

June 9, 2020

To: Department Chairs, Directors, Business Officers and Senate Faculty

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 June 1, 2020. Changes are for the most part technical in nature.

Summary of Changes

I-4 Update of deferral process for Academic Researchers to be compliant with MOU

I-36 Clarification of standard for acceleration in advancement cases

III-20, III-25 Patent acknowledgment required for appointees in contingent worker titles

V-31 Faculty Administrator Stipend payments during periods of faculty leave

VI-10 Moving summer comp dates to Compensation and Benefits section of Academic Personnel web site

VI-17 Clarification of UCPath coding for PACE payments

VIII-12 Remove Visiting Researcher as an option for payment for Distinguished Visiting Professor

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/>

ELIGIBILITY, DEFERRAL AND MANDATORY REVIEW

(Revised 4/19 5/20)

I. Service Credit

Six months or more of service in any one fiscal year normally count as one full year of service for merit eligibility. Less than six months of service in any one fiscal year does not count. The normal period of service prescribed for each salary level does not preclude more rapid advance in cases of exceptional merit nor does it preclude less rapid advance. Service as an Assistant Professor or Lecturer with Potential SOE (including time as an Acting or Visiting Assistant Professor) is limited to 8 years. Service at the Associate Professor/Lecturer SOE and Professor/Sr. Lecturer SOE levels is unlimited.

II. Extensions of the 8- year limit for Assistant Professors, Lecturers with Potential Security of Employment, or Assistant Researchers

Under specific circumstances, an Assistant Professor, Lecturer with Potential Security of Employment, or Assistant Researcher may request an extension of the 8-year limit. An individual may have no more than two extensions during the probationary period and requests may not be made after the tenure/SOE/Associate Researcher review has begun. Request for extension are to be addressed to the Associate Vice Chancellor for Academic Personnel, via the appropriate Chair, Director and Dean or other control point. Extensions of the clock may be requested for the following reasons:

- a. **Childbearing or Childrearing:** A request may be made to allow the employee to care for any child who is, or becomes part of the employee's family. The employee must be responsible for 50 percent or more of the care of the child. The birth or placement of more than one child at a time constitutes a single event of birth or placement.
- b. **Serious Health Condition:** A request may made when the employee's ability to pursue his or her duties is significantly disrupted by a serious health condition or disability, by the need to care for a close family member who is seriously ill, or the death of a close family member. Supporting documentation must be provided with the request for extension.
- c. **Significant Circumstance or Event:** A request may be made when significant circumstances or events beyond the individual's control disrupt the individual's ability to pursue his or her duties. Examples include, the effects of a natural disaster or extraordinary delays in the provision of research resources committed to the individual which are necessary for his or her research activities. Supporting documentation must be provided with the request for extension.

When an extension of the tenure clock has been approved the individual should not be expected to have produced more or performed at a higher level than an individual who has not extended the tenure clock. The file is to be evaluated without prejudice as if the work were done in the normal period of service. Extension of the tenure clock does not delay eligibility for appraisal, merit, or promotion. However, the extension may be used as the basis of a request for deferral of any of these actions for a period equivalent to the extension.

III. Regular Ranks, Steps, Normal Periods of Service

The Assistant Professor/ Lecturer PSOE rank contains steps I-VI, although steps I and VI are not used at UCSB. The Associate Professor/Lecturer SOE rank contains steps I-V, although step V is not used at UCSB. The normal time of service at each step within the Assistant/PSOE and Associate/SOE rank is 2 years, except for service at the special steps of Assistant Professor/Lecturer PSOE V and Associate Professor/Lecturer SOE IV (Red Binder I-37). The Professor/Sr. Lecturer SOE rank contains steps I- IX as well as Above Scale. 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 or Above Scale. Eligibility for normal advancement occurs after the normal time of service at each step. If not advanced in rank or step at that time, the candidate will continue to be eligible for the same advancement in rank or step each year until the advancement in rank or step occurs. Further advancement within step will only be allowed when the normative number of years at step have passed. Normal periods of service in other academic series are described in the Red Binder

section covering the series.

