May 8, 2014

To: Division Officers:
Jennifer Hughes (History), Vice Chair
Piotr Gorecki (History), Secretary/Parliamentarian
Bahram Mobasher (Physics & Astronomy), Senior Assembly Representative
Ilhem Messaoudi Powers (SOM), Junior Assembly Representative

Standing Committee Chairs:
Mike Allen (Plant Pathology & Microbiology), Research (COR)
James Baldwin (Nematology), Physical Resources Planning (PRP)
Kenneth Barish (Physics), Planning and Budget (P&B)
Lynda Bell (History), Graduate Council (GC)
Ward Beyermann (Physics & Astronomy), Educational Policy (CEP)
Lucille Chia (History), Library, Information Technology & Scholarly Comm
Kathryn DeFea (Biomed), Undergraduate Admissions (UAC)
Erica Edwards (English), CHASS Executive Committee
George Haggerty (English), Academic Personnel (CAP)
Mariam Lam (Comparative Literature & Foreign Languages), Committees (COC)
John Levin (GSOE), GSOE Executive Committee
Joseph Morse (Entomology), Library, Info Technology & Scholarly Comm
Barry Mishra (SOBA), SOBA Executive Committee
Eugene Nothnagel (Botany & Plant Sciences), Preparatory Education (PRP)
Akula Venkatram (Mechanical Engineering), BCOE Executive Committee
Ameae Walker (School of Medicine), SOM Executive Committee
Georgia Warnke (Political Science), Faculty Welfare (FW)
Gillian Wilson (Physics & Astronomy), CNAS Executive Committee
Zhenbiao Yang (Botany & Plant Sciences), Diversity & Equal Opportunity (CODEO)

Fr: Jose Wudka, Chair
Riverside Division

RE: Executive Council Agenda ~ May 12, 2014

This is to confirm the meeting of the Executive Council on Monday, May 12, 2014 at 1:00 p.m. to 3:00 p.m. in the University Office Building Room 220.
# Agenda

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Executive Council Meeting Minutes  
April 14, 2014 

Present: 
Division Officers: 
Piotr Gorecki, Secretary/Parliamentarian  
Ilhem Messaoudi Powers, Jr Assembly Rep  
Jennifer Hughes, Vice Chair  
Jose Wudka, Division Chair

Standing Committee Chairs: 
Lynda Bell, Graduate Council  
Kathryn DeFea, Undergraduate Admissions  
George Haggerty, Academic Personnel  
Mariam Lam, Committees  
Barry Mishra, SOBA Exec Committee  
Eugene Nothnagel, Preparatory Education  
Ameae Walker, SOM Exec Committee  
Gillian Wilson, CNAS Exec Committee  
Ward Beyermann, Educational Policy  
Erica Edwards, CHASS Exec Committee  
Kim Hammond, Planning & Budget Rep  
John Levin, GSOE Exec Committee  
Joseph Morse, LITSCC  
Akula Venkatram, BCOE Exec Committee  
Georgia Warnke, Faculty Welfare

Absent: 
Michael Allen, Research  
Kenneth Barish, Planning & Budget  
Zhenbiao Yang, Diversity & Equal Opportunity  
James Baldwin, Physical Resource Planning  
Bahram Mobasher, Sr Assembly Rep

APPROVAL OF EXECUTIVE COUNCIL AGENDA AND MINUTES: 
The agenda for April 14 and the minutes from March 24 were approved as written

REVIEW OF PROPOSAL TO CHANGE SENATE BYLAW 55 
There was extensive discussion of the two proposed versions of bylaw 55, with Executive Council recognizing that non-senate faculty (NSF) should receive a measure of representation in personnel actions, but that there were many aspects of the proposal which will need to be clarified in its final version.

The main concern was the possibility that adopting this proposal will lead to different standards for the merit and promotion of faculty among departments within the campus, and for equivalent departments between sister campus, and that this will have a negative impact not only on the departments themselves, but on the system as a whole. Several council members noted that their departments have for a long time included votes from NSF members (included as 'advisory' in the department's letter) and this has led to no negative effects.

There was also discussion on the clause that would allow Senate faculty to terminate NSF voting rights; several members worried that, in practice, pressure from within a department would make such an action, if not impossible, very difficult. Additional discussion addressed the concern that this proposal may grow into allowing NSF voting rights in curricular matters.

Council members suggested that the campus response include the request that the proposal be amended by: 
- Including the specific list of NSF titles covered 
- Changing the measure of NSF participation from 'effort' to a general measure ('effort' does not apply to all categories covered by the proposal) 
- Allowing divisions to include restrictions on e-mail voting (or including such restrictions in the bylaw itself) : in some disciplines NSF may have minimal contact with the campus so that unrestricted e-mail voting can easily degenerate into a pro-forma process 
- Stating whether divisions will be allowed to impose specific restrictions on the scope of NSF Votes

Ultimately Council supported version 2 of the proposal with a vote of +11-5-2.
DISCUSSION OF R’COURSES
The Committee on Educational Policy received and approved a proposal from the Vice Chancellor for Undergraduate Education to initiate an undergraduate student-led course program. The program is intended to provide undergraduate students with an opportunity to teach classes to their peers on a topic that they have some familiarity with. Usually this is linked to some type of experience they had (e.g., summer intern), and it is on a topic not covered in our regular offerings. Since it is student driven, the cycle to develop, review and deliver the course must be shorter than for regular courses, which represents a challenge to insure adequate Senate oversight with a contracted cycle - typically one academic year. Per the program process, the solicitation to offer the opportunity to teach a course will be distributed in early fall with a deadline later in the quarter. Students who are selected to teach will spend the winter quarter training and the class itself will be conducted in the spring.

Chair Wudka and CEP Chair Beyermann explained that the Berkeley campus has been offering these student led courses since 1965 and now offer 190 of these courses each semester. Chair Beyermann further explained that the Committee on Educational Policy worked closed with the Office of Undergraduate Education to revise the initial proposal so that students were tied to a faculty member, and the course is more like a general topics course (where the Senate approves a template and the specific content can change depending on who teaches it without additional Senate involvement). To streamline the process, the review is conducted by a Governing Board, which includes Senate representation.

After considerable discussion Executive Council supported the R’Course program but asked that the Committee on Educational Policy revise the policy so that there is codification of the number of units each course can have and the total number of units of this type of course each student can accrue during their undergraduate term at UCR. Executive Council also suggested that there be a GPA requirement for the students who apply to teach a course, that duties of the instructor of record be clearly delineated, and that there be an annual report submitted to the Committee on Courses.

Chair Beyermann will bring a revised proposal to Executive Council for later consideration

ANNOUNCEMENTS BY THE CHAIR
Self-Supporting Programs – Chair Wudka advised that the Academic Council met and discussed the Policy for Self-Supporting Programs. Council suggested a statement be added to the policy. Specifically, Council suggested the following: “A proposal to create a self-supporting program must make a compelling case to why the program should not be state supported and should determine that it will not have a detrimental effect financially or academically on state supported programs.” CCGA will be the final determiner on if a program will be self-supporting or not.

Regents Meeting – Climate Survey Released – Chair Wudka informed Council that the Climate Survey was released at the last Regents meeting. On the Riverside campus, Yolanda Moses is chairing a committee charged with reviewing the Riverside responses to the climate survey and reporting back to the Chancellor on the results of the survey and the committee’s recommendations. It is expected that this report will be presented to Chancellor Wilcox by the end of this academic year.

Budget Update – There is no update on the financial status of the University, pending news of the May revised state budget. The Regents however have stated that they support the request that the state contribute to the University’s retirement fund. The legislative analyst’s office also supports the state contribution.

Telescope Approval – The UC will participate in the 30 Meter Telescope (TMT) project. This represents a large investment by the University of California but is essential for maintaining our preeminence in astronomy.
**Online Textbooks** – A number of years ago the State Legislature requested that the UC collaborate with the Cal State and Community College systems to create free online textbooks with the effort contingent on attainment of donors. Those donors have since been identified and a committee (COERC) has been established to administer the funds and disburse to faculty who want to write online textbooks. The COERC committee will work with the COOL committee (California Open Online Library) to roll out courses and programs under this initiative.

**Blue-Ribbon Panel on Online Education** – The Blue-Ribbon Panel convened by the System-wide Senate to review the review of the UC Online Education (UCOE) program has made its final report. This document is highly critical of UCOE as well as of the manner in which the evaluation component of UCOE was carried out and reported. UCOE’s current task is to develop translation software between student information systems in different campuses so that data can be transferred seamlessly, which will facilitate cross-campus registration

**Composite Benefits** – At the most recent Council of Chancellors there was a distinct rift between the Office of the President and the Senate on the Composite Benefit structure. The end result was that 3 Chancellors agreed to act as mediators between OP and the Senate to develop a model that will work for both sides. The OP composite benefit consultants are collecting data which will be presented to the Chair of the Senate, who is tasked with presenting a concise complete model of composite benefits that the Senate is comfortable with. Chair Jacob will submit his results by May 2nd and present them at the May 7 Council of Chancellors meeting; the President is expected to make a final selection on that same day.

**Multi-Campus Program and Research Initiative** – Chair Wudka advised that the MPRI has had its budget cut from a previous support amount of 15 million annual to 9 million over 2 years, but of that 9 million, 3 are already committed. The budget cut in effect brings an end to this research program, at least in its traditional form. The position of Academic Council is that this budget decision should be reversed and these funds should be protected.

The meeting was adjourned at 2:36 pm.

Respectfully submitted,

*Cindy Palmer, Executive Director
Office of the Academic Senate*
February 19, 2014

Susan Carlson
Vice Provost
Department of Academic Personnel
Office of the President
University of California
1111 Franklin, 11th Floor
Oakland, CA 94607

Re: Proposed Revisions to the Whistleblower Protection Policy

Dear Susan:

Enclosed is a draft of the University of California Policy for Protection of Whistleblowers from Retaliation and Guidelines for Reviewing Retaliation Complaints (Whistleblower Protection Policy or WPP) that reflects the proposed revisions to this policy.

The Office of the General Counsel drafted the proposed revisions, working in consultation with the Senior Vice President and Chief Compliance and Audit Officer, the Systemwide Locally Designated Official, and the Director of Investigations. An earlier draft was circulated to the Locally Designated Officials (LDOs) at the campuses and medical centers and was the centerpiece of a day-long meeting with the LDOs at the Office of the President in March 2012. Input regarding the proposed revisions was also solicited from the University attorneys who are based at the campuses and medical centers.

