action may not include an action more severe than that described in the notice of intent.

E. REPRESENTATION

An appointee may be self-represented or may be represented by another person at any stage of the corrective action or dismissal process.

F. EXTENSION OF TIME

Prior to the expiration of any time limit, extensions may be granted for good cause by the Vice Provost for Academic Personnel.

G. RECORDS

A copy of the written warning, written censure, suspension, demotion, dismissal, the written notice of intent, and a copy of all supporting documents upon which the decision to take corrective action or dismissal was based shall be placed in the appointee's official personnel file. Such materials may be considered in connection with a recommendation or decision in a personnel action involving the individual if the materials are made part of the personnel review by the Vice Chancellor for Academic Personnel. An appointee shall have the right to have inserted into the personnel file any statement or response to these materials in accordance with **APM 160-30**.

H. NOTICE PROCEDURES

Any notice to the appointee pursuant to this procedure shall be deemed conclusive by delivery to the appointee's last known address.

3027: GRIEVANCE PROCESS

A non-Senate academic appointee is entitled to select only one grievance review mechanism (**APM 150-40**). For a non-Senate academic appointee with a term appointment, if the hearing has not commenced by the ending of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has 30 days from the ending date of the appointment to grieve the non-reappointment (**APM 137, APM 140**). The grievance should be submitted in writing to the Vice Provost for Academic Personnel.

VISITING PROFESSOR SERIES

3031: GENERAL GUIDELINES

A. RANK & CRITERIA

The Visiting prefix is used in conjunction with the Professor title to designate one who:

- Is appointed temporarily to perform the duties associated with the Professor title as stated in **APM 220**
- Either has held, is on leave from, or is retired from an academic or research position at another educational institution; or whose research, creative activities or professional achievement makes a visiting appointment appropriate
- Ranks and steps in this series parallel those in the Professor series. A Visiting Professor who is on leave or retired from another institution will normally be appointed at the same rank and step as the individual's title at the home educational institution. Because appointments in this series are temporary, reasonable flexibility may be employed in the application of the first criterion above
- Appointment to this series does not confer membership in the Academic Senate

B. SALARY

Tenure or security of employment is not granted in association with appointment to the visiting series.

Appointments may be made with or without salary. Salaries shall be determined according to the special circumstances of the case, with due consideration given to the appointee's regular salary or professional income. In some cases, it may be appropriate to separate considerations of rank from those of salary. Appointees' travel expenses are not to be incorporated in the salary and reimbursement of such expenses should be made in accordance with University policy.

Appointments may be made at full-time or part-time. The assigned percentage time should accurately reflect the expected workload carried with an appointment to this title.

C. TERMS OF SERVICE

An appointment or a reappointment to the Visiting Professor series is made for a specified term not to exceed one year. This is communicated to the appointee in the Appointment Letter or the Reappointment Letter. The total period of consecutive service with a Visiting title shall not exceed two years, unless a longer period is approved by the Provost/EVC. In the case of Visiting Assistant Professor Programs in Mathematics, the total period of consecutive service shall not exceed three years, unless a longer period is approved by the Chancellor.

D. LIMITATIONS OF SERVICE

If an appointee 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.

If an appointee is transferred to a corresponding appointment in the regular series, the following shall apply:

- Certain removal expenses may be allowed as provided in **APM 560-14-d**.
- Prior service in the Visiting Assistant Professor title will be credited under the "eight-year" rule (**APM 133**).
- Sabbatical leave credit will be accrued as described in **APM 740-11-b**.

3032: RECRUITMENT

A. RECRUITMENT DATA

Unless a competitive affirmative action search takes place, recruitment data do not pertain to the appointment and are thus not included in the appointment case file. If a competitive affirmative action search takes place, refer to **MAPP 2012** for pertinent policies and procedures.

3033: APPOINTMENT

A. APPOINTMENT AND REAPPOINTMENT

The same criteria and standards of excellence for the Professor series apply to the Visiting Professor series. For general appointment processes and guidelines, please refer to **MAPP 2013**, taking into consideration the exceptions and additions listed below.

1. DEAN'S RECOMMENDATION LETTER

The Dean's Recommendation Letter should articulate specific justification for each appointment in order to gain the approval of the Provost/EVC. Towards that goal, the letters should address the following:

- The quality of the candidate and her/his specific ability to contribute to the unit, the program, and/or the campus;
- The value added to the program/unit mission not presently afforded by the ladder-rank and other faculty;
- If the recommendation is without salary and the proposed percentage of time of the appointment;
- The appropriate funding source;
- The beginning and specific ending date of the appointment;
- The specific assignment of duties and responsibilities, which must include teaching and research. Evaluation and subsequent reviews of the candidate shall be based upon the candidate's specific assignment and be consistent with APM **230**;
- The specific appropriateness of the candidate's abilities and background with respect to the assigned duty and responsibilities.

3. APPOINTMENT LETTER

The Appointment or Reappointment Letter must indicate the ending date of the appointment and include the following text:

University policy requires that you be informed of the following: appointments to the title of Visiting <rank> Professor are self-terminating (no further notice of non-reappointment will be forthcoming) and do not create an obligation on the part of the university to either extend or renew the appointment.

3034: MERIT, PROMOTION, APPRAISAL REVIEW

A. MERIT, PROMOTION, APPRAISAL REVIEW

Merit, promotion, and appraisal reviews are not applicable to the Visiting Professor series.

3035: SABBATICAL AND OTHER LEAVES

Sabbatical leave and credit will be accrued as described in [APM 740-11-b](#).

3036: DISCIPLINE

This policy provides the standards and procedures for instituting corrective action or dismissal of non-Senate academic appointees. Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, or dereliction of academic duty. For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion and dismissal for unsatisfactory work performance shall involve the regular peer review process. Such peer review shall be advisory to the administrator authorized to institute the demotion and dismissal action.

RESPONSIBILITY

Unit Chairs, supervisors and other appropriate administrative authorities have the responsibility to ensure that each appointee has the appropriate training and mentoring opportunities in order to successfully carry out the job duties and responsibilities of his or her position. It is expected that each aforementioned supervisor will ensure that timely communications, documentation and performance review have occurred prior to initiating corrective action and/or any recommendation for dismissal.

PRIOR TO INSTITUTING ACTION

Prior to instituting corrective action and/or dismissal as described in the sections that follow, efforts to resolve the problem should be attempted.

For performance-related issues, supervisors are responsible for counseling individuals as deficiencies in job duties occur. If deficiencies continue, counseling memos should be issued to the appointee. The documentation, in the form of a counseling memo should clearly identify the problem area(s), the expected standards, and refer to any previous discussions the supervisor has had with the appointee. The supervisor should follow-up with the appointee at an appropriate interval, informing him or her whether the deficiency has been corrected or further improvement is required.

Performance reviews should appropriately address any deficiencies that required documentation. If during the course of the performance review it is determined that previously acknowledged deficiencies still exist or performance continues to be unsatisfactory, corrective action should be instituted.

For actions that involve serious misconduct, such as those involving the health and safety of other University employees, or that may involve the misuse of University property, it may be appropriate to initiate corrective action and/or dismissal immediately.

TYPES OF CORRECTIVE ACTION AND DISMISSAL

Corrective actions include written warning with consequence, written censure, suspension without pay, or demotion. Corrective action shall normally be taken in progressive steps, beginning with a written warning, except when corrective action is the result of conduct which an appointee knows or reasonably should have known was unsatisfactory. Unsatisfactory conduct may include but is not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, acts endangering others, sexual harassment or other serious misconduct.

