



October 24, 2003

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Re: Annual Call for Academic Personnel Actions Effective 2004-2005 and 2004 Academic Appraisal

ACADEMIC PERSONNEL ACTION	DATE DUE IN VC ACADEMIC AFFAIRS
Merits - Normal	January 26, 2004
Merits - Accelerated, Professor V - VI, IX - Above-Scale	December 1, 2003
Academic Advancement Status List	November 3, 2003
Appointments, Changes in Series	December 1, 2003
Promotions	December 1, 2003
Appraisals	To Be Prepared Before the End of Fourth Year
Five-Year Review	January 26, 2004

ACADEMIC SALARY INCREASES 2003-04

Once again the University of California did not receive range adjustment funds from the State. Academic salary scales remain unchanged. The 2003-04 salary scales are available on the web at <http://www.ucop.edu/acadadv/acadpers/tab0304/tabcont.html>. Academic merit increases for 2003-04 will be funded in accordance with academic compensation programs and collective bargaining agreements.

APM 010, ACADEMIC FREEDOM

A new statement on academic freedom for faculty has been added. This policy is based on the traditional cornerstones of academic freedom –freedom of inquiry and research, freedom of teaching and freedom of expression and publication. It establishes that faculty has primarily responsibility for articulating the professional standards by which academic freedom may be sustained.

APM 015, FACULTY CODE OF CONDUCT

Part II, Section A of the Faculty Code of Conduct, sets forth ethical principles and unacceptable conduct with regard to faculty members and their students. This policy prohibits a faculty member from entering into a romantic or sexual relationship with any student for whom that faculty member currently has or prospectively might have academic responsibility. The policy also prohibits a faculty member from exercising academic responsibility for any student with whom that faculty member has a romantic or sexual relationship.

APM 740 SABBATICAL LEAVE AND APM 758 OTHER LEAVES WITH PAY

The Sabbatical Leave and Other Leaves with Pay section of the Academic Personnel Manual have been revised. The three major revisions include 1) As an exception to policy, a faculty member would be allowed to substitute significant University service for some or all of the teaching requirement for a sabbatical in residence. 2) Recipients of a sabbatical leave at less than full salary would be allowed to receive additional compensation for research from another university. 3) As part of the policy on leaves with pay (APM 758), a faculty member who holds a full-time administrative position for five years or more would be allowed to take an administrative leave immediately after that service. This leave would be in lieu of a sabbatical leave.

ASSISTANT, STEP III, SENATE SERIES

Currently CAP's review procedures for appointment to the assistant rank, Step I and II, in the senate series are currently reviewed by CAP within a 2 to 3 day period. CAP has agreed to include the rank of assistant, Step III, in the senate series, in that process. As with the Step I and IIs, should questions arise regarding the appropriateness of the appointment, a full CAP review will be done.

CAREER REVIEW

While reviews normally begin in the department, an individual faculty member may request that a **career review** be initiated. This review provides an evaluation of the faculty member's rank and step within a series, not a change-in-series. Occasionally the rank and step may be inconsistent with the faculty member's accomplishments. Cases are reviewed from the initial hire into the series throughout the member's progress in the series. A faculty member initiates this review by submitting a written request to the department chair providing supporting documentation and the rank and/or step that she/he wants considered. The department will then assemble a review file that addresses the candidate's entire academic record at UCSF. The review will proceed as a normal review including appropriate internal and external letters, faculty vote, etc., but the dossier will address the faculty member's overall record. If the department does not support the action, the faculty member may request that the file move forward. If warranted, the faculty member will be placed at the appropriate rank and step, no retroactive actions will be taken. ([Attachment A.](#))

CHILDBEARING LEAVE

The Chancellor has authorized funding to support childbearing leave. Six weeks of the fiscal-year base (Scale 0) salary will be provided to departments to help defray costs associated with the leave that can include replacement requirements or other departmental academic needs. Upon receipt of the Sabbatical Leave/Special Leave of Absence form (UPAY-573) and a department account number, the UCSF Budget Office will be instructed to transfer funds to the department. The Chancellor's report can be found at <http://chancellor.ucsf.edu/>.

CURRICULUM VITAE

CAP and other reviewing agencies depend on the curriculum vitae (CV) to highlight a faculty member's progression and accomplishments. The attached sample CV was prepared by CAP as a guideline for preparation and to assist reviewers in evaluating personnel actions. (Attachment) It is recommended that faculty and schools adopt the format to the extent possible for dossiers submitted for the next review cycle, actions effective July 1, 2005 or earlier. Please note that the section on *Teaching* has been modified to include *Teaching and Mentoring* with specific examples to illustrate the different components. ([Attachment B.](#))

DOSSIER DEADLINES

Effective July 1, 2004, for actions being proposed effective July 1, 2005, the deadlines provided by the department will be absolute. If a faculty member does not submit materials to the department on or before the departmental deadline; the action will not be reviewed in the current cycle. Late dossiers will be reviewed in the subsequent cycle and will be recorded as a decelerated action due to late submission. These actions will not be corrected by subsequent accelerations. School and campus administrators will continue to monitor late submissions with possible consideration of penalties for late dossiers. We will work with the Schools over the next few months to establish some general parameters for department deadlines.

FISCAL-YEAR APPOINTMENTS

Inquiries from departments have been received desiring to make academic-year (nine-month) appointments at UCSF. Office of the President confirmed that Health Science disciplines at UCSF are to be made on a **fiscal-year basis** only.

