

February 10, 2020

To: Department Chairs, Directors, Business Officers and Senate Faculty (via SBCHR-L and SBDIR-L, SBADM-L, and SBFACU-L)

From: Cindy Doherty, Director  
Academic Personnel

Re: Red Binder updates

A number of revisions to the Red Binder (UCSB campus academic personnel policies and procedures) have been posted at the Academic Personnel web site to be effective February 1, 2020. Changes reflect the recent unionization of the Academic Researcher employees (Research, Project Scientist, and Specialist series.) Updated sections include:

III-1 General Information

III-5 Procedural Safeguard Statement-Temporary Academic Titles

III-7 Documents to be Submitted by the Chair- Research Appointments

III-12 Professional Research Series

III-14 Project Scientist Series

III-16 Specialist Series

VI-3 Sick Leave

VI-6 Vacation

VI-18 Short Work Break

IX-20 Corrective Action and Dismissal, Non-Senate Academic Employees

IX-25 Grievances, Non-Senate Academic Employees

The complete Red Binder, as well as the annotated changes are available on the Academic Personnel website at: <https://ap.ucsb.edu/policies.and.procedures/red.binder/>

III-1  
**TEMPORARY RESEARCH APPOINTMENTS**  
**General Information**  
(Revised 9/18)

Titles in this section are to be used for individuals involved in research and do not have formal teaching responsibilities. Questions concerning the use of staff titles for individuals involved in research should be directed to Human Resources.

Policies

The campus policies for Discipline and Dismissal (Red Binder IX-20), Non-Senate Academic Grievances (Red Binder IX-25), and Layoff and Involuntary Reduction in Time (Red Binder IX-30) are applicable to *non-represented* appointees in this section. *Represented appointees in these series are governed by the applicable Memorandum of Understanding (MOU) articles on Discipline and Dismissal (Article \_\_\_), Grievances and Arbitration (Article \_\_\_) and Layoff and Reduction in Time (Article \_\_\_).*

The campus policy and procedures for *affirmative action recruitment* are set forth in Red Binder Section VII.

Deadlines for submission of merit/promotion requests

All merits and promotions for individuals in the Professional Research, Specialist, and Project Scientist series will be effective July 1.

Requests for advancement must be submitted according to the following schedule:

<u>Series</u>	<u>Submit to:</u>	<u>Due Date</u>
Professional Research		
Academic Departments	Dean's Office	March 1
ORUs	Academic Personnel	March 1
Project Scientist, Specialist	Academic Personnel	April 1

Service limitations

For all series, six months or more of service, with or without salary, in any fiscal year counts as one full year of service for advancement eligibility purposes.

*Initial appointments for represented employees must be for one-year unless a shorter term may be justified based on the work, funding, or programmatic need. Reappointments prior to the first advancement review must be for a minimum of one year. Reappointments following the first advancement review must be for a minimum of the normative time at rank and step.*

*For non-represented employees, appointments or reappointments in the Project Scientist and Specialist series are normally made for one year at a time, but for certain titles may be longer. See specific Red Binder sections for limitations for each title. Appointments and reappointments in the Professional Research series may be made for up to two years at a time at the Assistant and Associate level and up to three years at a time at the Researcher level if guaranteed funding is available.*

*All appointments are term appointments with a stated end date. All employees must be informed of the following in writing: "This is a temporary appointment and any renewal or extension is dependent upon programmatic needs, availability of funding and satisfactory performance. As with any temporary appointment there is no guarantee or obligation on the part of the University for renewal or extension."*

Appointees in research series may be placed on Short Work Break in accord with Red Binder VI-18 *and the MOU*.

No further notice of non-reappointment is necessary for appointments at less than 50% for any period of time, or for appointment of less than eight consecutive years in the same title or series.

Notice of non-reappointment must be given if the employee has served at 50% or more for eight or more consecutive years in the same title or series (APM 137-30) *and Article \_\_\_ of the MOU*. Written Notice of Intent not to reappoint must be given at least 60 days prior to the appointment's specified end date. The notice must state (1) the intended non-reappointment and the proposed effective date; (2) the basis for non-reappointment *including copies of any supporting documentation*; and (3) the employees right to respond within 14 days and the name of the

person to whom they should respond. Within 30 days of the Notice of Intent, and after review of any response, the University will issue a written Notice of Action to the employee. Pay in lieu of notice may be given.

Recall appointments in any temporary research title may not exceed 43% time, alone or in combination with other recall appointments. Appointments are requested using the [Academic Recall Appointment Form](#). Recall appointments are to be entered into UCPATH using the Recall Non-Faculty Academic title (3802 or 3812).

Titles not specifically discussed in the Red Binder may not be used without prior approval by the Academic Personnel Office and will be subject to campus practice and APM policy.

III-5  
**PROCEDURAL SAFEGUARD STATEMENT**  
**TEMPORARY ACADEMIC TITLES-**  
(Revised 4/15)

*Informational only: all safeguards are to be completed via AP Folio*

**PRIOR TO DEPARTMENTAL REVIEW:**

1. **For non-represented appointees:** I was informed that I was to be reviewed for this personnel action and of the process as described in APM 160, 310, 311, 330, 340 and 375 as appropriate.  
**For represented appointees:** I was informed that I was to be reviewed for this personnel action and of the process as described in Memorandum of Understanding, Articles \_\_\_\_\_
2. I had the opportunity to ask questions, supply information and evidence, and add material to my file in preparation for the review.
3. I was informed whether or not letters of evaluation were to be sought as part of this personnel action.
4. If letters were sought (e.g., for promotion)
  - A. I had an opportunity to suggest names of evaluators; and
  - B. I had the opportunity to submit, in writing, names of persons who, for reasons set forth by me, might not provide objective evaluations.
5. I was informed whether or not there were confidential documents (i.e. external letters, minority opinion reports) in my department review file and of my right to review a summary of any such documents.  
 Yes, there are confidential documents in my file (proceed to #6)  
 No, there are not any confidential documents in my file (proceed to #7)
6. If yes to #5, I was provided the contents of the confidential documents (i.e. external letters, minority opinion reports) in my file by means of:  
 A. Redacted copy                       C. Chose not to receive contents  
 B. Oral Summary
7. I had the opportunity to inspect all non-confidential documents in the review file.
8. I had the opportunity to provide a written statement in response to or comment upon all materials in the file.

**FOLLOWING THE DEPARTMENTAL REVIEW PROCESS:**

9. I was informed of the departmental recommendation and the substance of the evaluation under each of the applicable review criteria by means of:  
 A. Copy of the departmental recommendation

B. Oral Summary

C. Chose not to be informed

10. I was informed whether or not the department vote for the recommendation was unanimous or by a strong or a narrow majority.
11. I was informed of my right to make written comments, within five working days, to the Chair (or appropriate person) regarding the departmental recommendation. I was aware that these comments would be included in the file and made available to other voting faculty in the department.
12. I was informed of my right to make written comments regarding the departmental recommendation to the dean and that these comments would be included in the file and available to other reviewing agencies outside of the Department

**I HAVE SUBMITTED THE FOLLOWING ADDITIONAL MATERIALS:**

Suggested names of evaluators (in accordance with 4A above).

Names of persons who might not provide objective evaluations (in accordance with 4B above).

A written statement in response to materials in the file (in accordance with 8 above).

A written statement about the departmental recommendation to the Chair (in accordance with 11 above).

A written statement about the recommendation to the dean (in accordance with 12 above)

**REVIEWING AGENCY REPORTS**

I request that copies of reviewing agency reports (Dean, Vice Chancellor for Research, and any correspondence between them) be provided to me after the conclusion of my review.