Written warning is a formal communication that informs the appointee of a deficiency in performance or an incident of misconduct. A written warning contains not only the specifics of the performance or an incident, but also a method for correction and a clear statement of the probable consequence if the deficiency or misconduct is not corrected.

Written censure is a formal reprimand that conveys institutional rebuke. It may be issued to an appointee for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. Written censure informs the appointee of the serious nature of the event. A written notice of intent must precede the issuance of a written censure.

Suspension is debarment without pay from the appointee's responsibilities for a stated period of time. An appointee may be suspended for performance or conduct the appointee knows or reasonably should have

known was inappropriate or unsatisfactory. A written notice of intent to suspend must precede the issuance of a written notice of suspension.

Demotion is a temporary or indefinite reduction in rank, step, and/or salary. An appointee may be demoted for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. A written notice of intent to demote must precede the issuance of a written notice of Suspension.

For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion for unsatisfactory work performance shall involve the regular peer review process.

Dismissal is the termination of employment initiated by the University prior to the ending date of appointment. An appointee may be dismissed for continued poor performance as a consequence of a previous written warning. An appointee may also be dismissed without previous written warning or as a result of conduct the appointee knows or reasonably should have known was unsatisfactory or inappropriate. In both cases, a written notice of intent to dismiss must precede the issuance of a written notice of dismissal.

For non-Senate academic appointees who are subject to peer review for performance evaluation, dismissal for unsatisfactory work performance shall involve the regular peer review process.

PROCEDURES

Corrective action or dismissal as defined by this policy is subject to review and approval of the Vice Provost for Academic Personnel.

A. INVESTIGATORY LEAVE

An appointee may be placed on an immediate investigatory leave with pay without prior written notice for the purpose of reviewing or investigating charges of misconduct or dereliction of duty, which, in the judgment of the supervisor, requires removal of the appointee from responsibilities and/or University premises. Such investigatory leave must be confirmed in writing to the appointee normally within five working days after the leave is effective. The notice shall include the reasons for and the expected duration of the leave.

B. WRITTEN WARNING

A written warning issued under this policy as a result of continued poor performance, a less than satisfactory performance review, or due to inappropriate or unsatisfactory conduct must state the serious nature of the performance or conduct and a probable consequence appropriate to the circumstance.

C. WRITTEN NOTICE OF INTENT

A written notice of intent shall be provided to the appointee prior to initiating a written censure, suspension without pay, demotion, or dismissal. Notice of intent is not required for a written warning. The notice of intent shall provide:

- the serious nature of the deficiency or conduct;
- the intended action, including any salary consequence of the action;
- proposed effective date;
- reason for the action and or basis of the charges, including copies of pertinent material upon which the intended action was based;
- the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written notice of intent;
- the name of the person to whom the appointee should respond.

D. WRITTEN NOTICE OF ACTION

Following the review of an appointee's oral or written response, if any, to the notice of intent, a written notice of action shall be issued to the appointee. The notice of action shall be issued within thirty (30) calendar days of the date of issuance of the written notice of intent. Such notice of action shall:

- notify the appointee of the corrective action or dismissal to be taken;
- notify the appointee of the effective date of the action;
- notify the appointee of the right to grieve the action under **APM 140**.

The notice of action may specify corrective action less severe than that described in the notice of intent, or it may specify that no corrective action will be taken; however the notice of action may not include an action more severe than that described in the notice of intent.

E. REPRESENTATION

An appointee may be self-represented or may be represented by another person at any stage of the corrective action or dismissal process.

F. EXTENSION OF TIME

Prior to the expiration of any time limit, extensions may be granted for good cause by the Vice Provost for Academic Personnel.

G. RECORDS

A copy of the written warning, written censure, suspension, demotion, dismissal, the written notice of intent, and a copy of all supporting documents upon which the decision to take corrective action or dismissal was based shall be placed in the appointee's official personnel file. Such materials may be considered in connection with a recommendation or decision in a personnel action involving the individual if the materials are made part of the personnel review by the Vice Chancellor for Academic Personnel. An appointee shall have the right to have inserted into the personnel file any statement or response to these materials in accordance with **APM 160-30**.

H. NOTICE PROCEDURES

Any notice to the appointee pursuant to this procedure shall be deemed conclusive by delivery to the appointee's last known address.

3037: GRIEVANCE PROCESS

A non-Senate academic appointee is entitled to select only one grievance review mechanism (**APM 150-40**). For a non-Senate academic appointee with a term appointment, if the hearing has not commenced by the ending of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has 30 days from the ending date of the appointment to grieve the non-reappointment (**APM 137, APM 140**). The grievance should be submitted in writing to the Vice Provost for Academic Personnel.

PROJECT SERIES

3051: GENERAL GUIDELINES

Project series titles are given to those appointees who make significant and creative contributions to a research or creative project in any academic discipline. Appointees may be ongoing members of a research team or may be employed for a limited period of time to contribute high-level skills to a specific research or creative program. They are not required to carry out independent research or develop an independent research reputation, nor are they expected to demonstrate the capacity to do so. Ordinarily, appointees will carry out research or creative programs with supervision by a member of the Professor or Professional Research Series. Nevertheless, those who hold a Project title are expected to have a broader range of knowledge and competency and a higher level of independence than appointees in the Specialist series, whose appointment and advancement depend on the technical contributions that they make to the work of the research team.

Though an appointee in the Project series does not usually serve as a Principal Investigator, the Vice Chancellor for Research has the authority to grant exceptions. Any request for and approval of an exception to this policy must be in writing and must be made prior to the Unit's vote of the proposed appointment. Exceptions are generally required when the candidate lacks the full requirements for a Professional Research title.

A. CRITERIA

Candidates for a title in this series must have earned a doctorate or its equivalent.

In judging a candidate for appointment or promotion to a position in this series, the two criteria outlined and described below are used. An evaluation of the candidate's achievement in both criteria is required, though reasonable flexibility may be exercised in balancing heavier commitments and responsibilities in one area against lighter commitments and responsibilities in another area. Project titles do not require appointees to participate in University and public service, though doing so is encouraged.

Project Scientists do not have any teaching responsibilities. Project series appointees, however, may be involved in the training and mentorship of undergraduates and graduate students. Appointees in this series who teach must hold concurrently an appropriate instructional title, following campus review procedures for such appointment.

Significant, original, and creative contributions to a research or creative program or project

This can be documented by one or more of the following:

- Publications that acknowledge the appointee's significant and meaningful contribution to the work.
- Publications on which the appointee is an author.
- Other evidence (e.g., letters from collaborators or Principal Investigators) that work done by the appointee contributed to publishable research.
- Active dissemination of information (beyond the boundaries of the campus) through informal instruction, presentations, or other means stemming from the appointee's research accomplishments.
- Other evidence of recognized expertise may include formal documentation of intellectual effort and participation in publishable research activities, first authorship on publications/patents, presentation of research at regional/national meetings, invitations to review grant proposals and/or journal articles, invitations to participate in research projects, and/or service on advisory panels.

Research publications and other creative accomplishments will be evaluated, not merely enumerated. There should be evidence that the candidate is continuously and effectively engaged in research activity of scholarly

quality and significance within the defined area of expertise and specialization, contributing broad knowledge and competency at a high level of independence to a research or creative program.

Professional competence and activity

Project series appointees are expected to engage in professional activities that are directly related to their professional expertise and achievement. The appointee's professional activities will be examined for evidence of achievement and leadership in their field of expertise and for demonstrated progression in the development or utilization of new approaches and techniques for the solution of professional problems.