Overview of the Changes

Revision of the Whistleblower Protection Policy (WPP) was undertaken with two primary objectives in mind:

• Ensure that complaints filed under the WPP will be processed within 18 months, given an amendment to the California Whistleblower Protection Act (the "Act") that became
effective January 1, 2011. The Act requires that, before a plaintiff who is a University employee or applicant for University employment may file a lawsuit for damages as a result of whistleblower retaliation, he or she must first file an administrative complaint internally at the University. The Act already permitted the plaintiff to proceed with a lawsuit for damages if the University failed to reach a decision on the administrative complaint within the time frame established for that purpose by the Regents. With the amendment to the Act, a plaintiff now may also proceed with a lawsuit for damages if the University has not “satisfactorily addressed” the administrative complaint within 18 months. Accordingly, the proposed revisions to the WPP are intended to ensure that complaints filed under the WPP are addressed within 18 months.

- Address difficulties in the administration of the WPP and better explain how the process operates, thereby making it easier to administer and improving the experience for complainants.

The primary source of delay and administrative difficulties has been the current WPP’s abeyance/joinder process. Specifically, if a complainant wishes to file a whistleblower retaliation complaint under the WPP and also under another University grievance process,¹ the current policy requires that the complaint filed under the WPP be placed in abeyance until the other process reaches the fact-finding or hearing stage, at which time the two processes are joined. While the abeyance/joinder process was implemented to avoid having separate University processes duplicate effort, the experience of the last decade indicates that whatever benefits have been achieved in that regard have been outweighed by the negatives. In particular, the WPP provisions setting forth the abeyance/joinder process are complex and therefore difficult to understand, and they have proved cumbersome to administer. Moreover, the fact that the WPP process is initially “on hold” in these dual-filing situations has frustrated complainants, causing them to feel that justice delayed is justice denied.

In light of the foregoing, the proposed revisions of the WPP will “uncouple” the WPP from the other grievance processes available to a complainant for filing a complaint regarding whistleblower retaliation. As a result, the WPP complaint process will be able to proceed expeditiously even when a complainant has exercised his/her right to also file a complaint regarding whistleblower retaliation under another University process. Because of the uncoupling, the revised policy can present a more linear explanation of the whistleblower retaliation complaint process, which will be more user-friendly for both complainants and administrators.

Notable Revisions:

A. Section II. – Definitions (Section II. in current policy). Definitions have been alphabetized, a few definitions have been added (Adverse Personnel Action, Complainant, Employee, Sworn

¹ For Academic Personnel, this would be the processes available under Senate Bylaw 335, APM-140, or an applicable collective bargaining agreement.
Statement), and a few definitions have been modified (Improper Governmental Activity, Interference, Protected Disclosure, Retaliation Complaint, Use of Official Authority or Influence). These changes enable the streamlining of policy language and increase transparency.

B. **Section III.B. – Authority and Responsibilities** (Section III. in the current policy). Subsections were added and text was revised to better reflect how the WPP process is administered. Noteworthy changes include:

1. The Chancellor subsection, rather than the Local Procedures subsection, explains who stands in the shoes of the Chancellor for the Laboratory, the Office of the President, and the Division of Agriculture and Natural Resources.

2. The Locally Designated Official (LDO) subsection no longer describes the preliminary review conducted by the LDO as that information is set forth in Section III.D.1., entitled "Preliminary Review by the LDO." This subsection expressly designates the LDO as the official responsible for ensuring that complaints are processed in a timely manner.

3. A subsection regarding the Systemwide LDO was added and provides that the President will appoint the Systemwide LDO. The current policy states that the Senior Vice President – Business and Finance serves in this role, but a Presidential delegation of authority changed that several years ago. Therefore, this change corresponds with current practice. Consistent with the current policy, this subsection also explains that, when the Complainant is a current or former academic employee (or an applicant for an academic position) or the accused is an academic employee, the duties of the Systemwide LDO will be the responsibility of the Provost and Executive Vice President – Academic Affairs.

4. A subsection regarding the Investigations Workgroup was added to explain who may be part of this group and to clarify the role it may play.

C. **Section III.C. – Filing a Retaliation Complaint (Where, When and How to File)**. This new section articulates what must be included in a complaint. The required allegations are presented more clearly than is the case in Section IV.D. of the current policy. This will make it easier for complainants to draft complete complaints at the outset, thereby decreasing the amount of time spent seeking additional information and clarification from complainants before a complaint can be accepted for processing under the WPP.

D. **Section III.D. – Processing a Complaint**. This new section provides a roadmap of the WPP process.

1. Subsection III.D.1 explains the preliminary review of the complaint that the LDO conducts and includes these important features:

   i. The LDO will notify a complainant of deficiencies in the complaint, such as the absence of a Sworn Statement or the failure to include any of the required allegations, and give the complainant an opportunity to cure those deficiencies.

   ii. Complaints that do not meet the criteria for processing under the WPP (e.g., when they lack the required Sworn Statement or are untimely) will nevertheless be reviewed by the LDO to determine whether they should be processed under the
Whistleblower Policy, thereby ensuring violations of University policy are addressed even if the stricter filing requirements of the WPP are not met.

iii. The complainant will be advised in writing when the complaint is accepted for processing under the WPP and, if only parts of the complaint are accepted, that will be indicated, as well as the reason for the dismissal of any parts of the complaint.

2. Subsection III.D.2 of the draft provides that the accused employee will be notified of the Retaliation Complaint and investigation when the investigation is initiated and will also be provided with a copy of the Retaliation Complaint at that time. While current policy (Section VI.C.) requires that the accused employee be provided with a copy of the complaint before findings are reached, providing the complaint earlier in the process will give the accused employee more notice and increase the transparency of the process.

3. Subsection III.D.4 explains key elements of the Investigation, which will be conducted by the Retaliation Complaint Officer (RCO) or other investigator. Notable provisions are discussed below.
   i. The investigator will, whenever possible, interview both the Complainant and the accused employee.
   ii. As in current policy (Section VI.3.C.), the accused employee will have an opportunity to submit a written response to the Retaliation Complaint to be included in the record submitted to the Chancellor. However, the requirement that the investigator provide the accused employee with a copy of all documents on which s/he intends to rely in reaching findings has been eliminated.
   iii. Rights and obligations of witnesses are addressed:
      (1) The Complainant, the accused employee, and other witnesses must be allowed a reasonable amount of paid time off to participate in interviews.
      (2) The Complainant, the accused employee(s), and other witnesses have a duty to cooperate with the investigator.
      (3) The investigator is authorized to conclude the investigation based on the information available if the Complainant or an accused employee fails or refuses to be interviewed.
   iv. The essential elements of an investigation report are identified.
   v. The time frame for the investigation is established. The clock will start from the time that the LDO notifies the complainant that the complaint has been accepted for processing. Under current policy, the clock starts when the complaint is referred to the investigator, which is not always known to the complainant. It is contemplated that an investigation will be completed within 6 months of acceptance of the complaint, although the LDO may grant extensions upon request. Importantly, Section I and Section III.F. of the draft require that the complaint be resolved within 18 months of filing. There is no analogous deadline in the current policy.

E. Section III.E. – Evidentiary Standards (Section V.A. in the current policy). The evidentiary standards remain the same, but the explanation is a more straightforward.

F. Section III.F. – Decision by the Chancellor. This would replace Section VII in the current policy and is simplified because the WPP will be uncoupled from the other grievance
processes. This Section requires that the Chancellor’s decision be issued no later than the 18 months after the complaint was initially filed.

G. **Section III.G. – Consequences for a University Employee Who Violated the Policy.** This would replace Section VII.C. of the current policy, which is entitled “Corrective Action of a University Employee.” The new language contemplates that actions other than or in addition to disciplinary consequences could be warranted for an employee found to have violated the WPP. As in current policy, any disciplinary action would be taken in accordance with the existing staff or academic personnel procedures applicable to the employee.

H. **Section III.H. – Referral of Complaints to the Office of the President.** While the current policy does identify situations when a complaint should be referred to the Office of the President for handling (Sections IV.B.4., VI.F., and VII.D.), the draft consolidates this information in one section to improve clarity. Because the WPP is being uncoupled from the other grievance processes, this information can also be simplified. The current policy states that, when a complaint is against the Chancellor, LDO, or the LDO’s supervisor, the LDO shall request that it be handled at the Office of the President. The draft adds complaints against a Chief Campus Counsel to this list. A new provision authorizes an LDO to request that other complaints be processed at the Office of the President, when appropriate. A new provision clarifies that, when a complaint is processed at the Office of the President and a policy violation is found, the matter is referred back to the location to initiate appropriate action, except in cases where an adverse finding involves the Chancellor, in which case the matter will be referred to the President.

I. **Section III.I. – Appeals (Section VIII of the current policy).** The permissible grounds for appeal and the fact that appeals on the merits are not allowed are stated in a more straightforward and user-friendly way than in current policy. A deadline for appeals (within 30 days of the local decision) has been added. This Section expressly states what must be part of the appeal (a statement regarding why the local decision should be overturned and copies of the complaint, the local decision, and the documents and other evidence that support the appeal). This specificity gives the Complainant guidance to prepare a viable appeal and ensures that the Office of the President will have the necessary information to resolve the appeal.

J. **Section III.J. – Reporting Requirements.** This would replace Section IX of the current policy, which is entitled “Reports.” Instead of requiring that each location provide a report on July 31 of each year summarizing the number of whistleblower retaliation complaints filed and their disposition, the draft gives the Senior Vice President/Chief Compliance and Audit Officer the flexibility to request that locations provide information regarding complaints filed under the WPP and their status in the method s/he establishes for this purpose.

K. Complaints alleging interference in violation of the WPP will be processed under the Whistleblower Policy, rather than the WPP, as stated in Section I of the draft.
If you have any questions regarding the foregoing or the proposed revisions, please let me know.

Very truly yours,

Stephanie Leider

Enclosure

cc: Sheryl Vacca, Senior Vice President and Chief Compliance and Audit Officer
    Karen Petrulakis, Chief Deputy General Counsel
I. POLICY SUMMARY

This policy describes the complaint resolution process that is available to employees or applicants for employment who have been subjected to retaliation as a result of making a Protected Disclosure or refusing to obey an Illegal Order. A decision on all complaints that are not dismissed or withdrawn will be issued within 18 months of the filing of the complaint with the Locally Designated Official.

