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OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

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

May 23, 2014

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

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

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

Dear Colleagues:

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

Revisions of Language on Evaluating Contributions to Diversity

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

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

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

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

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

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

- Some reviewers found the definition of "child" to be overly descriptive and narrowly focused to the exclusion of other appropriate child care arrangements that warrant consideration for extending the clock. Proposed revisions reflect the recommendation that the focus be on the family member's commitment to 50 percent or more of the care of the child rather than defining a child.

- Additionally, the restriction of eligible children of the appointee or the appointee's partner is unduly narrow. Proposed language in APM - 133-h-1 extends the definition to any child who becomes part of the faculty member's family. Proposed new language in APM - 133-17-h-2 enables a faculty member to request to stop the clock for illness of, or bereavement for, a close family member, other persons residing in the faculty member's household, or in cases of close personal connection or interdependence, instead of trying to list all possible relationships.

- Reviewers recommended that proposed APM - 133-17-h-3 be modified to include examples such as significant delays in the provision of research space, facilities, or resources promised to the faculty member and necessary for his or her research activities.

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

Systemwide Review Process

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

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

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

Sincerely,

Susan Carlson
Vice Provost
Academic Personnel

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

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