

Standards and Procedures Governing the Reassignment of Tenured Faculty When Objections are Raised

I. Definitions

For the purposes of these Standards and Procedures, the following definitions apply:

1. Professor: A professor ["Professor"] at the University of California, Berkeley ["UCB"] is a tenured member of the Berkeley Division of the Academic Senate ["Senate"].
2. Academic Unit: An academic unit ["Academic Unit"] is a unit of UCB to which a Professor is assigned either for teaching purposes or for purposes of evaluating the Professor's overall performance, or both.
3. Member, Status: A Professor is a member ["Member"] of an Academic Unit when the Professor has full rights and privileges in that Academic Unit. A Professor's status in an Academic Unit ["Status"] includes the Professor's voting rights in the Academic Unit, the Professor's salary as a result of being partially or entirely assigned to that Academic Unit, and the Professor's right to teach courses, carry out research, advise graduate students and participate in governance in that Academic Unit.
4. Reassignment: Absent other superseding University policy, Reassignment may occur when the best interests of the University are served, and the Reassignment occurs through the democratic means of discussion and mutual give and take with the faculty, rather than being arbitrarily imposed from without. These Standards and Procedures apply when a Professor's Status is detrimentally altered and the Professor objects in writing pursuant to Section III: Procedures below. Status is detrimentally altered when the Academic Unit ceases to exist, when the Professor is no longer being paid by the Academic Unit, or when the Professor can no longer exercise the basic rights that constitute Status within the Academic Unit.
5. Reconstitution: An Academic Unit is reconstituted ["Reconstitution"], for purposes of these Standards and Procedures, when it is abolished or redefined in a manner that leads to the Reassignment of one or more Professors who are members of that Academic Unit. The following circumstances are not considered a Reconstitution for the purposes of these Standards and Procedures: a change in name, educational function, administrative support, relationship to other Academic Units, or level of self-governance that does not Reassign any Professor or other faculty member in that Academic Unit. Additionally, a partial change in the composition of the group in which the Professor or other faculty member exercises his or her voting right in the Academic Unit (as a result of a

merger of academic units, for example) is not a Reassignment.

6. **Successor Academic Unit, Existing Academic Unit:** An Academic Unit is the successor of another Academic Unit ["Successor Academic Unit"] when it results from a Reconstitution and is one of the Academic Units to which a substantial portion of the first Academic Unit's faculty members have been transferred in the course of the Reconstitution. An Academic Unit that is neither the subject of Reconstitution nor a Successor Academic Unit is an "Existing Academic Unit." A Successor Academic Unit becomes an Existing Academic Unit after the Reconstitution is approved.
7. **Above the Line Appointment:** An "Above the Line Appointment" is a regular appointment (formerly referred to as a "fractional" appointment) to an Academic Unit for any amount of the Professor's time that is less than one hundred percent but greater than zero percent. For purposes of these Standards and Procedures, a zero appointment shall not be treated as an Above the Line Appointment.

II. STANDARDS

1. **Criteria for Reassignment:** No Reassignment shall be carried out by UCB without consulting the Senate in the manner prescribed in Section III.I.A: Procedures: Reassignment Plan below, except in cases where a general condition of financial exigency has been declared by the Chancellor of UCB, in which case these Standards and Procedures do not apply.
2. **Offer of Reassignment:** When a Professor is Reassigned, UCB must make an offer of reassignment ["Offer of Reassignment"] to that Professor unless UCB and the Professor agree upon an alternative arrangement that is mutually satisfactory. An Offer of Reassignment consists of:
 - A. an offer to become a Member of an Existing Academic Unit, with the understanding that the time that is devoted to teaching, research, and administrative responsibilities will be in parity with current members of the Academic Unit who are at the same rank, and that the Professor's research shall be judged on its merit as well as on the terms of the new Academic Unit's needs of mission; or
 - B. if the Reassignment is being made pursuant to a Reconstitution, an offer to become a Member of one of the Successor Academic Units, which offer shall be made unless there is a compelling academic reason for not doing so; or
 - C. if there is a compelling academic reason not to place the Professor in a Successor Academic Unit (assuming such exists) and no Existing Academic Unit is willing to accept the Professor, an offer of a position within UCB. UCB shall also undertake its best efforts to locate an acceptable position for the Professor at another campus

of the University of California, but no Professor shall be compelled to accept such a position in place of the offer of a position within UCB.

