

**APPENDIX E**  
**APM SECTIONS IN AFFECT AS OF JULY 1, 2000**

**I. Affirmative Action and Nondiscrimination in Employment (Limited to Non-Discrimination in Employment Issues not Covered by the MOU) (Relevant sections of APM 035-0a in effect on July 1, 2000)**

**A.** Consistent with the provisions of applicable State and Federal law, it is the policy of the University not to discriminate against or harass any person employed by or seeking employment with the University because of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related), ancestry, marital status, or age. The University also prohibits unlawful discrimination on the basis of sexual orientation, status as a Vietnam-era veteran or special disabled veteran, or on the basis of citizenship.

**B. SEXUAL HARASSMENT**

1. The University of California is committed to creating and maintaining a community in which all persons who participate in University programs and activities can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual. Specifically, every member of the University community should be aware that the University is strongly opposed to sexual harassment and that such behavior is prohibited by law and by University policy. It is the intention of the University to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

2. Complaints

Upon an employee's request, the campus academic affairs office shall provide information regarding applicable policies and procedures for resolving complaints of discrimination and for pursuing available remedies.

**II. Bargaining Unit Librarians - Alternative Dispute Resolution (Relevant sections of APM 140 in effect as of July 1, 2000)**

**A. POLICY**

This Policy provides librarians in this bargaining unit the opportunity to present complaints. The use of this Policy shall not be discouraged by the University by any means, either direct or indirect.

**B. SCOPE/DEFINITION**

A complaint is defined as:

1. a complaint/appeal by a bargaining unit librarian that a specific administrative act was arbitrary or capricious and adversely affects the librarian's existing terms or conditions of employment; or
2. a claim by a bargaining unit librarian of a violation of a provision of applicable University rules, regulations, or the policies contained in Appendix E which adversely affects the librarian's existing terms or conditions of employment.

**C. ELIGIBILITY**

1. This Policy applies to all bargaining unit librarians of the University.

**D. STANDARDS/PROCEDURES**

An administrator or office shall be designated as the complaint resolution liaison.

1. Filing Deadline

The formal complaint described in Step II, below, must be filed in writing with the complaint resolution liaison within thirty (30) calendar days from the date on which the librarian knew, or could reasonably be expected to know, of the event or action which gave rise to the complaint, or within thirty (30) calendar days after the date of separation, whichever is earlier. Informal review does not extend this thirty-day time limit.

2. Step I. Informal Review

- a. Prior to filing a formal complaint, the complainant shall attempt informally to resolve the complaint with the immediate supervisor or responsible administrator whose action is being grieved. If the complaint cannot be resolved through informal discussion, the complainant may pursue the formal review process. Attempts at informal resolution do not extend the time limits for filing a formal complaint unless a written exception is granted by the complaint resolution liaison.
- b. When a complaint alleges sexual harassment, the complainant may elect to substitute the campus Sexual Harassment Complaint Resolution Procedure for Step I of this Policy. If the sexual harassment procedure is substituted and the complaint filed within the timeframe provided by that procedure, the final date for filing a formal complaint shall be fifteen (15) calendar days from the date a decision is issued under the pre-grievance complaint resolution process of the sexual harassment procedure.

3. Step II. Formal Review

- a. A complaint that is not resolved to the satisfaction of the complainant at Step I may be presented by the complainant for formal review. The appeal to Step II must be filed in writing with the complaint resolution liaison no later than expiration of the thirty (30) calendar-day period specified in section a., above, even if informal review has not been concluded, unless a written exception is granted by the complaint resolution liaison.
- b. The complaint shall be reviewed by the appropriate department head and a written response issued to the complainant. If the department head is also the immediate supervisor who was involved in the informal review, the complaint shall be reviewed by someone at a higher administrative level other than the immediate supervisor.
- c. The complaint must:
  - 1) identify the specific administrative act(s) to be reviewed;
  - 2) specify how the complainant was adversely affected;
  - 3) specify in what regard, if any, the administrative act(s) were arbitrary or capricious;
  - 4) list the section(s) and specific provision(s) of applicable University rules, regulations, or policies listed in Appendix E alleged to have been violated, if any, and how those provisions were violated;
  - 5) provide date(s) of attempts at informal resolution and identity of persons contacted; and
  - 6) specify the remedy requested.
- d. The department head or other reviewer shall respond in writing to the complainant within fifteen (15) calendar days after the date the formal complaint is received by the department.
- e. A complaint that is not resolved at Step II may be appealed for resolution at Step III a. or Step III b., but not both, depending on the issue(s) of the complaint. The complaint resolution liaison shall determine whether Step III a. or Step III b. is the appropriate route as specified below.

