

Gina Anderson

From: Sandi Glithero
Sent: Friday, September 16, 2011 1:42 PM
To: Molly M. Theodossy; Ralph J Hexter; Karl M Engelbach; Marie H Carter-Dubois; Academic Senate Chair; Gina Anderson; Edwin M Arevalo; Solomon Bekele; Daniel W Wilson; Kimberly Pulliam; Barbara Horwitz; Sarah D Gray; Jo-Anne Boorkman; Binnie Singh; Barbara Aguirre; Bobbie Lasky; Renee Korte; Kelly Anders; Crystal Y Barber; Everett Wilson; Sandi Glithero; Neal K Van Alfen; James Macdonald; Mary E. Delany; Jan Hopmans; Julie Ann Fritz-Rubert; 'cdimuro@ucdavis.edu'; Kimberly Delaughder; Brenda Chriss; James Hildreth; Carol Erickson; Donna Olsson (Watkins); Sally Divecchia; Enrique J. Lavernia; Bruce R. White; Bruce R. Hartsough; Jeff Lefkoff; Cathe Richardson; Jeff Gibeling; Richard H Shintaku; Steven C. Currall; Michael Maher; Mary McNally; Mari Royer; Karen Hull; Stephen Chilcott; Jessie Ann Owens; Ian Blake; Jennifer Mattheis; Winston Ko; C. Kathy Olsen; Jane Hamiel; George R. Mangun; Bruce P Winterhalder; Steven Roth; Lissa Torfi; Helen K Henry; Gail Yokote; Randolph M Siverson; Debbie Ojakangas; Donna Udahl; Julie Saylor; Sarah Mangum; Lucy A Bunch; Harris A Lewin; Cindy M Kiel; Bernd Hamann; Marlene (mar-lay-nah) Denham; Rebekah O'Kane; Harold Levine; Paul Heckman; Marci Buell; Kimberley W Cole; Kevin Johnson; Vikram D Amar; Brigid Jimenez; Claire Pomeroy; Frederick J Meyers; Edward J. Callahan; Thomas Nesbitt MD MPH; Kathleen Maccoll; Megan Rott; 'abigail.reyes@ucdmc.ucdavis.edu'; Jennifer Gastineau; 'mjgoetz@ucdavis.edu'; 'tlmadderra@ucdavis.edu'; Nichol C Runner; Heather M Young; Jana Katz-Bell; Bennie Osburn; Jan E Ilkiw; John Pascoe; Cherie Felsch; Marta Cazares; Dennis Pendleton; 'rbunch@unexmail.ucdavis.edu'; Debbra Irish; Christine Ficker; Patricia A. Turner
Subject: Request for formal review: Additional Policy Streamlining
Attachments: UCD 120 procedures.doc; APM 140 Draft050411.doc

Colleagues:

In very early summer, a batch of policies was circulated for campuswide review as part of our effort to streamline our policies. Two different approaches were being provided for the Vice Provost's consideration, either eliminate from the APM-UCD those sections that are primarily re-statements of the systemwide APM policy or are no longer appropriate (to be replaced with streamlined, online implementation guidelines when appropriate) or edit sections that will remain in the APM-UCD to eliminate redundancy.

To that end, attached are two additional policies for review: APM UCD 120 (Conferral of Emeritus Status upon Non-Senate Academic Appointees and Academic Administrative Officers), and APM UCD 140 (Non-Senate Academic Appointees/Grievances). The proposal is to move UCD 120 out of the APM and into implementation guidelines, and to revise UCD 140, which will remain in the UCD APM. We ask that you please review the two attached drafts and provide your comments by Friday, November 18.

Thank you,

Sandi Glithero
Academic Affairs
Office of the Provost
University of California, Davis
Davis, CA 95616
530-754-9101

ANALYSIS OF CHANGE: Removes this section from APM-UCD and replaces it with implementation guidelines.

**UNIVERSITY OF CALIFORNIA, DAVIS
ACADEMIC PERSONNEL PROCEDURES**

Conferral of Emeritus Status upon Non-Senate Academic Appointees and Academic Administrative Officers

This constitutes the campus procedure for conferral of emeritus status upon academic appointees and academic administrative officers who are not members of the Academic Senate. These procedures implement University policy concerning conferral of emeritus status as specified by [APM-120-80](#).

