

ARTICLE 21 PROFESSIONAL RESEARCH SERIES

A. GENERAL PROVISIONS

1. Definition

- a Appointees in this series must have earned a doctorate or its equivalent. The Chancellor, or their designee, may grant an exception to this requirement. Titles in the Professional Research series are assigned to those appointees who engage in independent research equivalent to that required for the Professor series and not for appointees whose duties are limited to making significant and creative contributions to a research project or to providing technical assistance to a research activity. Appointees with Professional Research titles do not have teaching responsibilities.
- b Appointees can, with campus approval, be Principal Investigators and have the major responsibility and leadership for their research programs. The ability to secure independent funding does not automatically qualify individuals for appointment to the Professional Research series. Appointments in this series may also be made to individuals who are not Principal Investigators, if they meet the research qualifications and demonstrate the accomplishment and the independence of research equivalent to that required for the Professorial ranks.

2. University's Academic and Management Rights

- a The University shall have the sole, non-grievable discretion to determine promotions, merit increases, and non-reappointments, per Article 13 - Management and Academic Rights.
- b Academic judgment is not subject to grievance or arbitral review. As such, an arbitrator shall not have the authority to substitute their judgment for the University's judgment regarding the Professional Researchers' performance or qualifications, nor shall the arbitrator have the authority to order the University to provide a merit increase or promotion. If the arbitrator finds a procedural violation, the arbitrator's authority shall be limited solely to ordering the University to repeat the review from the point at which the violation occurred.

B. RANKS AND STEPS

1. General Conditions

- a The following ranks and steps apply to the Professional Researcher series:
 - 1) Assistant Professional Researcher, I-VI
 - 2) Associate Professional Researcher, I-V
 - 3) Professional Researcher (for purposes of this Article, referred to as “Full”), I-IX
- b At the Berkeley and Davis campuses, each step has a corresponding half-step (e.g., Full Professional Researcher Step I, I.5, II, II.5, etc.). Provisions in this section pertaining to normative time at each step and to overlapping steps also applies to the applicable half-steps at the Berkeley and Davis campuses.

2. Normative Time at Each Step

- a The normal time at each step within the Assistant and Associate rank is 2 years, except for steps IV and V of the Associate rank, which is 3 years. Within the Full Professional Researcher rank, normal time at Steps I-IV is 3 years. Time at Full Professional Researcher Step V and above may be for an indefinite time.
- b For initial appointments that begin mid-cycle, the time for the first review period may be more or less than the normative time above. See Section D.2.b below regarding review schedules.

3. Overlapping Steps

- a Assistant Step V and Associate Step I are overlapping steps. Assistant Step VI and Associate Step II are overlapping steps. Associate Step IV and Full Step I are overlapping steps. Associate Step V and Full Step II are overlapping steps. Time at the lower ranked step in a pair of overlapping steps may be in lieu of time at the higher ranked step in the same pair.
- b When time at an Assistant ranked step in a pair of overlapping steps is followed by time at the Associate ranked step in the same pair, the combined time at both steps may be two years. When time at an Associate ranked step in a pair of overlapping steps is followed by time at the Full ranked Step in the same pair, the combined time at

both steps may be three years.

- c. Locations may, in accordance with local campus practices, limit the use of Assistant rank, Steps V and VI and Associate rank, Steps IV and V.

C. TERM OF APPOINTMENT

1. Appointment Length

- a. An appointment in the Professional Research series shall have a specified ending date and appointment percentage, and the appointment shall terminate on the specified ending date without any further action.

- b. Initial Appointments

- 1) First Appointment

- The Professional Researcher's first appointment shall be for a minimum of one-year, provided that there is work, programmatic need, and appropriate funding. In making initial appointments, the determination of work, programmatic need, and appropriate funding are within the University's sole discretion, per Article 13 - Management and Academic Rights.

- 2) Reappointments Before First Merit Review

- All reappointments before the Professional Researcher's first merit review shall be for a minimum of one-year terms. In the event of a change in programmatic need in the lab/hiring unit, lack of work, or lack of appropriate funding, prior to the end of the appointment, the University shall follow Article 11 – Layoff and Reduction in Time.