3. Conditions of Reassignment

A. Full Appointments

- i. The offer of a position within UCB must provide:
 - a. comparable rights and privileges with respect to campuswide services and benefits as other Professors possess; and
 - b. reasonably similar expectations regarding the proportions of the Professor's time that are to be devoted to scholarship, teaching and administrative responsibilities as the prevailing standards for faculty members in the Professor's previous Academic Unit; and
 - c. research facilities that are at least minimally adequate for the Professor to continue his or her previous work; and
 - d. evaluation of the Professor's research on its own merits, and teaching requirements that are in the same general academic field as the Professor's previous teaching; and
 - e. clearly specified administrative mechanisms by which the Professor shall receive staff support, and by which the Professor can be considered for advancement and promotion without prejudice resulting from the Professor's position outside an Academic Unit.
- ii. To determine that no Existing Academic Unit is willing to accept the Professor, UCB must request a list of Academic Units from the Professor, and make a request for appointment ["Request for Appointment"] to each Academic Unit on the list. A request for Appointment shall be presented at a general faculty meeting of the Academic Unit to which the Request for Appointment is made. The Academic Unit shall decide whether to accept the Professor by the ordinary process by which such appointments are reviewed. No Existing Academic Unit of UCB shall, as a result of these procedures, be subject to any compulsion to accept any Professor from a Reconstituted Academic Unit (subject to the provisions of Section III.1.E: Procedures: Appeal to the Privilege and Tenure Committee below), or

subjected to any penalty for its refusal to do so.

- B. Above the Line Appointments: When an Academic Unit is Reconstituted, and a Professor in that Academic Unit has an Above the Line Appointment in another Academic Unit, the other Academic Unit must offer the Professor a full-time appointment and undergo the procedures detailed in the Berkeley Manual of Academic Personnel (BMAP) for full time equivalent (FTE) changes. If the offer is accepted by the Professor, the fraction of the FTE needed to make the appointment whole shall be transferred to the second Academic Unit.

III. PROCEDURES

- A. Reassignment Plan: UCB, via the Chancellor or the appropriate designee of the Chancellor, shall notify the Chair of the Senate ["Chair"] that it is planning to Reassign a Professor at the earliest feasible time, and it shall present an explanation for the Reassignment to the Senate [the "Reassignment Plan"] at the earliest feasible time. In evaluating the Reassignment Plan, the Senate may or may not evaluate any Reconstitution of which it may form a part.
- B. Senate Concurrence: The Chair shall appoint an Ad Hoc Committee to review the Reassignment Plan and any other information from UCB or the Professor about the Reassignment to determine Reassignment Plan's compliance with the standards specified in Part II. The Ad Hoc Committee shall not be made up of current members of the Committee on Privilege and Tenure.
- C. Administrative Appeal: The Reassignment Plan shall be transmitted to the Professor at the same time when it is transmitted to the Senate. If the Professor is dissatisfied with his or her treatment, as specified in the Reassignment Plan, he or she shall send a written objection to the Chancellor of UCB within thirty days after receiving the Reassignment Plan and shall be entitled to a meeting with the designated UCB officer who is authorized to make changes in the Reassignment Plan within 30 days after the Chancellor receives such written objection. The Professor may submit any documents he or she chooses. Within 30 days after the meeting, the UCB officer shall inform the Professor of his or her decision with respect to the Professor's proposed treatment under the Reassignment Plan.
- D. Appeal to the Senate: A Professor who has requested a meeting pursuant to Section III.1.C above and has failed to receive a response or remains dissatisfied with the Reassignment Plan may appeal to the Ad Hoc Committee within six months of the time that the Reassignment Plan has been transmitted to that Professor. After

having heard the appeals to a given Reassignment Plan, the Ad Hoc Committee shall report to the Divisional Chair, indicating whether it concurs with the Reassignment Plan. The Chair shall then indicate, by letter to the Chancellor with a copy to the Professor, whether the Senate concurs or does not concur with the Reassignment Plan.

- E. Appeal to the Privilege and Tenure Committee: The Professor may file a grievance with the Privilege and Tenure Committee for any failure of UCB to abide by the procedures specified in these Standards and Procedures, and, in the absence of Senate concurrence pursuant to Section III.1.B: Procedures: Senate Concurrence above, the Professor may also file a grievance for any failure of UCB to abide by the standards specified in these Standards and Procedures, including the failure to provide a compelling academic reason for the Reassignment of the Professor. The Privilege and Tenure Committee shall determine the Status of the Professor *de novo*, convey that determination to the Chancellor of UCB, and follow the procedures laid out in Senate Bylaw 335 for investigating a grievance.