Such activities may include:

- Participating in appropriate professional/technical societies or groups and other educational and research organizations.
- Reviewing research proposals.
- Reviewing journal manuscripts and other publications related to the area of expertise.

B. RANK

Appointments

The initial rank (Assistant, Associate, or Full) of an appointee to the Project series is dictated by:

- The specialization, productivity, and experience of the candidate;
- The complexity and quality of the research for which the candidate will be responsible;
- The level of independence with which the candidate will work (working independently does not mean that the candidate has an independent program); and
- The specialized research assignments/tasks the candidate will assume.

Advancements

As an academic appointee, advancement of a candidate in this series is based on individual qualifications and meritorious performance/scholarly achievement and is not automatic or based on length of service. Advancement through the ranks requires measurable growth in the candidate's research efforts/activity with respect to quality, productivity, scope, reputation, and impact within the research field.

Promotion to the next rank requires continued scholarly achievement and professional growth, resulting in publishable research and other evidence of productivity, as well as increased professional recognition.

C. SALARY

Appointees to the Project series are compensated according to the **Academic Salary Scales** issued by the Office of the President on a fiscal year basis. Off-scale components are allowable in this series (See **APM 620**).

Appointees may serve full-time, part-time, or without salary. Project titles may be supported by State and non-State funds. Funding sources used to compensate the Project series must permit research and be approved by either the Dean or Sponsored Projects.

D. TERMS OF SERVICE

An appointment or a reappointment to the Project series is made with a specified ending date. This is communicated to the appointee in the Appointment Letter or the Reappointment Letter.

Maximum terms for appointments and reappointments are provided below; when appropriate, recommended terms may be shorter. Reappointments may be made to the same rank and step, i.e., without a merit increase or promotion.

The EVC has the authority to approve above-scale salary levels up to and including the Regental compensation threshold. For salaries beyond the Regental compensation threshold, authority rests with The Regents on

recommendation of the President, after appropriate review and as prescribed in **Section 101.2 (a)(2)** of the Standing Orders of The Regents.

Level	Max. Appt. Term	Normal Periods of Service	Service Limits
Assistant Project I, II, III, IV, V, VI	2 Years	2 Years per Step	8 Years (APM 311)
Associate Project I, II, III	2 Years	2 Years per Step	None
Associate Project IV, V	3 Years	3 Years per Step	None
Project I, II, III, IV	3 Years	3 Years per Step	None
Project V, VI, VII, VIII, IX, and Above Scale	3 Years	None	None

E. NORMAL PERIOD AT RANK AND/OR STEP

Normal periods of service at each step are listed in the table above. Six months or more of service, with or without salary, in any fiscal year counts as one full year of service. Titles of Assistant Project V and VI, and Associate Project IV and V are used only in exceptional situations and with proper justification. When service at Assistant Project V is followed by service at Associate Project I, the normal period of combined service with both titles at the steps indicated is two years. This applies for combined service at Assistant Project VI and Associate Project II, at Associate Project IV and Project I, and at Associate Project V and Project II.

3052: RECRUITMENT

A. OPEN RECRUITMENT

To initiate a recruitment, the PI should complete form **AP601: Job Posting Request (Researchers Only)** and submit it to his or her Dean's office for approval and routing to the Academic Personnel Office (APO). APO is responsible for approving all ads and posting on the UC Merced website. Approved ads will be posted in external journals and websites by School staff. Ads will be posted for a minimum of thirty days to ensure broad access, and no scheduled interviews should take place before the end of the thirty-day period.

During recruitment, PIs must pay attention to the employment eligibility of any international applicants. Appropriate visas can take several months to obtain, and the PI should notify School staff and APO as early as possible of a potential visa case. While an application for a visa cannot be finalized until the appointment is approved, preliminary inquiries can often help in starting the visa process. Questions should be referred to the **Office of International Affairs (OIA)**. (see **APM 530**)

B. WAIVERS OF RECRUITMENT

It is understood that circumstances exist in which a Waiver of Recruitment is appropriate. Such circumstances include, but are not limited to:

- A candidate is so uniquely qualified for the position (e.g., based on research expertise, or national or international recognition, or specific knowledge, skills, or abilities) that an open recruitment is unlikely to result in attracting a more qualified individual.
- A new appointee relocates his or her laboratory to UC Merced and brings individuals who are currently funded by the project. Since the job is moving, the individuals employed on the project are moving with the job.
- A candidate is a faculty member's advisee and agrees to remain at UC Merced in a post-graduation appointment to complete the work on an ongoing project and/or to write the results for publication of the completed research.
- A request for Waiver of Recruitment can be submitted via memo from the PI to the appropriate Dean. If the Dean approves the request, it shall be forwarded to APO. The request should include:
 - candidate's name
 - proposed title, step, annual salary, percentage, appointment begin and end date
 - a description of how the candidate was identified
 - an explanation of the reason for waiving the open recruitment (i.e., unique qualifications or appointee is employed in a relocated lab)

C. REAPPOINTMENT

An open recruitment is not required in order to reappoint an individual when that individual was previously recruited for the same position.

3053: APPOINTMENT

The Project series is used for academic appointees who are expected to have a broader range of knowledge and competency and a higher level of independence while engaging in research or contributing to a creative program or project. Candidates must have earned a doctorate degree or its equivalent.

A. CRITERIA

Project series appointments are made to provide research projects with necessary skills, experience, and knowledge. Individuals appointed to the series are expected to have specialized education, training and a higher level of independence. At the Assistant level, the appointee contributes to the research efforts of existing projects with a level of independent participation. At the Associate and Full levels, the appointee provides considerable input in the planning and execution of research projects, moving towards independent project development. Providing specialized skills in support of research, rather than conducting research as the principal responsibility, is also allowable in this series.

B. PROCESS

- The Principal Investigator will prepare an appointment file for the selected candidate to be forwarded to the appropriate Dean. The appointment file should include updated biographical information and the recommendation for appointment. The appointment recommendation should outline specific qualifications that apply to the Project series and the contributions expected to be made by the candidate. Non-confidential letters of recommendation, evidence of outstanding research accomplishments or other supporting documents may be included.
- If approved, the Dean will sign the appointment recommendation and forward the appointment file to the Academic Personnel Office as Office of Record for personnel actions.
- An appointment letter will be issued to the candidate by the Dean's office.

3054: MERIT, PROMOTION, APPRAISAL REVIEW

Appointments in this series are made at the normal period of service at the step to which the candidate is appointed, or for less time. There are no limits on years of service in this series. Please refer to the **Academic Salary Scales** for the normal periods at each step.

The School Dean is responsible for making certain that eligible candidates are reviewed and are eligible for merit review after service at the normal period in step.

Appointees in the Project series are assessed on their demonstrated significant, original, and creative contributions to a research or creative program or project; advancement of knowledge in the discipline; professional competence and activity; and their University and public service, if applicable. This assessment should be documented in the recommendation for reappointment. The reappointment process follows the appointment process outlined above.

3056: DISCIPLINE

This policy provides the standards and procedures for instituting corrective action or dismissal of non-Senate academic appointees. Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, or dereliction of academic duty. For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion and dismissal for unsatisfactory work performance shall involve the regular peer review process. Such peer review shall be advisory to the administrator authorized to institute the demotion and dismissal action.

RESPONSIBILITY

Unit Chairs, supervisors and other appropriate administrative authorities have the responsibility to ensure that each appointee has the appropriate training and mentoring opportunities in order to successfully carry out the job duties and responsibilities of his or her position. It is expected that each aforementioned supervisor will ensure that timely communications, documentation and performance review have occurred prior to initiating corrective action and/or any recommendation for dismissal.