I do not wish to receive copies of reviewing agency reports (Dean, Vice Chancellor for Research and any correspondence between them) at the conclusion of my review, but understand that I may request them at any time in the future.

SIGNED \_\_\_\_\_ DATED \_\_\_\_\_

PRINT NAME \_\_\_\_\_ DEPARTMENT \_\_\_\_\_

III-12  
**PROFESSIONAL RESEARCH SERIES**  
(Revised 7/19)

**I. Definition**

The titles in this series are given only to those who engage in independent research equivalent to that required for the Professor series. Individuals whose duties are defined as making significant and creative contributions to a research project, or to providing technical assistance to research activity should not be appointed in this series. For use of the Visiting prefix with this series, see Red Binder III-23, *Represented employees in this series are governed by Article \_\_\_ Appointments, and Article \_\_\_ Professional Research Series, the applicable Memorandum of Understanding (MOU).*

**II. Ranks and Steps**

- A. Assistant Research \_\_\_\_\_ **IV** – V (Steps V is considered a “special step”)
- B. Associate Research \_\_\_\_\_ I – IV (Step IV is considered a “special step”)
- C. Research \_\_\_\_\_ I –IX

The normal time of service at each step within the Assistant and Associate rank is 2 years, except for service at the special steps of Assistant Researcher V and Associate Researcher IV (Red Binder I-4, II). Within the Researcher rank normal service at Steps I-IV is 3 years. Service at Step V and above may be for an indefinite time: however, normal service is 3 years at Steps V through VIII and 4 years at Step IX and within Above Scale. Eligibility for normal advancement occurs after the normal time of service at each step. If not advanced in step at that time, the candidate will continue to be eligible each year until advancement in step occurs.

**III. Appointment and Advancement Criteria**

The candidate must possess a doctorate or its equivalent at the time of initial appointment. The candidate will be judged based on the following criteria:

- A. Research qualifications and accomplishments equivalent to those for the Professor series, including demonstrated continuous and effective engagement in independent and creative activity of high quality and significance.
- B. Professional competence and activity equivalent to those for the Professor series.
- C. University and/or public service at the Associate Researcher and Researcher ranks.

An individual who currently holds a Research series appointment at UCSB and participates in research activities in a department or program in which he/she does not hold a salaried appointment may receive affiliated status in the host department or program.

- a. The host department or program will be required to provide a statement of activities to be carried out under the affiliated status. The affiliated status may be for a specific time period or may be indefinite, as long as the primary paid appointment is active.
- b. The chair/director of both the home and host department must endorse the request.
- c. Affiliated status appointments are not entered into the payroll system, but will be tracked in AP Folio.

**IV. Term of Appointment**

- A. Service as Assistant Researcher is limited to eight years of service. Six months or more of service within any fiscal year, either paid or without salary, as an Assistant Researcher or Visiting Assistant Researcher counts towards the eight-year limit.
- B. *Appointments or reappointments may be for up to two years at a time at the Assistant Researcher and*

~~Associate Researcher level and for up to three years at a time at the Researcher level if guaranteed funding is available.~~ *are to be made based on the service limitations indicated in Red Binder III-1 and, for represented employees, in the MOU.*

## V. Compensation

- A. Individuals appointed to this series are compensated on the salary scales established for the Professional Research series on a fiscal year (11 months) basis. The Economics/ Engineering Professional Research salary scales will be used when either:
1. The unit is an Engineering unit (departments and research units reporting to the Dean of Engineering) or the Department of Economics  
or:
  2. The unit is multi or interdisciplinary and includes both engineering or economics and other disciplinary activity (for example: CNSI, ICB, MATP). In this case two additional criteria must be met: a) The individual's background and training is in engineering or economics, and b) The project with which the individual is associated is an engineering or economics project.

When option #2 is used, the justification for use of the Engineering scale must be clearly stated in the departmental appointment recommendation.

~~B.~~ In most cases, a Research series appointment will be a salaried position. Without salary status may be appropriate for short periods of time, for example *if the Researcher is self-funded as a PI or co-PI. while awaiting funding.* A without salary appointment in this series is not appropriate if the individual holds a primary affiliation with and is funded by another academic institution or outside agency.

~~B. C.~~ Salaries are subject to range adjustment.

~~C. D.~~ Each source which provides compensation for service in this series must permit research.

~~D. E.~~ Off-scale salaries are allowed within the same limits and policies as ladder faculty off-scale salaries. (Red Binder I-8)

## VI. Requests for Appointment, Reappointment, and Advancement

### Appointment

Appointment cases are to be submitted via AP Folio and using the checklist of documents to be submitted by the Chair for appointments (Red Binder III-7). Particular attention should be paid to assuring the Departmental letter provides justification demonstrating the equivalence of the requested position to the same level faculty position, and an analytical evaluation of the candidate and his or her accomplishments.

### Reappointment

Reappointments are to be submitted via the reappointment and modification module of AP Folio. ~~The timing of the reappointment will be based on the original start date of the appointment and/or the availability of funding.~~

### Advancement: Merit and Promotion

Advancement cases are to be submitted via AP Folio and using the checklist of documents to be submitted by the chair for research reviews (Red Binder III-9). Red Binder I-22, Departmental Checklist for Academic Advancement may also be used as a guideline for departmental review. All advancement actions are based on the individual's achievements. Normal advancement will occur after 2 years at step at the Assistant or Associate level and after 3 years at the Full Research level steps I-VIII, and after 4 years at step IX or within Above Scale. Any advancement requested prior to that time will be considered an acceleration and must be justified as such. Merit increases are based on the academic record since the time of last review while promotions, merit to Researcher VI and merit to Researcher Above Scale are based on the career academic record.

All merits and promotions will be effective July 1. Completed cases must be submitted to the Academic Personnel Office or Dean's Office, as appropriate, by **March 1**, preceding the effective date. Cases

received after the due date will be returned to the Department and will not be processed. A missed deadline may not be used as justification for retroactivity in a future review.

*Requests for deferral of non-mandatory reviews must be submitted by the deadline established by the department. Deferral will be automatic if a Researcher does not submit material by the departmental due date and no case is forwarded by the department, with the exception of mandatory reviews.*—Appointees in the Research series must undergo a performance review at least once every five years, including an evaluation of the researcher's record in all review areas. This review may not be deferred. If the candidate does not turn in materials by the departmental due date, the department will conduct the review based on the materials available in the department as of the due date.

In cases where the final decision is a lesser advancement than recommended by the department, a reconsideration may be requested. Procedures outlined in Red Binder I-10 must be followed.

### **Chair/Director Letters of Recommendation**

The Chair/Director's letter of recommendation for appointment or advancement should include an evaluation of the candidate's record in all review areas (see III Appointment and Advancement criteria, above). The evaluation is expected to meet the standards set forth in APM 310 which prescribes that candidates for appointment or advancement in the Research series have research qualifications equivalent to those of the corresponding ladder faculty rank. Each unit should establish set procedures for evaluation of Research appointments and advancements and development of the letter of recommendation. While a full review completed by a departmental committee knowledgeable of the candidate's field is preferred, in cases where this is not appropriate, a review done solely by the Chair, Director or P.I. is acceptable. If a committee is not formed, an explanation should be provided in the letter of recommendation. Red Binder I-35 provides additional guidance on developing the letter of recommendation.