IV. Advancement Effective Dates

The Office of Academic Personnel annually publishes promotion and merit eligibility lists for each department.

All merits and promotions will be effective July 1. It is possible, based on availability of funding, that payment for merits and promotions may be delayed. If this occurs, payment will be made retroactively at the time funds become available.

V. Mandatory Five-Year Reviews

Senate faculty and appointees to the Research, Project Scientist, and Specialist series must undergo a performance review at least once every five years, including an evaluation of the individual's record in all review areas. This review may not be deferred. Most appointees in these series are reviewed for merit advancement every two to four years, depending on rank and step. Appointees eligible for merit advancement or promotion may request deferral of review, so long as the time period since their last review is not more than four years. Non-submission of materials will not constitute automatic deferral. If an individual does not turn in materials by the departmental due date, the department will conduct the mandatory review based on the materials available in the department as of the due date.

Faculty holding 100% administrative positions in the SMG program or covered by APM 240 or APM 246 are exempt from mandatory five-year reviews since they face a separate review policy.

VI. Deferral of Review

Deferral of non-mandatory reviews will be automatic if a tenured Senate faculty member **or appointee in the Research, Project Scientist, or Specialist series** does not submit materials by the departmental due date, and no case is forwarded by the department by the established submission deadline.

Deferral requests made by appointees in the Research, Project Scientist, or Specialist series must state the reason for the deferral. The request along with the endorsement from the Chair or Director must be submitted via AP Folio.

Deferral requests made by Assistant Professors or Lecturers PSOE must be accompanied by a letter of recommendation from the Chairperson that explains the reasons for the deferral and describes the progress that will be expected prior to the next review. Review for promotion to tenure or Security of Employment will normally take place by the end of the 6th year of service but may be deferred until the 7th year. The faculty member's deferral request along with the Chairperson's letter of recommendation must be submitted via AP Folio. Deferral beyond the 7th year will not be considered. The Formal Appraisal review may not be deferred, except in cases of extension of the tenure clock.

I-36
ACCELERATIONS
(Revised 4/19 5/20)

Departments should not hesitate to propose accelerated advancement to reward cases of superior performance where there is clear justification. Acceleration can occur during an on-time review, or through early advancement to the next step or rank. For on-time reviews, an adjustment in salary via an increase in an existing off-scale supplement may be proposed when the appropriate reward does not correspond to early advancement in step. Response to “market pressures,” as evidenced by competitive outside offers in the context of a retention case, would typically be addressed via increase in the off-scale salary supplement, as described in Red Binder I-8, and not necessarily by advancement in step.

In formulating justification for larger-than-normal advancements, the department and reviewing agencies must first provide evidence that the candidate has met the requirements for a normal, one-step advancement prior to addressing any recommendation for acceleration. The record must include evidence of superior performance beyond the requirements for the one-step advancement, with no significant deficiencies in the record.

The following are examples of possible evidence of superior performance:

1. *Achievement well above disciplinary/field norms* ~~A substantial increase~~ in creative activities (such as research publication, exhibitions, or performance), with particular emphasis on *research*/creative activities in significant venues that would have an impact beyond normal expectations.
2. Prestigious new awards or other such evidence of peer recognition for the impact of past creative work or teaching.
3. Extraordinary achievements in two or more areas of review, coupled with excellent performance in the other areas.

Acceleration at the time of a merit review must be based on activity during the period since the last review. Acceleration at the time of a career review may be based on the cumulative record.

As with any on time advancement, the individual’s next eligible date for advancement will be based on the effective date of the accelerated advancement if an advancement in step occurs. The next eligible date will not normally be affected by an increase in off-scale supplement with no change in step.

III-20
RESEARCH ASSOCIATE AND RESEARCH FELLOW
(Revised 4/19 5/20)

I. Definition

Research Associates and Research Fellows are non-salaried (without salary) appointments for scholars of distinction and visiting fellows whose main affiliation is elsewhere but who maintain a recognizable research affiliation with UCSB. Research Associates and Research Fellows may serve as co-PI by exception.