Anyone may propose a non-Senate academic appointee or a non-Senate academic administrative officer for emeritus status, but recommendations are officially initiated by the department chair. If someone other than the immediate supervisor proposes a nomination, the proposal is forwarded to the supervisor for consideration.

Responsibility	Action
Department chair	<ol style="list-style-type: none">1. <u>Ensure candidate is eligible for Emeritus status based on criteria outlined in APM 120-10.</u> Prepares recommendation letter that contains a comprehensive statement concerning candidate's overall contributions to the University, a brief history of candidate's University employment, and an explanation of how criteria set forth in APM-120-10 have been fulfilled. <u>May consult with the candidate's colleagues, past colleagues, and past supervisors during the preparation of the recommendation.</u> * Consultation may be held with the candidate's colleagues, past colleagues, and past supervisors during the preparation of the recommendation.2. Forwards recommendation to appropriate dean or comparable authority.
Dean	<ol style="list-style-type: none">3. Forwards recommendation with comments to Vice Provost--Academic Personnel. * Recommendations may be received the quarter before retirement or any time after retirement.
Vice Provost--Academic Personnel	<ol style="list-style-type: none">4. Reviews recommendation and forwards to the appropriate <u>Academic Federation</u> personnel committee.
<u>Academic Federation</u> Personnel committee	<ol style="list-style-type: none">5. Reviews recommendation <u>and provide advice to Vice Provost—Academic Affairs;</u> if necessary, requests additional information from department chair through Vice Provost--Academic Personnel.

	6. Makes recommendation to Vice Provost--Academic Personnel.
Vice Provost--Academic Personnel	76. Reviews all materials, confers with Provost, and makes final decision. 87. Informs Academic Senate Office, Dean, Chair and President of Emeriti Association of action.
Chancellor	98. Notifies candidate in writing of conferral of title suffix emeritus.

III. Reference

- a. Office of the President: Delegation of Authority--To Approve Conferral of Emeritus Status Upon Retirement on Academic Appointees Who Are Not Members of the Academic Senate, 9/25/92 (DA1072).
- b. APM-120, Emeritus Titles

UC Davis Academic Personnel Manual

General University Policy Regarding Academic Appointees Section UCD-140, Non-Senate Academic Appointees/Grievances

Date: 11/25/03

Supersedes: 4/14/94

Responsible Department: Academic Affairs

Source Document: UC APM-140

Exhibit A, Academic Affairs Grievance: Request for Formal Review

Exhibit B, Academic Affairs Grievance: Request for Extension of the 30-Day Time Limit for Filing a Step II Grievance

Exhibit C, Academic Affairs Grievance: Request for Appeal of Formal Review Decision

140-2 Purpose and Scope

This section outlines the procedures for members of the non-Senate academic community to file a grievance as defined in APM-140-4, and defines the methodology for resolving such grievances. APM-110-4(14) provides a definition of faculty and a listing of titles, both Senate and non-Senate, that are considered faculty. The following non-Senate faculty titles are eligible to use the procedures described in APM-140-14-e:

- Acting titles in the Professor series
- Visiting titles in the Professor series
- Adjunct Professor series
- Clinical Professor series
- Supervisor of Physical Education series

- a. ~~Grievances about title or salary matters are not covered by these procedures unless there are also allegations of discrimination. When a grievance raises allegations of discrimination, harassment, or retaliation in violation of APM-035, these procedures will apply in accordance with APM-035.~~
- b. ~~Only those members of the non-Senate academic community that qualify under the guidelines of APM-140-14 are eligible to use this policy. For non-Senate academic appointees covered by a Memorandum of Understanding (MOU), this policy applies only to the extent provided for in the MOU.~~
- c. ~~When a non-Senate faculty* receives notice of termination before the expiration of his or her appointment, he or she may select as a grievance mechanism either APM 140, as described in this policy, or Standing Orders of The Regents 103.9 (S.O. 103.9), the procedure for which is described in Academic Senate Bylaw 337. In selecting either APM-140 or S.O. 103.9, the non-Senate faculty member waives the right to invoke the other mechanism to review the same grievance.~~