PRIOR TO INSTITUTING ACTION

Prior to instituting corrective action and/or dismissal as described in the sections that follow, efforts to resolve the problem should be attempted.

For performance-related issues, supervisors are responsible for counseling individuals as deficiencies in job duties occur. If deficiencies continue, counseling memos should be issued to the appointee. The documentation, in the form of a counseling memo should clearly identify the problem area(s), the expected standards, and refer to any previous discussions the supervisor has had with the appointee. The supervisor should follow-up with the appointee at an appropriate interval, informing him or her whether the deficiency has been corrected or further improvement is required.

Performance reviews should appropriately address any deficiencies that required documentation. If during the course of the performance review it is determined that previously acknowledged deficiencies still exist or performance continues to be unsatisfactory, corrective action should be instituted.

For actions that involve serious misconduct, such as those involving the health and safety of other University employees, or that may involve the misuse of University property, it may be appropriate to initiate corrective action and/or dismissal immediately.

TYPES OF CORRECTIVE ACTION AND DISMISSAL

Corrective actions include written warning with consequence, written censure, suspension without pay, or demotion. Corrective action shall normally be taken in progressive steps, beginning with a written warning, except when corrective action is the result of conduct which an appointee knows or reasonably should have known was unsatisfactory. Unsatisfactory conduct may include but is not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, acts endangering others, sexual harassment or other serious misconduct.

Written warning is a formal communication that informs the appointee of a deficiency in performance or an incident of misconduct. A written warning contains not only the specifics of the performance or an incident, but also a method for correction and a clear statement of the probable consequence if the deficiency or misconduct is not corrected.

Written censure is a formal reprimand that conveys institutional rebuke. It may be issued to an appointee for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. Written censure informs the appointee of the serious nature of the event. A written notice of intent must precede the issuance of a written censure.

Suspension is debarment without pay from the appointee's responsibilities for a stated period of time. An appointee may be suspended for performance or conduct the appointee knows or reasonably should have

known was inappropriate or unsatisfactory. A written notice of intent to suspend must precede the issuance of a written notice of suspension.

Demotion is a temporary or indefinite reduction in rank, step, and/or salary. An appointee may be demoted for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. A written notice of intent to demote must precede the issuance of a written notice of Suspension.

For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion for unsatisfactory work performance shall involve the regular peer review process.

Dismissal is the termination of employment initiated by the University prior to the ending date of appointment. An appointee may be dismissed for continued poor performance as a consequence of a previous written warning. An appointee may also be dismissed without previous written warning or as a result of conduct the appointee knows or reasonably should have known was unsatisfactory or inappropriate. In both cases, a written notice of intent to dismiss must precede the issuance of a written notice of dismissal.

For non-Senate academic appointees who are subject to peer review for performance evaluation, dismissal for unsatisfactory work performance shall involve the regular peer review process.

PROCEDURES

Corrective action or dismissal as defined by this policy is subject to review and approval of the Vice Provost for Academic Personnel.

A. INVESTIGATORY LEAVE

An appointee may be placed on an immediate investigatory leave with pay without prior written notice for the purpose of reviewing or investigating charges of misconduct or dereliction of duty, which, in the judgment of the supervisor, requires removal of the appointee from responsibilities and/or University premises. Such investigatory leave must be confirmed in writing to the appointee normally within five working days after the leave is effective. The notice shall include the reasons for and the expected duration of the leave.

B. WRITTEN WARNING

A written warning issued under this policy as a result of continued poor performance, a less than satisfactory performance review, or due to inappropriate or unsatisfactory conduct must state the serious nature of the performance or conduct and a probable consequence appropriate to the circumstance.

C. WRITTEN NOTICE OF INTENT

A written notice of intent shall be provided to the appointee prior to initiating a written censure, suspension without pay, demotion, or dismissal. Notice of intent is not required for a written warning. The notice of intent shall provide:

- the serious nature of the deficiency or conduct;
- the intended action, including any salary consequence of the action;
- proposed effective date;
- reason for the action and or basis of the charges, including copies of pertinent material upon which the intended action was based;
- the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written notice of intent;
- the name of the person to whom the appointee should respond.

D. WRITTEN NOTICE OF ACTION

Following the review of an appointee's oral or written response, if any, to the notice of intent, a written notice of action shall be issued to the appointee. The notice of action shall be issued within thirty (30) calendar days of the date of issuance of the written notice of intent. Such notice of action shall:

- notify the appointee of the corrective action or dismissal to be taken;
- notify the appointee of the effective date of the action;
- notify the appointee of the right to grieve the action under **APM 140**.

The notice of action may specify corrective action less severe than that described in the notice of intent, or it may specify that no corrective action will be taken; however the notice of action may not include an action more severe than that described in the notice of intent.

E. REPRESENTATION

An appointee may be self-represented or may be represented by another person at any stage of the corrective action or dismissal process.

F. EXTENSION OF TIME

Prior to the expiration of any time limit, extensions may be granted for good cause by the Vice Provost for Academic Personnel.

G. RECORDS

A copy of the written warning, written censure, suspension, demotion, dismissal, the written notice of intent, and a copy of all supporting documents upon which the decision to take corrective action or dismissal was based shall be placed in the appointee's official personnel file. Such materials may be considered in connection with a recommendation or decision in a personnel action involving the individual if the materials are made part of the personnel review by the Vice Chancellor for Academic Personnel. An appointee shall have the right to have inserted into the personnel file any statement or response to these materials in accordance with **APM 160-30**.

H. NOTICE PROCEDURES

Any notice to the appointee pursuant to this procedure shall be deemed conclusive by delivery to the appointee's last known address.

3057: GRIEVANCE PROCESS

A non-Senate academic appointee is entitled to select only one grievance review mechanism (**APM 150-40**). For a non-Senate academic appointee with a term appointment, if the hearing has not commenced by the ending of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has 30 days from the ending date of the appointment to grieve the non-reappointment (**APM 137, APM 140**). The grievance should be submitted in writing to the Vice Provost for Academic Personnel.

SPECIALIST SERIES

3061: GENERAL GUIDELINES

The Specialist series is used for an academic appointee who has an identified area of technical specialization and provides technical or specialized expertise (e.g., with instrumentation and research equipment or with social science research methods) in the planning and execution of a research project or projects. At the Junior and Assistant levels, the appointee enables research as part of a team. At the Associate and Full levels, the appointee provides considerable independent input into the planning and execution of research. Normally, Specialists do not have Principal Investigator (PI) status, but may obtain permission by exception and/or collaborate with a PI in preparing research proposals for extramural funding. Specialists do not have any teaching responsibilities.

A Specialist differs from a Staff Research Associate title (or any other staff title) in that Specialists are required to be actively/significantly involved in publishable research activities as documented through publications or other methods; are required to maintain/enhance their professional competence; are required to show leadership in their technical expertise; and as is the case in other academic series, mere length of service and continuous meritorious performance are not sufficient justification for advancement.

Appointees in the Specialist series are assessed on their professional competence and activity, their University and public service, and the value and impact of their contributions to their areas of research and their advancement of knowledge in the discipline as judged by other academics and scientists through a process of peer review (APM 330).

Ranks and Steps for Specialist Series	
Level	Normal Periods of Service
Junior Specialist I, II	1 Year per Step
Assistant Specialist I, II, III	2 Years per Step
Associate Specialist I, II, III	2 Years per Step
Associate Specialist IV	None
Specialist I, II	3 Years per Step
Specialist III, IV, V	None

3062: RECRUITMENT

Specialists above the Junior level can be hired either through Open Recruitment (3062.A) or with a Waiver of Recruitment (3062.B).