II. Appointment Criteria

Appointments may be made as:

Research Associate: Job code CWR 022

Research Fellow: Job code CWR 021

Appointees as Research Associate or Research Fellow must possess a Ph.D. or equivalent training in the field. In addition:

- A. Appointees as Research Associate must have established a record of independent research.
- B. Appointees as Research Fellow need not have had experience as an independent researcher aside from the research done for the doctoral degree. Research Fellows will normally be visiting fellows from recognized fellowship programs or from other universities.

In limited circumstances, an individual who is establishing a research relationship with UCSB but is not yet funded, and for whom UCSB is the main affiliate, may be appointed as Research Associate or Research Fellow.

III. Terms of Appointment

Appointments and reappointments to these titles are for specified terms, not to exceed three years per appointment. There is no limit on the total length of appointment in the series.

IV. Appointment Procedure

Appointments are processed by submitting the [Contingent Workers Appointment Form](#), a *Patent Acknowledgement form*, and an up to date UCSB Biography form to the Academic Personnel office. All appointments are to be entered into UCPATH by the department.

V. Approval authority

All actions Department Chair or Director with post-audit by Academic Personnel

III-25
WITHOUT SALARY VISITORS
(Revised **4/195/20**)

I. Definition

A person on temporary leave from a non-UC academic appointment, other employment, or student enrollment at a non-UC institution or entity may be appointed as a Without Salary Visitor. Appointees to this title participate in short-term educational, research, or other academic projects under the supervision of an academic appointee.

II. Appointment Criteria

A. Appointments may be made as:

Visiting Scholar: Job Code CWR015
Visitor (Graduate Student): Job Code CWR003
Visitor (Undergraduate): Job Code CWR016

B. A Visiting Scholar must possess an appropriate terminal degree or equivalent experience. A visitor (Graduate Student) and Visitor (Undergraduate) must be enrolled in a degree granting program or equivalent at a non-UC institution of higher education. The appointment must serve an academic purpose for the unit in which the individual is appointed.

III. Terms of appointment

A. Appointments may be made for up to one year and are self-terminating. Because appointments are intended to be short-term, reappointments should be rare.

B. Service as a Visitor does not constitute employment status or student status at the University. Visitors are bound by all rules and policies of the University of California.

IV. Compensation

A. Appointees in these series are not eligible for compensation via the payroll system.

B. Visitors must be self-supporting, and may be asked to provide evidence, appropriate to the duration of the appointment, of adequate support from external sources.

C. Visitors may be eligible for reimbursement of expenses as outlined in the Business and Finance Bulletin G-28 or for supplementary support in the form of a cost of living allowance.

V. Appointment Procedure

Appointments are processed by submitting a [Contingent Workers Appointment Form](#), a *Patent Acknowledgement form*, and an up to date UCSB Biography form to the Academic Personnel office. All appointments are to be entered into UCPATH by the department.

VI. Approval authority

Action
All Actions

Authority
Department Chair or Director with post-audit by Academic Personnel

FACULTY ADMINISTRATORS LESS THAN 100% TIME

(Revised 05/14 5/20)

The system-wide policy for Faculty Administrators who are appointed at less than full time is set forth in Academic Personnel Manual (APM) 241. The system-wide policy for Department Chairs is set forth in Academic Personnel Manual (APM) 245. At UCSB, the application of these policies is outlined in the following:

I. Definition

A faculty member who is appointed to assume administrative responsibility in addition to, or in partial replacement of his or her faculty responsibilities is considered a Faculty Administrator at less than 100% time. Normal scholarly activity is expected to continue at a proportionate level that would allow for normal progression in the faculty member's academic series. Faculty may be appointed to less than 100% time administrative positions into the following titles:

- Associate Vice Chancellor, Associate Dean
- Department Chair, Department Vice Chair
- Director, Associate Director
- Faculty Advisor
- Dean of Extended Learning
- Interim or Acting in any of the above

II. Terms of service

Faculty Administrator appointments at less than 100% time may be for a period of time up to five years, subject to reappointment. Appointment as Acting or Interim will normally be for not more than a one year period, subject to reappointment.