Complaints alleging interference with an employee’s or applicant’s right to make a Protected Disclosure will be processed under the University’s Whistleblower Policy rather than this policy.

II. DEFINITIONS

The following definitions apply to this policy and procedures, as well as any local implementing procedures.
Adverse Personnel Action: A management action that affects the Complainant’s existing terms and conditions of employment in a material and negative way, including, but not limited to, failure to hire, corrective action (including written warning, corrective salary decrease, demotion, suspension), and termination.

Complainant: An employee who files a complaint under this policy or an applicant for employment who files a complaint under this policy.

Employee: A current University employee or a former University employee who was employed at the time the relevant events occurred. The term “employee” includes academic appointees.

Illegal Order: Any directive to violate or assist in violating an applicable federal, state, or local law, rule, or regulation or any order to work or cause others to work in conditions outside of their line of duty that would unreasonably threaten the health or safety of employees or the public.

Improper Governmental Activity: Any activity undertaken by the University or by an employee that is undertaken in the performance of the employee’s official duties, whether or not that action is within the scope of his or her employment, and that (1) is in violation of any state or federal law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of University property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property (including University property and facilities), or willful omission to perform duty, or (2) is economically wasteful or involves gross misconduct, gross incompetence, or gross inefficiency.

Interference: Direct or indirect use or attempted use of official authority or influence for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command an individual for the purpose of obstructing an individual’s right to make a Protected Disclosure.

Protected Disclosure: Any good faith communication that discloses or demonstrates an intention to disclose information that may evidence either (1) an improper governmental activity or (2) any condition that may significantly threaten the health or safety of employees or the public if the disclosure or intention to disclose was made for the purpose of remedying that condition.

The good faith requirement is satisfied if the employee had (1) a reasonable belief that the facts the employee disclosed or demonstrated an intention to disclose are true and (2) a reasonable belief that such facts, if true, would be an improper governmental activity or a condition that may significantly threaten the health or safety of employees or the public.

Retaliation Complaint: A written complaint filed under this policy that includes a Sworn Statement and alleges that a University employee (1) retaliated against the Complainant for having made a Protected Disclosure by taking an Adverse Personnel
III. POLICY TEXT

A. Purpose of Policy

The University of California is committed to providing a work environment where employees are free to report waste, fraud, abuse of authority, violation of law, or threat to public health without fear of retribution and where employees can be candid and honest without reservation in conducting the University’s business. This policy is a companion to the University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (the University’s Whistleblower Policy). Consistent with the California Whistleblower Protection Act (Government Code Sections 8547-8547.12), a University employee may not: (1) retaliate against an employee or applicant for employment who has made a Protected Disclosure, as defined below, (2) retaliate against an employee who has refused to obey an Illegal Order, as defined below, or (3) directly or indirectly use or attempt to use the official authority or influence of his or her position or office to interfere with an employee’s or applicant’s right to make a Protected Disclosure, as defined below. It is the intention of the University to investigate thoroughly any complaints filed, to provide relief to any employees harmed by violations of this policy, and to take appropriate action against employees who violate this policy.

B. Authority and Responsibilities

1. Local Procedures

The Chancellor will establish local complaint resolution procedures in accordance with this policy.

2. Locally Designated Official (LDO)
The Chancellor will appoint a Locally Designated Official (LDO) to receive Retaliation Complaints and to administer local implementing procedures. The LDO may be the same official designated to administer local procedures for investigating whistleblower complaints under the University’s Whistleblower Policy. The LDO (or designee) will determine whether a complaint is eligible for processing under this policy. The LDO is also responsible for ensuring that complaints are processed in a timely manner.

3. Systemwide LDO

The President will appoint an individual to serve as the Systemwide LDO. The Systemwide LDO (or designee) will receive complaints referred to the Office of the President under Section H. and determine whether such complaints will be processed at the Office of the President. The Systemwide LDO will also resolve appeals filed under Section I. In addition, the Systemwide LDO will serve as the LDO for the Office of the President. Whenever the Complainant is a current or former academic employee or an applicant for an academic position or where an accused employee is an academic employee, the duties of the Systemwide LDO under this policy will be the responsibility of the Provost and Executive Vice President—Academic Affairs.

4. Retaliation Complaint Officer (RCO)

The LDO may appoint one or more individuals to serve as Retaliation Complaint Officer(s) to oversee the investigation of complaints under this policy. The RCO may personally conduct the investigation or may delegate the factfinding, in whole or in part, to another investigator.

5. Chancellor

The Chancellor renders a decision after reviewing the investigation report. When there is a finding of retaliation, the Chancellor determines the appropriate action(s) to be taken against the employee who violated this policy, as set forth in Section G. below. The Chancellor may delegate any of his or her duties under this policy, including decision-making authority.

For purposes of this policy, authorities and responsibilities delegated to the Chancellor are assumed by the Laboratory Director for employees at Lawrence Berkeley National Laboratory, by the Systemwide LDO for employees at the Office of the President, and by the Vice President—Agriculture and Natural Resources for employees within the Division of Agriculture and Natural Resources.

6. Investigations Workgroup
An Investigations Workgroup typically includes representatives from various functional units at a location and assists the LDO, as needed, in determining whether a complaint is eligible for processing under this policy. It may be a standing workgroup or, alternatively, the LDO may assemble an ad hoc workgroup with relevant expertise to assist with one or more complaints.

C. Filing a Retaliation Complaint (Where, When and How to File)

A Retaliation Complaint must include a Sworn Statement and be filed with the LDO or with the Complainant’s supervisor within 12 months of the alleged retaliation. If the Retaliation Complaint alleges a pattern of retaliation, it must be filed within 12 months of the most recent alleged act of retaliation. Complaints filed with the Complainant’s supervisor will be forwarded to the LDO.

1. Required Allegations

A Retaliation Complaint must include the allegations set forth below for the type of complaint being filed. The allegations should be as specific as possible.

a. Required Allegations for a Retaliation Complaint alleging retaliation for having made a Protected Disclosure:

i. Complainant made a Protected Disclosure. For purposes of this element, the Complainant must (a) include a summary of what was disclosed, (b) identify the person(s) to whom each Protected Disclosure was made, and (c) identify the approximate date of each Protected Disclosure.

ii. One or more Adverse Personnel Actions were taken against the Complainant. For purposes of this element, the Complainant must identify (a) the Adverse Personnel Action(s), (b) the University employee(s) responsible for each Adverse Personnel Action, and (c) the approximate date on which each Adverse Personnel Action occurred.

iii. The basis for Complainant’s belief that the Protected Disclosure was a contributing factor in the Adverse Personnel Action(s).

b. Required Allegations for a Retaliation Complaint alleging retaliation for having refused to obey an Illegal Order:

i. Complainant refused to obey an Illegal Order. For purposes of this element, the Complainant must identify (a) the Illegal Order, (b) the University employee(s) who gave the Illegal Order, (c) the approximate date on which the Illegal Order was given, (d) what the Complainant did in response to the Illegal Order that constituted a refusal to obey, and (e) the approximate date when the refusal occurred.
ii. One or more Adverse Personnel Actions were taken against the Complainant. For purposes of this element, the Complainant must identify (a) the Adverse Personnel Action(s), (b) the University employee(s) responsible for each Adverse Personnel Action, and (c) the approximate date on which each Adverse Personnel Action occurred.

iii. The basis for Complainant’s belief that refusing to obey the Illegal Order was a contributing factor in the Adverse Personnel Action(s).

D. Processing a Complaint

1. Preliminary Review by the LDO

After a complaint has been filed with or referred to the LDO, the LDO will determine whether the complaint is eligible for processing as a Retaliation Complaint.

a. Sworn Statement

When a complaint is filed without a Sworn Statement, the LDO will request that the Complainant correct this deficiency. If the Complainant fails to correct this deficiency within a reasonable time frame, as established in local procedures, the LDO will dismiss the complaint and notify the Complainant in writing of the decision to dismiss. If the complaint is dismissed because a sworn statement is not provided within a reasonable time frame, the LDO will review the retaliation allegations to determine whether they should be processed under the University’s Whistleblower Policy.

b. Timeliness and Required Allegations

The LDO will determine whether the complaint is timely. If it is not timely, the LDO will dismiss the complaint. If the complaint is dismissed as untimely, the LDO will review the allegations to determine whether they should be processed under the University’s Whistleblower Policy.

The LDO will also determine whether the complaint contains the required allegations, as set forth above in Section C.1. When determining whether a complaint contains the required allegations, the LDO may consult with an Investigations Workgroup. If the complaint is not specific or otherwise fails to provide sufficient information, the LDO may require that the Complainant amend the complaint to address the deficiencies. If the Complainant does not amend the complaint or otherwise correct the deficiencies within a reasonable time frame, as established in local procedures, the LDO may dismiss all or some of the complaint.
The LDO will notify the Complainant in writing when the complaint is accepted for processing as a Retaliation Complaint and is being assigned to the RCO for investigation. If only parts of the complaint are accepted, the LDO’s written notice will advise the Complainant as to which parts of the complaint have been accepted, which have been dismissed, and the reason for the dismissal(s). Under Section I. below, a Complainant may appeal a decision dismissing a complaint, in whole or part, on the grounds that it is untimely or otherwise ineligible for processing.

2. Notification of the Accused Employee(s)

When the LDO accepts a Retaliation Complaint for processing, the LDO will provide the employee(s) accused of retaliation with a copy of the Retaliation Complaint and advise him or her that an investigation is being initiated. If the Retaliation Complaint contains allegations against more than one employee, the LDO will provide each of them with those portions that contain allegations against him or her.

3. Referral to the RCO for Investigation

After the LDO accepts a Retaliation Complaint for processing, the LDO will refer the Retaliation Complaint to the RCO for investigation. If the RCO delegates any part of the investigation, the RCO retains responsibility for ensuring that the investigation is conducted in accordance with this policy.

