



# ACADEMIC PERSONNEL

## UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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June 22, 2015

To: Faculty, Department Chairs, Directors, and Business Officers (Via FACU-L, SBCHR-L, SBDIR-L, SBADM-L)

From: Cindy Doherty, Director  
Academic Personnel

Re: Revised APM 080-Medical Separation and APM 330-Specialist Series

### **ACADEMIC PERSONNEL POLICY ISSUANCES**

#### **APM 080, Medical Separation**

Issued by Provost and Executive Vice President Aimée Dorr, revised Section 080, of the Academic Personnel Manual (APM - 080), Medical Separation, will be effective July 1, 2015.

The purpose of APM - 080 is to provide a non-disciplinary method to medically separate a faculty member or other academic appointee who has exhausted eligible leave and who remains unable to perform the essential functions of his/her position or another vacant position on campus for which the appointee is qualified, with or without reasonable accommodation, due to a disability or medical condition. Revisions to the policy 1) bring APM - 080 into conformance with Regents Standing Order 101.1(b), Employment Status, 2) clarify authority to medically separate faculty with and without tenure or security of employment and appointees who are not members of the Academic Senate, and 3) update language so that it is congruent with the requirements of the Americans with Disabilities Act (ADA).

#### **APM-330, Specialist Series**

Issued by Provost and Executive Vice President Aimée Dorr, revised APM - 330, Specialist Series, will be effective July 1, 2015. All Specialists appointed on or after July 1, 2015 are subject to the revised policy. All Specialists with appointments beginning before July 1, 2015 are subject to the new policy with the exception of provisions for appointment and advancement criteria (APM - 330-10), qualification (APM -330-11), and recommendation and review (APM - 330-80). Updated campus policy (Red Binder III-16) will be issued as soon as possible.

The revised policies are attached for your convenience. The policies and additional documentation can also be found online at: <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policy-issuances-and-guidelines/index.html>.

080-0 **Policy**

Medical separation will be considered only in cases where an academic appointee has a disability (or a medical condition that has become disabling) that cannot be reasonably accommodated without causing undue hardship. Prior to medical separation, the University will engage in an interactive process in accordance with the provisions of [APM - 711, Reasonable Accommodation for Academic Appointees with Disabilities](#). If an academic appointee holding an appointment that is not self-terminating is still unable to return to work and/or perform the essential functions of the academic position after the interactive process has been exhausted, a medical separation review may be initiated. The interactive process is exhausted when it has been determined that (a) no reasonable accommodation(s) can be provided that would enable the academic appointee to perform the essential assigned functions of the position without causing undue hardship and (b) there is no alternative vacant position on campus for which the employee is qualified and can perform the essential functions, with or without reasonable accommodation.<sup>1</sup> Such a determination shall constitute good cause for medical separation. After the required medical separation review has been completed, the academic appointee may be medically separated pursuant to the procedures in this policy.

080-10 **Procedures for Medical Separation Review**

This section sets forth the procedures for conducting a medical separation review.

- a. Prior to the initiation of such a review, the Department Chair, Dean, or unit head, with the assistance of the campus Disability Management office (or equivalent), shall attempt to consult with an academic appointee who is being considered for a medical separation review.
- b. Thereafter and after consultation with the Disability Management office (or equivalent), and discussion with the appointee, if possible, the Department Chair, Dean, or unit head may determine that a medical separation review should be initiated.

Another ground for initiating medical separation review is the employee's receipt of or University approval of disability income from a retirement system to which the University contributes, such as the University of California

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<sup>1</sup> The academic appointee would be expected to apply for the position. See [APM - 711-5](#) and [APM - 711-80](#) for descriptions of the interactive process and reasonable accommodation for academic appointees.

Retirement Plan (UCRP) or Public Employees' Retirement System (PERS), or the approval of benefits from University long-term disability insurance.

- c. To initiate a medical separation review, the Department Chair, Dean, or unit head will prepare, in coordination with the Disability Management office (or equivalent), a medical separation review file. The file should describe the essential functions of the position, those functions that the academic appointee is unable to perform, the interactive process that took place to consider possible accommodations, and why reasonable accommodations were not possible or were unsuccessful; and it should contain any other pertinent documentation. (In determining essential job functions, see [APM - 210-1-d](#) or other academic personnel policies relevant to the appointee's title series. Concerning the interactive process and reasonable accommodation, see [APM - 711-5](#) and [APM - 711-80](#).)
- d. After a review and recommendation by the Department Chair or unit head and the Disability Management office (or equivalent), the Dean shall decide whether to forward the file to the Chancellor for a determination. If forwarding it, the Dean shall first send to the appointee a copy of the medical separation review file with a notice of intent to forward the file to the Chancellor and stating that the appointee may respond verbally or in writing to the Dean within thirty (30) consecutive days of the date of the notice. Following a review of any such response, which shall be added to the review file, the Dean may decide to forward the file to the Chancellor.