The Executive Vice Chancellor shall conduct a five-year review of each less than 100% time Faculty Administrator to determine if reappointment to another term is warranted. The administrative review process is separate and distinct from the academic merit process.

Appointees to the titles covered by this policy are at will and the individual serves at the discretion of the Chancellor. Termination of an administrative appointment does not affect the underlying faculty appointment.

III. Salary administration**A. Establishment of salary:**

Less than 100% time Faculty Administrators will normally be compensated with stipends. Stipends are not subject to general range adjustments. Stipend rates will be determined based on the scope of the responsibilities of the position. Stipend will be paid using the following title codes:

- 0803 Associate Vice Chancellor
- 1010 Associate Dean
- 1096 Department Chair
- 1094 Department Vice Chair
- 0900 Director
- 0910 Associate Director
- 0812 Faculty Advisor
- 1040 Dean-Extended Learning
- 1099 Interim or Acting in any of the above.
- 1099 Other administrative service when approved by the Executive Vice Chancellor

B. Additional Compensation:

- Faculty Administrators at less than 100% time may earn summer additional compensation, not to exceed 3/9ths, exclusive of stipends.
- C. Faculty Administrators are limited to one administrative stipend at any given time. Exceptions may only be approved by the Executive Vice Chancellor and will occur only in rare and unusual circumstances.
- D. Periods of leave:
Administrative stipends will not *normally* be paid during periods of sabbatical leave or other extended leaves of absence. If necessary, an acting administrator may be appointed during the term of the leave. *If the administrative service compensated by the stipend will continue, the leave request should include this information.* ~~In some cases administrative service may be substituted for the teaching requirement of a sabbatical leave in residence (Red Binder VI 2.)~~

IV. Appointment process

The Executive Vice Chancellor has authority for all appointments into Faculty Administrator positions at less than 100% time. Appointment and reappointment requests are to be addressed to the Executive Vice Chancellor, via the appropriate control point (e.g. Dean, Vice Chancellor) for comment and recommendation.

Department Chairs

University policy specifies that faculty participate in the selection of Chairs of departments (APM-015, I 4 (d)). At UCSB this consultation is carried out by the Dean prior to his or her recommendation to the Executive Vice Chancellor and the Chancellor.

As part of this consultation, in the event of a vacancy or anticipated vacancy in the Chair of any department, the Dean will officially inform the department of the circumstances and request that it determine whether or not it wishes to conduct a departmental vote. The department may conduct such a vote in any manner that it deems proper, provided that it does not abrogate any faculty member's right to express a private position on the matter directly to the Dean or the Vice Chancellor, should any member wish to do so. The Dean and Vice Chancellor will duly consider the results of any such vote and any such private communication in determining their recommendations on the appointment of the new Chairperson.

It is customary University practice that most Departmental Chairs serve terms of from three to five years. The replacement of a Chair before the completion of this normal term can be initiated by the Chancellor, the Executive Vice Chancellor, the Dean or the department. If initiated by the department, a recommendation will be forwarded to the Dean requesting that a change be considered. If initiated by the Chancellor, EVC, or the Dean, wide and timely consultation with the tenured faculty of the department will take place prior to a decision.

Directors

Appointments as Director of an Organized Research Unit (ORU) or of a Multi-campus Research Unit (MRU) may require consultation with the Advisory Committee of the unit, in accord with APM 241-24. Requests are to be forwarded via the Vice Chancellor for Research to the Executive Vice Chancellor.

V. Duties of the Department Chair

The Chair of a Department of instruction and research is its leader and administrative head. The duties of the Chair are as outlined in APM 245, appendix A:
<http://www.ucop.edu/acadadv/acadpers/apm/apm-245.pdf>

In addition, the Chairpersons is expected to participate in and assist in carrying out the policies and administrative decisions required for implementation of labor agreements covering academic employees, including Non-Senate Faculty, Graduate Student Employees and Postdoctoral Scholars.

VI-10

ADDITIONAL COMPENSATION

(Revised 4/19/20)

General Policies

Reference: APM 660

Additional compensation is any compensation, paid to an academic appointee by the University in excess of their full-time salary. The term "University" includes all campuses within the UC system. The term "additional compensation" refers only to compensation paid through the University payroll system and is not used to refer to compensation for employment outside of the University.