### **Bio-Bibliography**

It is the responsibility of each Researcher to maintain an up to date bio-bibliography (bio-bib). The bio-bib should contain information ending at the campus cut-off date of December 31, or the date established by the candidate's department if an earlier date has been established. Information that falls beyond that date will not be considered in the review. Bio-bibs must follow the bio-bib template available in the Forms section of the Academic Personnel web-site, and the instructions in Red Binder I-27 excluding the Teaching section

### **External Evaluation**

External letters of evaluation will be required in cases of: appointment as Associate Researcher, appointment as Researcher, promotion to Associate Researcher, promotion to Researcher, merit to Researcher, Step VI and merit to Researcher Above Scale. A minimum of 4 letters must be included at the Associate level, a minimum of 6 at the Full Researcher level. In addition to the foregoing, recommendations for promotion or advancement to Researcher, Step VI must include at least 6 extramural evaluations from references. At least half of the letters submitted with the case should come from references chosen by the Department or Program independent of the candidate. Letters from faculty or researchers at other UC campuses are essential for appointment/ advancement to Research VI, preferably from individuals already at the senior ranks. Solicitations of extramural evaluations should not merely ask for opinions regarding the suitability of the candidate for promotion, but should invite analytical evaluations of the candidate's research with respect to quality and significance. Reviewing agencies reserve the right to request letters be solicited in any advancement case if it is determined that more information is necessary to support the proposed action.

In all cases of solicitation of outside letters, the sample letter for solicitation of extramural letters (Red Binder I-49) is to be used.

For promotion or appointment to Associate Researcher, the following wording should be inserted as appropriate:

\_\_\_\_\_ is being considered for (an appointment/promotion to) Associate Researcher in the (department/unit). Appointment (or promotion) to Associate Researcher within the UC system requires a research record equivalent to that of an Associate Professor. Superior intellectual



attainment in research is an indispensable qualification for appointment or promotion to Associate Researcher. [Sample wording for evaluation request: e.g., I would greatly appreciate your evaluation of \_\_\_\_\_'s work.]

For promotion or appointment to full Researcher, the following wording should be inserted as appropriate:

\_\_\_\_\_ is being considered for (an appointment/promotion to) Researcher in the (department/unit). Appointment (or promotion) to Researcher within the UC system requires a research record equivalent to that of a Professor. A candidate for this position is expected to have an accomplished record of research that is judged to be excellent by his or her peers within the larger discipline or field. [Sample wording for evaluation request: e.g., I would greatly appreciate your evaluation of \_\_\_\_\_'s work]

For merit or appointment to Researcher, Step VI through Step IX, the following wording should be inserted as appropriate:

\_\_\_\_\_ is being considered for (an appointments/ advancement to) Researcher [specify step] in the (dept/unit). In the UC system there are 9 steps within the rank of Researcher. The normal period of service is three years in each of the first five steps. Service at Research, Step V, may be of indefinite duration. Advancement to Step VI will be granted on evidence of highly distinguished scholarship, highly meritorious service, and evidence of excellence in research, and in addition, great distinction recognized nationally or internationally, in research. [Sample wording for evaluation request: e.g., I would greatly appreciate your evaluation of \_\_\_\_\_'s work]

For appointment as, or merit advancement to Researcher Above Scale, the following wording should be inserted as appropriate:

\_\_\_\_\_ is being considered for (an appointment as/ advancement to) Researcher Above Scale in the Department of \_\_\_\_\_. In the University of California, there are nine steps within the rank of Researcher. Steps VI, VII, VIII, and IX are reserved for highly distinguished scholars. (Appointment/advancement) to an Above Scale salary is reserved for scholars of the highest distinction, whose work has been internationally recognized and acclaimed. [Sample wording for evaluation request: e.g., I would greatly appreciate your evaluation of \_\_\_\_\_'s work.]

**VII. Approval Authority**

Action

Authority

All actions

Associate Vice Chancellor for Academic Personnel

III-14  
**PROJECT SCIENTIST SERIES**  
(Revised 4/18)

**I. Definition**

The titles in this series are given only to those who make significant and creative contributions to a research or creative project. Appointees may be ongoing members of a research team, or may contribute high-level skills to a specific project for a limited time. Demonstrated capacity for fully independent research or research leadership as required in the Researcher series are not required in this series. However, a broad range of knowledge and competency and a higher level of independence than appointees in the Specialist series are expected. See APM 311 for System Wide policy on Project Scientists. See Red Binder III-23 for procedures for Visiting appointments in this series. *Represented employees in this series are governed by Article \_\_\_ Appointments, and Article \_\_\_ Project Scientist Series, the applicable Memorandum of Understanding (MOU).*

**II. Ranks and Steps**

- A. Assistant Project Scientist I – V (Step V is considered a “special step”)
- B. Associate Project Scientist I – IV (Step IV is considered a “special step”)
- C. Project Scientist I –IX

The normal time of service at each step within the Assistant and Associate rank is 2 years, except for service at the special steps of Assistant Project Scientist V and Associate Project Scientist IV (Red Binder I-4, II). Within the Project Scientist rank normal service at Steps I-IV is 3 years. Service at Step V and above may be for an indefinite time: however, normal service is 3 years at Steps V through VIII and 4 years at Step IX and within Above Scale. Eligibility for normal advancement occurs after the normal time of service at each step. If not advanced in step at that time, the candidate will continue to be eligible each year until advancement in step occurs.

**III. Appointment and Advancement Criteria**

The candidate must possess a doctorate or its equivalent at the time of initial appointment. The candidate will be judged based on the following criteria:

- A. Demonstrated significant, original, and creative contributions to a research or creative program or project
- B. Professional competence and activity

University and public service are encouraged but not required.

**IV. Term of Appointment**

~~A. Appointments or reappointments may be for up to two years at a time at the Assistant Project Scientist and Associate Project Scientist level and for up to three years at a time at the Project Scientist level if guaranteed funding is available.~~ *are to be made based on the service limitations indicated in Red Binder III-1 and, for represented employees, in the MOU.*

~~B. There are no limits on service at any level in this series.~~

**V. Compensation**

- A. A. Individuals appointed to this series are compensated on the salary scales established for the Project Scientist series on a fiscal year (11 months) basis. The Economics/Project Scientist salary scale will be used when either:

1. The unit is an Engineering unit (departments and research units reporting to the Dean of Engineering) or the Department of Economics

or:

2. The unit is multi or interdisciplinary and includes both engineering or economics and other disciplinary activity (for example: CNSI, ICB, MATP). In this case two additional criteria must be met: a) The individual's background and training is in engineering or economics, and b) The project with which the individual is associated is an engineering or economics project.

When option #2 is used, the justification for use of the Engineering scale must be clearly stated in the departmental appointment recommendation

**B.** In most cases, a Project Scientist appointment will be a salaried position. Without salary status may be appropriate for short periods of time, for example if the Project Scientist is self-funded as a PI or co-PI. A without salary appointment is not appropriate if the individual holds a primary affiliation with and is funded by another academic institution or outside agency.

~~B.~~ **C.** Salaries are subject to range adjustment.

~~C.~~ **D.** Each source which provides compensation for service in this series must permit research.

~~D.~~ **E.** Off-scale salaries are allowed within the same limits and policies as ladder faculty off-scale salaries. (Red Binder I-8)

## VI. Requests for Appointment and Advancement

### Appointment

Appointment cases are to be submitted via AP Folio and using the checklist of documents to be submitted by the Chair for appointments (Red Binder III-7). Particular attention should be paid to assuring the department provides justification for the level of appointment and analytical evaluation of the candidate and his or her accomplishments.

### Reappointment

Reappointments are to be submitted via the reappointment and modification module of AP Folio. ~~The timing of the reappointment will be based on the original start date of the appointment and/or the availability of funding.~~

### Advancement: Merit and Promotion

Advancement cases are to be submitted via AP Folio and using the checklist of documents to be submitted by the chair for research reviews (Red Binder III-9). All advancement actions are based on the individual's achievements. Normal advancement will occur after 2 years at step at the Assistant or Associate level and after 3 years at the Full Project Scientist level steps I-VIII and after 4 years at step IX or within Above Scale. Any advancement requested prior to that time will be considered an acceleration and must be justified as such. Merit increases are based on the academic record since the time of last review while promotions are based on the career academic record.

