#### POLICIES AND PROCEDURES TO ASSURE FAIRNESS IN THE ACADEMIC PERSONNEL REVIEW PROCESS

## I. REFERENCES AND RELATED POLICIES

- A. Academic Personnel Manual (APM)
  - 200-30 Academic Personnel Actions—Personnel Review Files
  - 210 Appointment and Promotion—Review and Appraisal Committees
  - 220 Appointment and Promotion—Professor Series
  - 140 Appeals—Non-Senate Academic Appointees
  - 160 Maintenance of, Access to, and Opportunity to Request Amendment of Academic Personnel Records
- **B.** UCSD Policy and Procedure Manual (PPM)

230-5 Appeals for Academic Appointees Other than Members of the Academic Senate

- 230-11 Maintenance of, Access to, and Opportunity to Request Amendment of Academic Personnel Records
- 230-20 UCSD Academic Appointment Guidelines
- 230-21 Procedures for Appointment to Unit 18 Titles
- 230-28 Procedures and Schedules for Academic Appraisals, Advancements, and Reappointments

# II. POLICY

The policies and procedures contained in this document apply to the following titles and series:

Academic Administrator series\* Academic Coordinator series\* Adjunct Professor series Assistant and Associate University Librarian series Clinical Professor series Continuing Education Specialist series\* Lecturer titles \*\* Lecturer and Senior Lecturer with Potential for Security of Employment titles

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Lecturer and Senior Lecturer with Security of Employment titles Librarian series Postgraduate Research Professor of Clinical (e.g., Medicine) series Professional Research series - Research Scientist/Scholar\* - Project Scientist/Scholar\* Professor series Professor-in-Residence series Program Coordinator title\* Specialist series Supervisor of Physical Education series Supervisor of Teacher Education titles\*\* Teacher of Special Programs\*\* University Professor title Acting and Visiting titles, where appropriate in above series and titles

- \* Added to listing of applicable titles as San Diego campus policy.
- \*\* Access to personnel records is governed by the Memorandum of Understanding between The Regents of the University of California and the University Council-American Federation of Teachers.

#### III. PROCEDURES

# A. Definition of Academic Personnel Review File and Other Academic Personnel Records

1. Personnel Review File

The Personnel Review File is that portion of an individual's academic personnel record which is maintained by the University for purposes of considering personnel actions under the relevant criteria and shall contain only material relevant to these purposes. Final administrative decisions concerning promotion, merit increase, appraisal, reappointment, nonreappointment and terminal appointment shall be based solely upon the material contained in the individual's Review File.

The Personnel Review File contains:

- a. Confidential academic review records:
  - (1) A letter of evaluation or other statement pertaining to an individual received by the University with the understanding that the identity of the author of the letter will be held in confidence to the extent permissible by law.

- (2) A letter from the chair setting forth a <u>personal</u> recommendation in connection with an academic personnel action.
- (3) Reports, recommendations, and other related documents from campus and departmental ad hoc committees concerning evaluations of the individual in connection with an academic personnel action.
- (4) Information placed in the review file by a chair that provides reference to the scholarly credentials of individuals who have submitted letters of evaluation or their relationship to the candidate.
- b. Non-Confidential academic review records are:
  - (1) A letter from the chair setting forth a <u>departmental</u> recommendation in connection with an academic personnel action.
  - (2) Reports, recommendations, and other related documents from administrative officers (e.g., Deans, Provosts) and standing personnel committees (e.g., CAP, AARP, PSSRP) concerning evaluation of the individual in connection with an academic personnel action.
  - (3) Letters of recommendation and/or evaluation -- including those from past or present students -- that are <u>added to the file by the candidate.</u>
- 2. Other Academic Personnel Records

Other academic personnel records, pertaining to the individual as an employee of the University, may include the following materials:

Miscellaneous correspondence Leave records Documents related to administrative appointments Employment history other than that contained in the Personnel Review File Retirement matters Payroll matters Academic Senate matters concerning the individual Other similar information

Such materials shall not be referred to or considered in connection with a recommendation or decision in a personnel action involving an individual unless they are made a part of the individual's Personnel Review File by an appropriate administrative officer.

# B. Access by the Individual to Academic Personnel Records

1. The individual shall have access to all documents in the academic personnel records, including the individual's Personnel Review File, except those defined as confidential academic review records.

