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Steven W. Cheung  
Chair, Assembly of the  
Academic Senate  
Faculty Representative,  
UC Board of Regents

Academic Senate

Office of the President  
1111 Franklin Street  
Oakland, CA 94607

[senate.universityofcalifornia.edu](http://senate.universityofcalifornia.edu)

April 7, 2025

Douglas Haynes  
Interim Vice Provost, Faculty Affairs and Academic Programs

Amy K. Lee  
Deputy Provost, Systemwide Academic Personnel

Re: Systemwide Senate Review of Proposed Revisions to APM - 036,  
General University Policy Regarding Academic Appointees/Employment

Dear Interim Vice Provost Haynes and Deputy Provost Lee,

As requested, I distributed for systemwide Academic Senate review the proposed revisions to Academic Personnel Manual (APM) - 036. Nine Academic Senate divisions and two systemwide Senate committees ([CCGA](#) and [UCEP](#)) submitted comments. These were discussed at the Academic Council’s April 2, 2025 meeting, and the compiled feedback is attached for your reference.

The revisions respond to the need to address [California Assembly Bill \(AB\) 1905](#) (*Public postsecondary education: employment: settlements, informal resolutions, and retreat rights*) signed into law effective January 1, 2025. The bill prohibits UC from issuing “official” letters of recommendation for job applicants unless the UC author of the letter verifies the applicant has faced no prior sexual harassment allegations. The policy allows faculty to write personal letters of recommendation on UC letterhead without verification, provided they include a disclaimer stating they are offering personal views and not speaking on behalf of UC.

The Academic Senate does not endorse the policy as written due to concerns about ambiguities around “official” vs. “personal” letters, the verification process, faculty roles, administrative burden, implementation challenges, legal risks, and unintended consequences. While recognizing the need for UC to comply with AB 1905, the Senate recommends further review and refinement to ensure the policy is clear, practical, and provides sufficient guidance for faculty. Below is a summary of key concerns. We encourage you to review the enclosed comments in full.

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CAMPUSES

- Berkeley
- Davis
- Irvine
- UCLA
- Merced
- Riverside
- San Diego
- San Francisco
- Santa Barbara
- Santa Cruz

MEDICAL CENTERS

- Davis
- Irvine
- UCLA
- San Diego
- San Francisco

NATIONAL LABORATORIES

- Lawrence Berkeley
- Lawrence Livermore
- Los Alamos

**Excessive Burden and Ambiguity in Verification:** Many reviewers expressed concern that the verification requirement places an unreasonable burden on faculty writing letters of recommendation. It is unclear how faculty can determine whether a job applicant has faced prior sexual harassment allegations or which “appropriate entities” they should consult. Faculty may lack access to necessary records, raising concerns about compliance and potential legal liability.

In addition, the policy does not define the scope of “allegations,” leaving ambiguity as to whether it applies only to substantiated findings or includes unverified accusations. Respondents also noted that no centralized UC process exists for verification, potentially exposing faculty to legal liability for inadvertent violations.

**Lack of Clarity on Faculty Roles:** APM - 036 does not specify whether the policy applies to faculty serving in multiple roles, such as department chairs, faculty administrators, or those with split appointments. Clarification is also needed on whether Graduate Student Instructors (GSIs) and Graduate Student Researchers (GSRs) who write letters of recommendation are subject to the policy.

In addition, the first two paragraphs of APM - 036-0.e (“Official Letters of Recommendation”) appear contradictory. The first paragraph states that most faculty letters are personal references, while the second defines “Administrators and Supervisors” broadly to include academic department chairs, deans, principal investigators, and instructors of record, which are all categories that encompass many faculty members. This ambiguity creates uncertainty about whether faculty letters are considered “official” or “personal,” and needs clarification.

UCSB also notes that faculty increasingly submit recommendations through online portals that use standardized survey questions and scoring systems rather than traditional letters on UC letterhead. The policy should account for these evolving formats for delivery and clarify whether the verification requirement applies to all forms of recommendation.

**Official vs. Personal Letters:** While the policy allows faculty to write personal letters with a disclaimer, it does not clearly define what distinguishes an “official” letter from a “personal” one. Some respondents expressed concern that letters on UC letterhead, even if labeled as personal, could still imply institutional endorsement. Clear, written guidance from UCOP will help ensure consistent interpretation and implementation across campuses.

**Impact on Mentorship and Career Advancement:** Some respondents worry that prohibiting “official” letters without verification may discourage

faculty from writing any recommendations at all, potentially harming graduate students, postdocs, and junior faculty who rely on such letters for career advancement. In addition, including a disclaimer could inadvertently raise red flags, regardless of the content of the letter, potentially damaging job prospects. There is also concern that this policy could deter prospective faculty from joining UC if they anticipate difficulty obtaining letters from their future home institutions.

**Legal and Confidentiality Issues:** Reviewers expressed concern that the policy does not clearly differentiate between “allegations” and “confirmed findings” of misconduct, raising concerns about due process. Some respondents also noted potential conflicts with existing confidentiality protections and inconsistencies in how UC campuses may interpret and enforce the verification requirement.

Given these concerns, the Senate recommends further review and revision of APM - 036 to clarify the distinction between official and personal letters, the verification process and faculty’s responsibilities, the application of the policy to different faculty roles, and legal safeguards for faculty writing letters of recommendation. The Senate also urges UC to develop clear FAQs, training materials, and legal guidance to help faculty understand their responsibilities and ensure consistent policy implementation.

Thank you for the opportunity to opine. Please do not hesitate to contact me if you have any questions.

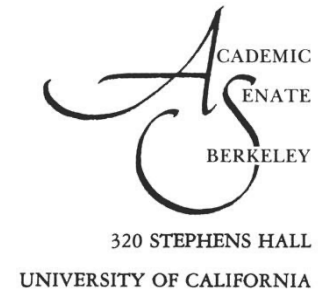
Sincerely,



Steven W. Cheung  
Chair, Academic Council

Encl.

cc: Academic Council  
Executive Director Anders  
Senate Division Executive Directors  
Senate Executive Director Lin



March 27, 2025

STEVEN CHEUNG  
Chair, Academic Senate

*Subject: Systemwide Review of Proposed Revisions to the Academic Personnel Manual (APM)  
Section 036, General University Policy Regarding Academic Appointees/Employment*

Dear Chair Cheung,

On March 17, 2025, the Divisional Council (DIVCO) discussed the proposed revisions to *Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment*. Discussion was informed by written comments from the committees on Academic Freedom (ACFR); Faculty Welfare (FWEL); Graduate Council (GC); Research (COR); and Undergraduate Council (UGC).

The proposed revisions align APM-036 with Assembly Bill 1905 and, by extension, California Education Code 66284, which “requires the University to adopt a written policy regarding official letters of recommendation, among other requirements, as a condition of receiving state funding.” Specifically, California Education Code section 66284 requires California public postsecondary educational institutions to create a policy that administrators or supervisors writing official letters of recommendations for an employee must determine whether the employee is a respondent in a sexual harassment complaint filed with the University; letter writers are prohibited from providing a letter if certain conditions have occurred.<sup>1</sup>

DIVCO raised a number of concerns with the proposed policy. The two primary concerns raised have to do with: 1) ambiguity about when a faculty member is acting in an official capacity, given that their roles vary widely, even for a given student/employee, and 2) the inability to attain the requested information, given legal and other confidentiality requirements.

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240AB1905](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1905)

A number of questions were raised about the specific roles faculty members hold. Letters written by department chairs for promotions, Principal Investigators (PIs) for Graduate Student Researchers, and Instructors of Record for Undergraduate and Graduate Student Instructors/Teaching Assistants fall into the official category. However, other roles appear less clear, such as faculty members writing letters as members of a search committee where there is no administrative or supervisory relationship, yet the faculty member is acting in an official capacity and drawing on their professional competence. In such examples, there were concerns about how such requirements might negatively impact units' ability to fulfill their service responsibilities if faculty members shy away from such service. Additionally, a faculty member may write a letter for a student for whom they are a supervisor in one capacity, but not a supervisor in another capacity but in both instances drawing on their professional competence. In such a case, their personal and official capacities are merged for a given student, causing confusion about their role for a given letter of recommendation.

There were also concerns about the capacity in which Graduate Student Researchers (GSRs) and/or Graduate Student Instructors (GSIs) writing letters of recommendation for students in their labs and/or classes is serving, given that there is no administrative or supervisory relationship. Along those lines, an Instructor of Record writing a letter for a student in their class is also not in an administrative or supervisory relationship but is acting based on their professional competence. These gray areas create ambiguities that raised significant concern, calling into question the feasibility of the policy, as written.

The policy introduces the requirement of a disclaimer in personal letters, which has been met with widespread resistance. DIVCO members argue that such a disclaimer may erroneously raise red flags, regardless of the content of the letter, inadvertently harming students' job prospects. Additionally, given that faculty members are more likely to write personal than official letters, there was concern about the administrative burden posed by the policy requirement of a disclaimer in personal vs. official letters of recommendation.

In addition to the sheer volume of personal letters of recommendations that faculty write (e.g., for students in their classes or graduate students not in an employee role), the introduction of additional administrative compliance—such as determining whether a letter requires a disclaimer and obtaining relevant disclosures—adds to an already heavy workload. Some faculty have noted that this shift places an undue compliance burden on individual instructors, rather than on administrative structures that could more effectively manage these requirements. Members questioned whether such information would even be accessible, given confidentiality and due process rights. Committees suggested possible modifications, such as shifting the disclaimer requirement to the likely smaller subset of official letters.

There is also widespread apprehension regarding how the policy might disrupt the mentoring relationship between faculty and students, which may discourage faculty members from writing letters altogether, diminishing the support students receive in competitive job markets. Faculty expressed concern that such a requirement could lead to a breakdown of trust and hinder academic and professional advancement for students and junior scholars.

Despite these concerns, some DIVCO members acknowledged that the policy attempts to clarify existing ambiguities and align institutional practices with legal mandates. The discussion emphasized the need for alignment with state law and for clearer guidance on faculty roles in the process but overall felt that the ambiguities associated with how the policy is currently written creates more challenges. DIVCO encourages a revised policy with more thought given to these implementation challenges.

Thank you for the opportunity to review and comment.