4. Step III. Administrative or Hearing Consideration

a. Step III a. Administrative Consideration

- 1) A complaint that is not resolved at Step II and is not subject to a hearing under the provisions of Step III b., may be appealed by the complainant for higher administrative consideration/review. The designated campus official will review and issue a written decision.

- 2) The appeal to Step III a. must be in writing and received by the complaint resolution liaison for forwarding to the designated campus official within ten (10) calendar days of the date the Step II response was issued or due, whichever comes first. The appeal must specify the unresolved issues(s) and the remedy requested. The designated campus official shall provide a written decision to the complainant within thirty (30) calendar days following receipt of the appeal to Step III a.
- b. Step III b. Hearing Consideration
- 1) A complaint that is not resolved at Step II, and which is subject to a hearing under this section, may be appealed by the complainant to a hearing before a hearing officer or committee.
  - 2) The appeal to Step III b. must be received by the complaint resolution liaison within ten (10) calendar days of the date the Step II response was issued or due, whichever comes first. The appeal shall be submitted in writing to the complaint resolution liaison and must set forth the unresolved issue(s) and remedy requested.
  - 3) Eligibility and Scope of Step III b
 

Only allegations of violations of the following Appendix E policies or terms or conditions of employment may be submitted to the hearing officer or the hearing committee:

Nondiscrimination (formerly APM 035-0a)
- c. Except by written mutual agreement of the parties, no additional issues may be introduced at the hearing that were not included in the original complaint. Also, 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 or hearing committee shall define them.

## **E. CONDUCT OF HEARING**

Hearings shall be conducted in accordance with the following standards.

1. Election of Hearing Officer or Hearing Committee
  - a. The complainant may elect that the complaint be heard by:
    - 1) a University hearing officer,
    - 2) a University hearing committee, or
    - 3) a non-University hearing officer.
  - b. Election by the complainant shall be in writing and shall be final.
  - c. The designated campus official shall appoint the University hearing officer or University hearing committee.
  - d. If the complainant elects a non-University hearing officer, the procedures of the American Arbitration Association shall be used to select the hearing officer.
2. Hearing
  - a. The hearing officer or hearing committee shall convene a hearing in which each party shall have the opportunity to present evidence and cross-examine witnesses. Evidence may be oral and/or documentary. Issues regarding the admissibility and weight of evidence shall be decided by the hearing officer or hearing committee. The hearing officer or hearing committee shall not have the authority to issue subpoenas.
  - b. 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 of

witnesses shall be exchanged at least ten (10) calendar days prior to the hearing.

- c. The hearing shall be closed and deemed confidential, unless both parties agree in writing to an open hearing. In the absence of such an agreement, the hearing shall be closed to all persons other than the principal parties to the complaint, i.e., the supervisor or department head, their representative, the complainant, complainant's representative, and the complaint resolution liaison.
- d. If there is to be a closed hearing, all materials, reports, and other evidence introduced into the hearing and recorded by tape recorder, stenographic services, or by other means shall be considered private and confidential and subsequently shall not be disclosed to parties not participating in the hearing.
- e. The hearing shall be tape recorded by the University unless the parties agree in advance to share the costs of a stenographic record. The complainant shall be permitted to arrange for a stenographic record at the complainant's expense even if the University does not agree to share the cost. The parties should be made aware of the use of the recording and disposition of the tape. The complainant may procure a copy of the recording subject to payment of the cost of a copy of the tape.

3. Hearing Officer (University and non-University) or Hearing Committee's Authority

- a. The hearing officer or hearing committee shall provide the designated campus official with a written statement of findings and recommendation(s) within thirty (30) calendar days of the close of the hearing. The hearing officer or hearing committee shall determine whether the complainant has proven violation(s) of applicable University rules, regulations, or policies listed in Appendix E and that the complainant's tenure or conditions of employment were adversely affected, or that a specific administrative act was arbitrary or capricious and has adversely affected the complainant's terms or conditions of employment. The hearing officer or hearing committee shall make findings of fact based upon the evidence presented at the hearing. The hearing committee or hearing officer shall not add to, delete from, or otherwise modify the provisions of University rules, regulations, or policies listed in Appendix E.
- b. The hearing committee or hearing officer shall not substitute their judgment for the academic judgment of a peer review committee or administrative officer, nor shall they be empowered to evaluate the academic qualifications or competence of bargaining unit librarians.
- c. The designated campus official shall issue a final written decision within thirty (30) calendar days of receipt of the findings and recommendation(s) of the hearing officer or hearing committee. The designated campus official shall provide to the complainant a copy of the findings and recommendation(s) of the hearing officer or hearing committee, and a statement of the reasons if the recommendation(s) of the hearing officer or hearing committee is rejected or modified. If a decision is based on facts different from those found by the hearing officer or hearing committee, those findings must be based on materials in the record.