- 2. When an individual requests access to confidential academic review records, the records shall be subject to **redaction** as follows:
  - a. For a letter of evaluation or statement from an individual evaluator, redaction shall consist of the removal of name, title, organizational/institutional affiliation, and relational information contained within or below the signature block of the letter of evaluation. The full text of the body of the letter is available to the candidate.
  - b. For reports or recommendations of an ad hoc committee, redaction shall consist of the removal of the names of individual members of the committee.
  - c. For information that references the scholarly credentials or relationship to the candidate of the authors of the letters of evaluation, <u>no access shall be</u> <u>provided to the candidate</u>. Chairs should provide this information on the "Identification and Qualifications of External Referees" form (see PPM 230-28).

NOTE: Policies and procedures regarding the maintenance of, access to, and opportunity to request amendment of Academic Personnel records are contained in PPM 230-11.

# C. Safeguards Against Potential Injustice

There are several elements in the academic personnel process of the University that provide safeguards to assure that the use of confidential documents in that process does not cloak abuse, while retaining the benefits to that process from the receipt of confidential evaluations. These safeguards are:

- 1. An academic personnel process in which final administrative decisions are based solely upon the Personnel Review File, which contains only documentary material relevant to consideration of personnel actions concerning the individual under applicable University criteria.
- 2. A multi-tiered process of academic review typically involving two or three different faculty review groups (departmental faculty, campus ad hoc or standing committees, and the Committee on Academic Personnel) and review by two or three different administrators (chair, Provost, Dean, and/or Vice Chancellor-Academic Affairs).
- 3. Opportunity for the individual to contribute to the Personnel Review File.
- 4. Opportunity for the individual to receive, upon request, a copy of all non-confidential documents and a redacted copy of all confidential academic review records in the Personnel Review File.
- 5. Clearly defined grievance procedures through which individuals can have their complaints inquired into concerning allegations of failure to comply with applicable procedural requirements in the academic personnel review process or allegations

of the use of impermissible criteria in the process.

## D. Procedural Safeguards in the Academic Personnel Review Process

The following are to insure fairness in the academic personnel review process:

- 1. Before Personnel Review File is Assembled:
  - a. The chair or unit head (hereafter referred to as chair) notifies candidate of impending review.
  - b. The chair makes certain the candidate is adequately informed about the entire review process and is made aware of APM 160, 210, and 220 and PPM 230-28 and 230-29.
  - c. The chair makes certain the candidate is given an opportunity, within reasonable deadlines, to:
    - (1) Ask questions,
    - (2) Supply pertinent information and evidence,
    - (3) Suggest, where relevant, names of persons to be solicited for letters of evaluation,
    - (4) Provide in writing to the chair names of persons who, for reasons set forth by the candidate, might not objectively evaluate the candidate's qualifications and performance. Such statement shall be included in the Personnel Review File.

Based upon the above, candidates occasionally have asked that the department chair, Deans, Provosts, members of the Committee on Academic Personnel, and other individuals within and outside the department be excluded from participation in their academic personnel review.

CAP does not consider it appropriate to honor requests to exclude particular members of CAP from participation in the review of any file. CAP members routinely exclude themselves from review of candidates at the departmental level, and to exclude them at the CAP level would essentially disenfranchise them. It would, in general, be inappropriate to exclude them from consideration of any cases involving candidates from their own or other departments because their expertise is needed by CAP. Any member of CAP can, however, on his/her own initiative, voluntarily withdraw from a review.

Candidates occasionally name reviewers, inside and outside the University, who, for reasons stated in writing, might not provide an objective evaluation of the candidate's work. The department chair, in

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consultation with the voting members of the department, should decide whether or not to solicit letters from those named. If a named reviewer is used, the chair should explain the reasons for consulting the named individual so that the file will show not only the candidate's reasons for the exclusion, but also the reason for the department's decision to seek the opinion of the named person.

On rare occasions, candidates ask that the department chair not prepare the review file. Such requests will be decided by the Vice Chancellor-Academic Affairs following consultation with CAP. In those instances where someone other than the department chair is asked to prepare the review file, the department chair will participate in the review as a voting member of the department.