- c. Reappointments After First Merit Review

- 1) Once the Professional Researcher has undergone their first merit review, if they are reappointed, they will be reappointed for a term equivalent to at least the normative period of review for their rank and step, as described in this article.
 - 2) A Professional Researcher at steps with no normative time must be reviewed at least every five (5) years. Following the review, such a Professional Researcher shall be reappointed for a minimum of three (3) years which may be followed by a

subsequent two (2) year appointment to bring the Professional Researcher to the next five (5) year review.

- d. Campuses are not prohibited from providing longer-term appointments. A longer-term appointment may be appropriate to sync up the Professional Researcher's term appointment with the merit review cycle.
- 2. The supervisor shall ensure that the overall effort expected of the Professional Researcher is commensurate with the appointment percentage.
- 3. Service as a 50% or more Assistant Professional Researcher is limited to eight years of service (with the 8th year being the terminal year). Six months or more of service at 50% or more within any fiscal year as an Assistant Researcher counts towards the eight-year limit. The Chancellor may grant an exception to the eight-year limitation of service.
- 4. Non-reappointment
 - a. Appointments of Less Than 50 Percent Time: The University is not obligated to give written notice of non-reappointment to Professional Researchers who hold appointments at less than 50 percent time or short-term appointments of less than a year.
 - b. Appointments of More Than 50 Percent Time With Fewer Than Eight Consecutive Years of Service: For Professional Researchers who have served fewer than eight consecutive years in the Professional Research series on a campus, the appointment terminates automatically on its specified ending date unless notice of reappointment is given. It is within the University's sole discretion not to reappoint a Professional Researcher under this section, so long as the reasons for non-reappointment are not unlawful or in violation of this Agreement.
 - c. Appointments of More Than 50 Percent With Eight or More Consecutive Years of Service: The University may decide not to renew a Professional Researcher who has served at least 50 percent time for eight or more consecutive years in the Professional Researcher series on the same campus when the programmatic needs of the lab/hiring unit, lack of work, the availability of appropriate funding for the position, or the Professional Researcher's conduct or performance do not justify renewal of the appointment.
 - 1) In the case of non-reappointment, the University shall provide

a written Notice of Intent not to reappoint an Academic Researcher at least sixty (60) days prior to the appointment's specified ending date. Either the appointment shall be extended to provide the required notice, or appropriate pay in lieu of notice shall be given. The University shall provide a simultaneous copy to the Union. The Notice shall state:

- a) the intended action is not to reappoint the appointee and the proposed effective date;
 - b) the basis for non-reappointment, including a copy of any materials supporting the decision not to reappoint;
 - c) the appointee's right to respond either orally or in writing within fourteen (14) calendar days of the date of issuance of the written Notice of Intent; and
 - d) the name of the person to whom the appointee should respond.
- 2) The Professional Researcher who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fourteen (14) calendar days of the date of issuance of the written Notice of Intent. The response, if any, shall be reviewed by the administration.
 - 3) If the University decides not to reappoint a Professional Researcher who holds a term appointment, following the review of a timely response, if any, from the Professional Researcher, and within thirty (30) calendar days of the date of issuance of the written Notice of Intent, the University shall issue a written Notice of Action to the Professional Researcher and the Union of the non-reappointment and its effective date.

D. MERIT AND PROMOTION REVIEW PROCESS

1. General Conditions

- a When Professional Researchers are eligible for merit increases and promotions, such increases and promotions are based on research qualifications and accomplishments equivalent to those for the Professor series; professional competence and activity equivalent to those for the Professor series; and University and/or public service. Merit increases and promotions are not automatic.

