COMMUNICATION FROM THE COMMITTEE ON RULES & JURISDICTION

Joe Wiemels, PhD, Chair

May 23, 2005

Leonard S. Zegans, M.D.
Professor and Chair
UCSF Academic Senate

RE: Ruling on the Possible Conflict of the Recommendations of the Academic Senate Task Force on Faculty Recruitment, Retention, and Promotion (December 2003) with the Academic Personnel Manual (Specifically Concerning the Waiver of Searches)

Dear Len,

As requested in your letter dated May 10, 2005, the Committee on Rules & Jurisdiction reviewed the Recommendations of the Academic Senate Task Force on Faculty Recruitment, Retention, and Promotion and specific sections of the Academic Personnel Manual (APM) on May 17, 2005 to determine if any inconsistencies or conflicts exist between the two related to a waiver of searches.

In the way of context, we offer the following:

From the Recommendations of the Academic Senate Task Force on Faculty Recruitment, Retention, and Promotion:

C. Systematic Review of Existing Faculty in the Adjunct or Clinical Series
Since a significant percentage (estimated by the TFRRP to be approximately 40%) of existing junior faculty in the Clinical and Adjunct series appear to be doing the types of work expected of those in the In-Residence or Clinical X series, the TFRRP recommends that a systematic review be conducted to identify people who might be in an inappropriate series. An attempt should be made to move people into the series that best fits their actual duties and records of academic achievement. This will take time, perhaps as long as three years. Responsibility for these reviews should rest with the associate/vice deans for academic affairs in the four schools, with oversight by the Academic Senate through CAP.

Section C, Point 4
There should be a blanket waiver of national searches of all series changes of those individuals who are UCSF faculty as of the date that these recommendations are implemented through the time it takes to review all eligible faculty. This waiver should not apply to new appointments.
The recommendation of a blanket waiver for national searches is clearly limited only to current faculty in the Adjunct or Clinical series, and then only for those who are already doing work appropriate to another series. After careful consideration of Section II of the APM, the Committee noted that the sections of the APM which do mention searches for new appointments do so in terms of appointments into a specific series, not out of a specific series as is addressed by the Recommendations from the Task Force (i.e. out of Adjunct or Clinical into another series). The language could be changed to specify that the transfers are limited to those moving into Academic Senate series other than ladder rank. This specification could be stated in section C.4.

The APM clearly allows waiver of searches for transfers of any University of California title into certain non-ladder-rank titles, such as In-Residence and Clinical X, and the Committee believes that the use of a waiver for searches under the conditions set forth in the Recommendations of the Academic Senate Task Force on Faculty Recruitment, Retention, and Promotion are not in conflict with the provisions set forth in the Academic Personnel Manual. In addition, the change to the Task Force recommendations suggested by the Faculty Council of the School of Pharmacy (letter by Lisa Kroon, dated 10/7/04, which recommends a search waiver only for those faculty who were searched nationally for their initial appointment) is also not in conflict with the APM.

It should be noted, however, that while appointments of Adjunct and Clinical series to other series do not specifically require a search per the APM, APM Section 270-16-e (1) specifically states that a change in series/appointment from the In Residence series to the Professor (Ladder Rank) series requires a competitive search. The waiver recommended by the Task Force applies only to current Adjunct or Clinical faculty and does not present a conflict. The APM is clear however that transfers of any sort require “regular academic review.”

While the Committee discussed various issues surrounding the implementation of such a waiver—concerns such as affirmative action, financial feasibility, and potential disparity in applying such a waiver unequally—these were ultimately considered beyond the purview of this Committee and outside the scope of the question before the Committee. The Committee is concerned, however, that the ramifications of such a waiver be considered by the Academic Senate or Senate committee before implementation. As part of this consideration, the Committee believes that the term “blanket waiver” needs to be more specifically defined, in particular whether this term renders the waiver compulsory in all transfers or whether departments could reserve the right to perform searches in specific cases.

Sincerely,

Committee on Rules and Jurisdiction

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