Sincerely,



Amani Nuru-Jeter  
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Mark Stacey, Vice Chair, Berkeley Division of the Academic Senate  
Jocelyn Surla Banaria, Executive Director, Berkeley Division of the Academic Senate  
R. Jay Wallace, Chair, Committee on Academic Freedom  
J. Keith Gillless, Co-Chair, Committee on Faculty Welfare  
Nancy Wallace, Co-Chair, Committee on Faculty Welfare  
Mark Csikszentmihalyi, Chair, Graduate Council  
Abby Dernburg, Chair, Committee on Research  
Christopher Ansell, Chair, Undergraduate Council  
Sumei Quiggle, Associate Director, Berkeley Division of the Academic Senate staffing  
Graduate Council and Undergraduate Council  
Patrick Allen, Academic Senate Analyst, Committee on Research and Faculty Welfare



Dorothy Hashimoto &lt;dhashimoto@berkeley.edu&gt;

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## \*Committee comments requested - Fwd: (Systemwide Senate Review) Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment

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R. Jay Wallace &lt;rjw@berkeley.edu&gt;

Wed, Feb 5, 2025 at 10:13 PM

To: Jocelyn Surla Banaria &lt;jocelynbanaria@berkeley.edu&gt;, Dorothy Hashimoto &lt;dhashimoto@berkeley.edu&gt;

Dear Jocelyn and Dory,

ACFR discussed the proposed revisions to APM 036 at our meeting on Tuesday, February 4. The committee does not see the policy as raising significant academic freedom concerns.

We did, however, have some logistical or pragmatic reservations about the sections e and f of the proposed guidelines. Section 036-e specifies that "most letters of recommendation prepared by faculty members and other academic appointees are not considered an Official Letter of Recommendation; instead, they are personal references and letters of recommendation".

And yet, section 036-f advises that personal letters may be provided on university letterhead or using a university email address "when the reference or letter clearly indicates that the recommendation is of a personal viewpoint and not representing the viewpoint of the University, such as: 'the following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system'."

I'd note that the passage just quoted is badly written (suggested edit: "clearly indicates that the recommendation is **of reflects** a personal viewpoint and ~~not representing~~ **does not represent** the viewpoint of the University!"),

Leaving these grammatical infelicities to the side, we find it problematic to expect all personal letters of recommendation to include a statement of this kind. For one thing, the distinction between "personal" and "official" letters of recommendation is not common in the academy, and letters from UC faculty that include a disclaimer to the effect that they represent the letter writer's personal perspective risk being misinterpreted by the intended audience. The reader will be invited to wonder if the letter writer is not drawing on their professional expertise and experience in recommending the candidate, but merely reflecting on the candidate from a purely personal perspective.

Furthermore, given that the proposed APM 036-e notes explicitly that most letters written by academic appointees will be personal letters, it seems odd that the presumption should be that letters are official letters of recommendation unless they explicitly state otherwise. The default presumption should be that letters by University faculty and academic appointees are personal letters (under the terms of the policy), unless they explicitly state that they are intended as official letters that reflect the letter writer's supervisory or administrative role vis-a-vis the candidate.

For this reason, we wonder whether these sections could be rewritten to stipulate that letters by academic appointees will be regarded as personal letters, unless they explicitly state that they are official letters that are written on the basis of the letter writer's supervisory or administrative position. For instance, the third paragraph of APM 036-f might say: "Letter of recommendation written by faculty or academic appointees, including letters written on University letterhead or sent via a University-issued email address, will be regarded as personal letters under this policy unless they indicate clearly that the letter is an official recommendation that represents the viewpoint of the University."

Yours,

Jay (for ACFR)

On Fri, Jan 31, 2025 at 9:29AM Jocelyn Surla Banaria <jocelynbanaria@berkeley.edu> wrote:

[Quoted text hidden]

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R. Jay Wallace



March 11, 2025

CHAIR AMANI NURU-JETER  
Academic Senate

*Re: Proposed Revisions to APM-036 (General University Policy Regarding Academic Appointees/Employment)*

Dear Chair Nuru-Jeter,

On February 24, 2025, the Committee on Faculty Welfare (FWEL) reviewed the proposed revisions to the General University Policy Regarding Academic Appointees/Employment (APM-036).

FWEL members express significant concerns regarding new policies on letters of recommendation and their impact on institutional practices, particularly within search committees. A primary issue is the uncertainty over whether letters written by search committees should be classified as personal or institutional communications. This distinction is crucial because it affects the need for disclaimers stating that the views are personal and not representative of the university, which influences the faculty's obligations when acting in official capacities.

Adding disclaimers to every letter poses an administrative burden, and there's debate over the appropriate placement to minimize the impact on the letter's tone and formality. As many institutions routinely redact letters to conceal the identity and home institution of the individual writing a recommendation, FWEL members want assurances that such redactions of letterheads and text below the signature do not create potential liabilities.

Another primary concern involves the potential requirement to affirmatively confirm that candidates have no history of misconduct, such as upheld complaints of sexual harassment or convictions. FWEL members are uneasy about this expectation because they lack the resources and legal authority to conduct thorough background checks. The practicality and legality of accessing such sensitive information are questionable, especially when details may be confidential or protected by non-disclosure agreements (NDAs).

Confidentiality constraints further complicate the situation. The Committee questioned how they can fulfill any obligations to report past misconduct when they are legally prohibited from accessing or disclosing certain information. The inability to obtain or



share sensitive data due to NDAs raises fears about inadvertently making misstatements that could expose them to legal risks. There's a palpable concern about being held liable for not uncovering issues concealed by confidentiality laws.

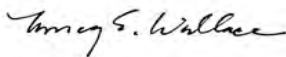
These potential legal and professional liabilities may deter faculty from participating in search committees. The added responsibilities and the fear of legal ramifications contribute to a heavy workload, potentially discouraging faculty involvement in essential hiring processes. This could negatively impact the university's ability to fill positions efficiently, as additional tasks like incorporating disclaimers and verifying candidate backgrounds may cause delays and complicate recruitment efforts.

Moreover, FWEL members highlight the need for clear guidance on complying with the new policies without overstepping legal boundaries or shouldering undue burdens. They are uncertain about how these policies apply to internal processes such as search committee recommendations compared to external letters of recommendation. Specific scenarios require clarification to ensure that faculty can balance their ethical obligations with practical limitations, all while protecting the rights and reputations of both candidates and the faculty during the recruitment and hiring process.

FWEL was worried that the status of search committee recommendations as individual or institutional letters was unclear. In the event that they are viewed as institutional letters, the Committee views the policy as impossible to implement because faculty lack the capacity to assess the issues of concern. Uncertainty with regard to this issue would certainly affect willingness to serve on committees and perhaps even the candor of their recommendations.

We appreciate the opportunity to review these changes.

Regards,



Nancy Wallace, Co-Chair  
Committee on Faculty Welfare



J. Keith Gilles, Co-Chair  
Committee on Faculty Welfare

NW/JKG/pgs



March 14, 2025

AMANI NURU-JETER  
Chair, Berkeley Division of the Academic Senate

*Re: GC comments on proposed revisions to APM 036  
re: letters of recommendation*

Dear Division Chair Nuru-Jeter,

This is GC's reponse to your request for comments on proposed revisions to APM 036 (General University Policy Regarding Academic Appointees/Employment). It is based on responses solicited from members via email circulation of the relevant documents.

The revisions are a response to AB 1905 "Public postsecondary education: employment: settlements, informal resolutions, and retreat rights," hinging on constructing a distinction between official and personal letters of recommendation. Such letters are the life blood of graduate admission and post-graduate employment and so the regulation of them is important to GC.

Our first concern has to do with the intersection of privacy rights with official letters of recommendation. Would consulting "with the appropriate campus entities" yield information about whether "the employee is a respondent in a sexual harassment complaint filed with the University"? Sharing information about an ongoing investigation would seem to violate the principle of due process, plugging one legal hole and opening up another.

Our second concern is a matter of clarification. Would the definition of "employee" include student assistants (undergrads), GSRs, and GSIs, and if so, would there be clear guidelines for how this would be operationalized -- in terms of where to go to check for this information before consenting to write a recommendation, particularly when these requests can come quickly with relatively short turnaround times?

Clearly the university is simply trying to comply with AB 1905, but we are concerned that without additional guidance this solution would leave letter writers with an additional set of questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Csikszentmihalyi', with a long horizontal flourish extending to the right.

Mark Csikszentmihalyi  
Chair, Graduate Council



320 STEPHENS HALL  
UNIVERSITY OF CALIFORNIA

March 03, 2025

CHAIR AMANI NURU-JETER  
Academic Senate

*Re: Proposed revisions to APM- 036 (General University Policy Regarding Academic Appointees/Employment)*

Dear Chair Nuru-Jeter,

The Committee on Research (COR) reviewed and discussed the proposed revisions to APM-036 (General University Policy Regarding Academic Appointees/Employment) at its February 13, 2025, meeting. The comments below are partly based on the discussion.

*The cover letter states, “The policy revisions respond to the need to address a new bill signed into California state law that adds section 66284 to the California Education Code, effective January 1, 2025 (reference AB 1905 “Public postsecondary education: employment: settlements, informal resolutions, and retreat rights”), and requires the University to adopt a written policy regarding official letters of recommendation, among other requirements, as a condition of receiving state funding.*

**Purpose of the Proposed Revisions to APM-036:**

COR understands that the policy revision is intended to bring UC into compliance with the updated State of California Education Code (hereafter referred to as “the Code”) and to protect UC and its employees and appointees from liability.

We infer that the primary goal of the new Section 66284 of the Code is to reduce the likelihood that someone with a history of perpetrating sexual harassment at a public institution of postsecondary education in California might find opportunities for new employment. This may be a commendable goal; however, this addition to the Code creates new and nebulous burdens for the UC system and other public institutions that seem unlikely to produce this desired outcome. We also wonder why this policy specifically addresses allegations of sexual harassment and no other malfeasance in the context of someone’s employment. That being said, we recognize that we are being asked to comment on the proposed UC policy rather than the Code, which was written by the California legislature.

**COR Comments on the draft policy:**

As written, the language in the draft policy that differentiates between a personal letter and an Official Letter of Recommendation is difficult to interpret, particularly for faculty who serve as PIs or in other supervisory capacities. The policy should be clarified and written in a more

straightforward way that is accessible to non-legal faculty and staff, and a summary should be included to enable potential letter-writers to quickly and accurately ascertain their own responsibilities. This summary, or perhaps an online tool, should enable a letter-writer to determine whether a letter that they might provide would be a personal or “Official” letter, and what their responsibilities are in each situation.

