

**ARTICLE 5
PERSONNEL REVIEW ACTION PROCEDURE
(May 29, 2014-FINAL)**

The following provisions shall be incorporated into each campus' local procedures:

- A.** Local campus procedures shall provide for the selection of members of a review committee to advise the designated University official on the merit increases, promotions, and career status actions for members of the Librarian series in this bargaining unit. Appointees holding titles in the series shall comprise the majority of this committee.

At UC Davis two peer review committees may participate in librarian review actions. CAPA, established by LAUC-D, advises the deciding official; and the Academic Federation Personnel Committee (AFPC), constituted by the Academic Federation, advises the Vice Provost- Academic Affairs.

Librarians who are employed by units other than the University Library must be reviewed according to the criteria that apply to all librarians, but may modify the review process to fit their specific employment circumstances and reporting structures. Their files, however, will be reviewed by CAPA and, where appropriate the AFPC.

- B.** The performance of each appointee shall be reviewed periodically and the review shall include participation by a review committee. A standard review is one that takes place every two (2) years at the Assistant and Associate rank and every three (3) years at the Librarian rank. Service at the top of the Associate Librarian or Librarian rank may be of indefinite duration, therefore, an abbreviated review may be conducted every two (2) years for Associate or three (3) years for Librarian.

Reviews of librarians at the top salary point of the Associate Librarian (if the librarian is not seeking a promotion) or Librarian rank are considered no action reviews (4.E.d.1) and can be abbreviated if the candidate and review initiator agree to do so. An abbreviated review, while abridged, must assess the candidate's performance by the criteria in MOU 4.C.2.a-d, provide evidence to support the evaluation and adhere to all review requirements-- e.g., participation by a review committee and inclusion of a Documentation Checklist and signed Certification Statement. Letters of evaluation are not necessary.

In non-salary action years, Assistant librarians and librarians who have not achieved Career Status shall have an interim review.

- C.** All members of the librarian bargaining unit shall be informed in writing, on a yearly basis, of their eligibility for review.

- D. The CALL for merit increases, promotions, reviews, and career status actions and the calendar of action due dates for the review process shall be issued and distributed each year to every member of the librarian series. The calendar shall establish deadlines that are designed to ensure that all reviews will be completed and salary actions can be processed to take effect at the start of the next fiscal year. The calendar shall be adhered to by all parties. Deadlines may be extended upon the mutual agreement of the parties.
- E. There shall be one (1) designated review initiator for a candidate, who shall make a recommendation for a personnel action which will be included in the review packet. Comments prepared by persons at higher levels of supervision (e.g., department heads, section heads, Assistant/Associate University Librarians) may be included in the academic review file.

Normally, the candidate's supervisor at the close of the period under review will be the review initiator. Any prior supervisors during this period shall provide the review initiator with written non-confidential comments to be added to the review file. Copies of the comments(s) shall be provided to the candidate.

- F. The candidate shall be given the opportunity to ask questions and to supply information and evidence to be evaluated in the review according to the calendar established in the CALL.

It is the candidate's responsibility to provide the review initiator with the information necessary and sufficient to support the candidate's desired review outcome. To this end, the candidate shall provide evidence and documentation, which may include a personal statement, on her/his activities during the period under review pertinent to the criteria in MOU 4.C.2.a-d.

- G. The University may solicit letters evaluating the candidate from qualified persons, including a reasonable number of persons whose names have been provided by the candidate. The decision from whom to solicit letters shall not be subject to grievance and arbitration.

The Reference Solicitation Form shall be used to provide names of persons qualified to review the candidate's activities. This form must be submitted and included in the candidate's file whether or not any names are listed.

If persons contributing letters to review files are also participants in any subsequent stage of the review process, they are required to identify any conflict of interest they have with respect to participating in a fair and unbiased evaluation.

1. The candidate may provide in writing to the review initiator or other appropriate person, names of persons who in the view of the candidate, for reasons provided by

the candidate, might not objectively evaluate in a letter or on a committee, the candidate's qualifications or performance. Any such statement provided by the candidate shall be included in the academic review file. The University decision regarding the requested disqualification shall not be subject to grievance and arbitration.

The Disqualification Statement Form shall be used to submit names of individuals the candidate believes should be excluded from the review process. The deciding official (usually the University Librarian or the Vice Provost-Academic Affairs depending on the specifics of the disqualification request) shall inform the candidate of the decision in writing. That decision shall be included in the file.

This form must be submitted and included in the candidate's file whether or not any names are listed.

2. In soliciting letters of evaluation or following the receipt of an unsolicited letter related to the review, the University may send a statement regarding confidentiality of such letters.
3. All such letters used in the review, even if unsolicited, shall be included in the academic review file.
4. Redacted copies of solicited letters shall be provided to the candidate upon receipt.

The Library Administrative Office, or, the Academic Personnel Analyst in the Law School, shall provide the candidate with these letters.

5. Unsolicited letters related to the review will be subject to redaction, if received by the University with the understanding that the identity of the author will be held in confidence to the extent permissible by law. Redacted copies of such letters will be provided to the candidate.

The Library Administrative Office, or, the Academic Personnel Analyst in the Law School, shall provide the candidate with these letters.