Members of the candidate's department, Deans, Provosts, and members of the Committee on Academic Personnel cannot be barred from participation in the personnel process on the basis of a challenge to their objectivity. To do so would infringe on rights granted to faculty by The Regents in Standing Order 105.2(c) and rights granted to the Academic Senate by The Regents in Standing Order 105.2(d). Individuals may voluntarily withdraw from participation in the review process.

2. Solicitation of Letters of Evaluation

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a. In accordance with established policy applicable to the personnel action under consideration, the chair shall solicit letters of evaluation from qualified persons, including a reasonable number of persons nominated by the candidate. All such letters received shall be included in the File; unsolicited letters that are used also shall be included in the File. NOTE: <u>All</u> letters received shall be included in the file, including files for which the departmental recommendation is one that normally does not require outside referee letters.

Normally, no more than one out of three (when three extramural letters are required for the File) or two out of five (when five extramural letters are required for the File) letters should be from referees selected solely by the candidate, but this level may be exceeded if the candidate's list includes all of the recognized experts in the field.

In soliciting or receiving unsolicited letters of evaluation, the chair should include, attach or send a statement regarding the confidentiality of such letters. This statement must include the following (or its equivalent):

"Under University of California policy, the identity of authors of letters of evaluation which are included in the personnel review file will be held in confidence. A candidate may, upon request, be provided access to such letters in redacted form. Redaction is defined as the removal of identifying information (including name, title, institutional affiliation, and relationship to the candidate) contained either at the top of the letterhead or within or below the signature block of the letter of evaluation. The full text of your letter, therefore, will be provided to the candidate if so requested. Thus, if you

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provide any information that tends to identify you in the body of the letter, that information may become available to the candidate. You may provide a brief statement regarding your relationship to the candidate at the end of your letter but below the signature block. This statement will be subject to redaction and will not be made available to the candidate. Although we cannot guarantee that at some future time a court or governmental agency will not require disclosure of the source of confidential evaluations in University of California personnel files, we can assure you that the University will endeavor to protect the identity of authors of letters of evaluation to the fullest extent allowable under the law."

- 3. Before Departmental Recommendation is Determined
  - a. The chair shall provide the candidate the opportunity to inspect all documents in the Personnel Review File other than confidential academic review records.
  - b. The chair shall provide to the candidate, upon request, a redacted copy of the confidential academic review records in the File.
  - c. Within <u>seven days</u> of receiving redacted copies, the candidate may submit for inclusion in the Personnel Review File a written statement in response to or commenting upon material in the File. The candidate's response must be made available to the faculty prior to the meeting at which the departmental recommendation is determined.
  - d. The candidate's signature on Certification A (*Exhibit A*) certifies that these procedures have been followed. Certification A should be signed and dated on the date this action occurs and must be included in each Personnel Review File.
- 4. During Departmental Review
  - a. The chair has an obligation to consider the interests of both the candidate and the University, and to see to it that the departmental review is fair to the candidate and rigorous in maintaining University standards.
  - b. The chair has the responsibility of making the complete Review File available for inspection by the voting members of the department before the departmental vote is taken. Copies of the files or portions thereof should not be distributed to members of the faculty.

"Complete Review File" refers to the review file prepared for the proposed personnel action and generally does not include previous review files or other material which are not relevant for the proposed personnel action. The department or the candidate can, of course, make material in a previous review file a part of the current file.

c. The department shall adopt procedures under which the letter setting forth the departmental recommendation, before being forwarded for academic

and administrative review, shall be available for inspection by all those members of the department eligible to vote on the matter or, where applicable, by a designated committee or group of such members. The operating word is inspection, not approval; dissenting faculty may add dissenting letters into the File. Dissenting letters are considered nonconfidential and will be available to the candidate.

- d. The departmental recommendation is made in accordance with the procedural regulations of the Academic Senate and established governance practices of the department. The chair initiates a personnel action by addressing a letter setting forth the departmental recommendation. This departmental letter shall discuss the proposed personnel action in light of applicable University criteria, and shall be accompanied by supporting evidence. The chair shall report the nature and extent of consultation on the matter within the department, including any vote taken, and present any significant evidence and differences of opinion which would support a contrary recommendation. The chair should ensure that individuals who have provided confidential letters of evaluation are not identified in the departmental letter except by code.
- e. The chair, in a separate letter, may make an independent evaluation and recommendation which may differ from the departmental recommendation. This letter should be shown to all voting members of the department, and will be accessible to the candidate, upon request, in redacted form.
- 5. After Departmental Recommendation is Determined

Before or at the time of forwarding the departmental recommendation letter and the Personnel Review File, the candidate has the following rights.