**Crucially, the following two sequential paragraphs in the draft policy appear to contradict each other:**

*Official Letters of Recommendation for employment are endorsed by the University and represent the views of the employer and are typically only provided by Administrators or Supervisors. Most letters of recommendation written by faculty members and other academic appointees are not considered an Official Letter of Recommendation; instead, they are personal references and letters of recommendation that do not serve as an Official Letter of Recommendation from the University (see APM - 036-0 f. for personal references and letters of recommendation).*

*Administrators and Supervisors include current department chairs, deans, provosts, chancellors, and faculty administrators (see APM - 241 and APM -246), principal investigators, instructors of record, and any other academic appointee with supervisory authority, whether full-time or part-time, regardless of the current relationship between the letter writer and the requestor.”*

A clear problem with this language is that most UC faculty meet the criteria for Administrators or Supervisors stated in the second paragraph, since they are principal investigators and often instructors of record, and they do have supervisory authority over students, trainees, and staff. It is unclear whether this would confer “Official” status on a letter that a faculty member might provide, or under what circumstances this might be so. This issue needs to be clarified.

Additionally, the language should be more specific in differentiating between Official and personal letters based on the role of the subject of the letter of reference and their professional relationship to the letter-writer. This may also need to be clarified for appointees who have multiple roles at the University. For example, if a letter is being written for a current or former graduate student based on their role as a GSI or GSR, would this impact the responsibilities of the letter-writer?

The obligations of letter writers should be made more explicit. If there is any ambiguity about whether a letter might be considered to be an Official Letter of Recommendation, how should a letter-writer determine this? How is the letter-writer expected to ascertain whether there have been allegations of sexual harassment against the subject of the letter, or actions, decisions, or settlements resulting from such accusations? Who and what are the “appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University”? How would an Official Letter writer know that they have faithfully and fully dispatched their obligations?

If a letter is being written in a “personal” (unofficial) capacity, the policy states that the letter should “*clearly indicate[s] that the recommendation is of a personal viewpoint and not representing the viewpoint of the University, such as: ‘The following recommendation*

*represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system.*” This recommendation seems problematic (and should also be edited for grammatical agreement). Our primary concern is that this sort of disclaimer may be misinterpreted by recipients as a “red flag” about the subject of the letter, particularly if they are unfamiliar with this blanket UC policy. If such a disclaimer is deemed necessary to comply with the UC policy or the Code, perhaps the wording of the disclaimer should be standardized and even included as part of official letterhead (perhaps as a footer). This would clarify that it is included in all personal letters to comply with UCOP policy.

The draft policy does not appear to address the potential consequences of situations in which a letter-writer inadvertently or purposefully omits such a disclaimer or fails to recognize that a letter might be considered to be an Official Letter of Reference. Would this create a liability for them as individuals, or for UC?

It may be important to clarify the scope of the term “appointee” throughout the policy. Among other issues, the status of some letter writers or requesters as “appointees” may be ambiguous - for example, HHMI Investigators are technically “on leave” from their faculty appointments if they are employed by HHMI. Are they subject to the same policy as other UC employees/instructors/supervisors? Are there other common (or uncommon) situations where the appointee or employee status of the letter-writer might need clarification?

Section 66284 of the California Education Code includes the statement that “If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.” Does this imply that UC or individual letter-writers may have the right to seek compensation for the time required to comply with these requirements?

Before COR can endorse the proposed revisions to APM-036, the concerns and questions raised from our discussion need to be addressed.

We appreciate the opportunity to provide our perspective.

Regards,



Abby Dernburg, Chair  
Committee on Research

AD/pgs



February 6, 2025

PROFESSOR AMANI NURU-JETER  
Chair, Berkeley Division of the Academic Senate

*Re: UGC comments on Proposed revisions to APM 036 re: letters of recommendation*

Dear Chair Nuru-Jeter,

The Undergraduate Council (UGC) discussed the Proposed Revisions to APM 036 at our February 5, 2025 meeting. Our understanding is that these revisions are prompted by a new California state law that adds a section to the California Education Code requiring a written policy about official letters of recommendation. Section 66284 requires administrators or supervisors to “consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University.” If that is the case, the Administrators and Supervisors are prohibited from providing an Official Letter under certain conditions.

Committee members appreciated that the new language in APM 036 distinguishing between official and personal letters of recommendation is designed to clarify that “official letters” have a specific and limited meaning and that many of the letters that faculty author for students or colleagues would be considered personal rather than official recommendations.

Nevertheless, committee members expressed several concerns about the revised policy:

A first concern was about the need to “consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University.” Members wondered if such information would really be forthcoming if requested. Our perception is that such information would fall under privacy protection.

A second concern discussed by the committee was related to a sense of ambiguity about the definitional scope of the term “official letter.” For example, would a Department Chair writing a letter for a promotion or appointment be considered official and therefore require consultation with appropriate entities? Would this be a case where the letter is “endorsed by the University”?

A third concern was that placing the burden on faculty to insert language in their recommendations indicating that their letter is a personal reference is awkward and that it would be preferable to request such language for official rather than personal letters.

Thank you for the opportunity to review the proposed revision to APM 036.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Ansell". The signature is written in a cursive, slightly slanted style.

Christopher Ansell  
Chair, Undergraduate Council





DAVIS DIVISION OF THE ACADEMIC SENATE  
ONE SHIELDS AVENUE  
DAVIS, CALIFORNIA 95616-8502  
(530) 752-2220  
academicsenate.ucdavis.edu

March 25, 2025

**Steven Cheung**  
Chair, Academic Council

**RE:** Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment

The proposed revisions to APM 036, General University Policy Regarding Academic Appointees/Employment were forwarded to all standing committees of the Davis Division of the Academic Senate. Eight committees responded: Academic Personnel – Oversight (CAP), Faculty Welfare (FWC), Graduate Council (GC), and the Faculty Executive Committees of the College of Agricultural and Environmental Sciences (CAES), the College of Biological Sciences (CBS), the College of Letters and Sciences (L&S), the School of Education (SOE), and the School of Medicine (SOM).

Committees request clarification on the differences between “Official” and “Personal” letters and the “appropriate entities” to consult on whether an employee is a respondent in a sexual harassment complaint. Committees also note that broad communication of this policy is necessary to ensure that faculty are fully informed. Lastly, GC provides a few additional comments and recommendations for consideration.

CAP, L&S, SOE, CAES, and FWC request clarification on when a letter is considered “Official” or “Personal.” CAP notes that the differences between “Official Letters of Recommendation” and “Personal References and Letters of Recommendation” should be clarified. L&S adds that the proposed revisions state that “[m]ost letters of recommendation written by faculty members and other academic appointees are not considered an Official Letter of Recommendation; instead, they are personal references...” L&S questions whether personal letters are considered Official and if the new language cited in the proposed revisions would be required for every student’s letter of recommendation.

SOE requests clarification on what constitutes a personal recommendation from a faculty supervisor and what is considered an Official Letter of Recommendation on behalf of the University. SOE suggests that it may be helpful to have a subsection of APM 036-0(f) specifically address academic appointees in supervisory roles. CAES notes that a clear definition of what constitutes an official versus a personal recommendation is necessary to ensure compliance and reduce confusion. FWC expresses that clarification is necessary to determine what distinguishes an Official from an unofficial letter and suggests providing a checklist as a guide to determine what wording should be used for different situations (i.e., staff vs. faculty, paid vs. unpaid, on campus vs. off campus). FWC and CAES

question what, if any, consequences result from a faculty member writing a letter and forgetting to insert the proper language.

FWC, CBS, CAES, and GC note that it is unclear who constitutes the “appropriate entities” to consult to “determine if the employee is a respondent in a sexual harassment complaint filed with the University.” FWC requests clarification on the mechanisms that the Administration will establish to facilitate this requirement and recommends establishing a single online portal to submit queries and receive timely responses. CBS and CAES note that it is unclear whether the “appropriate entities” can legally provide information on whether an employee is a respondent in a sexual harassment complaint filed with the University. CBS recommends that more details be added on how this will be implemented and how supervisors and administrators will comply with this policy. CAES adds that faculty members often write letters in a personal capacity, and the additional administrative burden associated with requesting official information may discourage many from pursuing official recommendations. GC emphasizes that the campus implementation of this policy should provide clear guidance on whom to consult, the timeframe for this consultation, and the circumstances under which their letter of recommendation is considered “Official” vs. “Personal.”

CAP, FWC, CAES, and SOM recommend that faculty should be broadly informed about the policy. CAP notes that, if approved, faculty should be informed about the appropriate language to use in letters. FWC adds that university should communicate clearly to faculty that letters written in support of current and former students’ applications to graduate and professional schools are not “official letters of recommendation.” CAES suggests that any new policy should be accompanied by clear, explicit communication to faculty on an annual basis. SOM recommends that extensive, broad communication of this policy is necessary for it to be implemented effectively and suggests the inclusion of standardized approaches and language.

GC expresses concern regarding the implementation of the proposed revisions and provides additional recommendations for consideration. GC highlights that the adjective “personal” does not accurately describe the letters of recommendation that faculty provide and recommends renaming “Personal References and Personal Letters of Recommendation” to “Professional References and Professional Letters of Recommendation.” GC adds that the mandatory language in the policy should be rewritten as follows:

“The following recommendation represents my **professional** perspective working with [name] and does not represent the viewpoint of the [campus] or the University of California system.”

GC is concerned that the language required for personal letters of recommendations may be misconstrued by faculty and employers outside of the UC system that are unfamiliar with the specific legal context necessitating its inclusion, which may “prove detrimental to the prospects of the students, postdocs, and trainees we intend to help.” GC recommends that the UC provide wording for a disclaimer that can be added or footnoted in personal letters of recommendation to indicate that the inclusion of such language is required by California law.

Finally, GC questions whether guidance will be provided for graduate students, postdocs, and trainees who sometimes write letters of recommendation and requests clarification on whether students who serve in leadership capacities (i.e., the Associated Students of UC Davis, or the Graduate Student Association Presidents) are considered supervisors per this policy. CAES adds that it is unclear whether this policy applies only to supervisors or includes peers who may provide recommendations.

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katheryn Niles Russ', with a stylized flourish at the end.

Katheryn Niles Russ, Ph.D.  
Chair, Davis Division of the Academic Senate  
Professor of Economics  
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Monica Lin, Executive Director, Systemwide Academic Senate  
Michael LaBriola, Assistant Director, Systemwide Academic Senate  
Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

March 6, 2025

**Kadee Russ**

Chair, Davis Division of the Academic Senate

**RE:** Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment

The Committee on Academic Personnel – Oversight (CAP) has reviewed and discussed the proposed revisions to APM 036, General University Policy Regarding Academic Appointees/Employment. CAP supports the proposed revisions; however, if these revisions are approved, the committee strongly recommends that faculty be broadly informed about the appropriate language to use and the differences between “Official Letters of Recommendation” and “Personal References and Letters of Recommendation.”