A. OPEN RECRUITMENT

To initiate a recruitment, the PI should complete form **AP601: Job Posting Request (Researchers Only)** and submit it to his or her Dean's office for approval and routing to the Academic Personnel Office (APO). APO is responsible for approving all ads and posting on the UC Merced website. Approved ads will be posted in external journals and websites by School staff. Ads will be posted for a minimum of thirty days to ensure broad access, and no scheduled interviews should take place before the end of the thirty-day period.

During recruitment, PIs must pay attention to the employment eligibility of any international applicants. Appropriate visas can take several months to obtain, and the PI should notify School staff and APO as early as possible of a potential visa case. While an application for a visa cannot be finalized until the appointment is approved, preliminary inquiries can often help in starting the visa process. Questions should be referred to the **Office of International Affairs (OIA)**. (see **APM 530**)

B. WAIVERS OF RECRUITMENT

It is understood that circumstances exist in which a Waiver of Recruitment is appropriate. Such circumstances include, but are not limited to:

- A candidate is so uniquely qualified for the position (e.g., based on research expertise, or national or international recognition, or specific knowledge, skills, or abilities) that an open recruitment is unlikely to result in attracting a more qualified individual.
- A new appointee relocates his or her laboratory to UC Merced and brings individuals who are currently funded by the project. Since the job is moving, the individuals employed on the project are moving with the job.
- A candidate is a faculty member's advisee and agrees to remain at UC Merced in a post-graduation appointment to complete the work on an ongoing project and/or to write the results for publication of the completed research.
- A request for Waiver of Recruitment can be submitted via memo from the PI to the appropriate Dean. If the Dean approves the request, it shall be forwarded to APO. The request should include:
 - candidate's name
 - proposed title, step, annual salary, percentage, appointment begin and end date
 - a description of how the candidate was identified
 - an explanation of the reason for waiving the open recruitment (i.e., unique qualifications or appointee is employed in a relocated lab)

C. REAPPOINTMENT

An open recruitment is not required in order to reappoint an individual when that individual was previously recruited for the same position.

3063: APPOINTMENT

A. TERM OF APPOINTMENT

An appointment or reappointment to a Specialist title is normally made with a specified ending date. Appointments may be made on a full- or part-time basis. Reappointments may be made to the same rank and step; i.e., without a merit increase or promotion.

B. CRITERIA

In judging a candidate for appointment in this series, the following criteria are provided as guidelines and may be used flexibly where deemed necessary.

- Performance in research in specialized areas
- Professional competence and activity
- University and public service

Particular attention should be paid to the analytical evaluation of the candidate's accomplishments.

General guidelines for initial appointment requirements are as follows:

- **Junior Specialist:** Recent bachelor's degree related to proposed responsibilities.
- **Assistant Specialist:** Bachelor's degree related to proposed responsibilities; up to five years relevant experience.
- **Associate Specialist:** Bachelor's or master's degree (or equivalent); five to ten years relevant experience. Advancement beyond Associate Specialist I requires meritorious performance and a growing record of accomplishment and independence.
- **Specialist:** Master's or doctorate (or equivalent); more than ten years relevant experience; significant expertise and record of accomplishments. Advancement beyond Specialist I requires meritorious performance and a growing record of accomplishments and specialized contributions that have a major impact on the project(s).

In addition, appointment levels reflect the candidate's expertise in the given specialty. The initial rank of an appointee is determined by:

- the specialization and experience of the candidate;
- the complexity of the research for which the candidate will be responsible;
- the level of independence with which the candidate will work (working independently does not mean that the candidate has an independent program); and
- the specialized research duties the candidate will assume.

C. SALARY

- Individuals appointed to this series are compensated on the Academic Salary Scale for the Specialist series on a fiscal year basis
- Off-scale salaries are not allowable in the Specialist series
- Salaries are subject to range adjustments
- Each funding source for this series must permit research
- Appointments without salary are allowable in this series

D. PROCESS

1. The PI will prepare an appointment file for the selected candidate to be forwarded to the appropriate Dean. The appointment file should contain an updated curriculum vitae and the recommendation for appointment. The appointment recommendation should include:
 - candidate's name
 - proposed title, step, annual salary, percentage, appointment begin and end date
 - specific qualifications that apply to the Specialist series
 - outline of expected duties and contributions
 - non-confidential letters of recommendation or other supporting documents may be included
2. If approved, the Dean will sign the appointment recommendation and forward the file to APO as Office of Record for personnel actions.
3. The Dean's office will issue an appointment letter to the candidate.

3064: MERIT, PROMOTION, APPRAISAL REVIEW

All advancement cases are based on the individual's achievements and the availability of funding. Normal advancement will occur after one year at step at the Junior level, two years at step at the Assistant and Associate level, and after three years at step at the Specialist level. Merit advancements are based on the academic record since the last review while promotions are based on the career academic record.

The process for advancements follows the process for appointments. Additionally, the PI's letter of recommendation for merit or promotion should include an evaluation of the candidate's work and his or her contributions to the group effort, if relevant. Each Unit should establish set procedures for evaluation of Specialist series appointees. While review done solely by the PI is acceptable, a fuller review, including input from other equal or higher-ranking individuals in the Unit is preferable. The candidate may provide a written Self-Statement if desired by the PI, the Unit, or the candidate him/herself.

3066: DISCIPLINE

This policy provides the standards and procedures for instituting corrective action or dismissal of non-Senate academic appointees. Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, or dereliction of academic duty.

For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion and dismissal for unsatisfactory work performance shall involve the regular peer review process. Such peer review shall be advisory to the administrator authorized to institute the demotion and dismissal action.

RESPONSIBILITY

Unit Chairs, supervisors and other appropriate administrative authorities have the responsibility to ensure that each appointee has the appropriate training and mentoring opportunities in order to successfully carry out the job duties and responsibilities of his or her position. It is expected that each aforementioned supervisor will ensure that timely communications, documentation and performance review have occurred prior to initiating corrective action and/or any recommendation for dismissal.

PRIOR TO INSTITUTING ACTION

Prior to instituting corrective action and/or dismissal as described in the sections that follow, efforts to resolve the problem should be attempted.

For performance-related issues, supervisors are responsible for counseling individuals as deficiencies in job duties occur. If deficiencies continue, counseling memos should be issued to the appointee. The documentation, in the form of a counseling memo should clearly identify the problem area(s), the expected standards, and refer to any previous discussions the supervisor has had with the appointee. The supervisor should follow up with the appointee at an appropriate interval, informing him or her whether the deficiency has been corrected or further improvement is required.

Performance reviews should appropriately address any deficiencies that required documentation. If during the course of the performance review it is determined that previously acknowledged deficiencies still exist or performance continues to be unsatisfactory, corrective action should be instituted.

For actions that involve serious misconduct, such as those involving the health and safety of other University employees, or that may involve the misuse of University property, it may be appropriate to initiate corrective action and/or dismissal immediately.

TYPES OF CORRECTIVE ACTION AND DISMISSAL

Corrective actions include written warning with consequence, written censure, suspension without pay, or demotion. Corrective action shall normally be taken in progressive steps, beginning with a written warning, except when corrective action is the result of conduct which an appointee knows or reasonably should have known was unsatisfactory. Unsatisfactory conduct may include but is not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, acts endangering others, sexual harassment or other serious misconduct.