All merits and promotions will be effective July 1. Completed cases must be submitted to the Academic Personnel Office by **April 1**, preceding the effective date. Cases received after the due date will be returned to the Department and will not be processed. A missed deadline may not be used as justification for retroactivity in a future review.

~~Requests for deferral of non-mandatory reviews must be submitted by the deadline established by the department. Deferral will be automatic if a Project Scientist does not submit material by the departmental due date and no case is forwarded by the department.~~ Appointees in the Project Scientist series must undergo a performance review at least once every five years, including an evaluation of the record in all review areas. This review may not be deferred. If the candidate does not turn in materials by the departmental due date, the department will conduct the review based on the materials available in the department as of the due date.

### **Chair/Director Letters of Recommendation**

The Chair/Director's letter of recommendation for appointment or advancement should include an evaluation of the candidate's record in all review areas (see III Appointment and Advancement Criteria, above). Each unit should establish set procedures for evaluation of Project Scientist appointments and advancements and development of the letter of recommendation. While review done solely by the Director or PI is acceptable at the Assistant Project Scientist level, a fuller review, including input from other equal or higher ranking individuals in the unit is preferable for Associate Project Scientist and Project Scientist level actions. Red Binder I-35 provides additional guidance on developing the letter of recommendation.

### **Bio-Bibliography**

It is the responsibility of each Project Scientist to maintain an up to date bio-bibliography (bio-bib). The bio-bib should contain information ending at the campus cut-off date of January 31, or the date established by the candidate's department if an earlier date has been established. Information that falls beyond that date will not be considered in the review. Bio-bibs must follow the bio-bib template available in the Forms section of the Academic Personnel web-site, and the instructions in Red Binder I-27 excluding the Teaching section.

### **External Evaluation**

External letters of evaluation are normally required in cases of: appointment as Associate Project Scientist, appointment as Project Scientist, promotion to Associate Project Scientist, and promotion to Project Scientist. A minimum of four letters at the Associate level, and six at the Full Project Scientist level should be included. Due to the nature of Project Scientist positions, it is possible that in some cases solicitation of internal letters of evaluation are more helpful. Internal evaluators are defined as external to the employing unit, but internal to UCSB. In these cases, the decision to solicit from internal sources should be clearly discussed in the departmental letter. Reviewing agencies reserve the right to request that additional letters be solicited in any appointment or advancement case if it is determined that more information is necessary to support the proposed action.

When letters are solicited either externally or internally, the sample letter for solicitation of extramural evaluators (Red Binder I-49) is to be used, with the following wording inserted as appropriate:

\_\_\_\_\_ is being considered for (an appointment/promotion to) Associate Project Scientist/Project Scientist in the (department/unit). Appointment (or Promotion) to Associate Project Scientist/Project Scientist within the UC system requires evaluation in the areas of: 1) Demonstrated significant, original, and creative contributions to a research or creative program or project, 2) Professional competence and activity. [Sample wording for evaluation request: e.g., I would greatly appreciate your evaluation of \_\_\_\_\_'s work.]

In rare circumstances it may be appropriate to waive the requirement for letters of evaluation. Requests to waive letters must be submitted to the Associate Vice Chancellor for Academic Personnel prior to submission of the appointment or promotion case.

## **VII. Approval Authority**

### Action

All actions

### Authority

Associate Vice Chancellor for Academic Personnel

III-16  
**SPECIALIST SERIES**  
(Revised 1/18)

**I. Definition**

The Specialist series is used for academic appointees who engage in specialized research, professional activity, and University and/or public service, and who do not have any teaching responsibilities. See APM 330 for System Wide policy on Specialists. *Represented employees in this series are governed by Article \_\_\_\_ Appointments, and Article \_\_\_\_ Specialist Series, the applicable Memorandum of Understanding (MOU).*

**II. Ranks and Steps**

- A. Jr. Specialist I-II
- B. Assistant Specialist I - III
- C. Associate Specialist I - IV
- D. Specialist I - IX

**III. Appointment and Advancement Criteria**

Appointees to the Specialist series 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 of the position.

The following qualifications are general guidelines for each rank:

**Junior Specialist:** Appointees should possess a baccalaureate degree (or equivalent degree) or have equivalent research experience. Appointees at this level enable research as part of a team

**Assistant Specialist:** Appointees should possess a master's degree (or equivalent degree) or have five years of experience demonstrating expertise in the relevant specialization. Appointees at this level enable research as part of a team and may provide some independent input into the planning and execution of the research.

**Associate Specialist:** Appointees should possess a master's degree (or equivalent degree) or have five to ten years of experience demonstrating expertise in the relevant specialization. Appointees normally provide considerable independent input into the planning and execution of the research, have a record of academic accomplishments, including contributions to published research in the field, and a demonstrated record of University and/or public service.

**Specialist:** Appointees should possess a terminal degree (or equivalent degree) or have ten or more years of experience demonstrating expertise in the relevant specialization. Appointees normally provide considerable independent input into the planning and execution of the research, have a significant record of academic accomplishments, including contributions to published research in the field, and a demonstrated record of University and/or public service.

Specialists appointed into the series prior to July 1, 2015 are not subject to the degree and experience requirements listed above.

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

- 1. Performance in research in the defined area of expertise and specialization.
- 2. Professional competence and activity.
- 3. University and public service

#### IV. Term of Appointment

- A. There are no limits on service at any level in this series.
- B. *Appointments or reappointments may be made for up to one year at a time at the Junior Specialist Rank, for up to two years at a time at the Assistant and Associate Specialist rank, and for up to three years at a time at the full Specialist rank. are to be made based on the service limitations indicated in Red Binder III-1 and, for represented employees, in the MOU.*

#### V. Compensation

- A. Individuals appointed to this series are compensated on the salary scales established for the Specialist Series on a fiscal year (11 month) basis.

Without salary appointments in this series will occur rarely and will require evidence of external funding. Individuals who hold a primary affiliation with and are funded by another academic institution or outside agency may more appropriately be appointed as Research Associate or Research Fellow (Red Binder III-20.)

- B. Off-scale salaries are allowed within the same limits and policies as ladder faculty off-scale salaries. (Red Binder I-8)
- C. Salaries are subject to range adjustment.
- D. Each source that provides compensation for service in this series must permit research.

#### VI. Requests for Appointment and Advancement

##### Appointment

Appointment cases are to be submitted via AP Folio and using the checklist of documents to be submitted by the Chair for appointments (Red Binder III-7). Particular attention should be paid to assuring the department provides justification for the level of appointment and analytical evaluation of the candidate and his or her accomplishments.

##### Reappointment

Reappointments are to be submitted via the reappointment and modification module of AP Folio. *The timing of the reappointment will be based on the original start date of the appointment and/or the availability of funding.*

##### Advancement: Merit and Promotion

Advancement cases are to be submitted via AP Folio and using the checklist of documents to be submitted by the chair for research reviews (Red Binder III-9). All advancement actions are based on the individual's achievements. 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 the Full Specialist level, steps I-IX, and after four years at step IX and within Above Scale. Any advancement requested prior to that time will be considered an acceleration and must be justified as such. Merits are based on the academic record since the time of last review while promotions are based on the career academic record. Advancement to Above Scale status involves an overall career review and requires work of sustained and continued excellence with national or international recognition, outstanding professional achievement, and highly meritorious service. See Red Binder I-43 for further guidance regarding Above Scale status.