FIVE -YEAR REVIEW

University policy requires that any faculty member employed more than 50% time who has not had an academic personnel review processed within the previous five-year period must receive a Five-Year Review. The purpose of a five-year review of faculty is to ensure that the performance of a faculty member is appraised at regular intervals, to assess the faculty member's productivity since the last successful advancement and to identify what more needs to be accomplished for advancement. In general, the five-year review process applies to faculty with a full time commitment to UCSF regardless of whether they are paid by UCSF or appointed on a without salary basis or paid less than 100% from UCSF while paid by an affiliate organization. Each department must ensure that timely reviews are initiated. When preparing the dossier for review, a one page statement including any extenuating circumstances describing the faculty member's perspective on why their advancement was not on time should be included. ([Attachment C.](#))

FLOW CHART ON ACADEMIC PERSONNEL ACTIONS

CAP has initiated the development of a Flow Chart for Academic Personnel Reviews as a training tool. An academic personnel review is a lengthy process that faculty created in order to ensure fairness to all faculty. This chart illustrates the progression of a dossier and demonstrates that an incomplete dossier results in considerable delays. The entire process can take up to 9 months or more. ([Attachment D.](#))

LECTURERS

The Non-Senate Instructional Unit (Lecturer) contract negotiations are now complete. The contract can be found at http://atyourservice.ucop.edu/employees/policies/systemwide_contracts/nsi/index.html. Highlights of the contract are:

- Salary increases.
- Retroactive pay to Lecturers who received pay during fiscal year 2002-2003.
Increases are based on earnings not range adjustment and vary according to salary level.
- When "need" is identified by the department that a Lecturer will be continued, the department must provide an assessment and generate a reappointment letter for all pre-continuing appointments (1 to 6 years).
- The departments must establish review criteria for the assessment of pre-continuing Lecturers whom shall be notified of the review criteria, the form of assessment that the department will follow for reappointment and when the assessment will occur.
- Prior to reappointment in the seventh year, an "excellence review" must be conducted. This action identifies a Lecturer as a Continuing Indefinite Appointee and removal is possible only through layoff, termination for cause or failure to maintain excellence. When a Lecturer is favorably reviewed for a Continuing Appointment, a two step merit increase is awarded. Eligibility for further advancement occurs every third year thereafter.

We await further clarification for implementation from Office of the President.

NEW FACULTY APPOINTMENT DISCUSSION POINTS

The discussion points have been a useful tool for new hires. Based on experience, the following changes have been made and are reflected in the new document attached. ([Attachment E.](#)) The changes include revisions to compensation and the identification of specific resources available for mentoring.

OFF-SCALE POLICY

In order to preserve the significance and values of the salary scales, salaries should be on-scale to the greatest extent feasible. Only titles in the Ladder Rank, In-Residence, Clinical X, Clinical and Adjunct Professor Series as well as titles in the Professional Research series are eligible. Note that titles in other series such as Academic Administrator, Academic Coordinator and Specialist are not eligible.

OWNERSHIP OF COURSE MATERIALS

The Policy on Ownership of Course Materials was prepared to clarify existing policy concepts and extend their application to works prepared for teaching and, in particular to provide useful guidance for faculty, staff and administrators about intellectual property rights for teaching materials in digital form. This policy is intended to supplement the existing Policy on Copyright Ownership which remains in effect, addressing copyright ownership issues related to materials prepared for instructional purposes.

(<http://www.ucop.edu/ucophome/coordrev/policy/9-25-03copyright.html>)

POSTGRADUATE RESEARCHERS – NON-STUDENT

A New Postdoctoral Scholar policy was implemented July 1, 2003. Starting January 1, 2004 the University will begin phasing out the use of the Postgraduate Research (PGR) title, Title Code 3240. Effectively immediately, no new appointments may be made to PGR. All PGRs who are not postdoctoral scholars and have appointment end dates beyond July 1, 2006 need to be appointed in a title that is appropriate to their job responsibilities. Such titles may include, but are not limited to, academic titles such as Junior Specialist, Assistant Specialist, or staff titles such as Staff Research Associate.

(<http://www.ucop.edu/acadadv/acadpers/apm/apm-390.pdf>)

PROFESSIONAL RESEARCH SERIES/PROJECT SCIENTIST SERIES

New and revised policies have been issued by Office of the President. Revised APM 310, Professional Research series, is used for researchers who are directly engaged in independent research, function as Principal Investigators, and have the major responsibility and leadership for their research work. A new series, Project Scientist, is used for appointees who make significant and creative contributions to a research program. Appointees are not required to carry out independent research. While these policies were under review, the San Francisco campus did not see the necessity of adding another research series. It is believed that the Professional Research series addresses the needs of UCSF. Therefore, the San Francisco campus will not be implementing the Project Scientist series at this time.

A reminder that all Professional Research appointees must advance to the maximum of their approved rank and step, no later than October 1, 2004. The salary ranges that apply to UCSF can be found on Table 15 of the October 1, 2003 salary scales issued by the Office of the President. Departments may adjust salaries within the range at time of reappointment/continuation. ([Attachment F.](#))

PROPOSED ACADEMIC PERSONNEL POLICY CHANGES

Office of the President issues proposed changes or new policies to campuses for circulation and comment. At UCSF, academic listservs have been developed to notify employees impacted by the policy. In order to contact academic employees, departments are encouraged to keep information on the Campus Locator System current. In addition to the use of listservs, notices also appear in *UCSF Today* and on the *Academic Personnel* website.

REDUCED FEE ENROLLMENT POLICY

Many inquiries have been received regarding the eligibility of academic employees to participate in the Reduced Fee Enrollment Program. The policy was first established by The Regents in 1953 for staff employees and was extended to academic appointees in 1967. Program parameters are:

- An academic appointee who is employed at least 50% time can apply to take courses at a two-thirds reduction of the full-time University Registration and Education Fee on undergraduate or graduate level courses for up to three (3) courses or nine (9) units per quarter, whichever is greater.
- The appointee must satisfy the University of California residency requirement; otherwise, the employee is subject to the full non-resident fee.
- The appointee must apply for admissions by contacting the UCSF Office of Admissions to obtain appropriate forms and information for entrance.
- The form needs verification and approval from the Office of Academic Personnel.
- Once the appointee has enrolled, the employee shall complete an Application for Reduced Fee Enrollment form.

RETURN TO ON-SCALE

It is important to remember that UCSF's policy requires that an appointee who is given an off-scale salary must be returned to an on-scale salary no later than the second subsequent advancement through merit, promotion or change-in-series.

SEARCH COMMITTEE AMBASSADOR PROGRAM

I am pleased to announce that the Chancellor has approved a two-year pilot program developed by the Equal Opportunity Committee of the Academic Senate, the Search Committee Ambassadors. The primary purpose is to help search committees attract diverse pools of outstanding faculty candidates. The faculty Ambassadors will not be a member of search committees, but will provide services to departments and search committees with the goal of alleviating some of the search process burden. Once the Ambassadors have been appointed and have gained experience working with search committees, it is anticipated that best practices will be identified and a listing of campus/community resources and other recruitment tools will be developed.