Written warning is a formal communication that informs the appointee of a deficiency in performance or an incident of misconduct. A written warning contains not only the specifics of the performance or an incident, but also a method for correction and a clear statement of the probable consequence if the deficiency or misconduct is not corrected.

Written censure is a formal reprimand that conveys institutional rebuke. It may be issued to an appointee for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. Written censure informs the appointee of the serious nature of the event. A written notice of intent must precede the issuance of a written censure.

Suspension is debarment without pay from the appointee's responsibilities for a stated period of time. An appointee may be suspended for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. A written notice of intent to suspend must precede the issuance of a written notice of suspension.

Demotion is a temporary or indefinite reduction in rank, step, and/or salary. An appointee may be demoted for performance or conduct the appointee knows or reasonably should have known was inappropriate or unsatisfactory. A written notice of intent to demote must precede the issuance of a written notice of Suspension.

For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion for unsatisfactory work performance shall involve the regular peer review process.

Dismissal is the termination of employment initiated by the University prior to the ending date of appointment. An appointee may be dismissed for continued poor performance as a consequence of a previous written warning. An appointee may also be dismissed without previous written warning or as a result of conduct the appointee knows or reasonably should have known was unsatisfactory or inappropriate. In both cases, a written notice of intent to dismiss must precede the issuance of a written notice of dismissal.

For non-Senate academic appointees who are subject to peer review for performance evaluation, dismissal for unsatisfactory work performance shall involve the regular peer review process.

PROCEDURES

Corrective action or dismissal as defined by this policy is subject to review and approval of the Vice Provost for Academic Personnel.

A. INVESTIGATORY LEAVE

An appointee may be placed on an immediate investigatory leave with pay without prior written notice for the purpose of reviewing or investigating charges of misconduct or dereliction of duty, which, in the judgment of the supervisor, requires removal of the appointee from responsibilities and/or University premises. Such investigatory leave must be confirmed in writing to the appointee normally within five working days after the leave is effective. The notice shall include the reasons for and the expected duration of the leave.

B. WRITTEN WARNING

A written warning issued under this policy as a result of continued poor performance, a less than satisfactory performance review, or due to inappropriate or unsatisfactory conduct must state the serious nature of the performance or conduct and a probable consequence appropriate to the circumstance.

C. WRITTEN NOTICE OF INTENT

A written notice of intent shall be provided to the appointee prior to initiating a written censure, suspension without pay, demotion, or dismissal. Notice of intent is not required for a written warning. The notice of intent shall provide:

- the serious nature of the deficiency or conduct;
- the intended action, including any salary consequence of the action;
- proposed effective date;
- reason for the action and or basis of the charges, including copies of pertinent material upon which the intended action was based;
- the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written notice of intent;
- the name of the person to whom the appointee should respond.

D. WRITTEN NOTICE OF ACTION

Following the review of an appointee's oral or written response, if any, to the notice of intent, a written notice of action shall be issued to the appointee. The notice of action shall be issued within thirty (30) calendar days of the date of issuance of the written notice of intent. Such notice of action shall:

- notify the appointee of the corrective action or dismissal to be taken;
- notify the appointee of the effective date of the action;
- notify the appointee of the right to grieve the action under **APM 140**.

The notice of action may specify corrective action less severe than that described in the notice of intent, or it may specify that no corrective action will be taken; however the notice of action may not include an action more severe than that described in the notice of intent.

E. REPRESENTATION

An appointee may be self-represented or may be represented by another person at any stage of the corrective action or dismissal process.

F. EXTENSION OF TIME

Prior to the expiration of any time limit, extensions may be granted for good cause by the Vice Provost for Academic Personnel.

G. RECORDS

A copy of the written warning, written censure, suspension, demotion, dismissal, the written notice of intent, and a copy of all supporting documents upon which the decision to take corrective action or dismissal was based shall be placed in the appointee's official personnel file. Such materials may be considered in connection with a recommendation or decision in a personnel action involving the individual if the materials are made part of the personnel review by the Vice Chancellor for Academic Personnel. An appointee shall have the right to have inserted into the personnel file any statement or response to these materials in accordance with **APM 160-30**.

H. NOTICE PROCEDURES

Any notice to the appointee pursuant to this procedure shall be deemed conclusive by delivery to the appointee's last known address.

3067: GRIEVANCE PROCESS

A non-Senate academic appointee is entitled to select only one grievance review mechanism (**APM 150-40**). For a non-Senate academic appointee with a term appointment, if the hearing has not commenced by the ending of the appointment, the dismissal becomes a non-reappointment effective at the end of the appointment. The appointee has 30 days from the ending date of the appointment to grieve the non-reappointment (**APM 137, APM 140**). The grievance should be submitted in writing to the Vice Provost for Academic Personnel.

POSTDOCTORAL SCHOLARS

3071: GENERAL GUIDELINES

The following policies and procedures are intended to supplement the **Memorandum of Understanding** with the Postdoctoral Unit and the Academic Personnel Manual (**APM 390**) and have been developed to support the University's goal of recruiting the highest quality research team by ensuring appointments are based on the essential job functions of the position.

Postdoctoral Scholars contribute to the educational and research mission of the University. The creativity and expertise provided by these individuals support scientific and scholarly advances.

A Postdoctoral appointment is a temporary appointment designed to give individuals the opportunity to conduct research under the guidance of a faculty mentor. The time spent as a Postdoctoral Scholar is in preparation for a permanent position in academe, industry, government, or the nonprofit sector. For many, Postdoctoral work is a critical step in securing future employment.

A. DEFINITION

A Postdoctoral Scholar is an individual who:

- Has been awarded a doctoral degree (or equivalent) within the past ten years.
- Will pursue a full-time program of advanced training and research under the direction of a Principal Investigator (PI) with an appointment in an academic School or Organized Research Unit (ORU).
- Will be supported by campus research grants or contracts, by fellowships administered by the campus, or by other approved fund sources.
- Has not previously been a Postdoctoral Scholar for more than 5 years combined (this includes all institutions, domestic and international, as well as UC Merced).

B. CATEGORIES OF POSTDOCTORAL APPOINTMENTS

Postdoctoral Scholar appointments differ with respect to compensation, benefits, and taxation. The source of support determines the category of the postdoctoral scholar. Members of all categories work with faculty mentors.

a. Postdoctoral Scholar - Employees (3252)

Paid a salary which may be supported by a) sponsor's research grants or contracts; b) general funds or opportunity funds; or c) other University discretionary funds (by exception only).

b. Postdoctoral Scholar - Fellows (3253)

Receives a stipend or fellowship from an extramural agency, administered through the University on behalf of the Fellow or the Fellow's faculty sponsor (e.g., NIH training grant).

c. Postdoctoral Scholar - Paid Direct (3254)

Has been awarded a fellowship or traineeship for postdoctoral study by an extramural agency. The agency pays the fellowship or traineeship directly to the Postdoctoral Scholar, rather than through the University.

Postdoctoral Scholars may be assigned to more than one Postdoctoral Scholar title concurrently, depending on University and extramural funding agency requirements. The total of the combined appointments may not exceed 100% time.

3072: RECRUITMENT

The University of California is an equal opportunity employer committed to excellence through diversity. In order to promote equal opportunity, an open recruitment must be conducted for Postdoctoral Scholars. The recruitment and selection process must be fully documented, reviewed, and approved before a proposed appointment will be acted upon. The Principal Investigator (PI) should work with the appropriate School staff member for assistance and confirmation of the recruitment process.