All merits and promotions will be effective July 1. Completed cases must be submitted to the Academic Personnel Office by **April 1**, preceding the effective date. Cases received after the due date will be returned to the Department and will not be processed. A missed deadline may not be used as justification for retroactivity in a future review.

*Requests for deferral of non-mandatory reviews must be submitted by the deadline established by the*

~~department. Deferral will be automatic if a Specialist does not submit material by the departmental due date and no case is forwarded by the department.~~ Appointees in the Specialist series must undergo a performance review at least once every five years, including an evaluation of the record in all review areas. This review may not be deferred. If the candidate does not turn in materials by the departmental due date, the department will conduct the review based on the materials available in the department as of the due date

### **Chair/Director Letters of Recommendation**

The Chair/Director's letter of recommendation for appointment or advancement should include an evaluation of the candidate's work and an evaluation of the candidate's contributions to the group effort, if relevant. In addition to the foregoing, recommendations for promotion must provide documentation of the scientific, technical, or otherwise creative contributions of the candidate (as contrasted to contributions to a group effort). Each unit should establish set procedures for evaluation of Specialist series appointments and advancements and development of the letter of recommendation. While review done solely by the Director or PI is acceptable, a fuller review, including input from other equal or higher ranking individuals in the unit is preferable.

### **Bio-Bibliography**

It is the responsibility of each Specialist to maintain an up to date bio-bibliography (bio-bib). The bio-bib should contain information ending at the campus cut-off date of January 31, or the date established by the candidate's department if an earlier date has been established. Information that falls beyond that date will not be considered in the review. Bio-bibs must follow the bio-bib template available in the Forms section of the Academic Personnel web-site, and the instructions in Red Binder I-27 excluding the Teaching section.

### **External Evaluation**

While extramural letters of evaluation are not required for appointment, promotion, or advancement to Above Scale in the Specialist series they may, in some cases, be helpful in evaluating the candidate's record. When letters are solicited, the sample letter for solicitation of extramural evaluators (Red Binder I-49) is to be used, with the following wording inserted as appropriate:

\_\_\_\_\_ is being considered for (an appointment/promotion to) Associate Specialist/Specialist in the (department/unit). Appointment (or Promotion) to Associate Specialist/Specialist within the UC system requires evaluation in the areas of: 1) specialized research, 2) professional competence and activity, 3) university and public service. [Sample wording for evaluation request: e.g., I would greatly appreciate your evaluation of \_\_\_\_\_'s work.]

Reviewing agencies reserve the right to request that letters be solicited in any appointment or advancement case if it is determined that more information is necessary to support the proposed action.

## **VII. Approval Authority**

### Action

All actions

### Authority

Associate Vice Chancellor for Academic Personnel

VI-3  
**SICK LEAVE**  
(Revised 10/17)

Academic appointees do not accrue sick leave credit with the exception of certain groups listed below, and in APM 710-14, *or the applicable Memorandum of Understanding (MOU) for represented academic employees*. Academic appointees who accrue sick leave shall maintain proper records to show accrual and usage of sick leave credit. In the case of illness of faculty (as defined in APM 110 F (15) who do not accrue sick leave, leave with pay up to the maximums described in APM 710-11 a and b may be approved by the Dean. Leaves in excess of the APM maximums require approval of the Associate Vice Chancellor for Academic Personnel.

A. The following are eligible to accrue sick leave credit provided the appointment is at fifty percent or more time:

- Professional research series
- Specialist series
- Project Scientist series
- Librarian series
- Associate and Assistant University Librarians
- Continuing Educator
- Academic Coordinator

B. Appointees who accrue sick leave accrue at the rate of one working day per month for full-time service, including periods of leave with pay other than terminal vacation. Accrual for part time employees is based on the percent time on pay status during the month. See RB VI-8 for accrual codes.

C. Sick leave is to be used in keeping with normally approved purposes related to personal or family member illness and medical care as defined in APM 710-20 *or the applicable MOU*.

D. Faculty who do not accrue sick leave may apply for medical leave as follows.

If appointed for one year or more the appointee may apply for up to one quarter of leave with pay due to personal illness at a time. A physician's statement assessing the prognosis for return to duty may be requested prior to approval of the leave. Should the illness require an extension beyond the initial quarter of leave with pay, a physician's statement must be provided with the request for extension. Exceptions beyond the APM maximums will be considered on an individual basis. At no time may paid medical leave exceed three consecutive quarters.

If appointed for less than one year, the appointee may apply for paid leave due to personal illness for approximately the period that would be accrued during the appointment in accord with the accrual rates in APM 710-18.

E. Accrued sick leave may also be used to care for an ill family member as defined in APM 710-20 *or the applicable MOU*. Faculty who do not accrue sick leave may request up to one quarter of leave with pay for the care of a family member as defined in APM 710-20.

F. Sick leave that is granted for a serious health problem, or to care for a parent, child, spouse or domestic partner with a serious health problem may also be covered as a Family and Medical Leave (APM 715 *or the applicable MOU*.) Family and Medical leave will normally run concurrently with approved sick leave.

G. Represented academic employees are eligible for medical leave to the extent allowed in the appropriate *memorandum of understanding MOU* and applicable state and federal law.

H. Graduate Student Researchers are eligible for up to four weeks of paid leave due to the Graduate Student Researchers own serious health condition, or to care for a family member who has a serious health condition. In addition, a parent other than the birth-mother is eligible to use this paid leave for baby-bonding and will be eligible for up to another two weeks of unpaid leave for baby-bonding. The total period of combined pregnancy, childbirth, medical (Red Binder VI-4 H), and sick leave may not exceed six-weeks within an academic year.



VI-6  
**VACATION**  
(Revised ~~08/12~~)

- A. *For non-represented academic employees*, see APM 730 for conditions governing accrual, use, and record-keeping and RB VI-8 for accrual codes. *Vacation accrual and usage for represented academic employees is governed by the applicable MOU.*
- B. Academic-year employees are expected to be in residence throughout the academic year and do not accrue vacation leave.
- C. Fiscal-year non-student academic appointees who are appointed for six months or more at 50% time or more accrue vacation credit. Credit is accrued at the rate of two working days a month for full-time service and pro-rated for appointment at less than 100% time. There is no waiting period for accrual or use of accrued vacation. If the individual holds two appointments (staff or academic), each for at least six months, the percent of employment is combined to determine eligibility for vacation accrual. No accrual occurs in any month where the percent time worked drops below 50%.
- D. Graduate Student Researcher must be appointed for 12 consecutive months or more at 50% time or more to accrue vacation.
- E. Postdoctoral Scholars do not accrue vacation, but are entitled to personal time off in accord with the provisions of the collective bargaining agreement, Article 17.

VI-18  
**SHORT WORK BREAK**  
9/18

An employee may be put on Short Work Break (SWB) in specific situations where there is a break in paid service to the University. SWB should only be used when there is an intent for return to paid service within a specified period of time. The return does not necessarily have to be to the same job. *SWB must be used in compliance with other Academic Personnel Manual, Red Binder, and applicable MOU policies.*

SWB does not constitute an offer of future employment. Appropriate processes for future appointments must be followed according to the appropriate Red Binder and contractual policies.

During SWB the employee may not perform any duties for the University. SWB may be used in the following situations:

Academic Student employees (GSRs, TA, Associate, Reader, Remedial Tutor)

The employee may be put on SWB status during summer or during academic quarters in which there is no appointment. SWB is limited to four consecutive months and may only be used when there is an intent to return to student employment at the end of the SWB.