4. Fees

There shall be no cost to the complainant for a University hearing officer or University hearing committee. In the case of a complaint heard by a non-University hearing officer, the hearing officer's fees shall be borne equally by the University and the complainant if the designated campus official accepts the hearing officer's recommendation(s). The fee shall be borne entirely by the University if the designated campus official rejects or modifies the recommendation(s) of the non-University hearing officer. The cost of stenographic services shall be borne by the party requesting such services unless the parties agree in advance to share the cost.

5. General Provisions

a. Representation

- 1) A complainant may be self-represented or may be represented by another person at any stage of the complaint process.
- 2) The University shall be represented as the designated campus official deems appropriate; representation may be provided by the Office of General Counsel.

b. Time Limits

- 1) Prior to expiration of a time limit, extensions may be granted by the complaint resolution liaison upon written request by either party.
- 2) Complaints not appealed in a timely manner will be resolved on the basis of the University's response at the previous step of the alternative dispute resolution process. The failure of the administration to respond in a timely manner shall be a basis for the complainant to appeal to the next step. Time limits which fall on a Saturday, Sunday, or University-observed holiday shall be automatically extended to the next University business day.

c. Pay Status

The complainant and the complainant's representative, if any, shall be granted leave with pay to attend hearings and meetings convened by the University to consider grievances. Except as specified below, time spent by the complainant in investigation and preparation of a complaint shall not be on pay status. Time spent by University employee-witnesses in meetings and hearings convened by the University shall be leave with pay.

d. Remedy

If the complaint is sustained in whole or in part, the remedy shall not exceed restoring to the complainant the pay, benefits, or rights lost as a result of the violation of University rules, regulations, or policies listed in Appendix E, or as a result of an arbitrary or capricious administrative action, less any income earned from any other employment. Payment of attorney's fees shall not be part of the remedy. Unless specifically authorized by the complaint resolution liaison, compensation shall not be paid for any period that is the result of extension(s) of time requested by or on behalf of the complainant.

**III. Instructions to Review Committees Which Advise on the Appointment, Merit Increase, Promotion, Career Status Actions for Members of Librarian Series (Relevant sections of APM 210-4 in effect on July 1, 2000)**

**A. CRITERIA**

1. Appointments

- a. A candidate for appointment to this series shall normally be required to have a professional degree from a library school with a program accredited by the American Library Association. However, a person with other appropriate degree(s) or equivalent experience in one or more fields relevant to library services may also be appointed to this series.
- b. Selection of an individual to be appointed to the rank of Assistant Librarian is based upon the requirements of the position with due attention to the candidate's demonstrated competence, knowledge and experience. A person appointed as Assistant Librarian without previous professional library experience should normally be appointed at Step I. A person who has had previous experience relevant to the position may be appointed to one of the higher salary levels in this rank, depending on the candidate's aptitude, the extent of prior experience, and/or the requirements of the position.

- c. A candidate with extensive previous relevant experience and superior qualifications who is being considered for a highly demanding and responsible position should be appointed to one of the two higher ranks in the series. The criteria for the appointment to either of these levels will be the same as those for promotion as outlined below.

## 2. Merit Increases and Promotions

- a. At the time of original appointment to a title in this series, each appointee shall be informed that continuation or advancement is justified only by demonstrated skills and achievement which will be determined after objective and thorough review. If, on the basis of a review, the individual does not meet the criteria for continuation or advancement, there is no obligation on the part of the University to continue or to promote. On the other hand, accelerated promotion is possible if achievement has been exceptional. An appointee will be eligible for promotion only if there are demonstrated superior professional skills and achievement. For some, promotion may involve a position change; for others, promotion may not necessarily involve position change but will depend upon increased responsibility as well as growing competence and contribution in the same position. The assumption of administrative responsibilities is not a necessary condition for promotion.
- b. A candidate for merit increase or promotion in this series shall be judged on the basis of professional competence and quality of service rendered within the library and, to the extent they are relevant, one or more of the following: professional activity outside the library; University and public service; and research and other creative activity.
- c. The criteria as set forth in detail below are intended to serve as general guidelines and do not preclude consideration of other unique service to the University. In considering individual candidates, reasonable flexibility is to be exercised in weighing the comparative relevance of these criteria.