STEWARDSHIP REVIEW

University policy requires that all department chairs, directors and deans be reviewed every five years. The Committee on Academic Personnel (CAP) has made the following changes in the stewardship review process. 1) Stewardship review committees will now be asked to interview the reviewee as their final interview in the review process, allowing the reviewee to comment on issues that may arise during the review. The review committee may choose to interview the reviewee early in the process as well. 2) The department or ORU representative would no longer be included on the review committee. Instead, a department Vice Chair (for Chair reviews) would be interviewed as needed during the process to provide a more in depth understanding of department issues and context. 3) When a stewardship review is initiated, widespread information should be given to the Department, ORU or School faculty regarding the nature of the stewardship review process and its confidentiality requirements. These changes have been added to the Stewardship Review Procedures. ([Attachment G.](#))

TEMPLATES

Attached are ten sample letters addressing the following Academic Personnel actions:

- Written Warning, Non-Senate Academic Appointees
- Counseling Letter (Optional), Non-Senate Academic Appointees
- Written Notice of Action, Non-Senate Academic Appointees
- Written Notice of Intent, Non-Senate Academic Appointees (Notice of Intent to Initiate Written Censure, Suspension Without Pay, Reduction in Salary, Demotion or Dismissal)
- Notice of Layoff or Involuntary Reduction in Time, Non-Senate Academic Appointees
- Optional Follow-up to Layoff Letter, Non-Senate Academic Appointees
- Optional Follow-up to Non-Renewal Notice, Non-Senate Academic Appointees
- Notice of Action: Non-Renewal of Appointment, Non-Senate Academic Appointees with appointments of 50% time or greater who have served 8 or more consecutive years
- Notice of Intent: Non-Renewal of Appointment, Non-Senate Academic Appointees with appointments of 50% or greater who have served 8 or more consecutive years
- Notice of Non-Renewal of Appointment, Non-Senate Academic Appointees with appointments of 50% time or greater who have served less than 8 consecutive years

These templates should be used as guides. Whenever you or your department confronts these issues, be sure to consult first with Academic Affairs in your Dean's Office. These templates will be incorporated into local campus policies and guidelines on the Academic Personnel website. ([Attachment H.](#))

WEBSITE

The Annual Call website is <http://www.ucsf.edu/acpers/>. Each School in setting their deadlines and providing information specific to their School uses information and deadlines provided by me. Please refer to the instructions from your Dean's Office. This website will continue to provide announcements of new or proposed changes in academic personnel policies; lists of Deans, Directors and Department Chairs; checklists and forms for Academic Personnel actions; and links to other websites.

Dorothy F. Bainton, M.D.
Vice Chancellor, Academic Affairs

Attachments

cc: J. Michael Bishop, Chancellor
Craig Van Dyke, Director, Langley Porter Institute
Todd Margolis, Director, Francis I. Proctor Foundation
Ara Tahmassian, Assistant Vice Chancellor
Chair, Committee on Academic Personnel
Michael Adams, Director, Affirmative Action/Equal Opportunity/Diversity
Karen Butter, University Librarian

Preamble

At the University of California, the postdoctoral experience emphasizes scholarship and continued research training for individuals who have recently completed a doctoral degree. The Postdoctoral Scholar conducts research under the general oversight of a faculty mentor in preparation for a career position in academe, industry, government, or the nonprofit sector. Postdoctoral work provides essential training in many disciplines for individuals pursuing academic careers and may include opportunities to enhance teaching and other professional skills.

Postdoctoral Scholars contribute to the academic community by enhancing the research and education programs of the University. They bring expertise and creativity that enrich the research environment for all members of the University community, including graduate and undergraduate students. The University strives to provide a stimulating, positive, and constructive experience for the Postdoctoral Scholar, by emphasizing the mutual commitment and responsibility of the institution, the faculty, and the Postdoctoral Scholar.

390-0 Policy

This policy defines and sets forth terms and conditions relating to the appointment of Postdoctoral Scholars. It applies to both (1) Postdoctoral Scholars who are employees of the University and (2) Postdoctoral Scholars who are appointed as fellows and are paid stipends by extramural agencies either directly or through the University.

390-4 Definition

Postdoctoral Scholar appointments are temporary positions with fixed end dates intended to provide a full-time program of advanced academic preparation and research training. Individuals pursuing clinical fellowships and residencies in the health sciences are excluded from appointment to these titles.

Postdoctoral Scholars train under the direction and supervision of faculty mentors in preparation for academic or research careers. In addition to pursuing advanced preparation in research, Postdoctoral Scholars may be approved to engage in other activities to enhance teaching and other professional skills. If formal teaching duties are assigned, a Postdoctoral Scholar must hold both a Postdoctoral Scholar title and an appropriate teaching title. Under this circumstance, the full-time Postdoctoral Scholar appointment percentage will be reduced accordingly.

Ordinarily, Postdoctoral Scholars are not permitted to serve as principal investigators on extramurally-sponsored contracts or grants. Because the University recognizes that proposal preparation is an important aspect of most postdoctoral training, campuses may permit Postdoctoral Scholars to serve as principal investigators on awards that are restricted to Postdoctoral Scholars, on

small awards for research expenses or travel, or in other circumstances approved by the Chancellor.

390-6 **Responsibility**

- a. Faculty mentors are responsible for guiding and monitoring the advanced training of Postdoctoral Scholars. In that role, faculty mentors should make clear the goals, objectives, and expectations of the training program and the responsibilities of Postdoctoral Scholars. They should regularly and frequently communicate with Postdoctoral Scholars, provide regular and timely assessments of the Postdoctoral Scholar's performance, and provide career advice and job placement assistance.
- b. The Chancellor has the authority to approve appointments and reappointments of Postdoctoral Scholars and to establish campus policies that supplement APM - 390. As provided in APM - 100-6-d, the Chancellor may redelegate this authority.

390-8 **Titles**

The title of a Postdoctoral Scholar appointment is determined by the requirements of the funding agencies.

a. **Postdoctoral Scholar – Employee**

An appointment is made in the title "Postdoctoral Scholar – Employee" when (1) the agency funding the salary requires or permits the appointee to be an employee of the University, or (2) whenever General Funds, Opportunity Funds or other University discretionary funds are used to support the position.

b. **Postdoctoral Scholar – Fellow**

An appointment is made in the title "Postdoctoral Scholar – Fellow" when the Postdoctoral Scholar has been awarded a fellowship or traineeship for postdoctoral study by an extramural agency and the fellowship or traineeship is paid through a University account.

c. **Postdoctoral Scholar – Paid Direct**

An appointment is made in the title "Postdoctoral Scholar – Paid Direct" when the Postdoctoral Scholar has been awarded a fellowship or traineeship for postdoctoral study by an extramural agency and the agency pays the fellowship or traineeship directly to the Postdoctoral

Scholar, rather than through the University. Such appointments shall have a “without-salary” status.