Lecturers (pre-six or Continuing)

The employee may be put on SWB in between quarters of active employment. The employee may or may not be eligible for a benefits bridge. SWB is limited to two consecutive quarters (plus summer). Pre-six Lecturers must have an approved job to which they will return at the end of the SWB.

Research appointments

The employee may be put on SWB during periods of an approved appointment when a break in funding occurs and no work is being performed. Research SWB is limited to four months.

At the end of a SWB the employee must either return to paid employment or the job must be ended.

The Short Work Break matrix, <https://ap.ucsb.edu/resources.for.department.analysts/ucpath/> , provides additional guidance regarding the use of SWB.

**PROCEDURE FOR NON-SENATE, *NON-REPRESENTED* ACADEMIC  
APPOINTEES CORRECTIVE ACTION AND DISMISSAL**

(Revised 4/19)

**I. Related Policies**

APM 150 provides the standards and procedures for corrective action or dismissal of non-Senate *non-represented* academic appointees. APM 140 describes the University policy regarding the grievance procedure for non-Senate *non-represented* academic appointees. The UCSB Local Procedures for Reported Staff & Non-Faculty Academic Personnel Violations of the UC Policy on Sexual Violence and Sexual Harassment describes the UCSB procedures or corrective action in cases involving a violation of the UC Policy on Sexual Violence and Sexual Harassment. *Procedures for represented non-Senate academic appointees are contained within the applicable MOU.*

**II. Background**

Corrective action or dismissal may be instituted for good cause, including but not limited to misconduct, unsatisfactory work performance, or dereliction of duty. For non-Senate academic appointees who are subject to peer review for performance evaluation, demotion and dismissal shall involve the regular peer review process. Such peer review shall be advisory to the referral officer as listed in Appendix A.

**III. Policy**

Non-Senate academic appointees are expected to conduct themselves in a manner consistent with the rules, regulations and policies of the University and to perform their assigned responsibilities.

**A. Definition**

1. Corrective action is a written warning, written censure, suspension without pay, or demotion for good cause, including but not limited to misconduct, unsatisfactory work performance, or dereliction of academic duty.
  - (a) Written warning is a communication that informs the appointee of the nature of the misconduct or deficiency, the method of correction, and the probable consequence of continued misconduct or deficiency.
  - (b) Written censure is a formal reprimand that conveys institutional rebuke.
  - (c) Suspension is debarment without pay from appointment responsibilities for a stated period of time.
  - (d) Demotion is reduction in rank, step, and/or salary.
2. Dismissal is the termination of employment initiated by the University prior to the ending date of appointment for good cause, including but not limited to serious misconduct, continued unsatisfactory work performance, or serious dereliction of academic duty.

**B. Application of Corrective Action and Dismissal Actions**

1. Prior to instituting corrective action (other than written warning) and dismissal, efforts to resolve the problem informally should have been attempted by the referral officer.

2. Investigatory Leave

An appointee may be placed on 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 Chancellor, or Associate Vice Chancellor for Academic Personnel, require removing the appointee from University premises. Such investigatory leave must be approved by the Associate Vice Chancellor for Academic Personnel and confirmed in writing after it is instituted.

3. Written Notice of Intent

The referral officer, after consultation with Academic Personnel, shall provide a written Notice of Intent to the appointee prior to initiating the actions of written censure, suspension without pay, demotion, or dismissal. The Notice shall state: (1) the intended action, including reasons for the action and the proposed effective date; (2) the basis of the charges, including copies of pertinent materials supporting the charge; (3) 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; and (4) the person to whom the appointee should respond. No Notice of Intent is required for a written warning.

4. Response to Written Notice of Intent

The appointee who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the adjudicating officer as listed in Appendix A.

5. Review of Proposed Corrective Action or Dismissal

a. Review shall normally be addressed by the appropriate referral officer to the appropriate adjudicating officer. For employees subject to peer review (see appendix A) the following additional steps will be taken:

- i. The adjudicating officer shall appoint a three-member committee of University employees, one of whom shall be the Director of Equal Opportunity, and the remaining two shall be employees in the same or similar title and status as the affected individual. This committee shall investigate and advise the adjudicating officer of the appropriateness of the proposed action.
- ii. After timely receipt of the committee's recommendation on the proposed action, the adjudicating officer shall advise the Chancellor, Dean, Dean of the Graduate Division (in cases involving student titles), the referral officer, and the individual's supervisor, if other than the referral officer, of any action to be taken.
- iii. The individual shall have the right to grieve this action under APM 140 and Red Binder IX-25.

6. Written Notice of Action

In the event the adjudicating officer makes a determination to institute the corrective action or dismissal following the review of a timely response, if any, from the appointee, and within thirty (30) calendar days of the date of issuance of the written Notice of Intent, the referral officer shall issue a written Notice of Action to the appointee of the corrective action or dismissal to be taken, giving the effective date. The Notice of Action also shall notify the appointee of the right to grieve the action under Section 140 of the Academic Personnel Manual. The Notice of Action may not include an action more severe than that described in the Notice of Intent.

7. Representation

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

8. Extension of Time

Prior to expiration of any time limit stated in this policy, extensions may be granted by the Chancellor, Executive Vice Chancellor, or appropriate designee.

## APPENDIX A

TITLE, SERIES OR CLASS OF INDIVIDUAL CHARGED	REFERRAL OFFICER	ADJUDICATING OFFICER
Adjunct Professor (paid positions)*	Department Chair	Associate Vice Chancellor Academic Personnel
Professional Research Specialist** Project Scientist**	Department Chair or Director	Associate Vice Chancellor Academic Personnel
Librarians**	Head of Unit	University Librarian
Assistant or Associate University Librarian	University Librarian	Executive Vice Chancellor
Continuing Educators Extension Teacher	Dean, Professional and Continuing Education	Associate Vice Chancellor Academic Personnel
Academic Coordinator	Department Chair or Director	Associate Vice Chancellor Academic Personnel
Graduate Student Researcher	Department Chair or Director	Associate Vice Chancellor Academic Personnel

\*subject to peer review

\*\**Represented employees in these titles are subject to the policies and procedures outlined in the applicable MOU.*

**PROCEDURES FOR NON-SENATE, ~~NON-REPRESENTED~~ ACADEMIC GRIEVANCES**

(Revised 5/17)

Sources: APM 140 - General University Policy Regarding Academic Appointees, Non-Senate Academic Appointees/Grievances

This policy applies to all academic appointees who are not members of the Academic Senate, except those appointees covered by a Memorandum of Understanding, ~~or employed as a Postdoctoral Scholar~~. Student academic employees not covered by an MOU may only grieve matters related to their academic appointment.

Grievance Liaison: The Office of Employee & Labor Relations shall serve as the liaison office for any grievance proceedings conducted under APM 140 and Red Binder IX-25.

Step I Informal Grievance Resolution

During the informal stage the grievant tries to resolve the issue through discussion with the supervisor or other responsible administrator whose action is being grieved. Both the grievant and departmental personnel are urged to consult with the Office of Employee & Labor Relations for assistance in resolving the problem informally. If a grievance alleges sexual harassment, the matter will be referred to the Title IX Office and the grievance will be placed in abeyance pending review by that office.

