

Dear Colleagues:

This memorandum seeks to provide guidance and answer questions pertaining to the consequences of the ongoing COVID-19 (coronavirus) pandemic for academic personnel matters in the near and intermediate term. As this remains a fluid situation, it is possible that some details may change, but, for now, this reflects our current planning and knowledge. Updates will be posted on the Academic Personnel Office (APO) website: [apo.berkeley.edu](http://apo.berkeley.edu).

At the outset, allow me to reassure everyone that we understand that COVID-19 is likely to have effects on faculty members' performance in teaching during this semester. That will be taken into account in future reviews; in particular, we will treat the consequences of this crisis compassionately. The Berkeley tradition is and remains that we want to see our faculty succeed.

This memorandum covers the following topics:

1. Spring 2020 Teaching Evaluations
2. Ongoing Reviews
3. Recruitment and New Appointments
4. Administrative Leave
5. Working Remotely from Outside California

### **Spring 2020 Teaching Evaluations**

(Note: the administration is aware that the use of teaching evaluations generally is a topic of ongoing discussion and controversy; this, however, is not the appropriate venue to take up those issues. This memorandum is based on policy as it currently is.)

To the extent that the current situation permits, teaching evaluations will be administered as planned. We understand that a lack of in-person instruction may preclude having teaching evaluations from units that use paper evaluations and are unable to go to online evaluations. Additionally, it is understood that response rates could be low if we end up in a hybrid environment in which some students attend in-person and others remotely.

We recognize that teaching evaluations may be negatively affected by the move to remote learning, but we believe many faculty will still receive favorable evaluations and/or receive student recognition for their going above and beyond to make the best of a bad situation. We wish to be able to acknowledge and reward success. For those whose evaluations are harmed by the switch to remote learning (*i.e.*, receive evaluations worse than their norm), those evaluations will be ignored in future personnel reviews. Please keep in mind that the academic-personnel process has always made allowances for circumstances; hence, all faculty can feel confident that they will not be "dinged" or suffer in their reviews on the basis of poor spring 2020 evaluations. Additionally, as always, faculty are encouraged to discuss their teaching experiences in their self-statements, as this can provide useful information to reviewers.

An additional reason to conduct evaluations is that they may provide useful feedback for instructors who may need or wish to utilize remote course teaching in the future.

### **Ongoing Reviews**

Cases for faculty currently in progress for a July 1, 2020 effective date will continue to be processed. It is possible that decisions may be delayed due to the COVID-19 crisis, but every effort will continue to be made to have cases decided in a timely manner. In this regard, the Budget Committee continues to meet, albeit not in person; APO is still functioning; and relevant administrators are still reviewing and deciding on cases.

Many academic units have already completed the bulk of academic personnel actions for the academic year (*i.e.*, with July 1, 2020 effective dates). For units that still have cases that require an ad hoc committee meeting, those can be done remotely (*e.g.*, via Zoom); in particular, there is no need to wait until in-person meetings can be held in order to proceed

with such cases—indeed, waiting is strongly discouraged: every effort should be made to be as timely as possible on academic personnel cases. To the extent possible, the remote process should follow a unit’s normal procedures for such meetings and deliberations. In addition, units are kindly instructed to abide by the following:

1. As has always been true, faculty are to delete any files or materials that they may have been shared electronically once the meeting is over. Faculty should not be retaining academic personnel materials electronically or in hard copy for which they do not have an ongoing need as part of the personnel action in question.
2. Faculty who are using shared computers (*e.g.*, with family members) are expected to take all necessary precautions to preserve confidentiality of academic case material.
3. The person chairing any remote meeting must take attendance or otherwise determine who is participating.
4. All individuals who speak during any such meeting must be identifiable to the other faculty when speaking (this is perhaps most readily achieved by having video switched on when speaking).
5. Participants, including staff who may be (virtually) attending for purposes of note taking, etc., must be sure that others who are at their physical location (*e.g.*, family members) cannot hear the meeting (the use of headphones may thus be necessary).
6. Participants cannot record the meeting.

### **Recruitments and New Appointments**

Academic units are encouraged to continue ongoing searches for faculty positions. We would like to see existing searches concluded in a timely manner, with an offer made in a timely manner this spring.

Please be aware that the US Department of State has suspended its visa services. Especially without premium processing of H-1B visas, there could be delays of many months in the processing of visas for those new faculty who require them. It is additionally possible that even new faculty with visas could be adversely affected by various travel bans now in place. Please let APO know promptly if a new hire’s start date needs to be delayed for these or other reasons.

### **Administrative Leave**

President Napolitano has issued an executive order providing up to 16 days or 128 hours (the number of hours is prorated using the current percentage appointment for hourly appointees) of administrative leave for all employees for the following purposes:

1. When an employee is unable to work due to the employee’s own COVID-19-related illness or that of a family member;
2. When an employee is unable to work because the employee has been directed not to come to the worksite for COVID-19-related reasons and/or the work site has implemented a COVID-19-related remote-work program or is under a shelter in place order and it is not operationally feasible for the employee to work remotely;
3. When an employee is unable to work because a COVID-19 related school or daycare closure requires the employee to be home with a child or dependent, and it is not operationally feasible for the employee to work remotely or in conjunction with the childcare commitment.

The 16 days or 128 hours is inclusive of the 14 days of administrative leave previously announced. Further detailed guidance regarding application for and use of administrative leave has already been sent to deans and chairs. If employees or departments have immediate questions about the executive order or have an employee who wishes to apply for leave, please contact APO. Please keep in mind that the use of this paid administrative leave must **not** adversely affect the delivery of essential University services, **which includes instruction**.

**Working Remotely from Outside California**

Although neither I nor the University can offer tax advice, please be aware that the Office of the President has determined that working remotely for the University while in another state might make one liable for income tax in that state. If you are fulfilling your duties to the University remotely from outside of California, you may wish to consult with a tax advisor or review the tax laws of the state from which you are working.

If you have any questions, please contact the Academic Personnel Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. E. Hermalin", is positioned to the left of a vertical line.

Benjamin E. Hermalin  
Vice Provost for the Faculty