- d. Postdoctoral Scholars may be assigned to more than one Postdoctoral Scholar title concurrently depending on University and extramural funding agency requirements.

390-10 Appointment Criteria

Appointment as a Postdoctoral Scholar requires a doctoral degree (e.g., Ph.D., M.D.) or the foreign equivalent.

390-17 Terms of Service

- a. Postdoctoral Scholar appointments are temporary and have fixed end dates. Appointments are typically made for one year but may be made for up to three years. Campuses may require a minimum duration of appointment (e.g., one year).
- b. The total duration of an individual’s postdoctoral service may not exceed five years, including postdoctoral service at other institutions. By exception, the Chancellor may grant an extension not to exceed a sixth year.
- c. Pursuant to APM - 137-30-b, it is within the University’s sole discretion not to reappoint a Postdoctoral Scholar.

390-18 Salary and Stipend

a. Scale

An authorized salary and stipend scale establishing minimum and maximum pay rates for Postdoctoral Scholar titles is issued by the Office of the President. This scale is adjusted annually by the general range adjustment, if any, approved by the President for non-exclusively represented, non-Senate academic appointees. For “Postdoctoral Scholars – Employee,” campuses may establish steps within the scale.

b. Individual Range Adjustments

When providing range adjustments for other non-exclusively represented, non-Senate academic employees, campuses may provide range adjustments for “Postdoctoral Scholars – Employee” for salaries that fall between the minimum and maximum scale established by the Office of the President (see APM - 390-18-a).

c. **Criteria**

Campuses are responsible for establishing the criteria for determining the salaries of individual “Postdoctoral Scholars – Employee” within the salary and stipend scale. Such criteria may include, but are not limited to, the individual’s qualifications, number of years of experience, performance as a Postdoctoral Scholar, funding availability in the discipline, and competitive salaries and stipends paid by other universities.

When a stipend or salary is established for a Postdoctoral Scholar, equity among all appointees in the three Postdoctoral Scholar titles within the academic unit shall be taken into consideration.

d. **Provision of Minimum Pay Level**

When extramural agencies establish stipends at a rate less than the University-established salary and stipend scale minimum, and the University elects to proceed with such an appointment, the campus is required to provide additional funding to bring the pay level of the Postdoctoral Scholar up to the established minimum. The mentor is required to arrange the additional funding prior to the begin date of an appointment.

e. **Exceeding the Scale Maximum**

The Chancellor may approve salaries above the top of the authorized scale in exceptional instances.

f. **Supplementation of Fellowship Stipends**

A Postdoctoral Scholar in the “Postdoctoral Scholar – Fellow” or “Postdoctoral Scholar – Paid Direct” title may have his or her stipend supplemented with additional funding beyond the scale minimum. Supplementation must be in conformance with the terms of the fellowship or traineeship and, if paid with University funds, be paid in the “Postdoctoral Scholar – Employee” title. Except as provided in APM - 390-18-e for salaries paid above scale, the sum of stipend and salary may not exceed the maximum of the scale and must be consistent with campus criteria for determining the appropriate pay level of an individual Postdoctoral Scholar.

g. **Annual Salary Increases**

Salary increases may be given annually to “Postdoctoral Scholars – Employee” on the basis of merit in accordance with established campus procedures. The effective date of merit increases shall be established by the campus. Increases to “Postdoctoral Scholars – Fellow” and “Postdoctoral

Scholars – Paid Direct” should be provided in accordance with the provisions of the extramural funding agency.

Salary and stipend increases are to be recommended and approved in accordance with campus procedures.

390-19 Appointment Percentage

- a. Appointments to the Postdoctoral Scholar title are full time, based on the expectation that the Postdoctoral Scholar will be fully involved in scholarly pursuits. In special cases, upon written request of the appointee and concurrence of the mentor, an exception may be granted by the Chancellor when the appointee is unable to make a full-time commitment for reasons of health, family responsibilities, or employment external to the University. Such a request must take into account extramural funding agency requirements, if any.

When a reduced-time appointment has been approved, the mentor and Postdoctoral Scholar shall sign a written agreement specifying the reduction in hours of work and concomitant responsibilities.

- b. When a Postdoctoral Scholar additionally holds a University teaching appointment or other University position, the percent time of the Postdoctoral Scholar appointment normally will be reduced so that the sum of the percent times of the two appointments equals 100 percent.

390-21 Notice of Appointment

- a. A Postdoctoral Scholar shall be provided a written notice of appointment, which shall include the mentor’s name, begin and end dates of the appointment, salary/stipend amount, source of funding, and work eligibility requirements for U.S. citizens and non-citizens. A copy of APM - 390 and a summary of benefits, or corresponding website information, shall accompany the appointment notice. The Postdoctoral Scholar is required to accept the appointment in writing.
- b. Campuses may require additional information in appointment letters, such as whether the appointment is renewable and the conditions for renewal.

390-25 Annual Reviews

- a. In furtherance of fostering a Postdoctoral Scholar’s career, the mentor shall conduct an annual review with the Postdoctoral Scholar. A written evaluation will be provided to the Postdoctoral Scholar upon request.

- b. Campuses may require the following for such reviews:
 - (1) An assessment of the Postdoctoral Scholar's progress to date, strengths, areas needing improvement, potential for a research career in the discipline, and a summary of expectations and activities for the following year;
 - (2) That a written summary of the review shall be provided to and signed by the Postdoctoral Scholar;
 - (3) That a review will be conducted whenever a salary increase is proposed;
 - (4) That any written evaluation will be maintained by the Graduate Division or other central office.

390-27 Equal Opportunity, Nondiscrimination, and Diversity

- a. The University of California is committed to a university environment that provides equal opportunity and promotes a diversity of backgrounds, perspectives, and experiences among faculty, staff, Postdoctoral Scholars, and the student body.
- b. Campuses should strive to have an inclusive, supportive environment that provides postdoctoral training opportunities and maximizes and values the potential of all Postdoctoral Scholars.
- c. Campuses are encouraged to post postdoctoral positions in order to promote equal opportunity for all candidates.