Step II Formal Review of Grievance

- 1) A formal grievance must be filed in writing with the grievance liaison within 30 calendar days of the date the grievant knew or could be expected to have known of the event causing the grievance. Informal review does not extend the time limit for formal filing unless a written exception is granted by the grievance liaison.
- 2) The grievance must include the following information:
  - a) If alleging that a specific act was arbitrary or capricious, the specific administrative act must be identified along with a description of how the act was arbitrary or capricious.
  - b) If alleging that a violation of applicable University rules, regulations or Academic Personnel policies occurred, identify the section and specific provision alleged to have been violated and how those provision were violated;
  - c) The name of the person alleged to have carried out the act or violation of rules, regulations or policy
  - d) The date of the act or violation.
  - e) How the grievant was adversely affected;
  - f) The date of any attempted ~~at~~ informal resolution and identity of the individuals involved; and
  - g) The remedy requested.
- 3) After receiving the written grievance, the grievance liaison will determine if the grievance is complete, timely, within the jurisdiction of APM-140, and contains sufficient facts to support the grievance. Within 10 calendar days of receipt the grievance liaison will inform the grievant of the acceptance of the grievance.

If the grievance liaison informs the grievant that additional information is needed, the grievant will have ten calendar days to provide the information. When the information provided by the grievant is complete, the grievance liaison will notify the grievant in writing that the formal grievance process has commenced. All further time limits are based on that date.

The grievance may be dismissed if the grievant fails to provide the requested additional

information, or if the grievance is untimely or outside the jurisdiction of APM-140. If the grievance is dismissed at this stage the grievance liaison will provide the grievant with a written explanation of the basis for the dismissal.

- 4) The grievance liaison will forward the grievance immediately to the appropriate department chair or comparable authority who, after appropriate review, shall render a decision on the grievance within 30 calendar days and submit it in writing to the grievance liaison. The written decision should be addressed to the grievant. The response must include the reasons for the decision and must also inform the grievant of the right to appeal the decision to Step III.
- 5) The grievance liaison will forward the decision immediately to the grievant, with copies to the respective dean and department chair.

### Step III Administrative Review or Hearing

A grievance that is not resolved at Step II may be appealed for resolution at Step IIIa or Step IIIb, but not both, depending on the issues of the grievance. Matters not eligible for a hearing, such as matters involving title or salary, are handled through administrative review (Step IIIa). Only allegations of violations of certain academic personnel policies or terms and conditions of employment are subject to a hearing (see below). The grievance liaison shall determine whether Step IIIa or Step IIIb is the appropriate route to take.

#### Step IIIa Administrative Review

- 1) Appeal to Step IIIa must be in writing and must be received by the grievance liaison within 15 calendar days of the date the Step II response was issued or due, whichever comes first. The appeal must specify the unresolved issues and the remedy requested.
- 2) The grievance liaison will forward the grievance to the Associate Vice Chancellor for Academic Personnel or designee for review within 7 calendar days.
- 3) The Associate Vice Chancellor shall provide a written decision to the grievant within 30 calendar days following receipt of the appeal to Step IIIa. The decision shall include the reasons for the decision if the decision of the Step II review is rejected or modified and a statement that the decision is final.

#### Step IIIb Hearing

- 1) The appeal to Step IIIb must be received by the grievance liaison within 15 calendar days of the date the Step II response was issued or due, whichever comes first. The appeal must be in writing and must set forth the unsolved issues and remedy requested.
- 2) Only appeals alleging of violations of the following may be submitted to the hearing officer.
  - Nondiscrimination (APM 035)
  - Layoff and Involuntary Reduction in Time (APM 145)
  - Corrective Action (Censure, Suspension, Demotion)
  - Dismissal
  - Procedural irregularity in personnel review process
- 3) Within 7 calendar days from receipt of the written request, the grievance liaison will determine whether the appeal has identified an issue eligible for hearing consideration. If the appeal has not identified an issue eligible for a hearing consideration, the grievance liaison will inform the grievant and submit the appeal for determination under Step IIIa. If the appeal is eligible for hearing consideration the request will be forwarded to the Associate Vice Chancellor for Academic Personnel.
- 4) The grievant may elect that the grievance be heard by: either a University hearing officer or a non-University hearing officer. Election shall be in writing and shall be final.
  - (a) University Hearing Officer  
The grievance liaison will maintain a current list of three to five individuals who have

agreed to serve as a hearing officer. These individuals will be faculty or other non-student academic appointees who have a practical understanding of academic employer-employee relationships and academic personnel policies. The list will be made available to the grievant prior to deciding whether to select a University or non-University hearing officer. The parties will arrange alternately to strike names, and the person whose name remains will become the University hearing officer.

(b) Non-University Hearing Officer:

If the grievant elects a hearing before a non-University hearing officer, the grievance liaison will request from the American Arbitration Association a list of five names. Upon receipt, the parties will arrange alternately to strike names, and the person whose name remains will become the non-University hearing officer.

Whenever possible the hearing officer will be selected within 45 calendar days from receipt of the grievant's election of hearing officer and within 60 calendar days of the date of the selection of the hearing officer a hearing date will be scheduled.

- 5) In advance of the hearing, the parties shall attempt to stipulate in writing issues to be submitted for review at the hearing. If the parties cannot agree on the issues, the hearing officer shall define them.
- 6) Each party shall, upon request, provide the other with copies of material to be introduced at the hearing and names of witnesses who will testify on the party's behalf. To the extent possible, such materials and names shall be exchanged at least 10 calendar days prior to the hearing.
- 7) The hearing officer shall convene a hearing in which each party shall have the opportunity to present evidence and cross-examine witnesses. The hearing shall be closed and confidential.
- 8) The hearing shall be tape recorded unless both parties agree in advance to share the costs of a stenographic record.
- 9) The hearing officer shall provide the Associate Vice Chancellor with a written statement of findings and recommendations within 30 calendar days of the close of the hearing.

The hearing officer shall not substitute his/her judgment for the academic judgment of a peer review committee or administrative officer, nor shall the hearing officer be empowered to evaluate the academic qualifications or competence of academic appointees.

- 10) The Associate Vice Chancellor shall issue a final written decision within 30 calendar days of receipt of the findings or recommendations of the hearing.
- 11) The Associate Vice Chancellor shall provide to the grievant a copy of the findings and recommendations of the hearing officer, and a statement of the reasons if the recommendations of the hearing officer are rejected or modified.



**POLICY AND PROCEDURES ON LAYOFF AND INVOLUNTARY REDUCTION  
IN TIME FOR NON-SENATE, **NON-REPRESENTED** ACADEMIC APPOINTEES**

(Revised **11/16**)

I. Related Policies

APM 145 Layoffs-Non-Senate Academic Appointees

APM 140 Appeals-Non-Senate Academic Appointees

II. Background

It is University policy to provide equitable and consistent treatment for academic appointees, both full-time and part-time, in the event their appointments must be terminated due to lack of work, lack of funds or discontinuance of a program or there is an involuntary reduction in percent of time.

III. A. Application of Layoff and Involuntary Reduction in Time.

The provisions of this section are applicable to all academic appointees (see Supplement I and II) of the University of California, Santa Barbara, other than:

1. Members of the Academic Senate.
2. Employees covered by a Memorandum of Understanding (MOU).

The expiration of a term appointment as of the originally specified ending date does not constitute a layoff

B. Determination of Layoff and Involuntary Reduction in Time.

Department Chairs or Heads of Organized Research Units, Programs and Divisions (hereafter referred to as Chairs) are responsible for determining the need for, the order of and to coordinate layoffs and involuntary reductions in time with the appropriate Deans, Directors and the Associate Vice Chancellor for Academic Personnel.

The Academic Personnel Office will not process forms to implement either action if they do not conform to University and campus policies and procedures.

C. Order of Layoff and Involuntary Reduction in the Percent of time will normally be determined on the basis of:

1. Exceptional skill, knowledge or ability that is essential to the operation of the department or unit, as determined by the Chair.
2. When there is no substantial difference in degree of special skills, knowledge, or ability essential to the department or unit, the order of layoff or involuntary reduction in time shall be in inverse order of seniority.