CAP appreciates the opportunity to comment.

March 13, 2025

**Katheryn Russ**

Chair, Davis Division of the Academic Senate

**RE:** Request for Consultation – Proposed Revisions to APM 036, General University Policy  
Regarding Academic Appointees/Employment

Dear Chair Russ:

The Committee on Faculty Welfare has reviewed the RFC – Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment. Overall, the committee feels greater clarification is needed in determining what instances a disclaimer needs to be included in recommendation letters. To aid in this, it's recommended that a checklist be provided as a guide to ensure that proper wording is used for different situations (staff vs. faculty, paid vs. unpaid, on campus vs. off campus). It was also recommended that the university communicate clearly to the faculty that letters written in support of current and former students' applications to graduate and professional schools are not "official letters of recommendation". Finally, the committee recommends clarification on:

- If a faculty member writes a letter and forgets to insert the proper language, what consequences are there for the faculty member?
- What mechanisms will the Administration establish to facilitate "consult with the appropriate entities"? Since it's unreasonable to expect faculty to track down multiple staff, a single online (Kerberos-protected) portal to submit our queries and receive a timely response from ALL "appropriate entities" would be needed.
- What distinguishes an Official (capitalized) from an unofficial letter. It's noted that Official letters come from PIs, IORs, and "any other academic appointee with supervisory authority." Would that include all Senate members?

Sincerely,



Janet Foley  
Chair, Committee on Faculty Welfare

March 14, 2025

**Kadee Russ**

Chair, Davis Division of the Academic Senate

**RE:** Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment

At its March 7, 2025 meeting, Graduate Council discussed the proposed revisions to APM 036, General University Policy Regarding Academic Appointees/Employment. Though Graduate Council recognizes that a new California state law necessitated these revisions, members expressed concerns about the implementation of this revised policy. Graduate Council forwards the following comments for further consideration.

1. Graduate Council members did not find that the adjective “personal” accurately describes the letters of recommendation that faculty provide for their students, postdoctoral scholars, and trainees as faculty are not providing these letters in a “personal” capacity, but rather a “professional” one. For this reason, Graduate Council strongly suggests renaming “Personal References and Personal Letters of Recommendation” to “Professional References and Professional Letters of Recommendation.” Along these lines, the mandatory language provided in the policy could be rewritten as follows:

“The following recommendation represents my ~~personal~~professional perspective working with [name] and does not represent the viewpoint of the [campus] or the University of California system.”

2. Members are concerned that the language required for personal letters of recommendation (as provided above) will be misconstrued by faculty and employers outside the UC system. This required language could be viewed as a red flag by those unfamiliar with the specific legal context necessitating its inclusion and, in a highly competitive job market, could prove detrimental to the prospects of the students, postdocs, and trainees we intend to help. Graduate Council therefore recommends that the UC provide wording for a disclaimer that can be added or footnoted in personal letters of recommendation to indicate to other institutions and outside employers that the inclusion of such language is required per California law.
3. Graduate Council was unclear as to whom faculty should consult to assess whether or not a student, postdoc, or trainee has been a respondent to a sexual harassment complaint. Graduate Council emphasizes that the campus implementation of this policy should provide clear guidance to faculty about whom to consult, the timeframe for such consultation, and the circumstances in which their letter of recommendation is considered “Official” vs. “Personal.”
4. Graduate students, postdocs, and trainees who serve as instructors sometimes write letters of recommendation. Will there be guidance and training for graduate students, postdocs, and trainees as well? Do students who serve in official leadership capacities, such as the ASUCD President or the GSA President, considered supervisors per this policy?

Thank you for the opportunity to comment on the proposed revisions to APM 036.

# **Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment**

## **FEC: College of Biological Sciences Committee Response**

**March 17, 2025**

The CBS FEC and faculty have reviewed the Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment and there is only one comment.

Here is the unabridged comment: "It is unclear what the "appropriate entities" are that must be consulted to "determine if the employee is a respondent in a sexual harassment complaint filed with the University," and whether those offices can legally provide the information when requested. More detail on how this will be implemented, and how supervisors and administrators would comply with this policy is needed."

# **Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment**

## **FEC: College of Letters and Science Committee Response**

**March 17, 2025**

The L&S FEC has reviewed the Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment. While the committee is in general agreement with this proposal, they would recommend clarifying the following: What is the extent of this requirement, and which letters are considered official? The new language states that letters of recommendation from faculty are personal. Are personal letters considered official? Who would need to include the boilerplate language in their letters? Would this new language be required on every letter for every student's letter of recommendation? When would we need to include it?



March 18, 2025

**KATHERYN RUSS**

Chair, Davis Division of the Academic Senate

RE: Request for Consultation – Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment

Dear Chair Russ,

The Faculty Executive Committee of the School of Education has reviewed the Request for Consultation on the proposed revisions to APM 036, General University Policy Regarding Academic Appointees/Employment.

The newly proposed language in APM 036-0 (e) states that Official Letters of Recommendation are generally provided by university administrators and supervisors. The language seeks to differentiate those “official” recommendations from “personal” recommendations provided by individual faculty members. However, faculty members often work in a supervisory capacity with undergraduates, graduate students, and postdoctoral scholars. We would appreciate clarification on what constitutes a personal recommendation from a faculty supervisor, and what is considered an Official Letter of Recommendation on behalf of the University. It might be particularly useful to have a subsection of APM 036-0 (f) specifically address academic appointees in supervisory roles.

We do appreciate the examples of language faculty can use to indicate a letter is a personal, rather than professional, reference.

The FEC of the School of Education appreciates the opportunity to comment on this issue.

# **Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment**

## **FEC: School of Medicine Committee Response**

**March 17, 2025**

The SOM FEC has reviewed the RFC and notes extensive, broad communication, of this policy will be needed in order for it be implemented effectively, but wonders how it will be managed? The inclusion of standardized approaches and language should be included.



**Faculty Executive Committee**

Faculty of the College of Agricultural and Environmental Sciences  
Academic Staff of the Division of Agriculture and Natural Resources  
Office of the Dean and Director of Programs

March 20, 2025

Re: Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment

Dear Chair Russ,

The College of Agriculture and Environmental Sciences (CA&ES) Faculty Executive Committee (FEC) has reviewed the request for consultation (RFC) regarding the Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment.

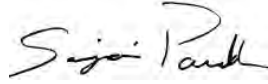
Our FEC felt there is too much uncertainty regarding the distinction between official and personal recommendations. Faculty members frequently write letters in a personal capacity, and the administrative burden associated with requesting official information may discourage many from pursuing official recommendations. Additionally, there is ambiguity about whether this policy applies strictly to supervisors or includes peers who provide recommendations. A clear definition of what constitutes an official versus a personal recommendation is necessary to ensure compliance and reduce confusion. Furthermore, it is unclear what consequences might arise if a letter does not explicitly state that it is written in a personal capacity.

The implementation of this policy also appears administratively complex. The requirement for faculty to consult "appropriate entities" before writing a recommendation raises questions about who these entities are and how faculty should go about obtaining the necessary information. Moreover, concerns have been raised regarding confidentiality, particularly in cases involving sexual harassment complaints. If an employee leaves the university without a formal settlement or investigation outcome, such information remains confidential, creating potential complications in the recommendation process. There is also the broader issue of whether sensitive personnel information can be shared with faculty seeking to comply with the policy.

To ensure effective implementation, any new policy should be accompanied by clear and explicit communication to faculty on an annual basis. As written, the revised policy lacks clarity and risks creating confusion. We urge the administration to provide further details and reconsider policy elements to ensure it is fair and feasible.

*Davis Division Committee Responses*

Sincerely,



Sanjai J. Parikh

Chair, CA&ES FEC Committee  
Department of Land, Air and Water Resources

CC:

Neil McRoberts (Vice Chair), Plant Pathology  
Nitin Nitin (Secretary), Food Science and  
Technology / Biological and Agricultural  
Engineering  
Catherine Brinkley, Human Ecology  
Xiaoli Dong, Environmental Science and Policy  
Kris Godfrey, CA&ES Dean's Office  
Rachael Goodhue, Agricultural and Resource  
Economics  
Dan Kliebenstein, Plant Sciences

Bruce Linquist, Plant Sciences  
Dragan Milenkovic, Nutrition  
Luz Robles, Undergraduate student  
Alison Van Eenennaam, Animal Science  
Kira Waldman, Graduate student  
Luxin Wang, Food Science and Technology  
Rachel Wang, Graduate student representative  
Helene Dillard, CA&ES Dean  
Sue Ebeler, CA&ES Associate Dean  
Brenda Nakamoto, FEC Administrative Assistant

March 19, 2025

**Steven Cheung, Chair**  
**Academic Council**

**Re: Proposed Revisions to APM-036, General University Policy Regarding Academic Appointees/Employment**

The Irvine Division Cabinet discussed proposed revisions to APM-036, General University Policy Regarding Academic Appointees/Employment, at its meeting on March 18, 2025. The following councils also reviewed the proposal: the Graduate Council (GC); the Council on Teaching, Learning, and Student Experience (CTLSE); the Council on Faculty Welfare, Diversity, and Academic Freedom (CFW); and the Council on Educational Policy (CEP). The councils' feedback is attached for your review.

Cabinet members converged around many of the same issues raised by the councils, including concerns about the policy's impact on faculty workload, the confidentiality of sexual harassment complaints, and possible negative effects on both the individuals who write recommendation letters and those who request them. The Cabinet also raised questions about how this policy would be communicated and enforced. Some members noted that being required to include an explicit statement that the letter represents the author's personal viewpoint devalues the faculty supervisor's role as a university employee (after all, they are asked to write letters because of their role as faculty supervisor) and potentially sends an errant red flag about the individual they are recommending. CEP's written feedback includes some suggested alternatives to such a statement for consideration.

The Cabinet understands that the university must implement this policy to comply with state law and hopes it can do so without creating additional burdens on faculty supervisors, with appropriate attention to individuals' privacy rights, and in a way that does not clutter recommendation letters with required policy language that detracts from their purpose.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Valerie Jenness, Chair  
Academic Senate, Irvine Division

Cc: Jane Stoever, Chair Elect-Secretary  
Jisoo Kim, Executive Director  
Gina Anzivino, Associate Director

March 11, 2025

**VALERIE JENNESS  
CHAIR, ACADEMIC SENATE**

**RE: APM-036 General University Policy Regarding Academic Appointees/Employment**

At its February 13, 2025 meeting, Graduate Council reviewed the proposed revisions to APM-036 General University Policy Regarding Academic Appointees/Employment.