390-40 Grievances

- a. A Postdoctoral Scholar may present a grievance according to the following procedures.
- b. Each Chancellor may establish and issue additional procedures to implement this section of the policy. Prior to planned issuance, such procedures should be submitted to the Provost and Senior Vice President – Academic Affairs for approval.
- c. Each Chancellor shall designate an administrator or office as the grievance liaison for Postdoctoral Scholars (hereinafter referred to as grievance liaison).
- d. A grievance is a complaint filed by a Postdoctoral Scholar that alleges one or both of the following:

- (1) A specific act by the University was arbitrary or capricious and adversely affected the Postdoctoral Scholar's then-existing appointment or training program. For the purposes of this policy, an act is not arbitrary or capricious if the decision-maker exercised reasoned judgment.
- (2) A violation of applicable University rules, regulations, or policies occurred which adversely affected the Postdoctoral Scholar's then-existing appointment or training program.

A grievance alleging a violation of the Postdoctoral Scholar layoff policy (see APM - 390-45) or the Postdoctoral Scholar corrective action and dismissal policy (see APM - 390-50) shall be filed under APM - 390-40-d(2) only.

e. **Mediation**

The intent of this policy is to encourage voluntary resolution including mediation when it is desired by both parties. Each campus is encouraged to implement a mediation process to facilitate voluntary resolution of grievances.

f. **Step I – Informal Grievance Resolution**

- (1) Step I of the grievance process is the attempt at informal resolution. Postdoctoral Scholars are encouraged to discuss concerns and/or complaints with their mentors, other senior faculty members, department heads, or the ombudsperson, and to attempt informal resolution at an early stage. Attempts at informal resolution do not extend the time limits for filing a formal grievance unless a written extension is granted by the grievance liaison.
- (2) If informal resolution is attempted but unsuccessful, a grievant may request that the grievance liaison assist in resolving the grievance. Where appropriate, the grievance liaison may work with the parties to reach an informal resolution.
- (3) When a grievance alleges sexual harassment, the grievant may elect to substitute the campus Sexual Harassment Complaint Resolution Procedure as Step I. If a grievant selects this mechanism and the complaint is not resolved to the grievant's satisfaction, he or she may file a Step II formal grievance in writing with the grievance liaison within fifteen (15) calendar days from the date the grievant is notified of the result of the pre-grievance complaint resolution process of the sexual harassment procedure or within forty-five (45) calendar days from the date the grievant filed the sexual harassment complaint, whichever is earlier.

g. Step II – Formal Grievance Review

- (1) If a grievance that is not resolved informally to the satisfaction of the grievant, the Postdoctoral Scholar may file a Step II formal grievance. A Step II grievance must be filed in writing with the grievance liaison within thirty (30) calendar days from the date on which the Postdoctoral Scholar knew, or could reasonably be expected to know, of the event or act which gave rise to the grievance, or within thirty (30) calendar days after the date of separation, whichever is earlier. Except by written mutual agreement of the parties, no additional issues shall be introduced after the Step II grievance has been filed. A written extension may be granted by the grievance liaison.
- (2) The formal written grievance must:
 - (a) identify the specific act and/or violation that is being grieved;
 - (b) state either (i) the specific acts to be reviewed, the name of the person(s) alleged to have carried out the act(s), the date(s) the alleged act(s) occurred, and a description of how the act(s) were arbitrary or capricious; or (ii) the University rules, regulations or policies that the grievant believes have been violated, the name of the person(s) alleged to have done the violation(s), the date(s) the alleged violation(s) occurred, and a description of how the rules, regulations, or policies have been violated;
 - (c) specify how the Postdoctoral Scholar's then-existing appointment or training program was adversely affected;
 - (d) specify the remedy requested.
- (3) Upon receipt of a formal written grievance, the grievance liaison shall complete an initial review of the grievance and determine whether the grievance is complete, timely, within the jurisdiction of APM - 390-40, and contains sufficient facts that support the allegations made in the grievance. Within ten (10) calendar days of receipt of the grievance, the grievance liaison shall notify the grievant in writing of the acceptance of the grievance. If the grievance is not accepted, the reasons shall be specified as follows:
 - (a) If the grievance liaison determines that the grievance is incomplete or factually insufficient, the grievant will have ten (10) calendar days from the date of the written notice to provide information to make the grievance complete, including additional facts. If the grievant fails to make the grievance complete or provide sufficient facts, the grievance will be dismissed.

- (b) If the grievance liaison determines that the grievance is untimely or outside the jurisdiction of APM - 390-40, the grievance will be dismissed.
 - (c) If the grievance raises multiple issues, the grievance liaison will make a determination described above with regard to each issue. The grievance liaison may accept some issues and dismiss others pursuant to this review process.
 - (d) If all or part of a grievance is dismissed at this stage, the grievance liaison will provide the grievant with a written explanation of the basis for the dismissal.
- (4) When a formal written grievance is accepted, the grievance liaison shall forward the grievance and any supportive materials to the Step II reviewer for review and written decision, and notify the Step II reviewer and the grievant of the date the Step II response is due. Generally, the Step II reviewer will be the department or unit head. However, if the department or unit head took the action which is being grieved, the grievance liaison may exercise discretion and designate another administrator as the Step II reviewer, and so notify the department or unit head and the grievant.
 - (5) If a Step II grievance raises allegations of discrimination, harassment, or retaliation in violation of APM - 035, the grievance liaison shall forward a copy of the grievance to the appropriate campus compliance office for review. The results of any related grievances or investigations shall be provided to the grievance liaison. At the discretion of the grievance liaison, information regarding related grievances or investigations may be forwarded to the Step II reviewer for consideration in making a Step II decision.
 - (6) The Step II reviewer shall review the grievance and, if appropriate, shall investigate and/or meet with the parties. Within thirty (30) calendar days from the date of receipt of the grievance, the Step II reviewer shall send a written response to the grievant and the grievance liaison. The response will state whether the grievance is denied or upheld in whole or in part. If the grievance is denied in whole or in part, the response will state that the Postdoctoral Scholar has the right to appeal the decision to Step III of the grievance procedure; if the grievance is upheld, the response will describe the remedy, if any, being awarded.

h. Step III – Formal Grievance Appeal

- (1) A formal grievance not resolved to the satisfaction of the Postdoctoral Scholar at Step II may be appealed in writing to Step III with the grievance liaison within fifteen (15) calendar days from the date on which

the Step II response is issued. The Step III formal grievance appeal must set forth the unresolved issue(s) and the remedy requested. Except by written mutual agreement of the parties, no issues shall be introduced in the appeal that were not included in the original grievance.