#### 080-20 **Notice of Intent to Separate and Notice of Action**

If determining to proceed with a medical separation, the Chancellor shall provide written notice to the appointee of the intention to separate, stating (1) the reason for medical separation, and (2) that the appointee has the right to respond either verbally or in writing, to a designated person, within thirty (30) consecutive days of the date of the notice. Accompanying the notice of intent to separate will be a copy of the review file upon which the Chancellor relied. Any subsequent written response of the appointee shall be added to the review file.

##### a. **Faculty with Tenure or Security of Employment**

- (1) For faculty with tenure or security of employment, the notice of the intent to separate shall also state that the faculty member has the right to a hearing before the properly constituted advisory committee of the

Academic Senate under [Regents Standing Order 103.9](#) and [Academic Senate Bylaw 337](#).

- (2) For cases involving faculty with tenure or security of employment, only, and prior to making a determination of medical separation, the Chancellor, in accordance with [Regents Standing Order 101.1\(b\)](#), shall consult with the Chair of the Committee on Privilege and Tenure who shall respond in writing to the Chancellor within fifteen (15) business days. The Chancellor shall then determine whether to continue the process of a medical separation. The authority to make this determination for faculty with tenure or security of employment rests with the Chancellor and may not be redelegated.
- (3) Following a response from the Chair of the Committee on Privilege and Tenure, and following a response by the faculty member and/or following a hearing, if any, the Chancellor shall decide, based on the file and any hearing record and recommendation, whether to recommend medical separation. If so recommending, the Chancellor shall forward a recommendation with the medical separation file to the President for a decision whether to recommend medical separation to The Regents for approval in accordance with [Regents Standing Order 101.1\(b\)](#).

**b. Faculty without Tenure or Security of Employment**

- (1) For faculty without tenure or security of employment, the notice of intent to separate shall state that the faculty member has the right, within thirty (30) consecutive days of the notice of intent, to request a hearing before the properly constituted advisory committee of the Academic Senate under [Regents' Standing Order 103.9](#) and [Academic Senate Bylaw 337](#).

Typically, within sixty (60) consecutive days of a recommendation following a hearing, or the waiver of a hearing by the failure to request it within thirty (30) consecutive days from the date of the notice of intent, the Chancellor shall determine, based on the file and any hearing record and recommendation, whether to proceed with medical separation.

- (2) If proceeding, the Chancellor shall send to the faculty member a written notice of action to medically separate, which shall state the effective date of separation and the right to grieve under [Academic Senate Bylaw 335](#) for Academic Senate faculty or under [APM -140-33](#), Non-Senate Academic Appointees/Grievances, for Non-Senate faculty

(if the faculty member did not previously elect a hearing under [Regents' Standing Order 103.9](#)).

**c. Other Academic Appointees**

For other academic appointees, if having determined that a medical separation is appropriate following review of the file, the Chancellor shall issue a written notice of action to medically separate, typically within sixty (60) consecutive days of the date of the notice of intent. The written notice shall state the effective date of separation and the right to grieve under [APM - 140-33-B](#), Non-Senate Academic Appointees/Grievances.

**d. Adequacy of Notice**

During the review process a documented effort to contact the appointee via phone, mail, and email shall be made. The written notice of intent and notice of action to medically separate shall be sent by U.S. first class mail to the appointee's home address on file with the payroll office.

**080-24 Authority**

- a. For faculty with tenure or security of employment, the Chancellor has the authority to recommend medical separation to the President; this authority may not be redelegated. Authority for approving medical separation of a faculty member with tenure or security of employment rests with The Regents, upon recommendation of the President.
- b. For faculty without tenure or security of employment, the Chancellor has the authority to approve medical separation in accordance with this policy. This authority may not be redelegated.
- c. For other academic appointees, the Chancellor has the authority to approve medical separation in accordance with this policy.