4. Investigation

a. Investigation Process

The investigator will review the Retaliation Complaint and other relevant materials submitted by the Complainant. In addition, the investigator may request and review other documents and materials relevant to the allegations. The investigator will, whenever possible, interview the Complainant and the accused employee(s). In addition, the investigator will interview any other witnesses who the investigator believes are necessary in order to conduct a thorough investigation.

b. The Accused Employee’s Opportunity to Comment

Before findings are reached, the investigator will provide the accused employee(s) with an opportunity to respond to the Retaliation Complaint in a written statement. The investigator will advise the accused employee(s) when the statement needs to be submitted, making sure that a reasonable amount
of time is provided for this purpose. The investigator will include any such statement in the record submitted to the Chancellor.

c. Witnesses

i. Local procedures must allow the Complainant, the accused employee(s), and other witnesses a reasonable amount of paid time off to participate in interviews conducted by the investigator.

ii. The Complainant, the accused employee(s), and the other witnesses have a duty to cooperate with the investigator. This includes a duty to participate in interviews requested by the investigator, to answer the investigator’s questions honestly, and to provide documents and other materials requested by the investigator.

iii. If the Complainant or any accused employee fails or refuses to be interviewed, the investigator will complete the investigation based upon the information available.

d. Investigation Report

The investigator will prepare a written report containing findings of fact based on the evidence and the investigator’s conclusion as to whether a policy violation occurred, using the applicable Evidentiary Standards set forth in Section E. below. The investigation report will provide sufficient detail to enable the Chancellor to make an independent determination as to whether a policy violation occurred. The investigation report will include the Retaliation Complaint, a list of witnesses interviewed, any written statement submitted by the accused employee(s), and any other documents on which the investigator has relied in reaching findings.

When the investigation report is completed, the RCO will deliver it to the LDO. If the RCO did not personally conduct the investigation, the RCO should first review the investigation report to confirm that it is complete; if the investigation report is incomplete, the RCO should ask the investigator to address the deficiencies before proceeding.

e. Time Frame for Investigation

The RCO is responsible for delivering the investigation report to the LDO within 6 months from the date on which the LDO notifies the Complainant that the Retaliation Complaint has been accepted for processing.

The LDO may extend the 6-month deadline upon receipt of a written request from the RCO that explains why the extension is needed. Additional
E. Evidentiary Standards

1. Evidentiary Standards for Retaliation Complaints

Consistent with California Government Code Section 8547.10(e), a Complainant who brings a Retaliation Complaint must demonstrate by a preponderance of the evidence that he or she either made a Protected Disclosure or refused to obey an Illegal Order and that such activity was a contributing factor in the alleged Adverse Personnel Action. If the Complainant has met that standard, the burden of proof shifts to the supervisor, manager, or University to demonstrate by clear and convincing evidence that the alleged Adverse Personnel Action would have occurred for legitimate, independent reasons even if the Complainant had not made a Protected Disclosure or refused to obey an Illegal Order. If that burden is not met, the employee shall have a complete affirmative defense to the Adverse Personnel Action that was the subject of the complaint.

Consistent with California Government Code Section 8547.10(d), nothing in this policy is intended to prevent a manager or supervisor from taking, directing others to take, recommending, or approving any personnel action or from taking or failing to take an Adverse Personnel Action with respect to any employee or applicant for employment if the manager or supervisor reasonably believes any action or inaction is justified on the basis of evidence separate and apart from the fact that the person has made a Protected Disclosure or refused to obey an Illegal Order.

2. Special Evidentiary Standard for Employees in the University’s Health Facilities

When the Complainant is an employee of one of the University’s inpatient health facilities (i.e., facilities to which persons are admitted for a 24-hour stay or longer) and brings a Retaliation Complaint, the LDO (or designee) will determine whether the special evidentiary standard set forth in Section 1278.5 of the California Health and Safety Code applies.

F. Decision by the Chancellor

1. The LDO will present the investigation report to the Chancellor, who will render a decision in the matter consistent with the Evidentiary Standards set forth in Section E. above. If the Chancellor needs more information in order to make a decision, the Chancellor may request further investigation. The Chancellor will
issue a written decision and send it to the Complainant and to the accused employee(s).

2. If the Chancellor determines that an employee or employees violated this policy and that the Complainant was harmed as a result of such violation, the Chancellor will award any appropriate relief, which will be identified in the Chancellor’s written decision provided to the Complainant. However, the written decision will not describe any action that may need to be taken against any employee found to have violated this policy.

3. In all circumstances, the Chancellor’s written decision must be issued and sent to the Complainant no later than 18 months after the complaint was initially filed.

G. Consequences for a University Employee Who Violated the Policy

In those cases where the Chancellor has decided that an employee has violated this policy, the Chancellor, through the appropriate channels, will determine the appropriate action(s) to be initiated, which may include disciplinary action against that employee. If the employee is not in the Academic Senate, any disciplinary action will be in accordance with the applicable personnel policy or collective bargaining agreement. If the employee is a member of the Academic Senate, any disciplinary proceedings will be undertaken in accordance with the academic personnel policies and the procedures established by the Academic Senate.

H. Referral of Complaints to the Office of the President

1. When a complaint filed under this policy alleges that the Chancellor, the LDO, the LDO’s supervisor, or the Chief Campus Counsel engaged in the retaliation that is the subject of the complaint, the LDO (or designee) will request that the Systemwide LDO accept the complaint for processing by the Office of the President.

2. In other special circumstances, the LDO may request that the Systemwide LDO accept a complaint for processing at the Office of the President. The request must state the reason(s) why it would be more appropriate to have the complaint processed at the Office of the President.

3. If the Systemwide LDO decides to accept a complaint for processing at the Office of the President, the Systemwide LDO will conduct the preliminary review in accordance with D.1. and will refer complaints accepted for processing to an RCO for investigation in accordance with Section D.4. above. In such circumstances, the RCO will present the findings of the investigation to the Systemwide LDO for a decision in accordance with Section F. above. If the Systemwide LDO concludes that an employee has violated this policy, the
Systemwide LDO will refer the matter back to the appropriate official at the employee’s location to initiate appropriate action in accordance with Section G. above, except in cases where an adverse finding involves the Chancellor, in which case the Systemwide LDO will refer the matter to the President.

I. Appeals

The Complainant has no right to appeal a decision on the merits of a complaint. However, the Complainant may appeal a local decision dismissing a complaint in whole or in part because it was untimely or lacked required allegations. Such appeals must be made in writing and received by the Systemwide LDO within 30 calendar days of the local decision. The appeal must state why the local decision should be overturned and must include copies of the complaint, the local decision, and the documents and other evidence that support the appeal.

J. Reporting Requirements

Each location will submit a copy of the local procedures implementing this policy to the Senior Vice President/Chief Compliance and Audit Officer. Additionally, each location will provide information regarding complaints filed under this policy and their status to the Senior Vice President/Chief Compliance and Audit Officer using the method established by him or her for this purpose.

IV. COMPLIANCE / RESPONSIBILITIES

See Section III.J.

V. PROCEDURES

Applicable procedures are outlined throughout the policy text in Section III.

VI. RELATED INFORMATION

- University of California Policy on Reporting and Investigating Allegations of Suspected Improper Governmental Activities (Whistleblower Policy) (referenced in Section III.A., Section III.B.2., Section III.D.1.a. and Section III.D.1.b.)

VII. FREQUENTLY ASKED QUESTIONS

Not applicable.
VIII. REVISION HISTORY

This policy was last revised on October 4, 2002.

Future revisions to this policy will be circulated under standard procedures for Presidential Policies; in the case of this policy, the review will include circulation under the standard Academic Personnel Manual (APM) process, with final authority resting with the President.
At its meeting on March 31, 2014, the Committee on Diversity and Equal Opportunity discussed the proposed changes to APM 190 Appendix 2 and supports the changes with no further recommendations.
May 5, 2014

To: Jose Wudka  
    Chair, Riverside Division Academic Senate

From: Georgia Warnke  
    Chair, Committee on Faculty Welfare

Re: Systemwide Review of Proposed Changes to APM 190 Appendix A-2

At its meeting on April 15, 2014, the Committee on Faculty Welfare discussed the revisions to APM 190 Appendix A-2 and noted the changes seem to be in compliance with federal law. However, the policy is quite narrow and may not cover foreseen issues.
April 25, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate

From: Helen Henry  
Chair, Committee on Privilege and Tenure

Re: Systemwide Review of Proposed Changes APM 190. Appendix A

The Committee on Privilege and Tenure has reviewed the proposed revision of the Whistleblower Protection Policy and APM Section 190, Appendix A-2. We have no objections to the revised Policy and support the revision to APM-190, Appendix A-2.
May 2, 2014

TO: Jose Wudka, Chair
   Riverside Division

FR: Akula Venkatram, Chair
    Executive Committee, Bourns College of Engineering

RE: Proposed Changes to APM 190 Appendix 2

The BCOE Executive Committee supports the proposed changes to APM 190, Appendix 2. Under the current WPP policy, a person who files a complaint of retaliation has to first request relief internally at the University, and then seek legal recourse only after the internal review has been completed. The person filing the complaint can use only one of several channels available for redress to avoid duplication of effort. Until one process is complete, the complainant cannot file the complaint under a different grievance procedure. With no mandated time limit, resolution of the complaint using this linear approach can take an indefinitely long time. The amendment allows simultaneous filing of the complaint using different university grievance procedures including that specific to WPP policy. It also ensures that the University resolves the complaint with 18 months of filing the complaint. It is not clear from our reading of the amendment how the Office of the General Counsel arrived at the 18 month time length.
April 9, 2014

TO: José Wudka, Chair
    Academic Senate

FROM: Erica Edwards, Chair
    CHASS Executive Committee

RE: Systemwide Review of Proposed Changes to APM 190 Appendix 2

The CHASS Executive Committee discussed the proposed changes to APM 190 Appendix 2 at the regular meeting on April 9, 2014. There were no objections and our committee approves the proposal.

Erica Edwards, Chair
    CHASS Executive Committee
TO: Jose Wudka, Chair, Riverside Division

FROM: Gillian Wilson, Chair, Executive Committee
College of Natural and Agricultural Sciences

DATE: April 20th 2014

RE: Systemwide Review of Proposed Changes to APM 190 Appendix 2

The CNAS Executive Committee discussed the proposal revisions to the University of California Policy on the Protection of Whistleblowers from Retaliation and Procedures for Reviewing Retaliation Complaints, Whistleblower Protection Policy (WPP) at its meeting on April 8th 2014. The CNAS Executive Committee endorses the proposed revisions.
April 9, 2014

To:    Jose Wudka
       Chair, Riverside Division

From: John S. Levin
       Chair, Executive Committee, Graduate School of Education


The Graduate School of Education Executive Committee has reviewed “System-wide Review of Proposed Changes to APM 190 Appendix 2: Proposed Revised University of California Policy on the Protection of Whistleblowers.” The changes were acceptable to the Committee.
April 18, 2014

To: Jose Wudka, Chair Riverside Division
From: Ameae Walker, Chair SOM executive committee
Re: Proposed changes to APM190 Appendix 2

The SOM executive committee discussed the proposed changes at its meeting, April 8th, 2014. The committee had no concerns.