- H. An academic review file shall be prepared for each candidate who is being considered for a merit increase, promotion, or career status action. The review initiator is responsible for preparing the candidate's academic review file, which consists of the review initiator's recommendation together with pertinent additional letters, if any, including those letters solicited from individuals, as provided for above, and required documents.

The following steps occur prior to the provision of the review initiator's final recommendation to the candidate.

1. **The review initiator provides the candidate with a copy of the draft recommendation and meets with the candidate at least one day later to discuss the draft.**
2. **Changes acceptable to both parties shall be made to the recommendation.**

The review initiator's recommendation, without disclosing the identities of sources of confidential documents, shall discuss the proposed personnel action in light of the criteria and substantiated by supporting evidence contained in the file. The recommendation shall provide a comprehensive assessment of the candidate's performance, together with detailed evidence to support the evaluation. The recommendation may also present a report of consultation with appropriate members of the professional library staff and others in a position to evaluate performance and may include any dissenting opinions.

The review initiator's final recommendation shall be provided to the candidate, along with all documents to be included in the academic review file. The candidate must be allowed a reasonable period of time, seven (7) consecutive calendar days, to review and respond to the file. By mutual agreement of the parties, this period of time may be extended. The candidate may submit for inclusion in the record a written statement in response to or commenting upon material in the file.

- I. Upon completion of the procedures described above, a Certification Statement shall be signed by the candidate certifying that the prescribed procedures have been followed. A Documentation Checklist listing the contents of the academic review file shall also be signed by the candidate. The Certification Statement and the Documentation Checklist shall be included in the academic review file.
- J. Decisions and recommendations of the review committee(s) shall be based solely upon material within the academic review file.
- K. If during subsequent review the academic review file is found to be incomplete or inadequate, additional information may be solicited through the designated University official who will inform the candidate that such new material is being added to the review file. The candidate shall have access to all non-confidential material added to the file. A redacted copy of the confidential documents shall be provided to the candidate. The candidate shall also be provided the opportunity to submit a written statement in response to the additions to the review file, which shall become part of the file. The review shall then be based upon the academic review file as augmented.

All such requests will be submitted to and coordinated by the Library Administrative Office, or, the Academic Personnel Analyst in the Law School, which also shall provide the candidate with redacted copies of confidential documents.

- L. No documentation other than the recommendation(s) of the review committee(s) may be added to the academic review file without annotation of the Certification Statement and the Documentation Checklist.

M. The academic review file shall be referred to a review committee. On the basis of all evidence in the academic review file, including the report from an ad hoc review committee, if any, the review committee will submit a comprehensive report and recommendation for action to the designated University official.

1. In conducting its review and arriving at its recommendation concerning a candidate, each review committee shall be guided by the criteria in Article 4.
2. The report of the review committee(s) shall be submitted to the University's deciding officer(s).

The Office of Academic Affairs' Delegations of Authority for Academic Actions (<http://academicaffairs.ucdavis.edu/dofa.cfm>) designates the deciding official (generally either the University Librarian or the Vice Provost-Academic Affairs) for each type of review. Considerations such as whether or not the review includes a promotion or is contested determine who the deciding official is in each case.

A contested review is one in which the candidate or one of the other principal participants (e.g. CAPA) disagrees with the review initiator's recommendation for review action and/or salary points.

3. The deliberations and recommendations of the review committees are to be strictly confidential.
4. A person shall disqualify himself/herself if s/he questions his/her ability to make a fair and objective judgment in a particular case or in the case of a possible conflict of interest.

N. In cases of promotion, conferral of career status, or recommendation for termination of appointment, if the preliminary assessment of the University's deciding officer is contrary to the recommendations of the review committee, the University's deciding officer shall notify the committee with respect to the assessment. The review committee shall be given the opportunity for further comment before the final decision is made.

1. **In these cases, when the Vice Provost-Academic Affairs' preliminary decision is contrary to the recommendation made by either or both review committee(s), s/he must notify either or both committee(s).**
2. **A review committee shall have five working days after receipt of notification to prepare and deliver a statement if it chooses to reply.**

- O.** If the University's deciding officer's preliminary assessment is to terminate appointment or not to confer career status, the candidate shall be notified of the opportunity to request access to records in the academic review file, subject to Article 7, Personnel Files. The candidate and review initiator shall then have the opportunity to respond in writing and to provide additional information and documentation.
- P.** The designated University official shall inform the candidate in writing of the final administrative decision including the reasons for his/her decision. The candidate shall receive a copy of the review committee and any redacted ad hoc committee reports. Such a statement shall not disclose the identities of persons who were sources of confidential documents.
- Q.** An arbitrator shall have the authority to determine whether the University has violated a procedure set forth herein. However, in any grievance alleging a violation of this Article, the arbitrator shall not have the authority to review any decision to:

 - 1. Initiate an academic review;
 - 2. Award or deny a merit increase;
 - 3. Award or deny a promotion;
 - 4. Award or withhold career status;
 - 5. Terminate a librarian following academic review.

If the arbitrator finds that the alleged violation had a material, negative impact on the outcome of the review, the arbitrator's remedy shall be limited to directing the University to repeat, to the extent practicable, the review process from the point at which the violation occurred.

- R.** Local procedures shall be consistent with the language of this contract.