- b. Professional Researchers eligible for review shall receive written notification in accordance with local campus procedures and at least six (6) weeks before materials are due. This notification shall include:
 - 1) A list of materials the Professional Researcher is responsible for providing and how they should be submitted;
 - 2) The date by which the Professional Researcher must submit all required materials;
 - 3) Links to the applicable collective bargaining agreement article(s) and campus guidelines and procedures for merits and promotions; and
 - 4) A statement of the date by which the merit increase or promotion in question shall be effective.
- c. A Professional Researcher may request an extension of the Section D.1.b.2 review deadlines due to a leave of absence taken under Article 12 - Leaves of Absence or Article 34 - Work-Incurred Injury or Illness. Such requests shall not be unreasonably denied.
- d. The effective date of merit increases and promotions as a result of the review process will be July 1st of the current review cycle or the date listed in the notice pursuant to D.1.b.4. If an approval decision is made after the effective date, the merit increase or promotion will be retroactive to the effective date listed in the notice pursuant to D.1.b.4.
- e. Consistent with this Agreement, decisions to grant or not grant a merit increase or promotion to individual Professional Researchers are at the sole discretion of the University. In the event a Professional Researcher is not awarded a merit increase or promotion following a review, the University shall include an explanation for its decision that shall accompany the review determination.
- f. The University is not precluded from granting merit increases of greater than one-step increase.
- g. A Professional Researcher may request to review their academic review file in accordance with the provisions of APM-160 that are applicable to them.
- h. At the University's sole discretion, the University may apply a search exemption for an internal hire/change in series from the Professional Researcher series to Specialist series, Project Scientist series, or Coordinator of Public Programs series, if the appointment is in the

same lab/unit or equivalent.

2. Review Period

- a. A Professional Researcher with an initial date of appointment between July 1 and January 1 shall be reviewed as follows:
 - 1) Assistant Professional Researchers at all steps and Associate Professional Researchers, up to Step III, shall be reviewed every two years.
 - 2) Associate Professional Researchers at Steps IV and V, and Full Professional Researchers at Steps I-IV, shall be reviewed every three years.
 - 3) Full Professional Researchers at Steps V and above shall be reviewed at least every five years, in accordance with local procedures.
- b. The review schedule for a Professional Researcher with an initial date of appointment between January 2 and June 30 will not commence until July 1 of that year. On July 1 of that year, the review schedules in Section D.2.a shall apply.
- c. An off-cycle review is one that takes place earlier than the standard review (as defined above).
 - 1) A Professional Researcher may request an off-cycle review (with the exception of campuses with half-steps, such as UC Berkeley and UC Davis). The reasons for the off-cycle review must be in writing and the proposed accelerated advancement must be submitted for written approval (or denial) to the designated University official, per campus guidelines and procedures.
 - 2) It is the University's sole discretion to determine whether to conduct the off-cycle review.
 - 3) The review file will be prepared in accordance with campus guidelines and procedures.
- d. Professional Researchers may request to defer their review, in accordance with local procedures. A deferred review is the omission of an academic review during a year when a review would normally take place. It is a neutral action that can only be initiated with the written request of the candidate.
 - 1) A review may be deferred if prolonged absence or other

unusual circumstances have resulted in insufficient evidence to evaluate performance. Reasons for review deferral must be in writing and all proposed deferrals must be submitted for written approval (or denial) to the designated University official. It is the University's sole discretion to determine review deferrals.

- 2) When a deferral takes place, the review is deferred for one year whether a person's review cycle is 2 or 3 years. A request for a deferral for an additional year should be regarded as a new request and thus subject to the same approval process described in D.2.d.1 above. After the completion of a review which has been deferred, the review cycle will resume anew at the 2- or 3-year interval. Work conducted during the extended review period shall be reviewed as though it were completed in the normal period.
- 3) Every Professional Researcher must be reviewed at least every five years.

3. Evaluation Criteria

- a A Professional Researcher under review for merit increase or promotion in this series shall be evaluated on the basis of all of the following criteria
 - 1) Research and Creative Work
 - a) Evidence of a productive and creative mind should be sought in the Professional Researcher's published research or recognized artistic production in original architectural or engineering designs, or the like;
 - b) Publications in research and other creative accomplishment should be evaluated, not merely enumerated. There should be evidence that the Professional Researcher is continuously and effectively engaged in creative activity of high quality and significance. Work in progress should be assessed whenever possible. When published work in joint authorship (or other product of joint effort) is presented as evidence, it is the responsibility of the department chair or equivalent to establish as clearly as possible the role of the Professional Researcher in the joint effort. It should be recognized that special cases of

collaboration occur in the performing arts and that the contribution of a particular collaborator may not be readily discernible by those viewing the finished work. When the Professional Researcher is such a collaborator, it is the responsibility of the department chair or equivalent to make a separate evaluation of the Professional Researcher's contribution and to provide outside opinions based on observation of the work while in progress. Account should be taken of the type and quality of creative activity normally expected in the Professional Researcher's field. Appraisals of publications or other works in the scholarly and critical literature provide important testimony. Due consideration should be given to variations among fields and specialties and to new genres and fields of inquiry;