- a. The candidate shall be informed of the following:
  - (1) The departmental recommendation.
  - (2) The substance of the departmental evaluations under each of the University criteria.
- b. Upon request, the chair shall provide to the candidate a copy of the letter setting forth the departmental recommendation.
- c. The candidate has the right to make a written comment on the departmental recommendation. If the candidate makes a written comment, it shall be submitted to the chair within <u>seven</u> days of the candidate being informed of the departmental recommendation and shall become a part of the Personnel Review File.
- d. The candidate's signature on Certification B (*Exhibit B*) certifies that these procedures have been followed. Certification B should be signed and dated on the date this action occurs and must be included in each Personnel Review File.

- 6. During Academic Senate or Administrative Review of a Departmental Recommendation
  - a. Any additional information or material requested by reviewers must be solicited from the chair through the Office of the Vice Chancellor- Academic Affairs or the applicable Dean/Director in cases where the Dean/Director is the approving authority.
  - b. Such new material shall be added to the Personnel Review File and the department shall be given the opportunity to comment on the new material.
  - c. The candidate shall be informed by the chair of the new material which has been added to the Personnel Review File, without disclosing the identities of sources of confidential academic review records, and may be provided access to the new material in accord with APM 220-80-d.
  - d. The candidate shall be provided the opportunity to make a written statement for inclusion in the Personnel Review File. The candidate's statement should be received by the department within <u>seven days</u> of the candidate being informed of the new material. The candidate's statement will become part of the File as augmented.
  - e. The candidate's signature on Certification C (*Exhibit C*) certifies that these procedures have been followed.
- 7. If there is a tentative decision by the administrative authority that is contrary to the recommendation of the department or of reviewers, the Vice Chancellor-Academic Affairs (or applicable dean, where appropriate) shall notify the candidate, chair or applicable reviewers of the preliminary decision and the reasons for it. The chair or applicable reviewers will have an opportunity to accept the preliminary decision or to respond to it, within <u>fourteen days</u>, before a final decision is made. If additional information is furnished, appropriate reviewers will be given an opportunity to comment on the augmented file. If the candidate chooses to comment, such comments should be received by the department chair <u>within seven days</u> from the date the candidate was informed of the preliminary decision. Any response to the preliminary decision and/or submission of additional material must be accompanied by a signed and dated Certification C.
- 8. After the final administrative decision has been communicated to the candidate, the candidate shall have the right, upon written request, to receive from the Vice Chancellor-Academic Affairs, or other designated administrative officer, a written statement of the reasons for that decision, including a copy of non-confidential documents and a redacted copy of the confidential academic review records.
- E. Additional Safeguards in the Academic Personnel Process for Assistant Professors, Assistant Professors In-Residence, Assistant Adjunct Professors, Assistant Professor of Clinical \_\_\_\_\_, Assistant Supervisors of Physical Education, and Assistant Research Scientists/Scholars
  - 1. A proposal not to reappoint an Assistant Professor/Supervisor/Research Scientist/Scholar may originate with the department chair as a result of

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departmental review during consideration of reappointment. Also, during a formal appraisal of an Assistant Professor/Supervisor/Research Scientist/Scholar, a department may recommend that a candidate be notified of a terminal appointment. In either event, the case shall be reviewed in accordance with policies outlined in APM Sections 220-82, 220-83, and 220-84; PPM 230-28; and PPM 230-29.

