

August 5, 2020 (supersedes March 22, 2018 guidelines)

CAREER EQUITY REVIEW GUIDELINES BERKELEY CAMPUS

PURPOSE

Career Equity Review (CER) is intended to ensure that all faculty are at the step within their rank that is appropriate to their overall performance. Its specific function is to provide a mechanism to address inequities in evaluation that become apparent only over the course of multiple review periods. CER is not an alternative to, nor an appeals process for, periodic academic personnel reviews. CER requests must be made as part of a merit or promotion review.

CRITERIA

It is appropriate to consider a CER if a faculty member (or their department chairs or school deans) has grounds to believe that the faculty member is at too low a step relative to the faculty member's career record. The grounds for such belief include:

- a) the cumulative record is consistent with a higher step even if the outcome of no prior review necessarily undervalued the candidate's achievements;
- b) the step at the time of initial appointment was inappropriately low; or
- c) there is compelling evidence that the candidate's contributions have been overlooked and/or undervalued in past reviews.

PROCEDURES

A faculty member may initiate a Career Equity Review by submitting a CER request statement to the faculty member's Chair (or Dean in the case of a School) describing the alleged inequity and proposing a corrective measure in terms of additional steps. This may be submitted at the outset of an academic personnel review (when the Chair/Dean notifies the faculty member of the need to prepare materials for a review) or once the faculty member has read the Chair's letter (i.e., when the case has been prepared and is about to proceed to the Dean). If a CER is initiated by the Chair/Dean, the Chair/Dean should discuss the matter with the faculty member to secure agreement as to the characterization of the case. A case may be submitted for review only with the consent of the faculty member.

Before preparing the case, the Chair/Dean, or the Chair/Dean and faculty member together, should consult with the Associate Vice Provost for the Faculty, who will advise on the statement and on the corrective advancement under consideration.

After consultation, the Chair/Dean prepares the Career Equity Review as a memorandum separate from, although submitted together with, the personnel case (i.e., letter addressing the current merit or promotion review). For example, the overall submission could argue that the performance in the review period warrants a one-step advancement and that career equity considerations warrant an additional step, the former argument being contained in one letter and the latter in a second letter. The CER case must request a specific step and provide documentation and analysis appropriate to the request. The case may provide relevant cohort data, comparing the candidate to other faculty, but the argument for a specific step must be based on an assessment of the performance of the candidate, not simply on comparisons with selected individuals.

The reviews of the two cases—the academic personnel review and the CER—then follow the normal procedures, including the customary opportunities for access by the candidate. A single .pdf file with CER recommendation letter and a signed Fairness Safeguard (that is specific to the CER review) should be loaded into the APBears case as a Miscellaneous Document.

Non-Departmental Option. If the faculty member has good reason to believe that their department cannot fairly prepare a Career Equity Review and is the source of the inequity for which the faculty member seeks correction, the faculty member may approach their Dean, who will fulfill the role of the Chair in the procedures outlined above, including the required meeting with the Associate Vice Provost. In this case, the Dean prepares the memorandum that accompanies the personnel case prepared by the department and follows the steps described above. Before the case proceeds to campus-level review, however, the Dean's memorandum must be submitted to the department and reviewed there as is customary for the proposed advancement. In the case of Schools, faculty who can show cause to bypass the Dean may apply to the Vice Provost for the Faculty, who will arrange an alternative for the preparation of the CER.

ELIGIBILITY

Career Equity Review will be conducted simultaneously with a normal academic-personnel case. Career Equity Review is not an alternative to the reconsideration procedures that apply to particular reviews, nor is it an alternative to cases that should be brought before the Committee on Privilege and Tenure.

A CER may take place only once at the Assistant Professor level, once at the Associate Professor level, once at the full Professor level prior to Step VI, and once after advancement to Step VI. CER is not available to faculty advancing to or within Above Scale status.

Although promotions and advancement to Step VI already provide a form of career review, a Career Equity Review may be conducted in conjunction with a case for promotion or for advancement to Step VI to ensure that the benefits of the CER process are fully available at the time of those reviews. As in all other cases, the CER should be prepared as a separate document that is submitted in APBears, simultaneously with an academic personnel review.

SALARY CONSIDERATIONS

Career Equity Review is intended to ensure that all faculty members are placed on the University's rank and step scales commensurate with their merit as assessed in the areas of research, teaching, and service. It is not a process by which perceived salary inequities may be addressed except, in some instances, because salary is correlated to step. Specifically, CER may not be used to seek an off-scale increment or an increase to an existing off-scale increment.

For faculty members whose salaries have an off-scale increment, a CER resulting in step advancement may result in a salary increase, but only under certain circumstances. In particular, the off-scale component of the faculty member's salary will be preserved and not reduced only if the off-scale increment had been provided *before* the introduction of inequity into the faculty member's advancement history. In particular, this means that CERs based on a claim that appointment was at too low a rank and/or step are likely to lead to a reduction in the off-scale increment as it is presumed that, due to market considerations, the faculty member's salary at time of appointment was set correctly. As an example, if a faculty member currently has a \$20,000 off-scale increment set at time of appointment and it is determined via a CER that, at hire, the faculty member should have been one step higher, then the faculty member's step will be increased, but that faculty member's off-scale increment will be reduced by the difference in the on-scale portion to hold total salary constant (*e.g.*, if the additional step awarded via the CER yields an increase of \$4000 to the on-scale portion of salary, then the off-scale increment will be reduced to \$16,000). In no case, however, will a CER based on too low a step at appointment trigger a reduction in the off-scale increment below the campus's existing minimum off-scale increment for appointments (\$15,000 as of this writing). So, to extend the previous example, if the faculty member's off-scale increment were \$17,000, the off-scale increment would be reduced to just \$15,000, yielding a \$2000 salary increase.

THRESHOLDS

A CER may not carry a faculty member across a threshold; that is, it cannot trigger a promotion in rank, nor advancement across the Step-VI threshold, nor advancement to Above Scale status.

OUTCOME

The Vice Provost for the Faculty shall make the final decision based on the full body of evidence in the file. In cases of reconsideration, CER cases will be handled in the same manner as the academic personnel cases they accompany.