Effective January 1, 2025, a new bill was signed into California state law which requires the University of California to adopt a written policy regarding Official Letters of Recommendation as a condition of receiving state funding. Official Letters of Recommendation are those which are endorsed by the University and represent its views; they are typically provided by Administrators and Supervisors. Official Letters of Recommendation diverge from Personal Letters of Recommendation, the latter of which are written in a personal capacity and neither represent nor propose to speak on behalf of the University.

Proposed revisions to APM-036 stipulate that any administrator or supervisor who provides an Official Letter of Recommendation to an employee must first consult with the appropriate entities to determine whether the employee is currently a respondent in a sexual harassment complaint filed at the University. If it is determined that any of the following conditions apply, administrators and supervisors are prohibited from providing an Official Letter of Recommendation to that employee:

- If there is a “final administrative decision” that the employee committed sexual harassment;
- If the employee resigned before a final administrative decision was made;
- If the employee enters into a settlement with the University based on allegations sustained during the sexual harassment complaint.

By contrast, academic employees are permitted to provide Personal Letters of Recommendation without first consulting with the appropriate entities to determine whether the employee is a respondent in a sexual harassment case filed by the University. Suggested sample language is provided for inclusion on Personal Letters of Recommendation.

The proposed revisions eliminate the interim status of the policy, further clarify the distinction between “Official” and “Personal” letters of recommendation, and exclude “other” forms of recommendations, such as surveys and phone calls, from the definition of Official Letters of Recommendation. The revisions clarify that while academic appointees are not allowed to provide Official Letters of Recommendation without first consulting with the appropriate campus entities, there is no such restriction for Personal Letters. The revisions additionally define “Administrator” and “Supervisor” and provide suggested language for inclusion on letters of recommendation.

## Recommendation

The proposed revisions appear reasonable and clearly define the distinction between “Official” and “Personal” letters of recommendation. One point that could remain to be clarified is who the “appropriate campus entities” are who should be consulted prior to the provision of Official Letters of Recommendation. A clearer flowchart would ensure greater transparency and improved compliance.

The Council appreciates the opportunity to comment.

On behalf of the Graduate Council,

A handwritten signature in black ink, appearing to read "Tonya Williams Bradford", is enclosed in a thin black rectangular border.

Tonya Williams Bradford, Chair

c: Jisoo Kim, Executive Director  
Gina Anzivino, Associate Director  
Thao Nguyen, Graduate Council Analyst



March 7, 2025

Valerie Jenness, Chair  
Academic Senate, Irvine Division

Re: Proposed Revisions to APM-036

The Council on Educational Policy (CEP) discussed the proposed revisions to Section 036 of the Academic Personnel Manual (APM-036) at its meeting on March 6, 2025. The revisions respond to a new bill signed into California state law that adds a section to the California Education Code requiring the university to adopt a written policy regarding official letters of recommendation as a condition, among others, of receiving state funding. Members raised several questions and concerns about the proposed revisions.

CEP's concerns over the proposed policy fall into five categories:

**Workload:** Members noted that the policy's definition of "administrators and supervisors" would include most faculty given that supervisory roles include supervising teaching assistants and graduate student researchers. Should faculty members seek to write an "official" letter of recommendation, rather than a "personal" letter of recommendation, they would be required to verify that the letter requestor had not been investigated and found guilty of sexual harassment, resigned while a sexual harassment claim was pending, or reached a settlement for a sexual harassment allegation. This extra step, the process for which was not clarified within the policy, would add to faculty workload.

**Privacy and confidentiality:** The lead reviewer and other members were surprised the policy did not include language about employee privacy and confidentiality, as there are strict policies about such things, and asked who can access these records, in which situations they can be accessed, and with whom the information can be shared. They recognized that these questions might not be addressed in the policy itself and recommended that complementary procedures should be provided. These procedures might also include information about how to communicate with a letter requestor; for example, should the letter writer explain their responsibility to do a check, or should the letter requestor be given an opportunity to rescind their request?

**Impact:** Members recognized that most letters of recommendation written by faculty could fall under the "personal" letter category. Most members were uncomfortable with the idea of including a disclaimer in letters stating that their recommendation is of a personal viewpoint and does not represent the views of the campus or the university. They felt that it made no sense to signal that they are writing in a personal capacity when they are in fact only writing based on their role as employees of the university and that doing so could potentially send an errant red flag about the candidate for whom they were writing. To address this issue, members made the following recommendations:

- Both official and unofficial letters should include a statement to indicate what type of letter is being provided (official or unofficial). Arguably, administrators and supervisors are more likely to be familiar with the policy and to adopt it, so this may positively affect policy compliance.
- The statements should link to a plain-language webpage that explains the criteria for official and unofficial letters. This would allow letter readers to interpret letters from the UC without the term "sexual harassment" appearing in the letter itself, as this term has a highly negative connotation, may be triggering to sexual assault survivors, and may raise other errant red flags



for human and AI readers alike.

- Instead of the proposed disclaimer, members recommended the university consider alternatives such as provide different letterhead for official versus unofficial letters, or that letter writers use appropriate subject lines instead (“Official Letter of Recommendation” or “Personal Letter of Recommendation”).

**Enforcement:** Some members viewed the policy as unenforceable – arguing that it would be so confusing as to create chaos or simply be ignored – and questioned how the policy’s requirements would be effectively communicated to faculty.

**Reach:** Members raised questions about who counts as an “employee” covered by the policy. For example, it appeared to CEP’s lead reviewer that the policy applies to administrators and supervisors regardless of whether they have been or are currently the letter requestor’s supervisor and that as long as the requestor had been a UC employee *at some point*, then the letter writer could not provide an official letter without first conducting a check. The policy language should be clarified to avoid this confusion. Members also questioned whether student positions such as learning assistants or other titles that earn course credit, rather than a salary, would be considered “employees” under this policy.

The council appreciates the opportunity to comment.

Sincerely,



Allison Perlman, Chair  
Council on Educational Policy

Cc: Jane Stoever, Chair Elect-Secretary  
Jisoo Kim, Executive Director  
Gina Anzivino, Associate Director & CEP Analyst



March 3, 2025

**VALERIE JENNESS, CHAIR  
ACADEMIC SENATE – IRVINE DIVISION**

**Re: Systemwide Proposed Revisions to APM-036 -- General University Policy  
Regarding Academic Appointees/Employment**

Academic Council Chair Cheung has distributed for systemwide review proposed revisions to Section 036 of the Academic Personnel Manual (APM-036), General University Policy Regarding Academic Appointees/Employment. The Council discussed this issue at its meeting on February 11, 2025, and submits the following comments:

1. The “sample language” (036.f) that states: “The following recommendation represents my personal perspective” is confusing and seemingly undermines the expertise and competence of faculty to anyone unaware of the rationale behind the revisions. Members suggested a clarification that would include a phrase such as “Per University of California policy, I am required to state that the following recommendation represents my personal perspective.”
2. Members stated it was unclear who the “appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University” (036.e) might be.
3. A member questioned how faculty will be made aware of these revisions in order to follow policy.

Sincerely,



Lisa Naugle, Chair  
Council on Faculty Welfare, Diversity, and Academic Freedom



C: Julie Kennedy, CFW Analyst  
Academic Senate

Jisoo Kim, Executive Director  
Academic Senate

Gina Anzivino, Associate Director  
Academic Senate

March 7, 2025

**VALERIE JENNESS, CHAIR  
ACADEMIC SENATE – IRVINE DIVISION**

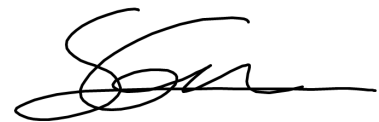
**Re: Systemwide Proposed Revisions to APM-036, General University Policy  
Regarding Academic Appointees/Employment**

Academic Council Chair Cheung distributed for systemwide review proposed revisions to Section 036 of the Academic Personnel Manual (APM-036), General University Policy Regarding Academic Appointees/Employment. The revisions respond to a new bill signed into California state law that adds section 66284 to the California Education Code, effective January 1, 2025, which requires the University to adopt a written policy regarding official letters of recommendation as a condition, among others, of receiving state funding.

The Council on Teaching, Learning, and Student Experience (CTLSE) discussed this issue at its meeting on March 3, 2025, and submits the following comments:

1. Members stated that the implementation and adoption of this process is unclear. How will faculty be informed about these new restrictions?
2. Does the burden of disclosure of potential issues fall with the person requesting a letter or the person writing a letter?
3. Who are the “appropriate entities” instructors should consult before writing “official” letters of recommendations? How would instructors know if consultation is needed?

Sincerely,



Sergio Gago-Masague, Chair  
Council on Teaching, Learning, and Student Experience



C:

Julie Kennedy, CTLSE Analyst  
Academic Senate

Jisoo Kim, Executive Director  
Academic Senate

Gina Anzivino, Associate Director  
Academic Senate

March 20, 2025

Steven Cheung  
Chair, UC Academic Senate

**Re: (Systemwide Senate Review) Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment**

Dear Chair Cheung,

The divisional Executive Board (EB) reviewed the Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment and divisional council feedback at its meeting on March 20, 2025. Members voted in favor of a motion to convey the attached council feedback and offered the following comments for consideration. (One student representative voted in favor.)

Members strongly recommended that it would be more efficient and useful to have an “official letter” template and examples. Members also noted that rather than requiring a disclaimer on every personal letter, it would be more efficient to instead make personal letters the default and establish official letters as something distinct and clearly identifiable.

Members expressed concern about limiting an institution’s ability to provide feedback for a faculty member given that investigations and lawsuits can take many years to conclude. They suggested that the policy revision clearly indicate that tenure progress will still occur during a period of investigation or lawsuit prior to a “verdict.”

Thank you for the opportunity to advise on this matter.

Sincerely,



Kathleen Bawn  
Chair  
UCLA Academic Senate

Encl.

Cc: April de Stefano, Executive Director, UCLA Academic Senate  
Andrea Kasko, Immediate Past Chair, UCLA Academic Senate  
Megan McEvoy, Vice Chair/Chair Elect, UCLA Academic Senate  
Adriana Rosalez, Administrative Analyst, UCLA Academic Senate

# UCLA Academic Senate

Committee on Privilege and Tenure

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To: Kathleen Bawn, Chair, Academic Senate

From: Guillaume Chanfreau, Chair, Committee on Privilege and Tenure



CC: Megan McEvoy, Vice Chair/Chair-Elect, Academic Senate  
Andrea Kasko, Immediate Past Chair, Academic Senate  
April de Stefano, Executive Director, Academic Senate  
Marian M. Olivas, Principal Policy Analyst, Academic Senate  
Members of the Committee on Privilege and Tenure

March 11, 2025

**Re: Proposed Revisions to APM-036**

The Committee on Privilege & Tenure (P&T) appreciates the opportunity to discuss the proposed revisions to APM-036 “General University Policy Regarding Academic Appointees/Employment.” The proposal adds two sections to the policy: 036-0 (e) *Official Letters of Recommendation*; and 036-0 (f) *Personal References and Letters of Recommendation*.