~~*Note: APM-110-4(14) provides a definition of faculty and a listing of titles, both Senate and non-Senate, that are considered faculty. The following non-Senate faculty titles are eligible to use the procedures described in APM-140-14-e:~~

- ~~Acting titles in the Professor series~~
- ~~Visiting titles in the Professor series~~
- ~~Adjunct Professor series~~
- ~~Clinical Professor series~~
- ~~Supervisor of Physical Education series~~

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140-4 Definition

For purposes of this policy, a department is a teaching, research, administrative, or other organizational unit.

140-6 Grievance Liaison

The Vice Provost--Academic Affairs shall serve as the grievance liaison to coordinate informal and formal attempts to resolve the issue. During informal review, the Vice Provost--Academic Affairs, or an appropriate designee, may participate in the discussions and assist in the attempts to reach a resolution. During the formal review, the Vice Provost--Academic Affairs, or an appropriate designee, shall provide policy information, ensure that approved procedures are followed, and provide technical information at hearings.

140-31 Step I. Informal Grievance Resolution

- a. In order to achieve a voluntary resolution of differences, a grievance should first be dealt with at the lowest possible administrative level. Every effort should be made to resolve the problem on an informal basis through discussion between the appointee and the immediate supervisor or the administrator responsible for the action being grieved. The supervisor or administrator is encouraged to consider involving campus Mediation Services in an attempt to resolve the issue if the grievant is willing to participate in mediation.
- b. A grievant may ask the Vice Provost--Academic Affairs to assist in resolving the grievance if informal resolution with the immediate supervisor or responsible administrator has been unsuccessful.
- c. When a grievance alleges sexual harassment, the grievant may elect to substitute the campus sexual harassment complaint resolution process for Step I, as described in UCD Policy and Procedure Manual Section 380-12. If a grievant elects to use the campus sexual harassment complaint resolution process and the complaint is not resolved to the grievant's satisfaction, s/he may file a Step II formal grievance under APM-140-31-c.

140-32 Step II. Formal Grievance Review

- a. ~~If the grievance is not satisfactorily resolved through informal discussion at any of the Step I options, the grievant shall have the right to file for a formal grievance with the Vice Provost--Academic Personnel within the 30-day time limit specified in APM-140-23-a. The 30-day time limit for filing a Step II grievance begins on the date when the appointee knew, or could reasonably be expected to know, of the event or act that gave rise to the grievance. Attempts at informal resolution do not extend the time limits unless a written extension has been granted by the grievance liaison. If the grievant has used the sexual harassment complaint process as a method of informal resolution under Step I, the Step II grievance must be filed in writing with the grievance liaison within 15 calendar days from the date the grievant is notified of the result of the sexual harassment complaint or within 45 calendar days from the date the grievant filed the sexual harassment complaint, whichever is earlier. All other requests for extension to the 30-day time limit for filing a Step II grievance must be submitted on the Request for Extension form (Exhibit B).~~
- ba. As the grievance liaison, the Vice Provost--Academic ~~Personnel Affairs~~ shall determine whether the grievance is complete, timely, within the jurisdiction of APM-140, and alleges specific facts

supporting the allegation. If the grievance meets these conditions, the Vice Provost--Academic Affairs shall notify the grievant of the next steps within 10 calendar days, as per APM-140-32. If the grievance is not accepted, the Vice Provost-Academic Affairs shall notify the grievant of this decision.

- c. If the grievance is accepted, the Vice Provost--Academic Affairs forwards it to the appropriate department chair or comparable authority for review and written decision under the provisions of APM-140-32, specifying a due date for the response. If this individual is unable to render a fair and objective decision in the informal review, the Vice Provost--Academic Affairs shall appoint another administrator as the Step II reviewer.
 - 1) The reviewer shall meet with the parties and, if appropriate, explore options to resolve the grievance, including use of campus Mediation Services.
 - 2) If informal resolution is not appropriate, or if the parties do not agree to informal resolution, the reviewer will complete a full assessment of the allegations.
 - 3) Within 30 calendar days of the receipt of the grievance, the reviewer shall reply in writing to the grievant and to the Vice Provost--Academic Affairs, describing the reviewer's decision to deny or uphold the grievance and describing the grievant's right to appeal that decision to Step III.
 - 4) Per APM-140-32e, complaints alleging discrimination, harassment, or retaliation shall be forwarded to the Campus Compliance Officer, who will consult with the Vice Provost or Vice Provost's designee regarding appropriate disposition.