330-4 **Definition**

The Specialist series is used for academic appointees who are engaged in any specialized research, professional activity, and University and/or public service and who do not have any formal teaching responsibilities. Specialists are expected to use their professional expertise to make scientific and scholarly contributions to the research enterprise of the University and to achieve recognition in the professional and scientific community. Specialists may participate in University and/or public service depending upon funding source and the duties required by the job description for the position.

The Specialist series, the Specialist in the Agricultural Experiment Station, and the Specialist in the Scripps Institution of Oceanography are the same title series, differing in their source of funding. Specialists in the Agricultural Experiment Station must follow the guidelines for appointments in the Agricultural Experiment Station.

330-8 **Types**

Appointment, reappointment, and promotion in this series may be made to the ranks and steps listed below based on such criteria as level of expertise and independence required for the position, professional competence, the complexity of the research responsibilities (for example, possible eligibility to serve as principal investigator), the potential for intellectual/scientific contributions to the field, the scope of professional activities and University and public service:

- a. Junior Specialist, Step I – II
- b. Assistant Specialist, Step I – III
- c. Associate Specialist, Step I – IV
- d. Specialist, Step I – V

330-10 **Criteria**

A candidate for appointment or advancement in this series is evaluated using a process of academic peer review according to the following guidelines for specialized research, professional competence and activity, and, if appropriate, University and/or public service. The degree of responsibility in each criteria is dependent on multiple factors, including funding source for the position and level of independence required to fulfill the duties of the position.

a. **Performance in Research**

Specialists must be continuously and effectively engaged in research activity of scholarly quality and significance in the defined area of expertise and specialization. All specialists are judged on performance in research. Evidence may include one or more of the following:

- (1) Letters from collaborators or principal investigators documenting that work performed by the Specialist contributed to published research
- (2) Recognized expertise, including formal documentation of intellectual effort, presentation of research at regional/national meetings, creative contributions to intellectual property (e.g., patents), eligibility to serve as principal investigator, and/or invitations to participate in research projects
- (3) Documentation of effective planning and execution of research projects
- (4) Publications on which the Specialist is an author or that credit the Specialist in the acknowledgement section of the work
- (5) Active dissemination of information through training, presentations, or other means stemming from the Specialist's research.

b. **Professional Competence and Activity**

Specialists may engage in professional activities that are directly related to their professional expertise and achievement. The Specialist's professional activities will be evaluated for evidence of achievement and recognition in his/her field of expertise and for contributions to the development or utilization of new approaches and techniques. Evidence of professional competence and activity, which is optional for Junior and Assistant Specialists but required for Associate and full Specialists, may include:

- (1) Participation in professional societies or groups and other educational and research organizations
- (2) Service on advisory panels
- (3) Invitations to review research and/or grant proposals
- (4) Review of journal manuscripts and other publications related to his/her area of expertise



- (5) Additional education and credentials as related to the specialized area of research.

c. **University and Public Service**

Specialists may engage in University and/or public service provided these services comply with the requirements of the candidate's funding source. Such service should be related to the candidate's area of professional expertise and achievement. Service activities may be at the level of the department, the organized research unit (ORU), the college/school/division, the campus, the University, and/or the public. For example, Specialists may serve as a liaison with and respond to the needs of various industry organizations, state and federal agencies, and other external groups on issues related to their area of expertise. At the Junior and Assistant Specialist ranks, University and/or public service may be minimal.

330-11 **Qualifications**

The following educational and experiential qualifications are general guidelines for each of the ranks. However, an appointee to the Junior Specialist rank may already have obtained a master's degree or other advanced degree. In some disciplines, a master's degree may be the terminal degree.

a. **Junior Specialist**

Appointees to the Junior rank should possess a baccalaureate degree (or equivalent degree) or equivalent research experience, e.g., with instrumentation and research equipment, software programs, social science research methods, humanities scholarship, or creative activities.

b. **Assistant Specialist**

Appointees to the Assistant rank should possess a master's degree (or equivalent degree) or five years of experience demonstrating expertise in the relevant specialization.

c. **Associate Specialist**

Appointees to the Associate rank should possess a master's degree (or equivalent degree) or five to ten years of experience demonstrating expertise in the relevant specialization. Associate Specialists are normally expected to have a record of academic accomplishments, including contributions to published or in-press research in the field and a demonstrated record of University and/or public service.

d. **Specialist**

Appointees to the full Specialist rank should possess a terminal degree (or equivalent degree) or ten or more years of experience demonstrating expertise in the relevant specialization. Specialists at full rank are normally expected to have a significant record of academic accomplishments, including contributions to published or in-press research in the field, professional recognition in the field, and a demonstrated record of University and/or public service.