RECRUITMENT PROCEDURE

The recruitment procedure should not begin until a funding source for the proposed appointment has been identified. Faculty members who do not yet have grant funding available must formally request to use **Bridge Funding**. This is a temporary measure to allow the use of faculty start-up funds only until the faculty member obtains research grants or other appropriate funding.

The recruitment process begins with the completion of the Non-Senate Job Posting Request form (**AP401**). The PI may work in consultation with the School staff to complete the form, which provides a job description and requirements and indicates what supporting documentation is requested from the candidates. Supporting documents typically include, but are not limited to:

- Cover Letter
- CV
- Statement of Research
- List of References

Once approved by the School Dean, the AP401 form, (along with the Bridge Funding form, if needed) is forwarded to the Academic Personnel Office (APO) for posting on the UC Merced website. External ads are encouraged, but not required. The ad must remain open for at least thirty days before any scheduled interviews may occur.

WAIVERS OF RECRUITMENT

It is understood that circumstances exist in which a Waiver of Recruitment is appropriate. Such circumstances include, but are not limited to:

- A candidate is so uniquely qualified for the position (e.g., based on research expertise, or specific knowledge, skills, or abilities) that an open recruitment is unlikely to result in attracting a more qualified individual.
- A new appointee relocates his or her laboratory to UC Merced and brings individuals who are currently funded by the project. Since the job is moving, the individuals employed on the project are moving with the job.
- A candidate is a faculty member's advisee and agrees to remain at UC Merced in a post-graduation appointment to complete the work on an ongoing project and/or to write the results for publication of the completed research.

The waiver of recruitment request should include a memo from the PI to the Dean detailing the reasons for the request, the credentials of the proposed candidate, and the expected impact of the candidate on the PI's research project. A copy of the candidate's curriculum vitae and any other supporting documents (e.g., letters of reference) should be forwarded along with the memo. Once the request has been approved by the Dean, the request packet should be forwarded to APO.

3073: APPOINTMENT

A. TERMS OF SERVICE

Postdoctoral Scholar appointments are intended to provide a full-time program of advanced academic preparation and research training. Their terms of service are governed by a **Memorandum of Understanding** between the University of California and the United Auto Workers (UAW). These terms include:

- a. Initial appointments are of one year's duration, are temporary and have fixed end dates.
- b. Notice of appointment must be provided to the Postdoctoral Scholar no later than 30 days prior to the start of the appointment.
- c. Total duration of an individual's postdoctoral service may not exceed five years, including postdoctoral service at other institutions.
- d. It is within the University's sole discretion to appoint, reappoint, or not reappoint a Postdoctoral Scholar.

B. APPOINTMENT FILE DOCUMENTATION & PROCEDURES

Upon final selection of a candidate, the PI, in conjunction with the School staff, will prepare an appointment request file, which will include:

- Completed Postdoctoral Scholar Appointment Form **AP16**
- Postdoctoral Scholar Personal Data Form **AP15**, completed by the candidate
- Verification of PhD degree
- Copy of the candidate's curriculum vitae

The request file shall be forwarded to the appropriate Dean for approval of the appointment. The completed file shall be forwarded to APO as Office of Record for personnel actions.

C. SALARY

Beginning June 1, 2011, UC implemented the **Postdoctoral Scholar Experience-Based Salary/Stipend Minima** in accordance with the **NIH rates**. An individual Postdoctoral Scholar's level of pay is determined by calculating the total number of months of postdoctoral experience at any university.

See **Table 23** for the current salary scale.

All new Postdoctoral Scholar appointments must be at the salary level appropriate to the candidate's experience.

As of June 1, 2011, once a Postdoctoral Scholar is appointed at or above the appropriate experience level, all reappointments must be to at least the appropriate experience based salary/stipend level.

- In the event a Postdoctoral Scholar initially appointed on or after June 1, 2011 receives a multiple-year appointment, the Postdoctoral Scholar must thereafter receive salary/stipend increases to the appropriate experience-based salary/stipend level on her/his anniversary date.
- If a Postdoctoral Scholar's salary/stipend amount is above the appropriate experience level on reappointment, or on her/his anniversary date for Postdoctoral Scholars with multi-year appointments, the Postdoctoral Scholar shall receive at least a two percent (2%) salary increase.

D. PHASE-IN OF SALARY SCALE FOR POSTDOCTORAL SCHOLARS EMPLOYED AS OF AUGUST 12, 2010

Beginning June 1, 2011 through May 31, 2014, a Postdoctoral Scholar receiving a salary/stipend below the appropriate experience rate, shall be moved (on reappointment or anniversary date) to the appropriate salary rate for her/his experience level provided such move does not exceed a 3% increase from June 1, 2011 through May 31, 2013, and a 3.5% increase from June 1, 2013 - May 31, 2014. If the increase would exceed 3%, the Postdoctoral Scholar shall receive a 3% increase to her/his salary/stipend for the period through May 31, 2013, and 3.5% through May 31, 2014.

Note: By June 1, 2014, campuses must have all Postdoctoral Scholars appointed on this scale.

BENEFITS

Postdoctoral Scholars in all title codes (3252, 3253, 3254) must have health benefits coverage while employed at UCM. Please consult the **MOU** between UC and UAW for information.

3074: MERIT, PROMOTION, APPRAISAL REVIEW

A Postdoctoral Scholar may be reappointed up to a maximum of five years total. Reappointments are usually made for one year at a time, but may be for up to three years, or may be for less than a year under circumstances that include:

- Lack of full-year funding. For example, a PI may be waiting for renewal, but without confirmation of award, is advised to only appoint for the period he or she has funding.
- Continuation of the project is less than 1 year.
- Visa limitations.

PROCESS

Should a PI wish to reappoint a particular Postdoctoral Scholar, within the five-year limit, the PI, in conjunction with the School staff, will prepare an appointment request file, which will include:

- Completed Postdoctoral Scholar Appointment Form **AP16**
- Postdoctoral Scholar Annual Review Summary **AP441**

The request file shall be forwarded to the appropriate Dean for approval of the reappointment. The completed file shall be forwarded to APO as Office of Record for personnel actions.

3075: SABBATICAL AND OTHER LEAVES

A. POSTDOCTORAL SCHOLARS ARE ELIGIBLE FOR:

1. Personal Time Off (PTO)

Postdoctoral Scholars with 100% 12-month appointment are eligible to use up to twenty-four (24) work days of personal time off within a 12-month period. For more information, please refer to **Article 17** of the current agreement.

2. Sick Leave

Postdoctoral Scholars are eligible for sick leave, without loss of compensation, for up to twelve days per twelve-month appointment period. All Twelve (12) work days are available for use on the first day of appointment.

Appointees with less than 12-month appointments are eligible for sick leave in proportion to the appointment period; for example, a Postdoctoral Scholar with a six-month appointment is eligible for up to six days of sick leave.

For more information, please refer to **Article 22** of the current MOU.

3. Other leaves

Subject to the provisions of **Article 12**, leaves of absence may be with or without pay, may be for medical purposes and/or non-medical reasons, and are subject to the approval of the University. Approved leaves do not continue beyond the predetermined end date of the Postdoctoral Scholar's appointment.

B. TYPES OF LEAVE:

- Family Care/Medical Leave
- Pregnancy Disability Leave
- Personal Leave of Absence without Pay
- Bereavement Leave
- Jury Duty
- Military Leave
- Other leaves – Military Caregiver, Qualifying Exigency, Military Spouse/Domestic Partner

For more information, please refer to **Article 12** of the current agreement.

