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

(Revised 4/26)

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 Vice Provost for Academic Affairs , require removing the appointee from University premises. Such investigatory leave must be approved by the Vice Provost for Academic Affairs 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 and Provost, or appropriate designee.

APPENDIX A

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

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