The list of individuals who might be considered an Administrator or Supervisor is extensive: “current department chairs, deans, provosts, chancellors, and faculty administrators (see APM - 241 and APM -

246), principal investigators, instructors of record, and any other academic appointee with supervisory authority, whether full-time or part-time.” Given this long list, Committee members feel that it could be clearer what makes a letter “official.” Does UCLA letterhead make a letter official? Does the supervisory title alone make a letter official if the recommender fails to include the qualifier designating the letter a personal reference? In addition, it seems likely that some of these administrative titles would not easily be aware that they must clear a recommendation letter or include the “personal recommendation” qualifier before sending a recommendation.

Second, the cover letter states that the policy should apply to “settlement(s) with the University based on the allegations arising from the sexual harassment complaint.” Because an academic appointee may be charged with other violations of the Faculty Code of Conduct<sup>i</sup> arising out of an investigation of a sexual harassment complaint, this might need clarification.

If you have any questions for us, please do not hesitate to contact me at [guillom@chem.ucla.edu](mailto:guillom@chem.ucla.edu) or via the Committee’s analyst, Marian Olivas, at [molivas@senate.ucla.edu](mailto:molivas@senate.ucla.edu)

cc: April de Stefano, Executive Director, Academic Senate  
Marian Olivas, Principal Policy Analyst, Academic Senate  
Members of the Committee on Privilege & Tenure

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<sup>i</sup> especially those involving entering a relationship with a trainee

February 19, 2025

Kathy Bawn, Chair  
Academic Senate

**Re: (Systemwide Senate Review) Proposed Revisions to APM-036 General University Policy  
Regarding Academic Appointees Employment**

Dear Chair Bawn,

At its February 4, 2025, meeting, The Faculty Welfare Committee (FWC) reviewed and discussed the Proposed Revisions to APM-036 General University Policy Regarding Academic Appointees Employment, which under the California Education Code Section 66284 requires that public post-secondary educational institutions as a condition of receiving state financial assistance, adopt a written policy about Official Letters of Recommendations.

FWC reviewed the proposed policy. Members asked for significant clarification on the scope and nature of the proposal. We feel strongly that the proposal, as currently written, is highly ambiguous, violates the rights of faculty, and places an undue burden on both supervisors and administrators. We outline points of requested clarification below.

- 1) What constitutes an “official” letter of recommendation? The policy provides examples of what is **not** an official letter and includes letters for awards, yet many awards ask for commitment letters from deans and department chairs that are often described as “official.” This ambiguity makes it impossible to evaluate the policy appropriately.
- 2) If we assume that “official” letters include those required for career advancement, the policy states that they cannot be provided by supervisors during the period of investigation. Often these investigations go on for years without a finding, leading to career delays, and punishment before a finding is found, violating principles of due process, and exposing supervisors to potential legal repercussions.
- 3) As written, any supervisor would be obligated to seek clarity during the letter-writing process and potentially ask for (often confidential) outcomes of disciplinary proceedings. Members argued that this would represent an undue burden on the supervisor and potentially expose both the supervisor and the faculty member to violations of privacy policies.

The committee requests answers to the questions and concerns outlined. If you have questions, please do not hesitate to contact me at [jcaram@chem.ucla.edu](mailto:jcaram@chem.ucla.edu) or the Committee analyst, Renee Rouzan-Kay, at [rrouzankay@senate.ucla.edu](mailto:rrouzankay@senate.ucla.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Caram". The signature is fluid and cursive, with the first name "Justin" written in a larger, more prominent script than the last name "Caram".

Justin Caram, Chair  
Faculty Welfare Committee

cc: Megan McEvoy, Vice Chair/ Chair-Elect, Academic Senate  
Andrea Kasko, Immediate Past Chair, Academic Senate  
April de Stefano, Executive Director, Academic Senate  
Renee Rouzan-Kay, Senior Policy Analyst, Faculty Welfare Committee  
Members of the Faculty Welfare Committee



February 18, 2025

Kathleen Bawn, Chair  
Academic Senate

**Re: Systemwide Senate Review: Proposed Revisions to APM - 036, General University Policy  
Regarding Academic Appointees/Employment**

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Dear Chair Bawn,

At its meeting on February 10, 2025, the Council on Planning and Budget (CPB) reviewed and discussed the proposed revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment.

Members were in unanimous support of the policy revisions but wish to affirm the policy's clarity that individuals writing letters in their personal capacity are not subject to the policy's intent.

If you have any questions for us, please do not hesitate to contact me at [smith@anthro.ucla.edu](mailto:smith@anthro.ucla.edu) or via the Council's analyst, Elizabeth Feller, at [efeller@senate.ucla.edu](mailto:efeller@senate.ucla.edu).

Best regards,



Monica Smith, Chair  
Council on Planning and Budget

cc: Megan McEvoy, Vice Chair/Chair-Elect, Academic Senate  
Andrea Kasko, Immediate Past Chair, Academic Senate  
April de Stefano, Executive Director, Academic Senate  
Elizabeth Feller, Associate Director, Academic Senate  
Members of the Council on Planning and Budget

**MEMORANDUM**

Center for the Health Sciences  
Mail Code: 166815

February 28, 2025

TO: UCLA Academic Senate

FR: Dr. Flavia Pirih  
Chair, FEC

RE: Winter Quarter 2025 General Faculty Meeting – Report

We request that the updated APM include a clear process for employees who are writing recommendation letters for colleagues to inquire about any potential misconduct allegations. Given the confidentiality of such information and its protection under Title IX, the process should ensure compliance with all relevant policies and legal requirements.

On page 1, the text states: "Any administrator or supervisor who elects to provide an Official Letter of Recommendation to an employee must consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University." Could you clarify which specific entities are considered the "appropriate entities" in this context?

Similarly, on page 2, the section states: "This section prohibits academic appointees from providing Official Letters of Recommendation prior to consulting with the appropriate campus entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University." Could you specify which campus entities are responsible for making this determination?

Thank you,  
Flavia Pirih

March 12, 2025

To: Kathleen Bawn, Chair, Academic Senate  
Academic Senate

From: Kriss Ravetto-Biagioli, Chair, Charges Committee

cc: Megan McEvoy, Vice Chair/Chair-Elect, Academic Senate  
Andrea Kasko, Immediate Past Chair, Academic Senate  
April de Stefano, Executive Director, Academic Senate  
Marian M. Olivas, Principal Policy Analyst, Academic Senate  
Members of the Charges Committee

**Re: Proposed Revisions to APM-036**

The Charges Committee had an opportunity to discuss the proposed revisions to APM-036 “General University Policy Regarding Academic Appointees/ Employment.” The proposal adds two sections to the policy: 036-0 (e) *Official Letters of Recommendation*; and 036-0 (f) *Personal References and Letters of Recommendation*. Members had significant concerns about the policy’s requirements as written.

Concerns:

- The definition of supervisor seems much too broad. Most of the titles listed as supervisor would not only be unaware of whether the recipient was the subject of an investigation, they would have no authority to find out.
- Most Faculty would ordinarily think of themselves as individuals writing a recommendation from an academic point of view. These are the Faculty who already may write dozens of very time-consuming letters of recommendation every year for students in their classes or for graduate students supported by a grant. Normally, these letters of recommendation would need to be on some form of UCLA letterhead. Even if the “disclaimer” requirement could be widely communicated (problematic in and of itself), requiring these letters to have a disclaimer would likely improperly diminish the weight of the letter.
- As written, this policy places additional demands on Faculty to either figure out how to meet the official letter requirements or to be aware they need to put a disclaimer in the letter declaring it a personal recommendation. Given that letters of recommendation are a standard part of work as Faculty, the requirement for letters using university letterhead to use disclaimer language indicating they are not representing the viewpoints of the division or the UC certainly would need wide dissemination if Faculty are expected to know about and comply with this policy.

Recommendations:

- Members recommend a clearer and much more limited definition of what constitutes being an administrator or supervisor writing an official letter.

- Rather than put the burden on individual Faculty recommenders, there should instead be a one-stop portal for applicants requiring University clearance with respect to Title IX investigations and/or findings. The University could designate specific officials who can release the required information.
- If the policy moves forward in this form, the University should provide administrative support for screening letters through the proper channels.
- Several members suggested that the new sections (e. and f.) be preceded by an introductory paragraph with simple definitions and a summary of requirements. Suggested language:

“Official letters are those .... Other letters are personal and would require a statement stating that .... If you choose to make your letter official, you must follow the steps in (e). If you choose to make a personal recommendation (especially on letterhead) and/or are not in a position to have knowledge about Title IX investigations, you must include a disclaimer that your letter is a personal recommendation. See the steps in (f).”



**OFFICE OF THE ACADEMIC SENATE**

Kevin Mitchell, Chair of the Academic Senate

[senatechair@ucmerced.edu](mailto:senatechair@ucmerced.edu)

UNIVERSITY OF CALIFORNIA, MERCED

5200 North Lake Road

Merced, California 95343

**March 13, 2025**

**To: Steven Cheung, Chair, Academic Council**

**From: Kevin Mitchell, Chair, UCM Divisional Council (DivCo)**

**Re: [Systemwide Review of Proposed Revisions to the Academic Personnel Manual \(APM\) Section 036, General University Policy Regarding Academic Appointees/Employment](#)**

The proposed revisions to APM-036, General University Policy Regarding Academic Appointees/Employment were distributed to the Merced Division Senate Committees and School Executive Committees. The following committees and the Chair of the Committee on Privilege and Tenure offered comments for consideration. Their comments are appended to this memo and summarized below.

- Committee on Academic Personnel (CAP)
- Committee on Rules and Elections (CRE)
- Committee for Equity, Diversity and Inclusion (EDI)
- Committee on Faculty Welfare and Academic Freedom (FWAF)
- Chair of the Committee on Privilege and Tenure (P&T)

**CAP** recommends updating the policy language to replace "sex" with "gender" and include appropriate gender identity terminology (section 036.b-Selection). CAP also suggests clarifying the definition of "investigation" to prevent potential misuse and unintended consequences. Additionally, CAP seeks clarification on whether the proposed revisions apply to both research misconduct and sexual harassment findings.