SOM Executive Committee
Ameae Walker, Chair
Paul Lyons, Vice Chair
Monica Carson
Iryna Ethell
David Lo
Christian Lytle
Ilhem Messaoudi
Neal Schiller
Emma Wilson
Mahendr Kochhar (clinical)
Emma Simmons (clinical)
Richard Olds (ex officio)
Phyllis Guze (ex officio)
To Be Adopted

Proposed Change to the Bylaws of the Riverside Division
(Bylaw 8.1.1 – Appointment and Tenure)

PRESENT

8.1.1 Subject to approval by the Division and unless otherwise stated, the Committee on Committees of the Division appoints committees and designates their Chairs and Vice Chairs, if any, from among the appointed members of those committees. An appointee may be Chair of but one standing committee in any one year. (Am 22 Oct 73)

PROPOSED

8.1.1 Subject to approval by the Division and unless otherwise stated, the Committee on Committees of the Division appoints committees and designates their Chairs and vice Chairs, if any, from among the appointed members of those committees. An appointee may be Chair of but one standing committee in any one year. Members holding an administrative position higher than department chair may not serve as members of Divisional committees. Department Chairs may serve on Divisional Committees, with the exception of the Committee on Academic Freedom, the Committee on Academic Personnel, the Committee on Charges, the Committee on Privilege and Tenure, and the awards committees (Distinguished Campus Service, Distinguished Teaching, Faculty Research Lecturer, and Scholarship and Honors). (Am 22 Oct 73)

Statement of Purpose and Effect: Senate members holding administrative positions higher than department chair have administrative reporting obligations that would be in conflict with their role as committee chairs or systemwide divisional representatives.

Divisional chairs, should they be willing to serve, may provide important campus knowledge and enhance the depth of the committee’s activities. Excluding department chairs from chairing the Committee on Academic Freedom, the Committee on Academic Personnel, the Committee on Charges, the Committee on Privilege and Tenure, or the awards committees (Distinguished Campus Service, Distinguished Teaching, Faculty Research Lecturer, and Scholarship and Honors) eliminates potential conflicts of interest.

Submitted by Jose Wudka, Chair, Riverside Division: February 25, 2014
Submission Revised: April 28, 2014
Approved by the Committee on Academic Freedom: 4/11/2014
Approved by the Committee on Academic Personnel: 3/24/2014
Approved by the Committee on Charges: no response received
Approved by the Committee on Committees: 3/25/2014 – with comments
Approved by the Committee on Courses: 4/10/2014
Approved by the Distinguished Campus Service Committee: comments -4/14/2014
Approved by the Distinguished Teaching Award Committee: 4/7/2014
Approved by the Committee on Diversity & Equal Opportunity: 4/4/2014
Approved by the Committee on Educational Policy: no response received
Approved by the Facutly Research Lecturer Committee: 4/2/2014
Approved by the Committee on Faculty Welfare: 4/17/2014
Approved by the Graduate Council: comments 3/24/2014
Approved by the Committee on International Education: 4/3/2014
Approved by the Committee on Library, IT & Scholarly Comm: 4/17/2014
Approved by the Committee on Physical Resource Planning: 4/7/2014
Approved by the Committee on Planning and Budget: 4/7/2014
Approved by the Committee on Preparatory Education: comments - 4/10/2014
Approved by the Committee on Research: 4/8/2014 – with comments
Approved by the Committee on Scholarship and Honors: 4/2/2014
Approved by the Committee on Undergraduate Admissions: 4/21/2014
Approved by the Committee on University Extension: 4/8/2014
Approved by the BCOE Executive Committee: no response received
Approved by the CHASS Executive Committee: 4/9/2014
Approved by the CNAS Executive Committee: 4/20/2014 – with comments
Approved by the GSOE Executive Committee: 4/9/2014
Approved by the SOBA Executive Committee: 4/21/2014
Approved by the SOM Executive Committee: comments 4/21/2014

The Committee on Rules and Jurisdiction finds the wording to be consistent with the code of the Academic Senate: 4/21/2014

Received by Executive Council: 5/12/2014
April 11, 2014

To: Jose Wudka, Chair
Riverside Division of the Academic Senate

From: Kathleen Montgomery, Chair
Committee on Academic Freedom

Re: Review of proposed change to Bylaws of the Riverside Division

The Committee on Academic Freedom discussed the proposed change to bylaw 8.1.1 of the Riverside Division and approves of the changes.
March 24, 2014

To: Jose Wudka, Chair  
Riverside Division of the Academic Senate

From: George Haggerty, Chair  
Committee on Academic Personnel

Re: Review of Proposed Bylaw Change

CAP unanimously endorses the proposed change to the Bylaws of the Riverside Division (+8-0-0).
To: José Wudka, Chair  
Riverside Division  

Fr: Mariam Lam, Chair  
Committee on Committees  

Re: Review Bylaw Change to Riverside Division Bylaws Proposed on March 12, 2014 by José Wudka

Dear José:

Per your request, our committee has reviewed the proposal to change the Riverside Division Bylaws at its March 13, 2014 meeting. As written, the goal of the additional restriction (“Senate members holding administrative positions have administrative reporting obligations that are in conflict with their role as committee chairs or systemwide divisional representatives.”) may be unintendedly too broad and all-inclusive a generalization for this level of further restriction.

For example, the list of divisional “administrative positions” at UC Riverside includes many Institute/Centers/Programs administrative directors in all colleges and schools. To name only a few, Kambiz Vafai is Director of BCOE’s Online Master of Science in Engineering Degree Program, Rene Lysloff is Director of Asian Studies, Georgia Warnke is Director of the Center for Ideas and Society, Mariam Lam is Director of Southeast Asian Studies, Kimberly Hammond is Director of the Natural Reserve System, Natasha Raikhel is Director of UCR’s Institute for Integrative Genome Biology. Restricting such administrative position holders from Chairing or Vice-Chairing our current Senate Committees will require immediate re-appointments to many of our current Senate Chairships and will most likely unduly further limit the Committee on Committees’ future appointments.

We do not believe the author of the bylaw change proposal intended such strict restriction. Therefore, we suggest revision of the Bylaw Change proposal to include more specific definitions of what kinds of administrative positions will be barred from Senate leadership positions, such as the ranks of Dean, Associate Dean, and/or Department Chair, etc., as well as more specific Senate Committees to which such restriction might apply, such as CAP, Academic Freedom, etc.

We recommend modeling the divisional bylaw change after the existing systemwide restrictions found in the UC Systemwide Bylaws at Bylaw number 128.H.:  
http://senate.universityofcalifornia.edu/manual/blpart2.html#bl128  
This wording currently reads, “Members holding an administrative position higher than department chair may not serve as members of Assembly committees. However, Department Chairs may serve on Assembly Committees, with the exception of the Committee on Academic Personnel, the Committee on Academic Freedom and the University Committee on Privilege and Tenure.”
We hope editing the proposal language to similarly specific language will allow the divisional Bylaw Change proposal to accomplish its goal of avoiding conflicts of interest, while at the same time not placing additional strain on the work of the Committee on Committees.

Do let us know if you need anything else.

Sincerely,

Mariam Lam, Chair
Committee on Committees
April 10, 2014

To: Jose Wudka, Chair
   Academic Senate

From: Richard Smith, Chair
      Committee on Courses

Re: Review of Proposed Change to Bylaws of the Riverside Division

The Committee on Courses reviewed the proposed changes to Riverside Division Bylaw 8.1.1 at their April 9 meeting and did not find any issues with the proposed change. The Committee’s vote was unanimous in support of the proposal.
April 14, 2014

To: J. Wudka  
Chair, Riverside Division

Fr: J.G. Waines J. Giles Waines, (Electronic Signature)  
Chair, Committee on Distinguished Campus Service

Re: Proposed Changes to the Bylaws of the Riverside Division

The Committee on Distinguished Campus Service has reviewed the proposed changes to the Bylaws of the Riverside Division.

The Committee is concerned that the phrasing of the Bylaw change is vague and does not provide a clear definition of what is considered an “administrative position.” The Committee believes that any change to the Bylaw needs to offer a clear, general rule as to what positions would be included before it is presented to the Division for approval.
April 7, 2014

To: J. Wudka,
   Chair, Riverside Division

Fr: J. Holt
   Chair, Committee on Distinguished Teaching

Re: Proposed Changes to the Bylaws of the Riverside Division

The Committee on Distinguished Teaching has reviewed the proposed changes to the Bylaws of the Riverside Division regarding Senate members with administrative titles not being allowed to Chair Division committees or stand as systemwide representatives. The Committee felt that such a change would have neutral effect on the Committee but supported it as a blanket policy.

Divisional Dean, Agriculture and Natural Resources
April 4, 2014

To: Jose Wudka, Chair
Riverside Division of the Academic Senate

From: Zhenbiao Yang, Chair
Committee on Diversity & Equal Opportunity

Re: Review of proposed change to Bylaws of the Riverside Division

At its meeting on March 31, 2014, the Committee on Diversity and Equal Opportunity discussed the proposed amendment to the bylaws of the Riverside Division and enthusiastically approves of the changes.
April 21, 2014

To:   Jose Wudka, Chair  
       Riverside Division

From: Ward Beyermann, Chair  
       Committee on Educational Policy

Re:    Review of Proposed Changes to Riverside Division Bylaw 8.1.1

The Committee on Educational Policy reviewed the proposed changes to Riverside Division Bylaw 8.1.1 and were unanimously in favor of the proposed changes. However, some members of the Committee questioned whether the term “administrative position” is well defined and opined that the term be clarified to indicate specifically which administrative positions disqualify one for service as a Senate committee chair or Systemwide representative.
April 2, 2014

To: J. Wudka, Chair
    Riverside Division

Fr: C. Varma, Chair
    Committee on Faculty Research Lecturer

Re: Proposed Changes to the Bylaws of the Riverside Division

The Committee on Faculty Research Lecturer has reviewed the proposed changes to the bylaws of the Riverside Division and approves of the changes.