### 1) Professional Competence and Quality of Service Within the Library

- a) Although contribution in each of the following areas will vary considerably from person to person depending on each person's primary functions as a librarian, performance and potential shall be reviewed and evaluated in any or all of the five major areas of librarianship: selection and development of resources; bibliographic control of collections and their organization for use; reference and advisory service; development and application of specialized information systems; and library administration and management. Additionally, librarians should be judged on consistency of performance, grasp of library methods, command of their subjects, continued growth in their fields, judgment, leadership, originality, ability to work effectively with others, and ability to relate their functions to the more general goals of the library and the University.
- b) Evidence of effective service may include the opinions of professional colleagues, particularly those who work closely or continuously with the appointee; the opinions of faculty members, students, or other members of the University community as to the quality of a collection developed, for example, or the technical or public service provided by the candidate; the opinions of librarians outside the University who function in the same specialty as the candidate; the effectiveness of the techniques applied or procedures developed by the candidate; and relevant additional educational achievement, including programs improvement of language or subject knowledge.

### 2) Professional Activity Outside the Library

A candidate's professional commitment and contribution to the library profession should be evaluated by taking account of such

activities as the following: membership and activity in professional and scholarly organizations; participation in library and other professional meetings and conferences; consulting or similar service; outstanding achievement or promise as evidenced by awards, fellowships, grants; teaching and lecturing; and editorial activity.

3) University and Public Service

Recognition should be given to those who participate effectively and imaginatively in library-wide and University service (including serving on campus or University-wide administrative or academic committees), and in professional librarian services to the community, state, and nation.

4) Research and Other Creative Activity

Research by practicing librarians has a growing importance as library, bibliographic, and information management activities become more demanding and complex. It is therefore appropriate to take it into account in measuring a librarian's professional development. The evaluation of such research or other creative activity should be qualitative and not merely quantitative and should be made in comparison with the activity and quality appropriate to the candidate's specialty. Note should be taken of continued and effective endeavor. Reports, handbooks, manuals, and similar documents may be considered under this heading only if they present new ideas or incorporate research; otherwise, they should be regarded solely as evidence of professional service.

**IV. Appointment and Promotion - Definition, Criteria, Terms of Service (Relevant sections of APM 360-4, 360-10, and 360-17 in effect on July 1, 2000)**

**A. DEFINITION**

The librarian series is used for academic appointees who provide professional services in the University libraries in support of the University's educational, research, and public service functions. These services include:

1. selection and development of resources;
2. bibliographic control of collections and their organization for use;
3. reference and advisory services;
4. development and application of specialized information systems;
5. library administration and management; and
6. research where necessary or desirable in relation to the foregoing.

**B. CRITERIA**

1. A candidate for appointment shall have a professional background of competence, knowledge, and experience to assure suitability for appointment to this series. Such background will normally include a professional degree from a library school with a program accredited by the American Library Association. However, a person with other appropriate degree(s) or equivalent experience in one or more fields relevant to library services may also be appointed to this series.
2. A candidate for merit increase or promotion in this series shall be judged on the basis of the first of the following criteria, and, to the extent they are relevant, on one or more of the last three:
  - a. professional competence and quality of service within the library;
  - b. professional activity outside the library;
  - c. University and public service; and

- d. research and other creative activity.

In the consideration of individual candidates, reasonable flexibility shall be exercised in weighing the comparative relevance of these criteria.

3. Promotion shall be justified by demonstrated superior professional skills and achievement and, in addition, demonstrated professional growth and accomplishment and/or the assumption of increased responsibility. The assumption of administrative responsibility is not a necessary condition for promotion.