2. If, during review of a departmental recommendation in favor of reappointment or promotion or during a positive departmental appraisal of an Assistant Professor,

Assistant Supervisor, or Assistant Research Scientist/Scholar, there is a recommendation to make a terminal appointment or not to reappoint by a Dean, Provost, campus ad hoc review committee, and/or the Committee on Academic Personnel; and if the Vice Chancellor-Academic Affairs or other designated administrative officer's tentative decision is to make a terminal appointment or not to reappoint; then, before the final decision is made:

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- a. The candidate and the chair shall be notified of this in writing (including a statement of reasons) by the Vice Chancellor-Academic Affairs (or applicable dean, where appropriate).
- b. The candidate also shall be notified of the opportunity to request access to records placed in the personnel review file subsequent to the department review. The candidate may request this information by writing to the Vice Chancellor-Academic Affairs, <u>within seven days</u> of receipt of the tentative decision. When the candidate is provided with copies of the records, the department chair also shall be provided with copies of the extra-departmental records.
- c. The candidate and the chair, after appropriate consultation within the department, shall then have the opportunity to respond <u>within fourteen days</u> and to provide additional information and documentation. The candidate may provide to the chair, <u>within seven days</u> of being informed of the preliminary decision (or within seven days of receipt of the extradepartmental records as outlined in b.), any comments or additional information he/she wishes to have added to the file. The departmental response and/or submission of additional material must be accompanied by a signed an dated Certification C.
- d. The Personnel Review File, as augmented by the new material, shall then be considered in stages of the review process as designated by the Vice Chancellor-Academic Affairs and the Committee on Academic Personnel before a final decision is reached by the Vice Chancellor-Academic Affairs.

# F. Certifications

# 1. Certification A

At the beginning of the review process, which should be no later than October 15, the chair informs the candidate of the nature and process of the impending review and of the candidate's rights to provide information for the review. The candidate certifies that he/she had the opportunity to update the bibliography and Annual Supplement to the Bio-Bibliography, to inspect teaching evaluations and other non-confidential material in the Review File, to receive, upon request, a redacted copy of the confidential academic review records in the File, and to submit for inclusion in the File a written statement in response to or commenting on the File. The candidate's signature on *Certification A* (*Exhibit A*) certifies that these procedures have been followed prior to determination of the departmental recommendation. Certification A should be signed and dated on the date this action occurs, and must be included in the Review File.

2. Certification B

After the department has determined its recommendation, the candidate shall be informed orally or, upon request, in writing, of the results of the departmental recommendation. If the chair provides this information in writing, a copy of the written statement shall be included in the File. Upon request, the chair shall provide to the candidate a copy of the letter setting forth the departmental recommendation. The candidate's signature on *Certification B* (*Exhibit B*) certifies that these procedures have been followed. Certification B should be signed and dated on the date this action occurs and must be included in the Review File.

3. Certification C

The candidate's signature on *Certification C* (*Exhibit C*) should be obtained whenever new material is added to the File after the File has been forwarded to Academic Personnel. If it is not possible to obtain the candidate's signature, this should be noted on Certification C by the chair.

NOTE: APM 158, 160, 210, and 220, revised effective August 1, 1992, eliminate the use of Waivers in the academic personnel review process.

#### G. Miscellaneous

- 1. Procedures outlined in this policy apply only to candidates who are currently University of California employees. They do not apply to candidates proposed for appointment who are not currently University of California employees. However, the general principles of fairness in the review process should be accorded to prospective new appointees to whatever degree is feasible.
- 2. If an appointee is on leave during a review process, the procedures should be followed as closely as possible by mail. Since candidates and chairs know in advance when an individual is going to take leave, they should complete as much of the Review File as possible prior to the individual's leave. If it is impossible to complete all steps of the procedures outlined in this policy prior to leave or by mail, the Review File should go forward and the steps completed without consultation with the candidate should be noted in the File. Upon the candidate's return to campus, the chair should inform the individual of the status of his/her Review File.
- 3. When a candidate holds a joint appointment (an appointment in more than one department), one department should take responsibility for assembling the File in compliance with these policies and procedures. In the case where an individual holds an appointment in a salaried instructional title and salaried research title in two different departments, the department where the teaching title is held should assemble the File. In the case of a non-salaried and salaried appointment in different departments, the department where the salaried appointment is held should assemble the File. If there is no obvious determination by teaching or salaried status of the candidate, the chairs of the departments should meet and determine which department will assume responsibility for assembling the File. The chair preparing the File should ask the other chair for input into the File as appropriate to the situation. For example, if a candidate holds a salaried appointment Y, both departments

have the right to vote on the case and provide their respective departmental letter of evaluation for the File; one of the chairs should take the lead in initiating the action.