330-18 **Salary**

- a. Individuals appointed to the Specialist series are compensated on the fiscal-year salary scales issued by the Office of the President for the Specialist series. The Chancellor shall have the authority to approve off-scale salaries when appropriate (see APM - 620).
- b. Salaries are subject to range adjustments (see APM - 600).
- c. Appointments without salary are permitted in this series.
- d. The Chancellor may approve salaries up to and including the Indexed Compensation Level threshold but higher salaries which exceed the Indexed Compensation Level threshold require the approval of the Provost and Executive Vice President for Academic Affairs.

330-20 **Term of Appointment**

An appointment or reappointment in this series shall be made with a specified end date which should coincide with the normal period of service of the step to which the candidate is appointed or advanced, or a lesser period. Appointments may be made on a full- or part-time basis. The normal periods of service at each rank and step are listed below.

- |                         |                                                             |
|-------------------------|-------------------------------------------------------------|
| a. Junior Specialist    | Step I - 1 year<br>Step II - 1 year                         |
| b. Assistant Specialist | Step I - 2 years<br>Step II - 2 years<br>Step III - 2 years |

- c. Associate Specialist
  - Step I - 2 years
  - Step II - 2 years
  - Step III - 2 years
  - Step IV - 2 years
  
- d. Specialist
  - Step I - 3 years
  - Step II - 3 years
  - Step III - 3 years
  - Step IV - 3 years
  - Step V - 4 years;  
may be of indefinite duration
  - Above Scale - 4 years;  
may be of indefinite duration

**330-21 Conditions of Employment**

- a. Appointees in this series are ineligible for tenure or security of employment.
- b. Appointees in this series are not members of the Academic Senate.
- c. **Paid leave**
  - (1) Appointees in this series accrue sick leave credit and vacation credit in accordance with the provisions of APM - 710, Leaves of Absence/Sick Leave/Medical Leave and APM - 730, Leaves of Absence/Vacation.
  - (2) Appointees in this series are ineligible for sabbatical leave but may be eligible for other types of leave with pay when the leave is in the interest of the University and to the extent that funds are available and the expense is allowable from the source(s) from which the salary is paid, pursuant to APM - 758, Leaves of Absence/Other Leaves With Pay.
- d. **Expiration of an appointment, layoff, and termination**
  - (1) For expiration of an appointment with a specific end date, see APM - 137, Non-Senate Academic Appointees/Term Appointment.
  - (2) For layoff or involuntary reduction in time before the end date, see APM - 145, Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time.
  - (3) For dismissal for unsatisfactory performance before the end date, see APM - 150, Non-Senate Academic/Appointees/Corrective Action and Dismissal.

- e. Appointees in the Specialist series are eligible to present grievances under the provisions of APM - 140, Non-Senate Academic Appointees/Grievances.

**330-24 Authority**

The Chancellor has authority to approve appointments, reappointments, merit increases, promotions and terminations in this series following appropriate review.

**330-80 Recommendation and Review**

**a. General Procedures**

The provisions of APM - 220-80-c, -d, -e, -h, -i, -j, and 220-84-b, modified as appropriate in specific circumstances, apply to this series.

**b. Basis for Reviewing Candidates for Advancement**

Appointees to the Specialist series are eligible to be reviewed at normative intervals. Candidates for advancement in rank or step are evaluated only on the individual's achievements; availability of funding is not a consideration during review for advancement.

**c. Advancement to Above-Scale**

Advancement to Above-Scale status involves an overall career review and is reserved for only the most highly distinguished Specialists whose (1) work of sustained and continuing excellence has attained national and international recognition and broad acclaim reflective of its significant impact, (2) professional achievement is outstanding, and (3) service is highly meritorious. Advancement requires demonstration of additional merit and distinction beyond the performance on which advancement to Step V was based. Except in rare and compelling cases, advancement will not occur in less than four years at Step V; mere length of service and continued performance at Step V is not justification for further advancement.

A further merit increase for an individual already serving at Above-Scale salary level must be justified by new evidence of distinguished achievement; continued performance is not an adequate justification. Only in the most superior cases with strong and compelling evidence will a further increase be approved at an interval shorter than four years.