(Signature)
April 17, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate

From: Georgia Warnke  
Chair, Committee on Faculty Welfare

Re: Review of proposed change to Bylaws of the Riverside Division

At its meeting on April 15, 2014, the Committee on Faculty Welfare discussed the proposed change to bylaw 8.1.1 of the Riverside Division and approves of the changes.
March 24, 2014

To: Jose Wudka, Chair
   Riverside Division

From: Lynda Bell, Chair
       Graduate Council

RE: Review of Proposed Bylaw Change

Graduate Council reviewed and discussed the proposed Senate bylaw change prohibiting administrators from serving as chairs of Senate committees at their March 20, 2014 meeting. Overall, the Graduate Council found the proposed change necessary and reasonable.

However, the Council encourages specification in regards to “administrative position.” If department Chairs, program directors, and/or graduate advisors are considered administrative positions, it would be clearer if so stated in the bylaw.

Graduate Council also would like to know if and how other UC campuses limit the roles of administrators on their Senate committees.
April 3, 2014

To: J. Wudka  
   Chair, Riverside Division

Fr: C. Schwenkel  
   Chair, Committee on International Education

Re: Proposed Changes to Riverside Division Bylaw 8.1.1

The Committee on International Education has reviewed the proposed changes to Bylaw 8.1.1 of the Riverside Division and approves of the changes.
April 17, 2014

To: J. Wudka
   Chair, Riverside Division

Fr: L. Chia
   Chair, Committee on Library, Information Technology and Scholarly Communication

Re: Proposed Changes to Riverside Division Bylaws

The Committee on Library, Information Technology and Scholarly Communication reviewed the proposed changes to Bylaws of the Riverside Division as circulated on March 13, 2014 and approves of the changes.
April 7, 2014

To: J. Wudka,
Chair, Riverside Division

Fr: J. Baldwin,
Chair, Committee on Physical Resources Planning

Re: Proposed Changes to the Bylaws of the Riverside Division

The Committee on Physical Resources Planning has reviewed the proposed changes to the Bylaws of the Riverside Division and is in agreement with the changes. The Committee believes that the change is important with respect to eliminating a potentially conflicting role.
April 7, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate

Fr: Kenneth Barish  
Chair, Committee on Planning and Budget

Re: Review of the Proposal to Revise Senate Bylaw 8.1.1

The Committee on Planning & Budget reviewed the proposed changes to the Bylaws of the Riverside Division and supports the policy, although the revision should include the specific applicable administrative titles.
April 10, 2014

To:   J. Wudka
      Chair, Riverside Division

Fr:   E. Nothnagel,
      Chair, Committee on Preparatory Education

Re:   Proposed Changes to the Bylaws of the Riverside Division

The Committee on Preparatory Education has reviewed the proposed changes to Bylaw 8.1.1 of the Riverside Division. The Committee is unclear as to what is considered an “administrative position” under the proposed changes, and believes there needs to be greater clarification on what criteria is used. The Committee suggests either repeating those positions listed under Bylaw 2.2.7 and 2.3.3 (Officers and the Executive Office) or setting a threshold of a specific percentage of pay received from administrative duties.

Without further clarification, the Committee does not feel it can provide approval on the proposed changes.
April 17, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate

From: Helen Henry  
Chair, Committee on Privilege and Tenure

Re: Revised Proposal to Change Divisional Senate Bylaw 8.1.1

The Committee on Privilege and Tenure reviewed the proposal to amend Divisional Bylaw 8.1.1 put forward by Divisional Chair Wudka. Overall the committee supports the proposal but opines that holders of an “administrative position” should include only Department Chairs and above.
April 8, 2014

To:        Jose Wudka, Chair  
            Riverside Division

From:     Michael Allen, Chair  
            Committee on Research

RE:    Review of Proposed Bylaw Change

The Committee on Research reviewed and discussed the proposed Senate bylaw change prohibiting administrators from serving as chairs of Senate committees. Overall, the committee found the proposed change necessary and reasonable.

However, the committee encourages specification in regards to “administrative position.” If department Chairs, program directors, and/or graduate advisors are considered administrative positions, it would be clearer if so stated in the bylaw.
April 21, 2014

To: Jose Wudka, Chair
Riverside Division of the Academic Senate

From: Ziv Ran, Chair
Committee on Rules and Jurisdiction

Re: Review of proposed change to Bylaws of the Riverside Division

The Committee on Rules and Jurisdiction considered the proposed change to bylaw 8.1.1 of the Riverside Division and finds the wording to be consistent with the code of the Academic Senate.
April 2, 2014

To:      J. Wudka
         Chair, Riverside Division of the Academic Senate

Fr:      J. Eichler
         Chair, Committee on Scholarships and Honors

Re:      Proposed Changes to the Bylaws of the Riverside Division

The Committee on Scholarships and Honors reviewed the proposed changes to the Bylaws of the Riverside Division at our meeting on April 1, 2014.

The committee supports the proposed changes unanimously.

Jack F. Eichler
4/2/2014
April 21, 2014

To: Jose Wudka, Chair
    Academic Senate

From: Katie DeFea, Chair
    Committee on Undergraduate Admissions

Re: Review of Proposed Change to Bylaws of the Riverside Division

The Committee on Undergraduate Admissions reviewed the proposed change to Riverside Division Bylaw 8.1.1 and did not find any issues with the proposed change.
April 8, 2014

To: Jose Wudka, Chair
Riverside Division

From: Guanshui Xu, Chair
Committee on University Extension

Re: Review of Proposed Change to Bylaw 8.1.1 of the Riverside Division

The Committee on University Extension reviewed the proposed changes to Riverside Division Bylaw 8.1.1 at their April 8 meeting and did not find any issues with the proposed change. The Committee’s vote was unanimous in support of the proposal.
TO: Jose Wudka, Chair, Riverside Division
FROM: Gillian Wilson, Chair, Executive Committee
College of Natural and Agricultural Sciences
DATE: April 20th 2014
RE: Change to Bylaws, Riverside Division

The CNAS Executive Committee discussed the proposal for a bylaw change to the Bylaws of the Riverside Division at its meeting on April 8th 2014. The CNAS Executive Committee endorses the proposed change to the Bylaws but believes “administrative position” needs to be clarified by reference to the appropriate section in the Academic Personnel Manual (APM).
April 9, 2014

To: Jose Wudka, Chair, Riverside Division

From: John S. Levin, Chair, Executive Committee, Graduate School of Education

Subject: Proposed Change to the Bylaws of the Riverside Division (8.1.1) Appointment and Tenure—Chairs of Division committees

The Graduate School of Education Executive Committee has reviewed “Proposed Change to the Bylaws of the Riverside Division (8.1.1) Appointment and Tenure—Chairs of Division committees.” The changes were acceptable to the Committee.
April 21, 2014

To: Jose Wudka, Chair Riverside Division

From: Ameae Walker, Chair SOM executive committee

Re: Proposed changes to bylaws of the Riverside Division

The SOM executive committee discussed the proposed changes at its meeting, April 8th, 2014. While the aim of the proposal to reduce the potential for situations presenting conflict of interest was recognized, there were two points of concern raised about the proposed changes:

1) It is sometimes difficult to recruit sufficient individuals to serve on academic senate committees, and even more difficult to persuade people to chair them. While most administrators would be expected to have limited time to chair a committee, excluding the possibility that they can serve in this capacity reduces flexibility in filling a need. Of course, if an administrator were to serve in this capacity, the conflict of interest statement from the committee would have to be very explicit about circumstances that represented a real or perceived conflict.

2) Who would and who wouldn’t be considered an administrator needs to be defined. Some consider Chairs of departments to be administrators, while others do not. Even at the dean level, does any percentage appointment disqualify? Etc.

SOM Executive Committee
Ameae Walker, Chair
Paul Lyons, Vice Chair
Monica Carson
Iryna Ethell
David Lo
Christian Lytle
Ilhem Messaoudi
Neal Schiller
Emma Wilson
Mahendr Kochhar (clinical)
Emma Simmons (clinical)
Richard Olds (ex officio)
Phyllis Guze (ex officio)
I. POLICY SUMMARY

The Policy on the Supplement to Military Pay provides reasonable assistance to those University academic and staff personnel serving on active military duty in the War on Terror Overseas Contingency Operations campaign.

II. DEFINITIONS

Exception to Policy: An action that exceeds what is allowable under current policy or that is not expressly provided for under policy. Any such action must be treated as an exception.

Executive Officer: The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources.
Top Business Officer: Executive Vice President-Business Operations for the Office of the President, Vice Chancellor for Administration, or the position responsible for the location’s financial reporting and payroll as designated by the Executive Officer.

III. POLICY TEXT

A. Eligibility
All employees who, as members of the National Guard, the Armed Forces, the commissioned corps of the Public Health Service, or any other category designated by the President, have enlisted or have been called to active military duty in the War on Terror Overseas Contingency Operations campaign are eligible for supplements to their military pay salaries.

As used here, "employee" is meant to include individuals who hold academic, career, limited, floater, casual-restricted, contract, or per diem appointments, regardless of the percent time worked.

B. Commencement
Compensation for the difference between an employee’s University pay and military pay will begin on the first day of unpaid military leave.

C. Duration
The supplement to military pay will extend for a period not to exceed the employee’s tour of active duty, until June 30, 2018, or until the separation date of an employee’s University appointment, whichever comes first. Benefits provided under the policy are subject to a two-year lifetime limit, retroactive to December 14, 2001 (the policy’s original starting date).

University appointees with termination dates due to budgetary restrictions may be reappointed according to University procedures and practices. If such reappointments occur during the employee’s active duty, supplements to military pay will continue into the subsequent appointment until the end of the active duty, or until June 30, 2018, whichever comes first. Benefits provided under the policy are subject to a two-year lifetime limit, retroactive to December 14, 2001 (the policy’s original starting date).

D. Benefits
Employees receiving supplements to their military pay will be considered on pay status.

Medical, dental, vision, and life insurance coverage, and University contributions for these coverages, may continue through the employee’s tour of active duty, until June 30, 2018, or until the separation date of an employee’s University appointment, whichever comes first. Benefits provided under the policy are subject to a two-year limit, retroactive to December 14, 2001 (the policy’s original starting date). Thereafter, the employee (and eligible family members, if any) may continue medical, dental, and vision coverage through the Consolidated Omnibus Budget Reconciliation Act.
of 1985 (COBRA) continuation provisions. In addition, participation in Legal Plan Insurance and Supplemental Life Insurance may continue through the sixth calendar month of military pay. Auto/homeowner’s Homeowner/Rental/Auto Insurance can be maintained throughout the leave.