- (2) All formal grievance appeals will be subject to Step III administrative consideration. Within seven (7) calendar days from receipt of a formal grievance appeal, the grievance liaison shall forward the appeal, the Step II formal grievance, and the Step II response to the Chancellor for review and written decision.
 - (3) In reviewing the grievance appeal, the Chancellor may consult with the Graduate Council, other appropriate Academic Senate or administrative committees, or appropriate individuals.
 - (4) Based on the record, the Chancellor shall determine whether the Step II formal grievance was properly reviewed and whether the decision made at Step II shall be upheld, rejected, or modified.
 - (5) The Chancellor shall provide a final written decision to the Postdoctoral Scholar within thirty (30) calendar days following receipt of the formal grievance appeal. The written decision shall include a statement of the reasons if the decision of the Step II review is rejected or modified in whole or in part, including any remedy in whole or in part, and a statement that the decision is final.
- i. A Postdoctoral Scholar may represent himself or herself or may be represented by another person at any stage of the grievance process. The University shall be represented as the Chancellor deems appropriate.
 - j. Prior to expiration of a time limit, extensions may be granted by the grievance liaison upon written request by either party. If the Postdoctoral Scholar fails to meet a deadline, the grievance will be considered resolved on the basis of the last University response. If a University official fails to meet a deadline, the Postdoctoral Scholar may move the grievance to the next step in the process. Time limits which expire on days which are not business days at the location where the grievance is filed shall be automatically extended to the next University business day.
 - k. The Postdoctoral Scholar and the Postdoctoral Scholar's representative, if employed by the University, shall be granted time off with pay to attend meetings convened by the University to consider grievances under APM - 390-40. Time spent by the Postdoctoral Scholar and the Postdoctoral Scholar's representative in investigation and preparation of a grievance shall not be on pay status.

- l. If the grievance is sustained in whole or in part, the remedy shall not exceed restoring to the Postdoctoral Scholar the pay, benefits, or rights lost either as a result of the violation of University rules, regulations, or policies, or as a result of an arbitrary or capricious action, less any income earned from any other employment. Payment of attorney's fees shall not be part of the remedy. Unless specifically authorized by the grievance liaison, compensation shall not be paid for any period that is the result of extension(s) of time requested by or on behalf of the Postdoctoral Scholar.
- m. The following may be consolidated in one review: grievances of two or more Postdoctoral Scholars, where the grievances are related and consolidation is appropriate under the circumstances; two or more grievances filed by the same grievant which are based on the same incident, issues, or act; or two or more grievances filed by the same grievant which are based on the same pattern of conduct. The grievance liaison shall decide whether a consolidation is appropriate.
- n. APM - 140 (Non-Senate Academic Appointees/Grievances) does not apply to individuals appointed in a Postdoctoral Scholar title.

390-45 Layoff

- a. Layoff is defined as the termination by the University of a Postdoctoral Scholar appointment prior to the end date as a result of appropriate funding becoming unavailable.
- b. In the event of layoff, the department, unit head, or other University official shall provide notification in writing to the Postdoctoral Scholar not less than thirty (30) calendar days in advance of the effective date of the early termination. Appropriate pay in lieu of notice may be given.
- c. A Postdoctoral Scholar who is subject to layoff may request that the Chancellor or other University officer supply a written summary concerning the unavailability of appropriate funding that is the reason for the layoff.
- d. Layoff decisions may be appealed in accordance with APM - 390-40, the Postdoctoral Scholar grievance policy.
- e. APM - 145 (Non-Senate Academic Appointees/Layoff and Involuntary Reduction in Time) does not apply to individuals appointed in a Postdoctoral Scholar title.

390-50 Corrective Action and Dismissal

- a. The University may impose corrective action or dismissal when, in its reasoned judgment, the Postdoctoral Scholar's performance or conduct merits the action.
- b. Each Chancellor may establish and issue additional procedures for instituting corrective action and dismissal of Postdoctoral Scholars in accord with the standards and procedures set forth in APM - 390-50.
- c. Corrective action is the institution of one of the following:
 - (1) Written warning, which is a communication that informs the Postdoctoral Scholar of the nature of the inadequate performance or misconduct; requirements for continuation in the training program; and the probable consequence of continued inadequate performance or misconduct.
 - (2) Suspension, which is debarment from the training program without pay for a stated period of time. Unless otherwise noted, the terms of a suspension will include loss of normal Postdoctoral Scholar privileges, such as access to University property and parking and library privileges.
 - (3) Reduction in salary or stipend for a stated period of time. The amount and duration of the reduced salary or stipend shall be specified.
 - (4) Other action consistent with requirements of extramural fellowship agencies.
- d. Dismissal is the termination of a Postdoctoral Scholar's appointment initiated by the University, prior to the appointment end date, when, in the reasoned judgment of the University, the Postdoctoral Scholar's conduct or performance does not justify continuation.
- e. Prior to the institution of formal corrective action or dismissal, informal efforts to resolve the problem should be made, where appropriate.
- f. A Postdoctoral Scholar may be placed on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating conduct which in the judgment of the Chancellor requires removing the Postdoctoral Scholar from University premises. While on such leave, the Postdoctoral Scholar's return to University premises without written permission may create independent grounds for dismissal. Such investigatory leave shall be confirmed in writing after it is instituted.
- g. Before initiating the actions of suspension without pay, reduction in salary or stipend, dismissal, or other actions consistent with the requirements of

extramural fellowship agencies, the University shall provide a written Notice of Intent to the Postdoctoral Scholar. The Notice shall state:

- (1) the intended action and the proposed effective date;
- (2) the reason(s) for the action, including a description of the inadequate performance or misconduct and any warnings that have been given;
- (3) the Postdoctoral Scholar'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;
- (4) the name of the person to whom the appointee should respond.

No Notice of Intent is required for a written warning.