- c) Textbooks, reports, circulars, and similar publications normally are considered evidence of public service. However, contributions by Professional Researchers to the professional literature or to the advancement of professional practice or professional education, including contributions to the advancement of equitable access and diversity in education, should be judged creative work when they present new ideas or original scholarly research; and
- d) In certain fields such as art, architecture, dance, music, literature, and drama, distinguished creation should receive consideration equivalent to that accorded to distinction attained in research. In evaluating artistic creativity, an attempt should be made to define the Professional Researcher's merit in the light of such criteria as originality, scope, richness, and depth of creative expression. It should be recognized that in music, drama, and dance, distinguished performance, including conducting and directing, is evidence of a Professional Researcher's creativity.

2) Professional competence and activity

- a) The Professional Researcher's professional activities should be scrutinized for evidence of achievement and

leadership in the field and of demonstrated progressiveness in the development or utilization of new approaches and techniques for the solution of professional problems, including those that specifically address the professional advancement of individuals in underrepresented groups in the Professional Researcher's field. It is the responsibility of the department chair or equivalent to provide evidence that the position in question is of the type described above and that the Professional Researcher is qualified to fill it.

- b) In certain positions in the professional schools and colleges, such as architecture, business administration, dentistry, engineering, law, medicine, etc., a demonstrated distinction in the special competencies appropriate to the field and its characteristic activities should be recognized as a criterion for advancement.
- 3) University and/or public service at the Associate Researcher and Full Researcher ranks-
- a) Services by Professional Researchers to the University, community, state, and nation, both in their special capacities as scholars and in areas beyond those special capacities when the work done is at a sufficiently high level and of sufficiently high quality, should likewise be recognized as evidence for advancement.
 - b) University and/or public service may include service on research review boards, study panels, grant agency review panels, and professional societies, as well as organizing research conferences.
 - c) Assistant Professional Researchers are not required to participate in service activities.
4. In accordance with existing campus practices, a campus may require a career review at Full Step VI. This advancement involves an overall career review and will be granted on evidence of sustained and continuing excellence in scholarship or creative achievement. Above and beyond that,

great academic distinction, recognized nationally or internationally, will be required in scholarly or creative achievement. Advancements to Full Steps VII through IX will only be granted on evidence of continuing achievement at the level required for advancement to Step VI.

5. Advancement to above-scale involves an overall career review and is reserved only for the most highly distinguished researchers whose work of sustained and continuing excellence has attained national and international recognition and broad acclaim reflective of its significant impact. While advancement will not occur after less than four years at Step IX, mere length of service and continued good performance at Step IX is not justification for further salary advancement. There must be demonstration of additional merit and distinction beyond the performance on which advancement to Step IX was based.
6. A further merit increase in salary for a Full Professional Researcher already serving at an above-scale salary level must be justified by new evidence of merit and distinction. Continued good service is not an adequate justification. Intervals between such salary increases may be indefinite, and only in the most superior cases where there is strong and compelling evidence will increases at intervals shorter than four years be approved.

4. Merit and Promotion Guidelines and Procedures

- a. The UAW shall be provided the applicable campus merit and promotion guidelines and procedures as they exist or as they are developed.
- b. The University may change campus merit and promotion guidelines and procedures according to the normal campus processes for revising such guidelines and procedures.
 - 1) The University shall provide to the UAW proposed changes to campus merit and promotion guidelines and procedures at least thirty (30) calendar days prior to finalization. The University will begin to apply changed guidelines and procedures to individual Professional Researchers only with the beginning of the Professional Researchers merit review cycle.