Dependent Care Flexible Spending Account (DepCare FSA) contributions stop when supplemental payments end and the employee is no longer on pay status. Subject to plan deadlines, eligible expenses incurred through the end of the calendar year may be reimbursed unless participation in DepCare FSA is cancelled. However, some policies (e.g., Accidental Death and Dismemberment), however, have exclusions that apply to individuals on active military duty.

Short-term disability and supplemental disability coverage will terminate on the last day an employee is actively at work.

Employee retirement contributions to the 457(b) Deferred Compensation Plan and the Tax-Deferred 403(b) Plan will continue while a paycheck is received and will stop with the employee’s last paycheck. When the employee returns to University employment, the employee may be eligible to make up contributions to the Defined Contribution 457(b) Deferred Compensation Plan and/or the Tax-Deferred 403(b) Plan that were missed due to the period of military leave, in accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA) and University of California Retirement System (UCRS) provisions.

An employee on military leave may suspend Tax-Deferred 403(b) Plan loan repayments for the period of military leave as provided under USERRA and Tax-Deferred 403(b) Plan provisions.

Retirement service credit will be earned in accordance with the University of California Retirement Plan (UCRP) provisions for the period of military service and for a period following military service, provided that the employee returns to University employment following the leave or notifies the University in writing of his or her intent to return to work in accordance with any applicable reemployment rights and UCRS provisions.

For those employees who elect to continue their University coverage but are ineligible for the supplement to military pay because their military pay exceeds their University wagespay, the University will continue to pay the UC contribution to their health plan premiums through the employee’s tour of active duty, until June 30, 2018, or until the separation date of an employee’s University appointment, whichever comes first. Benefits provided under the policy are subject to a two-year limit, retroactive to December 14, 2001 (the policy’s original starting date).

E. Special Situations
1. Leaves With and Without Pay: Employees who received orders to report for active duty while on an approved leave, with or without pay (e.g., sabbatical, personal, or
research leave), will for the purpose of calculating supplemental pay, be returned to their regular status.

2. Temporary Reductions in Time: Employees who received orders to report for active duty while on a temporary reduction in time will, for the purpose of calculating supplemental payments, be returned to their regular status at the expiration date of such temporary reduction in time. The employee's department will be responsible for adjusting supplemental payments at such expiration date.

3. Temporary Layoffs: Employees who received orders to report to active duty while on a temporary layoff will, for the purpose of calculating supplemental payments, be returned to their regular status at the expiration date of the temporary layoff. The employee's department will be responsible for submitting the documentation required to initiate supplemental payments at such expiration date.

**NOTE:** Supplemental payments should begin at the expiration date of the temporary layoff.

4. Indefinite Layoffs: Employees who received orders to report to active duty while on an indefinite layoff are not eligible for supplemental payments.

5. Partial Year Career Positions: The military pay of employees who hold partial year career appointments will not be supplemented during the months when such employees are on furlough unless such employees have elected to spread their paychecks over 12 months. Periods of time spent on unpaid furlough will not be included in the calculation of the supplemental payments.

The employee's department will be responsible for terminating supplemental payments when such employee would normally go on unpaid furlough and for reinstating supplemental payments when such employee would normally return to pay status.

**IV. COMPLIANCE / RESPONSIBILITIES**

**A. Implementation of the Policy**

The Vice President–Human Resources is the Responsible Officers for this policy and have the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require the approval of the President. The Responsible Officers and the Vice Provost–Academic Personnel may apply appropriate and consistent interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy.

The Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agriculture and Natural Resources Executive Officer are each location is authorized to establish and is responsible for local procedures necessary to implement the policy.
Local procedures must be consistent with the policy. Exceptions to procedures required by this policy must be approved by the Executive Officer.

B. Revisions to the Policy
The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Responsible Officers. Vice-President–Human Resources and the Vice Provost–Academic Personnel.

The Vice-President–Human Resources and the Vice Provost–Academic Personnel Responsible Officers have the authority to initiate revisions to the policy, consistent with approval authorities and applicable Bylaws and Standing Orders, and Policies of the Regents.

The UC Provost and Executive Vice President–Business Operations have the authority to ensure that policies are regularly reviewed, updated, and in a manner that is consistent with other governance University policies.

C. Approval of Actions
Actions within this policy must be approved in accordance with local procedures. Chancellors–Executive Officers and the Responsible Officers Vice-President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

All actions that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Responsible Officers. Vice-President–Human Resources or the Vice Provost–Academic Personnel.

D. Compliance with the Policy
Noncompliance with the Policy is managed in accordance with Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67 pertaining to disciplinary and separation matters, and in accordance with other University policies, including but not limited to, The Faculty Code of Conduct (APM - 015) and University Policy on Faculty Conduct and the Administration of Discipline (APM - 016), Non-Senate Academic Appointees/Corrective Action and Dismissal (APM - 150) or, as applicable, collective bargaining agreements. Reference Section VI and Appendices I and II.

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer at each location will designate the local management office responsible for is accountable for monitoring, and enforcing, and reporting compliance
mechanisms, and ensuring that monitoring procedures and reporting capabilities are established.

The Senior Vice President – Chief Compliance and Audit Officer will periodically audit and monitor compliance with the Policy.

The Vice President – Human Resources is accountable for reviewing the administration of this policy. The Director – HR Compliance may periodically monitor compliance to this policy.

V. PROCEDURES

A. Documentation Required to Initiate Supplemental Payments

1. Supplement to Military Pay Worksheet: The employee’s department and the employee, or the person who holds the power of attorney on behalf of the employee, are responsible for completing the Supplement to Military Pay Worksheet. The purpose of the worksheet is to calculate the gross supplemental pay and to obtain acknowledgement from the employee that any overpayments will be returned to the University.

2. Personnel Action Form or Equivalent Document & Sabbatical Leave/Special Leave of Absence: The employee’s department is responsible for completing a Personnel Action Form, Personnel Transaction Request Form or equivalent document and Sabbatical Leave/Special Leave of Absence Form (UPAY 573) to place the employee on military leave. The department should establish as the end date on the current pay Distribution(s) the last date that the employee will receive University pay.

   The department should establish a new Distribution for the period of the military leave, using the calculated gross supplemental pay (line 13, 14, or 15) determined on the Supplement to Military Pay Worksheet. The department should associate the Gross Supplemental Pay amount with the Description of Service Code "SMP." The department should establish a new Distribution with a Begin Date as of the last day of the employee’s Military Leave Date and with the same End Date on the original Distribution. If the employee remains on military duty, the department should complete a Leave of Absence action.

3. Leave and Earnings Statement: The employee, or the person who holds the power of attorney on behalf of the employee, will be responsible for documenting/estimating the military pay. If available, a Leave and Earnings Statement (LES) will be used to determine the gross monthly military pay. If a LES is not available, the gross military pay may be estimated.

4. Power of Attorney: If an employee has designated a power of attorney, documentation of such power of attorney will be submitted along with the completed worksheet.
5. **Short-Term and Supplemental Disability**: An *Enrollment, Change, Cancellation, or Opt-Out Form (UPAY 850)* will be given to the employee, or the person who holds the power of attorney on behalf of the employee. Because employees are not eligible for disability benefits if the disability was incurred while on extended military leave, Supplemental disability and short-term disability plans must be cancelled by the employee. Failure to do so will result in automatic deductions for disability insurance from supplemental pay even though coverage does not continue.

6. **Payroll Earnings Distribution Authorization**: A Pay Disposition Authorization Form will be given to the employee. This form must be completed and returned to the department if the employee wishes to change his or her disposition of pay.

**B. Initiating Supplemental Pay**

1. **If the Employee Has Not Yet Reported To Active Military Duty**: Both the employee’s department and the employee (or the person who holds the power of attorney on behalf of the employee) are responsible for providing and/or completing the forms outlined within these guidelines.

2. **If the Employee Has Reported To Active Military Duty and Not Returned**: The department will attempt to contact and inform all employees on military leave (or the persons who hold powers of attorney on behalf of such employees) of the supplement to military pay and the procedures required to initiate the supplemental payments.

   Supplemental payments will not be issued without the signature of the employee, or the person who holds a power of attorney on behalf of the employee, on the *Supplement to Military Pay Worksheet*. If a department is unable to obtain a completed worksheet and LES from an employee, or the person who holds the power of attorney on behalf of the employee, the supplemental payment will be calculated and issued upon the employee's return to work.

3. **If the Employee Has Returned From Active Military Duty**: The employee will submit copies of all *Leave and Earning Statements LES* covering the period of time in which the employee was eligible for supplemental payments. The employee’s department will be responsible for calculating the total gross supplemental payment and submitting the required paperwork in accordance with established location procedures.

**C. Issuing Payments**

1. **Retroactive Payments**: The employee's department will be responsible for submitting all retroactive paperwork, including the PAF or equivalent document, *Sabbatical Leave/Special Leave of Absence Form (UPAY 573)*, and late pay transactions. If an employee is eligible for future supplemental payments, the department will complete a PAF or equivalent document based upon the most recent
worksheet and LES obtained from the employee, or the person who holds the power of attorney on behalf of the employee.

2. **Pro-Rated Payments**: The employee's department will be responsible for pro-rating supplemental payments that do not cover a full pay period for employees covered by positive time reporting.

3. **Extensions and Multiple Military Leaves**: The employee's department will be responsible for ensuring that supplemental payments for employees with extensions of their original orders or with multiple military leaves are consistent with these guidelines.

4. **Deductions**:

   a) **Mandatory Deductions**: Supplemental payments will be subject to Federal income tax, State income tax, OASDI, and Medicare. Garnishments/Earnings Withholding Orders for Support, if applicable, will be withheld.

   b) **Voluntary Deductions**: Voluntary deductions will continue to be withheld unless cancelled by submittal of the appropriate cancellation forms.

   c) **Employer Contributions**: Departments are responsible for University contributions.

5. **Issuance**: Except for retroactive payments, supplemental payments will be issued as part of the normal payroll cycle for each affected employee, except for retroactive payments. The supplemental pay will be distributed to the disposition selected by the employee.

6. **Terminating Supplemental Payments**: The employee's department will be responsible for ensuring that upon expiration of the supplemental payments, the employee's status is correctly reflected on the PAF or equivalent document.

**D. Reconciliation**

1. **Reinstatement**: When an employee returns to work from active military duty, the employee will submit a LES for each month for which supplemental military pay was earned or received. The employee's department will be responsible for reconciling actual supplemental military payments with all Leave and Earnings Statements LES. Any overpayments or underpayments will be adjusted in accordance with established location payroll procedures.