- h. A Postdoctoral Scholar 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 Notice of Intent. The response, if any, shall be reviewed by the administration.
- i. If the University determines to institute the corrective action or dismissal following the review of a timely response, if any, from the Postdoctoral Scholar, the University shall issue, within thirty (30) calendar days of the issuance of the written Notice of Intent, a written Notice of Action to the Postdoctoral Scholar of the corrective action or dismissal and its effective date.

The Notice of Action also shall notify the Postdoctoral Scholar of the right to grieve the action under APM - 390-40, the Postdoctoral Scholar grievance policy.

The Notice of Action may not include an action more severe than that described in the Notice of Intent.

A copy of the Notice of Action shall also be placed in the Postdoctoral Scholar's personnel file.

- j. A Postdoctoral Scholar may represent himself or herself or may be represented by another person at any stage of the corrective action or dismissal process.
- k. Upon written request and prior to expiration of any time limits stated in APM - 390-50, the Chancellor may grant extensions, as appropriate.
- l. APM - 150 (Non-Senate Academic Appointees/Corrective Action and Dismissal) does not apply to individuals appointed in a Postdoctoral Scholar title.

390-60 **Sick Leave** (Effective January 1, 2004)

- a. "Postdoctoral Scholars – Employee" are eligible for paid sick leave of up to twelve days per twelve-month appointment period.

Unless the extramural funding agency has different sick-leave requirements, "Postdoctoral Scholars – Fellow" and "Postdoctoral Scholars – Paid Direct" are also eligible for paid sick leave of up to twelve days per twelve-month appointment period.

Postdoctoral Scholars with appointments of less than twelve months are eligible for sick leave in proportion to the appointment period; for example, a Postdoctoral Scholar with a six-month appointment is eligible for up to six days of sick leave.

- b. For "Postdoctoral Scholars – Employee," unused sick leave shall be carried forward to subsequent Postdoctoral Scholar appointments. Unless the extramural funding agency has different requirements, the unused sick leave of "Postdoctoral Scholars – Fellow" and "Postdoctoral Scholars – Paid Direct" shall be carried forward to subsequent Postdoctoral Scholar appointments.
- c. Sick leave shall be used in keeping with normally approved purposes, including personal illness; medical appointments; childbearing (see APM - 715 and 760); disability; and medical appointments of, illness of, or bereavement for a Postdoctoral Scholar's child, parent, spouse, domestic partner, sibling, grandparent or grandchild.
- d. Sick leave shall be recorded in one-day increments when it is used.
- e. APM - 710 (Leaves of Absence/Sick Leave) does not apply to individuals appointed in a Postdoctoral Scholar title.

390-61 **Time Off** (Effective January 1, 2004)

Postdoctoral Scholars do not accrue vacation. "Postdoctoral Scholars – Employee" are expected to take time off each academic year in the intersession and recess periods (which constitutes about four weeks, excluding University holidays) between the beginning of Fall Term and the end of Spring Term. If, however, the Postdoctoral Scholar's training and research program involves work during these periods, it is expected that the mentor will approve equivalent time off at another mutually agreeable time. Unless the extramural funding agency contains provisions to the contrary, "Postdoctoral Scholars – Fellow" and "Postdoctoral Scholars – Paid Direct" are eligible to take time off under these same conditions. Postdoctoral Scholars will remain on pay status during intersession and recess periods or their alternatives.

390-62 Childbearing, Parental, and Family and Medical Leave

- a. Postdoctoral Scholars are eligible for childbearing leave, parental leave, and active service-modified duties as provided in APM - 760 and for family and medical leave as provided in APM - 715.
- b. Campuses may provide additional benefits that supplement or enhance the benefits specified in APM - 760 or APM - 715.
- c. Childbearing, parental, and family and medical leave policies for “Postdoctoral Scholars – Fellow” and “Postdoctoral Scholars – Paid Direct” are subject to the requirements of the Postdoctoral Scholar’s extramural funding agency.

390-63 Holidays

Official holidays for Postdoctoral Scholars are those administrative holidays published in the University Calendar.

390-64 Military Leave

Military leave for Postdoctoral Scholars is governed by APM - 751 (Leaves of Absence/Military Leave).

390-65 Jury Leave

A Postdoctoral Scholar shall be eligible for a jury duty leave. Verification of service on jury duty shall be provided by the Postdoctoral Scholar to the University upon request. Pay for jury duty will not continue beyond the end date of the Postdoctoral Scholar’s appointment.

390-75 University of California Retirement Plan Membership

“Postdoctoral Scholars – Employee” contribute to the University of California Defined Contribution Plan as Safe Harbor participants and are not eligible for the University of California Retirement Plan. “Postdoctoral Scholars – Fellow” and “Postdoctoral Scholars – Paid Direct” are not eligible for either plan.

390-76 **Benefit Plans**

All Postdoctoral Scholars are eligible for designated health-care and other benefit plans.

390-80 **Procedures**

Campuses shall establish local procedures to implement APM - 390.

**APM - 390 (Postdoctoral Scholars)
Transition Guidelines**

1. **Effective Dates:** The new Postdoctoral Scholar policy will be implemented in two stages:

The new APM, with the exception of the time off and sick leave provisions (and others noted in Sections 3 and 4 below), is effective July 1, 2003, and will apply to all current and new Postdoctoral Scholars.

The new APM time off and sick leave provisions and the new Postdoctoral Scholar benefit plans will be effective later in the year. These Guidelines assume the new benefit plans will be implemented on January 1, 2004. If this is delayed, other appropriate sections of these Guidelines will be similarly delayed.

2. **Salary/Stipend:**

- a. For new appointments and reappointments made on or after July 1, 2003, the minimum of the Postdoctoral Scholar salary/stipend range is as follows:

- 2003-04: \$29,000
- 2004-05: \$30,000
- 2005-06: Step I of the non-student PGR scale, currently \$31,044; Projected to be approximately \$32,300 in 2005-06.

Campuses may establish higher minimums.

- b. Commitments made prior to July 1, 2003, for appointments at less than these amounts may be honored; however, it is recommended that, where appropriate funding is available, the salary/stipend of current postdoctoral scholars be raised to the above amounts.
- c. The maximum of the Postdoctoral Scholars salary/stipend range is \$75,324, which will be range-adjusted in subsequent years to the same extent as for other non-exclusively represented, non-Senate academic appointees.
- d. Campuses have the option to establish steps within the range for "Postdoctoral Scholar – Employee" appointments.

