

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.

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 and research 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, advance up the ladder, and, for our untenured faculty, see that they are given every opportunity to earn tenure.

This memorandum covers the following topics:

1. Spring 2020 Teaching Evaluations
2. Faculty Research Productivity and Merit Reviews
3. Possible Extension of the Tenure Clock
4. Ongoing Reviews
5. Recruitment and New Appointments
6. Sabbatical Leave
7. Administrative Leave
8. 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" in their evaluations 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.

Faculty Research Productivity and Merit Reviews

It is understandable that faculty may be concerned about the possible negative effects of the COVID-19 situation on scholarly activity. Certainly, for some faculty, the disruptions of shelter-in-place ordinances, both direct (*e.g.*, an inability to access laboratories, go on research-related travel, etc.) and indirect (*e.g.*, childcare issues, a need to devote time to adjust to remote

education), will have a short-term effect on research productivity. It also remains possible that disruptions to research will extend some ways into the future.

To reiterate, long-standing campus practice is to take context into account in all personnel reviews. To this end, we recommend that, in future cases, faculty explain how their research was negatively affected during this period in their self-statements. As is always true in self-statements, faculty need not reveal personal or private information (*e.g.*, one does not need to detail underlying medical conditions that made them at risk; one can simply state, “due to the COVID-19 outbreak, I was unable to access facilities for *N* weeks”). When updating their CVs, faculty are encouraged to make note of conferences, talks at other universities, and the like to which they were invited, but unable to attend due to COVID-19. As in all merit and promotion cases, departments and schools should provide the context for any periods of reduced activity. In the case of COVID-19-related ramp-down in research, reduction in professional activities, or any similar delays, units should indicate that the anomalies in the record were due to the COVID-19 measures implemented by the University and others. Faculty can be confident that Deans, the Budget Committee, and administrators will take all of these factors into consideration when reviewing cases that cover this time period.

Possible Extension of the Tenure Clock

The campus has long had a practice of granting requests to stop the tenure clock when circumstances beyond the control of the faculty member in question significantly interfere with that faculty member’s research. For instance, interference due to serious and prolonged illness (theirs or that of someone in their care) or frustration of research efforts (*e.g.*, a lab gets flooded; data collection is impossible due to civil strife in the relevant location; and so forth). The campus has a tradition of viewing such requests compassionately, with a tendency to be more generous than not in granting such requests.

An Assistant Professor and Lecturer PSOE may request an extension of the Tenure/SOE/eight-year limit clock. [APM 133–17](#) allows for extensions of the clock in cases of a “significant circumstance or event beyond the individual’s control that disrupts an individual’s ability to pursue his or her duties” (see also [BMAP](#)). Extensions may be granted for up to one year for each event. An extension of one semester is also possible. Note: per policy, any such request must be made within two years of the onset of the relevant circumstances and cannot be made in the year in which the final appraisal (tenure review) is required to occur.

A request to stop the clock must be submitted electronically, via one’s department chair and dean, to the Vice Provost for the Faculty care of APO. The request must specify the semester or time period being identified as off the clock. At this juncture, if the request includes semesters other than spring 2020, additional detail will be required to justify the extended period. Approval of requests will be evaluated individually.

Ongoing Reviews

Cases for faculty and other academic employees 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 a faculty meeting and deliberation (mid-career appraisals, final appraisals, promotion cases, appointment cases, and some others), 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 immediately any files or materials that they may have cause to download from APBears 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. Likewise, any other case material that may be shared electronically should be deleted as soon as it is no longer needed.
3. 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.
4. The person chairing any remote meeting must take attendance or otherwise determine who is participating.
5. 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).
6. 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).
7. Participants cannot record the meeting.

Please note the above guidelines also apply to other groups considering personnel cases, such as departmental ad hoc committees and campus ad hoc review committees (CAHRCs).

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 to the top candidate in each search this spring. Units are strongly advised against ending ongoing searches and seeking to restart them next year.

At this juncture, it seems impractical to postpone candidate (finalist) visits to a time when people are willing to travel and in-person meetings can occur; hence, units need to devise means of conducting interviews, job talks, etc. via Zoom or similar remote means.

Every effort should be made to make the remote process as similar as possible to what would occur during an on-campus visit (this is especially important, for fairness reasons, if some candidates had in-person visits prior to the current restrictions). So, for example, if finalists give a certain number of talks, then they should give the same number and types of talks remotely; if finalists meet with certain groups of faculty and students, they should hold such meetings virtually; and so forth. Efforts should be made to have the remote experience be similar to an in-person experience (so, *e.g.*, if people would ask questions during an in-person job talk, things should be set up to permit them to ask questions during a remote job talk).

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.

Sabbatical Leave

Faculty on sabbatical leave during spring 2020 may find the purpose of their sabbatical frustrated by the COVID-19 pandemic (they, *e.g.*, must cancel data collection efforts due to travel restrictions, the closing of facilities, etc.). Faculty who have had their sabbatical so frustrated can apply to cancel their sabbatical and have the sabbatical credits they were using for their sabbatical returned to them. Faculty who cancel a sabbatical are expected to be fully engaged in their University duties for the remainder of the semester to the extent possible. The possibility that some instructors will become ill as a consequence of COVID-19 or otherwise not

be available to complete their teaching and educational duties this spring means that those faculty who have canceled their sabbatical could find themselves called upon to substitute for those instructors or otherwise asked to pitch in. By requesting to cancel their sabbaticals and have their credits returned, faculty are agreeing to assist as needed in terms of ensuring the University fulfills its educational mission and its obligation to its students.

Requests to cancel sabbatical should be submitted electronically to the head of one's unit. Department chairs should forward, with comment and/or endorsement, to their dean's office. Deans should forward, with comment and/or endorsement, to APO. A request must provide a brief explanation of how or why the purpose of the sabbatical was frustrated and a statement of what the faculty member will be doing as part of fulfilling their University duties.

Please note: for those faculty on a full-year sabbatical (*i.e.*, all of academic year 2019–20), only the spring portion can be canceled.

Administrative Leave

President Napolitano has issued an executive order providing up to 16 days or 128 hours 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,



Benjamin E. Hermalin
Vice Provost for the Faculty