2. **Benefits**: Employees returning from military leave have a 31-day period of initial eligibility to reenroll in coverages which lapsed or were cancelled during the extended military leave. The period begins with the date of return to normal pay status.
3. **Retirement Service Credit**: Covered compensation and retirement service credit earned during an extended military leave will be manually adjusted when the employee returns to pay status by submitting a copy of the PAF or equivalent document documenting the extended military leave and verification of the employee's military orders to the retirement membership unit.

4. **Employees Who Do Not Return to University Service**: Employees who elect to terminate their University appointment will be responsible for contacting their former departments to initiate reconciliation between their estimated and actual military earnings. Employees who have been underpaid will receive the balance due. Overpayments will be repaid to the University.

Overpayments will be forgiven if an employee is killed or is disabled to the extent that such employee cannot return to University employment.

**VI. RELATED INFORMATION**

- Overseas Contingency Operations
- Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)
- Legal Plan insurance
- Supplemental Life Insurance
- Homeowner/Rental/Auto Insurance
- Dependent Care Flexible Spending Account (DepCare FSA)
- Accidental Death & Dismemberment (AD&D)
- 457(b) Deferred Compensation Plan
- Tax-Deferred 403(b) Plan
- The Uniformed Services Employment and Reemployment Rights Act (USERRA)
- University of California Retirement System (UCRS)
- University of California Retirement Plan (UCRP)
- Sabbatical Leave/Special Leave of Absence (UPAY 573)
- Supplement to Military Pay Worksheet
- Enrollment, Change, Cancellation, or Opt-Out Form (UPAY 850)
- Health Sciences Compensation Plan
- Personnel Policies for Staff Members 61, 62, 63, 64, 65, and 67
- The Faculty Code of Conduct (APM - 015)
7. FREQUENTLY ASKED QUESTIONS

General

1. What is the definition of University pay for purposes of this policy?

   1) Health Sciences Compensation Plan: The University pay of employees compensated under the Health Sciences Compensation Plan shall be defined as both the base salary and the negotiated compensation (exclusive of incentive payments) in effect and paid through the University payroll when military leave commences, plus housing allowances, if applicable.

   2) Staff Physicians and Dentists Compensation Plan: The University pay of employees compensated under the Staff Physicians and Dentists Compensation Plan shall be defined as both the base salary and non-base salary (exclusive of incentive payments) in effect and paid through the University payroll when military leave commences.

   3) All Other Employees:

      a. Eligible Earnings: The University pay of all other employees shall be defined as the employee’s regular base pay rate plus any of the following eligible earnings:
         - shift differentials;
         - clinical nurse differentials;
         - non-base building pay for nurses;
         - police specialty pay;
         - stipends (department chair, etc.); and
         - academic housing allowances.

      b. Ineligible Earnings: Ineligible earnings shall include the following:
         - overtime;
         - uniform allowances;
         - UNEX BYA;
         - summer session salaries;
         - on-call pay;
         - honoraria;
         - incentive and performance awards;
         - additional academic compensation, including summer and UNEX compensation; and
         - terminal vacation pay.
c. **Range Adjustments, Merit Increases, and Promotion Increases**: The base pay rate shall be adjusted for range adjustments, merit increases, and promotion increases that would have been granted had the employee not been ordered to active military duty.

d. **Variable-Time Appointments**: The base pay rate of an employee with a variable-time appointment shall be adjusted for the average hours on pay status during the three months prior to commencement of military leave, exclusive of hours attributed to overtime.

e. **Irregular-Shift Assignments**: The shift differential component of the gross University pay of employees who are not assigned to the same shift on a regular basis shall be calculated by taking an average of the shift differentials paid over the three months prior to commencement of military leave.

2. **What is the definition of military pay for purposes of this policy?**
   Military pay shall be defined as all compensation, including allowances, received by an individual eligible for supplements to his or her military pay salary.

3. **How is military pay funded for purposes of this policy?**
   Each location shall determine the source of funds for supplemental military pay. University general funds, unrestricted gift funds, medical school compensation plan funds, and other funds identified by the campus may be used. Extramural contract and grant funds may be used to the extent such funds were used to pay the employee immediately prior to his or her call to active military duty.

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### VIII. REVISION HISTORY

As a result of the issuance of this policy, the following document is rescinded as of the effective date of this policy and is no longer applicable:

- **Supplement to Military Pay Policy, dated July 1, 2012**

This policy was reformatted into the standard University of California policy template effective July 1, 2012.

The renewal of this policy supercedes the version the policy issued on July 1, 2012.
May 5, 2014

To: Jose Wudka  
Chair, Riverside Division Academic Senate

From: Georgia Warnke  
Chair, Committee on Faculty Welfare

Re: Systemwide Review of Proposed Revision to UC Policy on Supplement to Military Pay

At its meeting on April 29, 2014, the Committee on Faculty Welfare discussed the proposed revisions to the UC Policy on Supplement to Military Pay. The Committee agrees with the changes, but feels that additional information should be provided regarding the justification for subjecting benefits to a two-year lifetime limit.
May 7, 2014

To:   Jose Wudka, Chair
       Riverside Division

From:  Ward Beyermann, Chair
        Committee on Educational Policy

Re:   Review of Proposed Revisions to the Compendium

The Committee on Educational Policy reviewed the proposed revisions to the Compendium at their April 22 meeting and via email. This was a complex document, which needed a justification and more detail on the revised role of UCOP in the review process, making our evaluation more difficult. The Committee unanimously voted to approve the proposed changes. One member opined that the changes streamline UCOP’s oversight and promoted greater autonomy at the campus level. However, the lack of clarity leaves me wondering if the Senate’s role in some places is diminished. In the future, we strongly urge the Academic Planning Council (APC) to include a justification.
May 5, 2014

TO: Jose Wudka, Chair  
Riverside Division

FR: Akula Venkatram, Chair  
Executive Committee, Bourns College of Engineering

RE: System-wide Review of Proposed Revisions to the Compendium

The BCOE Executive Committee reviewed the proposed changes to the Compendium. The redlined sections are numerous and detailed. However, the proposed changes appear to be straightforward, and fall into the following categories:

- Elimination of references to CPEC, since the committee no longer exists.
- Change of reporting requirement from once a year to once in two years.
- Elimination of reporting requirements for research units.
- Elimination of requirement to list new graduate programs in the Five-Year Plan before approval review.
- Clarification of when system-wide review is required for elimination of UG programs.
- Clarification that the Joint Graduate Board reviews joint UC/CSU graduate programs only when the two systems offer conflicting recommendations.

The BCOE Executive Committee supports these as positive changes that clarify and streamline matters.
May 5, 2014

TO: José Wudka, Chair
    Academic Senate

FROM: Erica Edwards, Chair
      CHASS Executive Committee

RE: Proposed Compendium Revisions

The CHASS Executive Committee discussed the proposed revisions to the Compendium via email and the iLearn discussion board. There were no objections and our committee approved the proposal.

Erica Edwards, Chair
CHASS Executive Committee
April 28, 2014

To: Jose Wudka
   Chair, Riverside Division

From: John S. Levin
   Chair, Executive Committee, Graduate School of Education

Subject: Compendium: University-wide Review Processes for Academic Programs, Academic Units, & Research Units

Members of The Graduate School of Education Executive Committee have reflected upon the document “Compendium: University-wide Review Processes for Academic Programs, Academic Units, & Research Units” and have no major objections to this document or the proposed changes.
May 7, 2014

To: Jose Wudka, Chair
Riverside Division

From: Lynda Bell, Chair
Graduate Council

RE: Proposed Compendium Revisions

As Chair of Graduate Council, I initially believed, per the explanatory memo from Provost Dorr’s office, that we were not to comment on substantive matters related to policy in the proposed Compendium revisions. Subsequently, however, Chair Wudka and Executive Director Palmer informed us that they did want commentary on the substantive matters covered in the proposed revisions. Our meeting time had already passed and so we circulated the memo and the proposed revisions via email to our members. Although we did this twice, the length of the document and its messiness made it difficult for members to make sense of what they should think or do. Only one member commented on a matter related to CCGA processes; but as chair, I decided to write some commentary on the section related to MRUs and MRPs that seems excruciatingly opaque and confusing in its current form. What follows here is the one comment received on CCGA process from GC member O’Connor and my comments on the section on MRUs and MRPs.

On CCGA:

I agree generally with the proposed changes; the only part I was confused over was on p. 21, 6.3, regarding the CCGA’s role for new proposals, in which the change suggests that the CCGA WILL modify proposals, rather than consider whether they should be modified. I know we’re not supposed to wordsmith; however, the change made the CCGA’s role less clear to me, rather than more so.

On MRUs and MRPs:

A few years back, a major shift was made with the disestablishment of several MRUs (Multiple-campus Research Units) and the creation of the new MRPs (Multiple-campus Research Programs). My understanding prior to reading the proposed revisions of the Compendium was that MRUs were to be replaced entirely by MRPs. Now, in fact, I am entirely confused by the language of the proposed revisions. So, for example, here are some of the most confusing statements (to me, at least), found on p. 42 (of the Word
document version of the document that was circulated):

MRUs can submit MRP proposals. An existing MRP that is not already part of an MRU may apply for MRU status at any point in its funding cycle.

New MRPs receive funding as a result of successful ranking in a systemwide competitive process administered by UCOP. The Office of the Vice President for Research and Graduate Studies issues an RFP which outlines guidelines and priorities for that competition cycle. Funding is administered as a research award, and the award terms are set out in the award notice. Renewals or extensions of funding beyond the initial award period are contingent on success in subsequent competition cycles.

To me, these statements completely confound the interrelationship between the MRU and the MRP and furthermore, take the faculty out of the critical intellectual process of creating multiple-campus research endeavors (this may be an artifact of the text rather than a reflection of real practice). I believe this kind of thinking and policy direction could be devastating in the long run, and in fact, seems already to have had many deleterious consequences (to wit, this logic seems to have driven the defunding of the Humanities centers across the system for next year without faculty consultation).

My instinct, therefore, is to register deep concern that it is not at all clear what the role of the Academic Senate and the faculty as individuals is in the establishment and monitoring of MRPs. Moreover, and perhaps even more critically, the proposed revisions to the compendium make the future relationship between MRUs and MRPs murkier than ever before and completely impossible to envision. Finally, the new section on MRPs does not end in a full sentence. It merely trails off with a partial phrase and has no conclusion. This sloppy fact stands as an unintended metaphor for the murkiness of the entire section on MRUs and MRPs.