3. **New Title Codes:** The following three new postdoctoral title codes have been established:

3252 Postdoctoral Scholar – Employee	effective January 1, 2004
3253 Postdoctoral Scholar – Fellow	effective July 1, 2003
3254 Postdoctoral Scholar – Paid Direct	effective July 1, 2003

Postdoctoral Scholar Employee Appointments – New Postdoctoral Scholar appointments beginning on or after January 1, 2004, are to be made in title code 3252 (“Postdoctoral Scholar – Employee”). In addition, Postdoctoral Scholar employees with appointment begin dates prior to January 1, 2004, who in Fall 2003 choose to enroll in the new Postdoctoral Scholar benefit plans and to be subject to the new APM - 390 sick leave and time off provisions, are to be moved to title code 3252 (“Postdoctoral Scholar – Employee”) with a begin date of January 1, 2004 (see Section 8 below).

No appointments to Title Code 3252 may be recorded in the Payroll/Personnel System (PPS) if the begin date is prior to January 1, 2004. Postdoctoral Scholar employees with appointments between July 1 and December 31, 2003, should continue to be appointed in either title code 3240 or 3370 (see Section 6 below).

Postdoctoral Scholar Fellow and Paid Direct Appointments – Campuses may implement the “Postdoctoral Scholar – Fellow” (3253) and the “Postdoctoral Scholar – Paid Direct” (3254) titles and title codes at any time between July 1, 2003, and January 1, 2004. “Postdoctoral Scholar – Paid Direct” (3254) appointments are to be shown in non-salaried status. At campuses not paying postdoctoral fellowship stipends through PPS, “Postdoctoral Scholar – Fellow” appointments should also be shown in non-salaried status.

For purposes of on-line PPS actions, all title codes are available as of June 1, 2003.

4. **Grandfathering of Current Postdoctoral Scholars:** All Postdoctoral Scholars with appointments beginning before July 1, 2003, are subject to the new policy with the exception of the sick leave provision (390-60), the time off provision (390-61), the minimum salary/stipend provision described in Section 2 above, and the requirement of 100 percent time appointments (390-19). It is recommended that, where appropriate funding is available, the percent time of postdoctoral employees with current appointments at less than 100 percent time be raised to 100 percent time and the salaries/stipends of current Postdoctoral Scholars with salaries/stipends less than the minimum (\$29,000 in 2003-04) be raised to the minimum.

5. **Phase-Out of Postgraduate Research and Visiting Postdoctoral Scholar Titles:**
Starting January 1, 2004, the University will begin phasing out the use of title codes 3240 and 3370. Only those Postdoctoral Scholars who were appointed in these title codes prior to January 1, 2004, may continue, and be reappointed, in these title codes. New Postdoctoral Scholar employees must be appointed in title code 3252 (“Postdoctoral Scholar – Employee”) starting January 1, 2004.

Title codes 3240 (Postgraduate Research _____ Non-Student - Fiscal Year) and 3370 (Visiting _____ - Postdoc), as well as APM - 350 (Postgraduate Research), will be retired January 1, 2010.

6. **Appointments During the Period July 1, 2003, Through December 31, 2003:**

The following will apply to Postdoctoral Scholar employees:

- New appointments and reappointments will continue to be made in title code 3240 (Postgraduate Research _____ Non-Student - Fiscal Year) or title code 3370 (Visiting _____ - Postdoc).
- Vacation leave will accrue at 16 hours per month as set forth in APM - 730.
- Sick leave will accrue at 8 hours per month as set forth in APM - 710.
- Benefit eligibility in the UC employee plans will continue.
- All other provisions of APM - 390 will apply except as stated in Section 4 above.

The following will apply to Postdoctoral Scholar non-employees (i.e., “Postdoctoral Scholars – Fellow” and “Postdoctoral Scholars – Paid Direct”):

- Appointments will be entered into the Payroll/Personnel System in title codes 3253 or 3254 beginning July 1, 2003.
- Eligibility for vacation and sick leave will continue in accordance with the provisions of the extramural funding agency.
- Benefits eligibility will continue in campus postdoctoral health-care plans if offered by the campus.
- All other provisions of APM - 390 will apply.

7. **New Postdoctoral Scholar Benefit Plans:** Transition guidelines for the new Postdoctoral Scholar benefit plans effective January 1, 2004, will be issued in Fall 2003.

8. **Postdoctoral Employee Choice:** In Fall 2003, all employee Postdoctoral Scholars in title codes 3240 and 3370 will be asked to select one of the following two options:

- Moving on January 1, 2004, to the new title code 3252, which means being subject to the sick leave and time off provisions of APM - 390, and enrolling in the new Universitywide Postdoctoral Scholar benefit plans if the campus is participating in these plans; or
- Continuing in title codes 3240 or 3370, thereby retaining enrollment in their current employee benefit plans, current vacation accrual rates, and current sick leave accrual rates until the end of their postdoctoral time at the University.

Postdoctoral employees who elect to continue in title codes 3240 or 3370 will be subject to all provisions of APM - 390 except for Sections 390-19 (Appointment Percentage), 390-60 (Sick Leave), 390-61 (Time Off), and Section 390-76 (Benefit Plans). Regarding the exceptions, other appropriate provisions of the Academic Personnel Manual will apply.

“Postdoctoral Scholars – Fellow” and “Postdoctoral Scholars – Paid Direct” will not have a choice; as of January 1, 2004, they will be eligible only for the new Postdoctoral Scholar benefit plans if the campus is participating in these plans.

9. **Postgraduate Research Appointees Who Are Not Postdoctoral Scholars:** No new appointments or reappointments of individuals who are not Postdoctoral Scholars may be made in titles codes 3240 (Postgraduate Research _____ Non-Student - Fiscal Year) or 3370 (Visiting _____ - Postdoc) after January 1, 2004. Current appointees in either of these title codes who are not Postdoctoral Scholars need to be moved to a different title code no later than July 1, 2006. Individuals who are not Postdoctoral Scholars are to be appointed in titles that are appropriate to their job responsibilities – including, but not limited to, academic titles such as Junior Specialist, Assistant Specialist, or Assistant Project Scientist (a new academic title currently under review); or staff titles such as Staff Research Associate.