Seniority shall be established on the basis of the number of months of full-time equivalent service with the University.

IV. Procedures

A. Upon determining the need for a layoff, or an involuntary reduction in time, and the order in which it is to be accomplished, the Chair will submit a recommendation (Exhibit A), to the Associate Vice Chancellor for Academic Personnel via the appropriate Dean or Director **as applicable**. The recommendation shall include the following:

1. Name of appointee to be laid off or reduced in time; appointee's rank, step, and months of service.
2. Statement of the specific conditions that make the action necessary, i.e., an explanation of why there is a lack of work, lack of funds, or discontinuance of a program.

3. Names of other appointees in the department within the same category of employment (e.g. Professional Research series, Specialists, etc.) with their title, rank, step, months of service, and area of expertise.
  4. Justification of the order of layoff or involuntary reduction in time. (Note: the appointee may request a written summary of the reasons for the order of layoff or involuntary reduction in time.)
  5. A copy of the written notification the Chair proposes to send to the appointee, which shall include:
    - a. the reason for the action,
    - b. the effective date,
    - c. how earned vacation will be handled,
    - d. ~~advice to the appointee to contact the campus Benefits Office for information concerning benefits.~~ *Benefits continuation contact information*
    - e. the link for UC Recruit as a resource for open positions on campus
  6. The Chair's signature is certification that he/she has investigated all facts in the case and determined that there is no alternative to the proposed action.
  7. An up to date copy of the employee's bio-bibliography or CV.
- B. The Dean or Director shall review the proposal, *as appropriate*, and, if satisfied that the proposed action is unavoidable and the selection of the appointee was made in accordance with policies and procedures, will *endorse* ~~sign the original and duplicate copy of~~ the proposal and forward ~~them~~ *it* to the Associate Vice Chancellor for Academic Personnel.
- C. The Office of the Associate Vice Chancellor for Academic Personnel shall:
1. ~~Coordinate with the Director, Equal Opportunity to assure that the action is taken without regard to race, color, religion, marital status, national origin, sex, physical or mental handicap, or within the limits imposed by law or University regulations, because of age or citizenship.~~
  2. Review for compliance with University policies and procedures. The Associate Vice Chancellor for Academic Personnel or designate, shall notify the Chair in writing of the final decision. The thirty (30) day notice period begins on the date the Chair is notified of the Associate Vice Chancellor's approval.
- D. If the layoff or involuntary reduction in time is approved, the Chair will inform the individual in writing and forward a copy of the notification letter to the Academic Personnel Office.
- E. Written notice

Except for Continuing Education Specialists (APM 340-20-e), written notice of layoff or involuntary reduction in time must be given to an appointee covered by this policy at least thirty days in advance of the effective date. It is recommended that the appointee be given as much additional notice as possible. Appropriate pay in lieu of notice may be given.

F. Layoff Status.

An individual in layoff status is given preferential consideration for reemployment during the 12 month period immediately following the date of layoff. Layoff status as used in this Section and section G. includes involuntary reductions in time.

1. Vacancies occurring in the same administrative unit and title series from which the individual has been laid off shall be filled by persons in layoff status, provided a qualified person is available.

Preference for re-employment shall be granted to:

- a. Appointees on layoff status;
- b. Appointees whose time has been involuntarily reduced; or
- c. Appointees who have received written notice of layoff or involuntary reduction in time within the six months prior to implementation of layoff or involuntary reduction in time.

2. If two or more qualified persons are in layoff status from the same unit, the individual who was laid off last should be the first to be rehired.
3. Subject to approval by the Associate Vice Chancellor for Academic Personnel, a position which requires special skills, knowledge or abilities may be filled by an individual who possesses the required skills but is not in layoff status even if an individual in layoff status, but who does not possess the skills, knowledge and abilities, is also an applicant for the position.
4. The Office of the Associate Vice Chancellor for Academic Personnel shall maintain a roster of all persons in layoff status.
5. When a person is reemployed after a period of layoff not exceeding 12 months, the periods before and after layoff shall be considered as continuous or uninterrupted service for the limited purpose of applying University policies regarding seniority, sick leave, vacation, holidays, other leaves, reduced fees, and salary advancement by merit increases or promotion. However, benefits and credits for service, including those related to any retirement system, do not accrue during periods of layoff status.
6. Layoff status may be less than one year, if appointment would have normally expired for those appointments with specified ending date, or reappointment occurs within the campus to the same or equivalent position.

G. Reemployment

A hiring unit may reemploy a person in layoff status by inputting the information to the payroll system. The hiring unit is not required to conduct an open search for the position.

H. Appeals

Layoff decisions may be appealed in accordance with policies and procedures set forth in APM 140 and Regents' Standing Order 103.9.

EXHIBIT A

LAYOFF AND INVOLUNTARY REDUCTION IN TIME

IT IS PROPOSED THAT THE INDIVIDUAL NAMED BELOW BE LAID OFF OR REDUCED IN TIME FOR THE FOLLOWING REASON:

Lack of work \_\_\_\_\_

Lack of funds \_\_\_\_\_

NAME \_\_\_\_\_

TITLE \_\_\_\_\_

STEP \_\_\_\_\_

MONTHS OF SERVICE \_\_\_\_\_

ADMINISTRATIVE UNIT \_\_\_\_\_

FUNDING SOURCE(S) \_\_\_\_\_

Name

Account number

EFFECTIVE DATE OF ACTION \_\_\_\_\_

REASONS: \_\_\_\_\_

Attach copy of updated Bio-bibliography or C.V.

Provide the requested information concerning all other appointees in the unit who hold appointment in the same title:

Name \_\_\_\_\_

Rank \_\_\_\_\_

Step \_\_\_\_\_

Months of Service \_\_\_\_\_

Reason not selected: \_\_\_\_\_

(Use additional pages to complete this section. Include names of others who hold appointment in the same title.)

I certify that the above information is correct.

\_\_\_\_\_  
Principal Investigator                      Date

\_\_\_\_\_  
Department Chair/Unit Head                      Date

\_\_\_\_\_  
Dean/Director                      Date

**APPROVED:**  
\_\_\_\_\_  
\_\_\_\_\_  
Director, \_\_\_\_\_ Date  
Equal Opportunity

\_\_\_\_\_  
Vice Chancellor for Academic Personnel                      Date

ACADEMIC APPOINTEES NON-SENATE MEMBERS  
(FACULTY)

Adjunct Series

Assistant Adjunct Professor  
Associate Adjunct Professor  
Adjunct Professor

Visiting Titles

Visiting Assistant Professor  
Visiting Associate Professor  
Visiting Professor

ACADEMIC APPOINTEES NON-SENATE MEMBERS  
(NON-FACULTY)

\*Librarian Series

Assistant

Librarian

Associate Librarian

Librarian

Assistant University

Librarian

Associate University Librarian

\*Professional Research Series

Assistant Research

Associate Research

Research

\*Project Scientist Series

Assistant Project Scientist

Associate Project Scientist

Project Scientist

\*Specialist Series

Junior Specialist

Assistant Specialist

Associate Specialist  
Specialist

Other Titles

Academic Coordinator  
Extension Teacher  
Continuing Educator  
Associate University Librarian  
Assistant University Librarian  
Graduate Student Researcher

**Visiting Titles**

Visiting Assistant Research  
Visiting Associate Research  
Visiting Research  
Visiting Assistant Project Scientist  
Visiting Associate Project Scientist  
Visiting Project Scientist  
Visiting Jr. Specialist  
Visiting Assistant Specialist  
Visiting Associate Specialist  
Visiting Specialist

\*If represented by a Union, see applicable provisions in the appropriate MOU.