**CRE** seeks clarification on the definition of an "Official Letter of Recommendation" including how it is identified in requests. They also recommend specifying who the "appropriate entities" are, so letter writers know whom to contact regarding the sexual harassment question. The committee offers some suggested language for section 036.e. Letters of Recommendation. CRE finds APM 036.e-(Official Letters of Recommendation) unclear regarding who is required to follow the official letter process, particularly for administrators, supervisors, and academic appointees. They suggest adding a clarifying sentence to emphasize that these rules apply only to Official Letters of Recommendation and that it would be unusual for academic appointees or instructors of record to write such letters. Additionally, for APM 036.f (Personal References and

Letters of Recommendation), CRE recommends explicitly stating that the suggested language for personal letters of recommendation is optional and not required in all cases, providing examples of non-official letters to prevent confusion.

**EDI** supports the proposed revisions, as they align with new California legislation (AB 1905). They specifically endorse APM 036.e, which requires academic appointees to consult appropriate campus entities before providing Official Letters of Recommendation to ensure the employee is not a respondent in a sexual harassment complaint. EDI emphasizes the importance of this requirement since such letters carry the University's endorsement.

**FWAF** recommends clarifying the role of instructors of record in writing Official Letters of Recommendation, as the policy states that most faculty letters are personal but also includes instructors of record under those with supervisory authority. They suggest specifying whom instructors of record can write Official Letters for, such as teaching assistants versus students. Additionally, FWAF echoes CRE's request to define "appropriate entities" in the document for clarity.

The **Chair of P&T** offers the following feedback:

- Section a. Recruitment: Recommends specifying who is responsible for reviewing and modifying recruitment methods to ensure accountability and transparency.
- Section e. Official Letters of Recommendation: Suggests clarifying whether former administrators or supervisors are subject to the same provisions as current ones. Also recommends distinguishing between employees in general and those with a current or past supervisory relationship, and suggests using a flowchart for better clarity.
- Section f. Personal References: Expresses concern that the language might raise suspicions regarding the purpose of non-official letters and recommends clarifying that this is a university or state policy requirement, not a personal choice of the letter writer, to avoid misinterpretation.

On March 11, DivCo members discussed these APM revisions and expressed support for the various points and suggestions put forth by the committees. DivCo underscores the need for greater clarity on several key aspects of the policy, including whether it applies to faculty's past appointees and whether it applies to both graduate and undergraduate students. Furthermore, it remains uncertain whether the policy is solely focused on findings of sexual harassment and sexual violence or if it encompasses all forms of misconduct.

We thank you for the opportunity to review these proposed revisions to the APM.

Cc: DivCo Members  
P&T Chair Viney  
UCM Senate Office  
Systemwide Senate Office

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SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE ON ACADEMIC PERSONNEL (CAP)  
MIRIAM BARLOW, CHAIR  
mbarlow@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343

February 21, 2025

**To:** Kevin Mitchell, Senate Chair

**From:** Miriam Barlow, Chair, Committee on Academic Personnel (CAP)

**Re:** Proposed Revisions to APM 36 - Academic Appointees/Employment

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CAP reviewed the proposed revisions to APM 36 pertaining to Academic Appointees/Employment. We offer the below comments.

- 036-0 b. Selection
  - “Every good faith effort shall be taken to assure equal opportunity for employment for men and women in job groups that have traditionally been identified with one sex.”

CAP recommends replacing “sex” with “gender” and to further revise the sentence to add appropriate gender identity language.
- CAP recommends clarifying the definition of “investigation”. As presented, the language in the proposed policy revisions could be used in a retaliatory manner and can cause unintended consequences.
- CAP requests clarification on whether the proposed revisions apply to research misconduct as well as sexual harassment findings.

We appreciate the opportunity to opine.

cc: Senate Office

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ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE ON RULES AND ELECTIONS (CRE)

UNIVERSITY OF CALIFORNIA, MERCED

**March 3, 2025**

**To: Kevin Mitchell, Chair, Divisional Council**

**From: Committee on Rules and Elections (CRE)**

**Re: [Proposed Revisions to APM 036 – Employment](#)**

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The Committee on Rules and Elections (CRE) has reviewed the Proposed Revisions to APM 036 – Employment, and offer the following comments.

In APM 036 e. *Official Letters of Recommendation* (pages 2-4 of the policy), it is not entirely clear how an Official Letter of Recommendation is defined. Will the requestor or the agency requesting such a letter use the term “official” in their request, so that the letter writer is aware of this distinction? Furthermore, CRE believes it would be helpful for the APM to be more specific about who the “appropriate entities” are so that it is clear who letter writers must get in touch with to ask about the sexual harassment question. For example, the APM text could be revised to say something like this:

"Recommendation to a current or former employee, which includes academic appointees, staff employees, as well as student employees, of the University of California is required to first consult with the appropriate entities (at most campuses, the Office for the Prevention of Harassment & Discrimination) to determine if the employee is a respondent in a sexual harassment complaint filed with the University."

APM 036e is confusing regarding administrators and supervisors. First, the text states that it's typically only administrators or supervisors who write official letters (pages 2-4 of the policy), not academic appointments, but then broadens the definition to include anyone with supervisory authority, including an instructor of record. To remove any impression that (for example) graduate students and instructors must follow this process when writing letters of recommendation for their students, CRE suggests adding a sentence to the end of paragraph two re-emphasizing that these rules only apply when writing an Official Letter of Recommendation, and signaling that it would be unusual for an academic appointee or instructor of record to write such a letter.

APM 036 f. *Personal References and Letters of Recommendation* (pages 4-5 of the policy) provides suggested language for personal letters of recommendation. To remove the impression that this language must be included in all letters of recommendation, CRE recommends incorporating an additional statement after the suggested text, such as: “This language may be omitted from certain types of letters which can be assumed to be non-official. Examples of letters that do not constitute Official Letters of Recommendation include”. This addition would help eliminate any misunderstanding that the suggested



wording is a required component of all recommendation letters.

We thank you for the opportunity to review and comment.

CC: CRE Members  
Senate Office

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ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE FOR EQUITY, DIVERSITY AND INCLUSION (EDI)

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343

**February 27, 2025**

**To: Kevin Mitchell, Chair, Divisional Council**

**From: [Committee for Equity, Diversity and Inclusion \(EDI\)](#)**

**Re: Proposed Revisions to APM 036 – Employment**

The Committee for Equity, Diversity and Inclusion (EDI) evaluated the proposed revisions to APM 036 – Employment and offers the following comments.

EDI agrees with the proposed revisions as they respond to the need to address new legislature, [AB 1905](#), recently signed into California state law. Specifically, Section APM - 036-0 e. Official Letters of Recommendation (pages 2-4 of the policy) prohibits academic appointees from providing Official Letters of Recommendation prior to consulting with the appropriate campus entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University. EDI believes this to be important as Official Letters of Recommendation are endorsed by the University.

Therefore, EDI endorses the proposed revisions specifically as they pertain to sexual harassment.

We thank you for the opportunity to review and comment.

Cc: EDI Members  
Senate Office



ACADEMIC SENATE, MERCED DIVISION  
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM (FWAF)

UNIVERSITY OF CALIFORNIA, MERCED  
5200 NORTH LAKE ROAD  
MERCED, CA 95343

**February 24, 2025**

**To: Kevin Mitchell, Chair, Divisional Council**

**From: [Committee on Faculty Welfare and Academic Freedom \(FWAF\)](#)**

**Re: [Proposed Revisions to APM 036 – Employment](#)**

The Committee on Faculty Welfare and Academic Freedom (FWAF) reviewed the proposed revisions to APM 036 – Employment and offers the following comments.

**e. Official Letters of Recommendation**

*“... Most letters of recommendation written by faculty members and other academic appointees are not considered an Official Letter of Recommendation; instead, they are personal references and letters of recommendation that do not serve as an Official Letter of Recommendation from the University (see APM - 036-0 f. for personal references and letters of recommendation)...” (pages 2-3).*

*“Administrators and Supervisors include current department chairs, deans, provosts, chancellors, and faculty administrators (see APM - 241 and APM - 246), principal investigators, instructors of record, and any other academic appointee with supervisory authority, whether full-time or part-time, regardless of the current relationship between the letter writer and the requestor” (page 3).*

The first paragraph states that most letters of recommendation written by faculty and other academic appointees are generally not considered Official Letters of Recommendation. The second paragraph implies that instructors of record are considered academic appointees, and therefore do not write Official Letters of Recommendation. Given that instructors of record do in fact write Official Letters of Recommendation, FWAF recommends clarifying whom they write them for. Do instructors of record write Official Letters for teaching assistants, but write only personal letters of recommendation for students?

There are three references to “appropriate entities” throughout the document (pages 3-4). While FWAF realizes that this language derives from the California Education Code Section 66284, members recommend specifically stating who the appropriate entities are.

FWAF thanks you for the opportunity to review and comment.

Cc: FWAF Members  
Senate Office



ACADEMIC SENATE, MERCED DIVISION  
Christopher Viney, Chair, Committee on Privilege and Tenure

UNIVERSITY OF CALIFORNIA, MERCED

**February 12, 2025**

**To: Kevin Mitchell, Chair, Divisional Council**

**From: Christopher Viney, Chair, Committee on Privilege and Tenure**

**Re: Systemwide Review of Proposed Revisions to the Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment**

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Thank you for the opportunity to provide feedback on the proposed revisions to APM 036-Academic Employment. I would like to share my insights as the Chair of the Committee on Privilege and Tenure (P&T); however, please note that these observations are my own and do not necessarily represent the collective views of the Committee.

*Section a. Recruitment (page 1 of the policy)*

The policy language states, “Current methods of recruitment and search for candidates for appointment shall be reviewed and, when necessary, new or modified methods shall be introduced in order to broaden the scope of the search.”

For the sake of clarity and transparency, it might be useful to specify who is responsible for conducting the review of the recruitment process. Understanding the designated authority or entity overseeing recruitment would help ensure accountability and effectiveness in broadening candidate searches.

*Section e. Official Letters of Recommendation (page 3 of the policy)*

“Administrators and Supervisors include current department chairs, deans, provosts, chancellors, and faculty administrators (see APM - 241 and APM - 246), principal investigators, instructors of record, and any other academic appointee with supervisory authority, whether full-time or part-time, regardless of the current relationship between the letter writer and the requestor.”