Another type of joint appointment might involve a salaried appointee who holds a non-salaried appointment in another department. Both departments have the right to vote on the case and provide their respective input. The department where the candidate holds a non-salaried appointment may choose to have its input reflected by having the chair sign the Summary and letter of evaluation prepared by the department in which the candidate holds a salaried appointment. If there are questions, please contact Academic Personnel.

In cases where candidates have a major teaching obligation in an interdisciplinary program, the department chair shall contact the Program Coordinator to evaluate the teaching and service contributions of the candidate to the interdisciplinary program. In tenure and promotion cases of faculty associated with programs where the candidate's research falls into the interdisciplinary area, the chair shall solicit from the Coordinator suggestions of appropriate external referees. The final choice of referees, however, remains within the purview of the department.

- 4. In the case of department chairs and program directors, the Administration shall appoint an appropriate individual or committee to prepare the File. The policies contained in this document apply for such review.
- 5. If a candidate refuses to sign any of the documents necessary for the Review File, the chair should provide a written statement to that effect and send a copy of this statement to the candidate.
- 6. Unless a request to defer a review has been approved by the Vice Chancellor-Academic Affairs, a Personnel Review File must be submitted during the year of normal academic review. If a candidate refuses to participate in his/her review, a Personnel Review File should be forwarded based upon the information that is available to the department.
- 7. The following procedural guidelines should eliminate unnecessary delays in the review process while maintaining the University's commitment to assure candidates of a fair review:
  - a. Department chairs should establish in writing a deadline (no later than October 15) for the submission by candidates of all materials for their Review Files. Departments may establish an earlier deadline, but, in these cases, candidates must have a reasonable period of time to gather and submit the material. For equity reasons, activities and accomplishments beyond that date shall not be added. Adherence to the established deadline will allow the necessary time for voting members of the department to review the material prior to the departmental meeting on the candidate's case.
  - b. If material is received after the departmental meeting and vote, the chair shall determine whether or not the added material is of such significance that it should be reviewed by all voting members and whether a new departmental meeting should be scheduled to reconsider the case. If the chair determines that the new material is not of such substance as to require

a new departmental meeting and/or vote, the chair should take steps to include the material in the File and describe the degree of departmental review of the material. The candidate also should be informed of the degree of departmental review and asked to sign *Certification C* as an indication of his/her awareness that the material has been added to the File.

- c. There may be instances where material is added to the File without subsequent departmental review or a new departmental meeting to reconsider the case; in such cases, there are "checks and balances" provided in the review process to assure that the chair's judgment on the significance or substance of the new material is valid:
  - (1) New material added to the File after the established deadline (e.g., when requested by campus reviewers) will be identified as such and the degree of departmental review and consultation specified.
  - 2) If reviewers do not concur with the chair's judgment, the File will be returned to the department for full consultation and review by all voting members.

#### H. Faculty Discipline and Academic Reviews

Policies governing the inclusion of incidents of admitted or proven misconduct by a faculty member in academic review files are being formulated by the administration and the Academic Senate, and will be issued in the near future.

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#### **Certification A**

University of California, San Diego

#### CANDIDATE'S CERTIFICATION STATEMENT FOR ACADEMIC PERSONNEL REVIEW FILE <u>PRIOR</u> TO DETERMINATION OF DEPARTMENTAL RECOMMENDATION

CERTIFICATION A:

I Certify That:

- 1. I was informed of the impending review for this personnel action and of the review process (through access to APM sections 160, 210 and 220).
- 2. I was provided the opportunity to ask questions and supply pertinent information and evidence, including an updated and signed Bibliography and Annual Supplements to the Biography.
- 3. If relevant to this review, I was provided the opportunity to suggest, in writing, names of persons qualified to evaluate my work as well as names of persons who, in my view, may not be able to provide an objective evaluation. (If such information is provided, please attach a list).
- 4. I was provided the opportunity to inspect all non-confidential material in my review file.
- 5. I was provided the opportunity to receive a redacted copy of all confidential material in my review file.
- 6. I was provided the opportunity to submit a written statement, for inclusion in this file, in response to or commenting upon material in the file. (If such a statement is provided, it is listed below).

Signature

Date

Items/statements I have added:

Initial \_\_\_\_\_Date \_\_\_\_\_

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