Additional compensation during the Summer quarter is allowed for academic appointees paid on a 9/12 basis. This is possible because the individual works for the University from September through June, but receives 12 paychecks spread over the year. If they do additional work for the University during the Summer, they can be paid additional money. They will continue to receive their regular pay as well as the additional compensation. All ladder rank faculty, as well as those in the Visiting Professors, Adjunct Professors, and Lecturer SOE series are eligible to earn additional compensation. Non-Senate faculty (Lecturer, Supervisor of Teacher Education, etc.) may also earn additional compensation subject to Article 37 of the Memorandum of Understanding. Additional compensation payments for research activities are made at the 1/9th rate based on the annual salary at the time of the activity. Additional Compensation payments for Summer Session teaching are made on a flat rate basis. The total additional compensation during the summer may not exceed the equivalent of **3/9ths of the faculty member's annual salary.**

Additional compensation during the academic year is allowed only for duties not directly related to the individual's recognized University duties. Examples of this include department chair stipends, Professional and Continuing Education teaching, lectures given on other UC campuses and faculty consulting.

Additional compensation for fiscal year academic employees is generally not allowed, with the exception of some types of honoraria and Summer Session teaching.

Red Binder VI-14 and VI-17 provide further detail regarding specific types of additional compensation.

Other than the specific types of service covered by policy and applicable bargaining agreements, Academic appointees may not be employed beyond 100%.

Additional compensation for the summer period is calculated using the "Daily Factors 19-day Chart (Red Binder VI-12). The chart is used to determine the percentage of time and effort equivalent to the number of summer days worked. Each day during the summer can only be used once and the total percent time for each day may not exceed 100%.

Summer additional compensation may only be earned during the designated summer period. This is the time period from the day following the last day of final exams in the spring, through the last day before classes start in the fall. The dates represent the available days in each month of the summer period. This information will be updated on an annual basis. For transactional purposes the service days are converted to a percentage spread over the coinciding pay period. Because available service dates may exceed 19 in a given month, service days beyond 19 in a month may be paid on a secondary position/job up to the maximum allowable percentage of time in the service month. *The specific dates for each summer period are posted annually on the Academic Personnel web site at _____.*

Dates for 2018 Additional compensation

Dates for 2019 Additional compensation

<u>Pay Dates</u>	<u>Service Dates</u>	<u>Max Days</u>	<u>Max % time</u>	<u>Pay Dates</u>	<u>Service Dates</u>	<u>Max Days</u>	<u>Max % time</u>
June 1-30	June 18-30	10	.5263	June 1-30	June 15-30	10	.5263
July 1-31	July 1-31	22	1.1579	July 1-31	July 1-31	23	1.2105
Aug. 1-31	Aug. 1-31	23	1.2105	Aug. 1-31	Aug. 1-31	22	1.1579
Sept. 1-30	Sept. 1-21	15	.7895	Sept. 1-30	Sept. 1-21	15	.7895

VI-17
OTHER ADDITIONAL COMPENSATION
(Revised- ~~5/20~~4/19)

I. Summer Session teaching

Reference: APM 661-14

Faculty may receive additional compensation for teaching Summer Session classes. The Summer Session's staff performs the payroll transaction, rather than departments. **NOTE:** These payments count towards the 3/9ths maximum that may be earned during the summer.

Summer Session payments are always calculated based on the 6/30 pay rate rather than the 7/1 pay rate. The earn code **ACS** is used for individuals who are eligible for UC retirement contributions on Summer Session earnings. Days used for summer session payments may overlap days used for other types of summer compensation; however, the 3/9ths maximum may not be exceeded.

The earn code **ASN** is used for individuals who are not eligible for UC retirement contributions on Summer Session earnings. This is not considered additional compensation.

Full time fiscal year employees wishing to teach Summer Session classes may not earn additional compensation. The regular employment must be reduced to accommodate the Summer Session teaching so that total employment does not exceed 100% time.