140-33 Step III. Appeal of the Formal Review Decision

If the grievance is not resolved through the Step II formal review, the grievant may appeal, in writing, either for administrative consideration (Step III-A, below) or for hearing consideration (Step III-B, below). The appeal must be submitted to the Vice Provost--Academic Affairs on the form provided as Exhibit C and must include a statement as to why the grievant is appealing the Step II response. The appeal must be submitted within 15 calendar days from the date the Step II response was issued. All appeals are subject to administrative consideration (APM-140-33-b(1)) unless the issues are subject to a Step III hearing (APM 140-33-b(2)), the written appeal specifically requests a hearing, and the Vice Provost--Academic Affairs has determined that the grievance raises issues that are eligible for a hearing.

a. Step III-A. Administrative Consideration

Except when otherwise eligible for consideration for hearing as described in APM-140-33-b(2)(a), the Vice Provost--Academic ~~Personnel Affairs~~ will forward the Step III grievance appeal to the Chancellor for a final decision. Within 30 calendar days of the receipt of the formal grievance, the Chancellor shall provide the grievant with a written decision including reasons why the Step II decision is approved, rejected, or modified and a statement that the decision is final.

b. Step III-B. Hearing Consideration

Upon written request, an unresolved grievance may be appealed for hearing consideration when the complaint involves allegations specified in APM-140-33-b(2)(a). Within 15 days calendar days from the date the Step II response was issued, the grievant will submit to the Vice Provost-

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-Academic Affairs a request for hearing consideration (Exhibit C). The Vice Provost--Academic Affairs shall select a University or non-University hearing officer as set forth in UCD-140-80 below, and shall schedule the hearing, which shall be conducted according to APM-140-80.

Within 30 calendar days of receipt of findings and recommendations of the hearing officer, the Chancellor shall notify the grievant in writing of his/her decision, including the reasons why the grievance is supported or rejected in whole or part, and will also provide a copy of the findings and recommendations of the hearing officer. The decision of the Chancellor shall be final and binding.

140-80 Selection of a Hearing Officer

In accordance with UCD-140-33-b, above, the appointee-grievant may choose to be heard before a University hearing officer or a non-University hearing officer.

- a. If the appointee-grievant elects a hearing before a University hearing officer, the hearing officer shall be chosen in the following manner. By July 1 of each year, the Academic Freedom, Rights, and Privileges Committee of the Academic Federation and the Committee on Committees of the Academic Senate shall each assemble a list of names of responsible persons from the UCD faculty and non-student academic appointees who have agreed to serve as University hearing officers. The Vice Provost--Academic Affairs will choose from this list the hearing officer who is able to conduct the hearing in an objective manner.
- b. If the appointee-grievant elects a hearing before a non-University hearing officer, the Vice Provost--Academic Affairs shall request from the American Arbitration Association or State Mediation and Conciliation Service a list of five names. Upon receipt, the parties shall arrange alternately to strike names, and the person whose name remains shall become the non-University hearing officer.

140-85 General Provisions

- a. The total time period from the initial grievance filing date to the date of the final decision by the appropriate administrative officer generally shall not exceed 90 calendar days unless a hearing is requested. The Vice Provost--Academic Affairs may grant reasonable requests for extensions of time. Such requests must be submitted to the Vice Provost--Academic Affairs in writing.
- b. Decisions on grievances shall be in accordance with University policies, regulations, and procedures that were in effect at the time that the grieved action occurred.
- c. The Vice Provost--Academic Affairs shall be the custodian of any tapes, stenographic, or other recordings upon receipt of the report and recommendations from the hearing officer. Such recordings shall be retained for 3 years.