3076: DISCIPLINE

It is essential that any concerns about a Postdoctoral Scholar's performance be addressed in a timely manner. Complete documentation is essential and required. If any concerns develop, the PI should immediately reference **Article 5** of the current collective bargaining agreement.

3077: GRIEVANCE PROCESS

Postdoctoral Scholars may file a grievance if they believe the University has violated a specific provision in the current bargaining agreement. If a grievance is filed, the United Auto Workers (UAW) which represents the Postdoctoral Scholars may notify the University's Labor Relations (LR) or Academic Personnel Office (APO). If LR or APO contacts a PI about a grievance, they should respond to the inquiry or request for information as soon as possible. For more information, please refer to **Article 6** of the current agreement.

UNIVERSITY *of* CALIFORNIA, MERCED

Chapter 4

Student Academic Titles

Merced Academic Personnel Policies & Procedures

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Chapter 5

Other Academic Titles

Merced Academic Personnel Policies & Procedures

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UNIVERSITY *of* CALIFORNIA, MERCED

Chapter 6

Fellowships and Special Programs

Merced Academic Personnel Policies & Procedures

6001: ENDOWED CHAIRS AND PROFESSORSHIPS

POLICY FOR THE ESTABLISHMENT AND ADMINISTRATION OF ENDOWED CHAIRS

A. DEFINITION AND AUTHORITY

Policy

This policy is in accordance with University of California policy (**APM 191**) and shall guide the establishment of all Endowed Chairs and professorships. Endowed Chairs are awarded to honor extraordinary academic achievement and to recruit and retain the most distinguished scholars.

Definition

An endowed chair is a perquisite that is supported by income from an endowment fund established by a gift or gifts from private sources and is made available to a distinguished faculty member in support of his or her teaching, research, and service activities. An endowed chair may be assigned to a School, Unit or Organized Research Unit (ORU).

Approvals

The establishment and naming of an Endowed Chair is subject to approval by the University of California Office of the President (UCOP) upon recommendation of the Chancellor. No commitment for establishing and naming a Chair shall be made to a prospective donor prior to Presidential approval.

B. REQUIRED MINIMUM LEVELS FOR ENDOWED CHAIRS

Minimum Endowment Principal

The endowment principal shall be received and maintained as set forth in the endowment required minimum levels approved by the Chancellor. This minimum will be adjusted periodically to reflect changes in costs due to inflation or other factors, including changes to systemwide policy.

Faculty and Salary Provision

Prior to any commitment on the part of the University, the campus must have available and must commit, if necessary, the general fund faculty provision and salary for the holder of the Chair. [Note: University policy allows for use of endowment payout to support base salary unless expressly prohibited by the gift agreement. **APM 191.D.2,5**]

C. ESTABLISHMENT, NAMING, AND FUNDING OF THE ENDOWED CHAIR

An Endowed Chair will be established only upon acceptance by the Chancellor of either :

1. Cash or a binding pledge that immediately or within a reasonable period of time will create a corpus in an amount sufficient to provide income adequate for meeting the purposes of the chair, or
2. A legally binding commitment to provide appropriate income at the end of each fiscal year from an equivalent corpus held inviolate by a trustee.

In the latter case, see UCOP policy, **APM 191, B.7**. Following approval by the President, the Chair will be deemed “conditionally established” until full funding is achieved. [Note: UCOP policy provides for contingent approval of Chairs to be funded through a bequest for deferred gift. See **APM 191.B.6,7**]

Associate Vice Chancellor for Development or designee shall coordinate all contacts and discussions with prospective donors.

The subject area of the Endowed Chair must be consistent with the mission of the University of California and the academic plan of the campus. The gift instrument shall permit appropriate alternative distribution of the income by the campus if the subject area of the Endowed Chair ceases to be consistent with the University’s mission or the academic plan of the campus. Such alternative distribution shall be as closely related to the donor’s original intent as is feasible.

A Chair may be named in honor of the donor or an honoree proposed by the donor, subject to approval by the President.

Income from an Endowed Chair is to be made available to the faculty member appointed to the Chair in support of teaching and research. In addition, unless expressly prohibited by the gift instrument, fund payout may be used for all, or for a portion, of base salary, off-scale component of salary, sabbatical supplement, summer salary, additional compensation under a campus-approved compensation plan in accordance with applicable policies, or other additional compensation permitted by University policy (**APM 191.D.2,5**).

D. ADMINISTRATION OF ENDOWED CHAIRS

Income from an Endowed Chair is to be made available to the faculty member appointed to the Chair in support of teaching and research. In addition, unless expressly prohibited by the gift instrument, fund payout may be used for all, or for a portion, of base salary, off-scale component of salary, sabbatical supplement, summer salary, or other additional compensation permitted by University policy. Use of funds will be reviewed annually by the Provost/EVC, Associate Vice Chancellor for Development, and Alumni Relations.

The budget in any given year will not exceed the income available from the existing endowment.

The terms of the endowment shall be reviewed at least once every five years to ensure that the campus is continuing to fulfill its legal obligations to use Endowed Chair income in a manner consistent with the donor's expressed intent.

During any period in which the Chair is not permanently occupied while the search proceeds for a suitable candidate, the Chancellor or the Provost/EVC may authorize use of the funds, after consultation with the relevant Unit(s), to use the endowment's income for other purposes in support of research and teaching in the designated area of study.

If an established, fully-funded Chair has remained vacant for a period of three consecutive years or more, or if the Chair's accumulated income exceeds five years of payout, the office of the Provost/EVC, in consultation with the Controller's Office, shall review the fund's terms and administrative history to ascertain the reason for the accumulation and take appropriate corrective action consistent with the terms of the gift agreement or consistent with the terms of the administrative allocation.

Provision shall be made in the gift document for the addition of unexpended endowment income to principal when circumstances warrant such action.

E. APPOINTMENT TO ENDOWED CHAIRS

Unless otherwise provided in the terms of the gift, an individual will be appointed for a period of five years, with the option of reappointment. Appointments to endowed chairs shall be made in accordance with regularly established procedures for faculty appointments. All appointments must be reviewed at least once every five years. The Chair appointee will be informed of this policy during recruitment. An Endowed Chair may be filled successively by a series of individuals appointed for prescribed periods, unless otherwise provided in the terms of the gift. An individual may simultaneously occupy more than one Endowed Chair at any given time.

The Chancellor (or designee) has final approval authority for appointment to an Endowed Chair. If the proposed salary is above-scale, Regental authority is required to approve the salary.

F. APPOINTMENT PROCESS

The designation and recommendation for an Endowed Chair appointment is made in accordance with the established University and School procedures for faculty appointments as set forth under **APM 220-80** and **MAPP 2013**.

Any agreed-upon terms and conditions specified in the gift agreement shall be at all times adhered to and respected.

The Academic Personnel Office (APO) reviews the recommendation to ensure compliance with the University policies for Endowed Chairs and Professorships (**APM 191**) and other relevant requirements.

The Academic Personnel Office will obtain available fund balance or projection and terms of the endowment from Accounting Services.

If nomination is appropriate, APO forwards the file to the Committee on Academic Personnel (CAP) for review and recommendation.

Following their deliberation, CAP forwards the recommendation to the Provost/EVC for formal decision.

If approved by the Provost/EVC, APO prepares the award letter and distributes the appointment letter to the Endowed Chair recipient, appropriate Dean's Office and the Office of Gift and Endowment Accounting.

If the request is denied, the Provost/EVC notifies the Dean of the outcome. Reconsideration of the appointment may be requested after consultation with the Provost/EVC.

In carrying out the search for candidates, attention shall be paid to the campus affirmative action goals and policies.