II. Professional and Continuing Education teaching

Reference: APM 662, appendix B-2

Faculty may teach courses through Professional and Continuing Education. These payments count towards the 3/9ths maximum that may be earned during the summer if the teaching takes place during the summer months. If a faculty member is earning 3/9ths from other sources during the summer, they may in addition earn compensation from Professional and Continuing Education equal to one day a week during the period in which additional compensation may be paid. During the academic year, payments are subject to the University limits relating to outside professional activities (Red Binder I-29).

The earn code **ACX** is used for ~~current University faculty employed at 100% time who are teaching as additional compensation for University Extension Teacher payments.~~

~~The earn code **UNX** is used for individuals who only teach through Professional and Continuing Education or who are employed at less than 100% time. This is not considered additional compensation.~~

III. Faculty consultant services

Reference: APM 664

A faculty member may receive additional compensation for consulting on projects conducted under the auspices of the University if the consulting does not fall within the normal duties of the individual. The rate is negotiated, but may not exceed the daily rate plus 30%. The additional 30% is in consideration of the fact that no benefits are paid on the salary. If payment is to come from a grant, the grant should first be reviewed to assure that consultant payments are allowed. Payments are allowed during both the academic year and the summer months. During the summer the compensation counts toward the 3/9ths limit. For academic-year employees the daily rate is figured by dividing the annual salary by 171. For fiscal-year 11-month employees the daily rate is figured by dividing the annual salary by 236.

The payment is made as additional pay using the earn code of **ACF**.

IV. University awards

When University awards such as the FCDA and Regents' Fellowships are granted, the Department will be instructed as to the proper payment methodology. The earn code of **ADC** will be used for percentage based (1/9th) awards, and the earn code of **ACN** will be used for flat rate awards.

V. Department Chair and Director stipends

Department Chairs and Directors are paid a monthly stipend with an earn code of **STP** on an 11/12 basis at the rate approved by the Executive Vice Chancellor. Red Binder V-31 provides further detail regarding part-time administrative appointments. Chair and Director stipends paid during the summer months do not count towards the 3/9ths limit.

VI. Start-up and retention research support

Research support from state or gift funds, usually associated with start-up or retention packages, is to be paid using the Daily Factors 19-day chart consistent with the methodology for summer research payments from extramural sources (see Red Binder VI-14).

VII. Dean's summer research compensation

In accord with Red Binder V-28 III D. Deans may be paid summer research funds in exchange for vacation time. Payments are to be made using the Dean title code, the 1/12th rate as the distribution rate, and the earn code of **AFR**.

VIII. Honoraria

Academic employees may receive honoraria for work related to University-sponsored conferences and panels, or creative work unrelated to the primary job responsibilities. Honoraria may not be paid using State funds. When work of this type is performed at a different UC campus, the payment is processed via an intercampus payment (see Red Binder VI0-15). When the work is performed at UCSB, it may be paid through the payroll system as an honoraria, using the earn code of **HON**. One-time honoraria payments are allowable up to \$2,500 per event, and up to \$5,000 by exception, requiring the approval of the Associate Vice Chancellor for Academic Personnel.

VIII. Other Summer Additional Compensation

Occasionally payment for other non-teaching, non-research work may be appropriate. In such cases the Academic Personnel office should be consulted to determine the appropriate title code and earn code to be used.

VIII-12
VISITING DISTINGUISHED PROFESSOR
(Revised 06/06 5/20)

The honorific title of Visiting Distinguished Professor may be used on a without salary basis. The title is reserved for use by faculty who would normally meet the standard for advancement to Professor Above Scale in the University of California. Appointment to the title will require review by the Committee on Academic Personnel and approval by the Associate Vice Chancellor for Academic Personnel. An up to date CV and departmental analysis to justify that the individual is at the equivalent status of Professor Above Scale should be submitted via the Dean's office. Reappointments may be approved by the Associate Vice Chancellor for Academic Personnel without additional review by the Committee on Academic Personnel.

If the individual is to receive salary during the term of the appointment, a separate appointment in an appropriate title such as Visiting Professor or ~~Visiting Researcher~~ must be requested.