### **C. TERMS OF SERVICE**

1. An appointment in this series may be an explicitly temporary appointment, a potential career appointment, or a career appointment, depending on the circumstances as described below. However, an initial appointment to a title at any rank in this series may only be a temporary appointment or a potential career appointment.
2. A potential career appointment is distinguished from an explicitly temporary appointment by the fact that no definite date of termination of the appointment is specified and by the fact that the appointee is regarded as one who may qualify, after a suitable trial period and careful review, for a continuing career appointment.
3. Potential career appointees in the librarian series are eligible for career status, merit increases, and promotion through the ranks from Assistant Librarian to Librarian. Temporary appointees are eligible for merit increases on the same bases as potential career and career status appointees.
4. The status of career appointment is achieved only after a trial period in potential career status. The process by which one achieves career status is described subsequently.
5. The following principles and procedures shall be applied to appointments, promotions, and terminations of potential career or career appointees:
  - a. An individual holding the rank of Assistant Librarian and whose appointment is not explicitly temporary is considered to be in potential career status for the period of the appointment in this rank. During potential career status, the individual shall be subject to periodic reviews of performance, professional competence, achievement, and promise. If, after such reviews, the appointee is promoted from the rank of Assistant Librarian to higher rank in this series, the individual is thereby moved to career status. On the other hand, an Assistant Librarian is subject to termination after due notice if, after thorough review and a reasonable trial period (not more than six years), he or she is not deemed worthy of further advancement.
  - b. An individual whose initial appointment in this series is to the rank of Associate Librarian and whose appointment is not explicitly temporary is considered to be in potential career status for a trial period of not more than four years and not less than two years in the rank, unless promoted sooner to the rank of Librarian. During potential career status, the individual shall be subject to periodic review of performance, professional competence, achievement, and promise. The trial period will be brought to a close with one of three decisions made after appropriate review as specified in campus peer review procedures: place the appointee in career status with the rank of Associate Librarian; promote to the rank of Librarian with career status; or terminate the appointment after due notice.
  - c. An individual who is promoted from career status as an Associate Librarian to the rank of Librarian is thereby continued in career status. However, there is no obligation on the part of the University to promote an Associate Librarian to the rank of Librarian solely on the basis of years of service.
  - d. An individual whose initial appointment in this series is to the rank of Librarian and whose appointment is not explicitly temporary is considered to be a potential career appointee for a trial period of not more than three years and not less than two years in rank. During potential career status, the individual shall be subject to periodic reviews of performance, professional competence, achievement, and promise. The trial period will be brought to a close with one of two decisions made after appropriate review

as specified in campus peer review procedures: place the appointee in career status with the rank of Librarian; or terminate the appointment after due notice.

- e. An appointee in career status either as an Associate Librarian or as a Librarian, having successfully passed the trial period of service in either one of the ranks or having been promoted to one of these ranks from a lower rank, is expected to continue to perform the duties of the position at a satisfactorily high standard. Reviews of the appointee will be conducted at regular intervals to determine if a merit increase or promotion is indicated. If there is reason to doubt that the career appointee is performing satisfactorily, a review of the appointee to coincide with a regularly scheduled review will be conducted. If such a review does not coincide with a regularly scheduled review, a review not at a regular interval or an off-cycle review will be conducted in accordance with established campus review procedures; and if this review results in an unfavorable evaluation, the appointee may be subject to termination after due notice. Otherwise, the appointment will be continued. The appeals procedures in Appendix E,II., are available as a protection against arbitrary, capricious, or unreasonable termination.
  - f. In the event of an intercampus transfer, the following provisions shall apply to the status of potential career and career appointees: the normal period of potential career status shall not be lengthened as a result of an intercampus transfer; career status acquired on one campus shall be continued upon transfer to another campus; and promotion in rank at the time of an intercampus transfer shall confer career status.
6. The effective date of an appointment is the initial date of the change for purposes of payroll and record keeping and indicates the first day on which the payment begins for appointments. The effective date of merit increases and promotions will normally be July 1, although exceptions may be approved by the designated campus official.
  7. The following rules of computation will be observed for determining periods of service at ranks and steps in this series.
    - a. A period of service is calculated from the beginning of the first complete calendar month of service.
    - b. A fiscal-year appointee with an effective date of appointment in the period of July 1 through January 1 will receive one year of service credit for that year at rank and step.
    - c. A fiscal-year appointee with an effective date of appointment in the period January 2 through June 30 will not receive service credit for that year.
    - d. Completed years of service will be counted regardless of the percentage of time of appointment.
    - e. Any break in service because of leave without salary, layoff, or resignation does not invalidate service prior to the interruption.
    - f. Service on any campus of the University of California is included, although for statistical purposes an intercampus transfer is considered an appointment at the new campus.
    - g. Any leave with salary is included as service, but leave without salary is not included for purposes of determining completed years of service.
    - h. For purposes of review, an appointee must have worked at least six (6) months of the period under review. A period under review may be a calendar year or other 12-month period or multiple thereof, in accordance with the review cycles defined in Article 4. [e.g., an appointee with an effective date of appointment in the period January 2 - June 30 and a period of review based on the calendar year could be reviewed at the next review period, depending on the rank and step of appointment.]

- i. A temporary appointee whose appointment continues into a new fiscal year will be reviewed according to the review cycles defined in Article 4 and the guidelines established in Appendix E, 4.