To enhance clarity and usability, I recommend incorporating explicit guidance on cases where the letter writer is a former Administrator or Supervisor of the appointee. The current wording leaves ambiguity regarding whether past supervisory relationships are subject to the same provisions as current ones.

Additionally, as written, the language suggests that any individual currently holding an Administrative or Supervisory role within the university is subject to APM-036-0-e, even if they have never supervised the employee/requestor. Was this the intent? If not, a clearer distinction should be made between:

- i. Employees of the university in general versus those with a specific, current, or past supervisory

- relationship with the Administrator or Supervisor.
- ii. The current status of an individual's Administrative or Supervisory appointment versus the current nature of their relationship with the requestor.

While some of these distinctions become more apparent upon multiple readings of the full document, a flowchart or visual guide would significantly improve accessibility and comprehension for all stakeholders.

*Section f. Personal References and Letters of Recommendation (page 4 of the policy)*

“The following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system.”

How will this language be interpreted by the recipient of the letter - whether an individual or a committee? Could it raise unintended concerns or suspicions? For instance, why is the letter writer not providing an official letter? Might the recipient question whether the letter writer is withholding information or attempting to obscure something?

To eliminate any ambiguity and prevent potential misinterpretation, the statement should explicitly clarify that this limitation is not a matter of personal choice but rather a requirement mandated by University and/or State policy. Making this explicit will help ensure transparency and reinforce trust in the process.

Encl. Revised Policy

## **INTERIM POLICY**

### **DRAFT – General University Policy Regarding Academic Appointees: APM - 036: Academic Employment**

~~NOTE: Appendices B-1 and B-2 of APM-035 are rescinded.~~

#### 036-0 **Policy**

Personnel actions dealing with recruitment, selection, promotion, and transfer are of critical importance to the success of the University's Affirmative Action Personnel Program. The education, experience, skill, knowledge, and any other qualifications required for a position shall be limited to those qualifications directly related to the satisfactory performance of the duties and responsibilities of the position.

##### a. **Recruitment**

Current methods of recruitment and search for candidates for appointment shall be reviewed and, when necessary, new or modified methods shall be introduced in order to broaden the scope of the search. Attention shall be given to effective efforts to enhance the pool of applicants for those job groups and units where underutilization has been determined to exist.

##### b. **Selection**

Selections for appointment from among applicants who meet the requirements of each position shall assure continuation of University standards of excellence. In accordance with applicable law, no applicant may be denied employment, nor shall any applicant be selected for employment in preference to an equally or more qualified candidate, on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, pregnancy, age, citizenship, sexual orientation, gender identity, or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994.

Every good faith effort shall be taken to assure equal opportunity for employment for men and women in job groups that have traditionally been identified with one sex. In selecting from among candidates who are substantially equally well-qualified for a particular position, the appointing authority is reminded to pay attention to the general University commitment and policy of encouraging promotion of University employees.

c. **Promotion**

Promotions shall be decided in accordance with the appropriate University policy in a manner which shall assure continuation of University standards of excellence. Opportunity for promotion shall be available equally to all eligible employees. In accordance with applicable law, no employee may be denied a promotion, nor shall any employee be selected for a promotion in preference to an equally or a more qualified applicant, on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, pregnancy, marital status, age, citizenship, sexual orientation, gender identity, or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994.

d. **Transfer**

All transfers of employees shall be handled in accordance with University procedures and, in accordance with applicable law, shall be without regard to race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, pregnancy, marital status, age, citizenship, sexual orientation, gender identity, or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994.

e. **Official Letters of Recommendation**

Official Letters of Recommendation for employment are endorsed by the University and represent the views of the employer and are typically only provided by Administrators or Supervisors. Most letters of recommendation written by faculty members and other academic appointees are not considered an Official Letter of Recommendation; instead, they are personal references and letters of recommendation that do not serve as an Official Letter of

Recommendation from the University (see APM - 036-0 f. for personal references and letters of recommendation).

Administrators and Supervisors include current department chairs, deans, provosts, chancellors, and faculty administrators (see APM - 241 and APM - 246), principal investigators, instructors of record, and any other academic appointee with supervisory authority, whether full-time or part-time, regardless of the current relationship between the letter writer and the requestor.

Any academic appointee who elects to provide an Official Letter of Recommendation to a current or former employee, which includes academic appointees, staff employees, as well as student employees, of the University of California is required to first consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University.

An academic appointee is prohibited from providing an Official Letter of Recommendation, if it is determined the employee is a respondent in a sexual harassment complaint filed with the University, and any of the following has occurred:

1. The employee is determined in a final administrative decision to have committed sexual harassment.
2. Before a final administrative decision is made, and while an investigation is pending, the employee resigns from their current position.
3. The employee enters into a settlement with the University based on the allegations of the sexual harassment complaint.

Academic appointees, including emeriti faculty, may provide references or letters in a personal capacity, and the academic appointee is not required to consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University (see APM - 036-0 f.). Personal references or letters of recommendation (that are not an Official Letter of Recommendation) written by current Administrators and Supervisors, as defined previously, are often perceived as being Official Letters of Recommendation by virtue of their position. It is essential that Administrators and Supervisors include the language for Personal Letters of Recommendation in APM - 036-0 f. so that it is clear their letter represents



their own personal perspective of the employee who is requesting the reference. References or letters of recommendation written by former Administrators and Supervisors may be written in an Official or a personal capacity (APM - 036-0 f.)

Other forms of recommendations, such as surveys and phone calls, are not considered Official Letters of Recommendation. Examples of letters that are not Official Letters of Recommendation may be found in APM - 036-0 f.

The Chancellor, or the Chancellor's designee, shall develop appropriate implementing procedures.

**f. Personal References and Letters of Recommendation**

Personal references or letters of recommendation represent the views of the individual letter writer and are provided in an individual capacity.

Academic appointees, including emeriti faculty, may provide references or letters in a personal capacity, and the academic appointee is not required to consult with the appropriate entities to determine if the current or former employee is a respondent in a sexual harassment complaint filed with the University.

Personal references or letters of recommendation for employment that are not official may be provided using University of California letterhead or via a University issued email address when the reference or letter clearly indicates that the recommendation is of a personal viewpoint and not representing the viewpoint of the University, such as:

“The following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system.”

Other examples of letters that are not Official Letters of Recommendation, include:

- Letters solicited by the University for an academic review file that reflect personal observations and evaluation of a peer colleague's academic qualifications of scholarly and instructional merit.

- Letters written by faculty members for current and former students regarding their academic performance for the purposes of applying for non-employment opportunities, such as education, programs, scholarship, and awards.
- Other letters used for a purpose other than employment, e.g., grant applications and awards nominations.

### Revision History

#### Month DD, 2025:

- Policy title updated to clarify the policy applies to academic employment and to remove the interim status of the policy.
- Technical revisions to address letters of recommendations in response to the addition of section 66284 to the California Education Code.

#### June 1, 2010:

- First published in the Academic Personnel Manual as an Interim policy to replace the Appendices B-1 and B-2 of APM - 035.

For details on prior revisions, please visit the policy issuance web page.



CHAIR, ACADEMIC SENATE  
RIVERSIDE DIVISION  
UNIVERSITY OFFICE BUILDING, RM 225

Kenneth Barish  
PROFESSOR OF PHYSICS AND ASTRONOMY  
RIVERSIDE, CA 92521-0217  
TEL: (951) 827-5023  
EMAIL: kenneth.barish@ucr.edu

March 19, 2025

Steven Cheung, Chair, Academic Council  
1111 Franklin Street, 12th Floor  
Oakland, CA 94607-5200

**RE: Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment**

Dear Steven,

On March 10, 2025 the Riverside Academic Senate Executive Council discussed the *Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment* along with comments received from divisional committees.

UCR committees who provided comments generally understand the need for the revisions. However, reviewers have significant concerns about the practical implementation, the definition of "official" letters, and the potential for privacy and confidentiality issues. Executive Council suggested using "institutional" letters instead to avoid confusion.

Attached are the full committee responses.

A handwritten signature in blue ink that reads "Kenneth Barish".

Kenneth Barish  
Professor of Physics and Astronomy and Chair of the Riverside Division

CC: Monica Lin, Executive Director of the Academic Senate  
Cherysa Cortez, Executive Director of UCR Academic Senate Office



**School of Business**  
Anderson Hall  
900 University Avenue  
Riverside, CA 92521

March 4, 2025

To: Ken Barish, Chair  
Riverside Division of the Academic Senate

From: Elodie Goodman  
Chair, School of Business Executive Committee

Re: Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment

Please let this memo serve as an official notification that the School of Business Executive Committee supports the proposal and has no comments or concerns.



## *Academic Senate*

### **COMMITTEE ON ACADEMIC FREEDOM**

March 4, 2025

To: Ken Barish, Chair  
Riverside Division Academic Senate

From: Quinn McFrederick, Chair  
Committee on Academic Freedom

**Re: Systemwide Review of Proposed Revisions to the Academic Personnel Manual (APM)  
Section 036, General University Policy Regarding Academic  
Appointees/Employment**

The Committee on Academic Freedom reviewed the proposed revisions to the Academic Personnel Manual (APM) Section 036 General University Policy Regarding Academic Appointees/ Employment and had no comments related to their charge of academic freedom. The committee notes, however, potential issues with the ambiguity surrounding the constitution of an “Official” letter of recommendation with the policies proposed.



## *Academic Senate*

### **COMMITTEE ON ACADEMIC PERSONNEL**

February 13, 2025

To: Kenneth Barish, Chair  
Riverside Division Academic Senate

From: Jingsong Zhang, Chair  
Committee on Academic Personnel

A handwritten signature in black ink that reads "Jingsong Zhang".

Re: Proposed Revisions to *APM-036, General University Policy Regarding Academic Appointees/Employment*

In its February 12, 2025 meeting, CAP discussed the proposed revisions to *APM-036, General University Policy Regarding Academic Appointees/Employment*, and had the following comments:

State law mandates these revisions. CAP's discussion therefore focused on clarifying the implementation of these changes. Given the number of letters of reference that are written each year by faculty at UCR, there will be some need to think of the administrative structure and resources required to manage multiple requests. In addition, there will need to be an explicit process in place to help candidates become aware of and correct errors in any database categorization. There are, then, many questions relating to practical implementation at the campus level that will need to be resolved by administration.



*Academic Senate*

**COMMITTEE ON CHARGES**

March 3, 2025

To: Kenneth Barish, Chair  
Riverside Division

Fr: Darrel Jenerette   
Chair, Committee on Charges

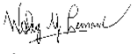
**Re: [Systemwide Review] Proposed Revisions to Academic Personnel Manual (APM):  
Proposed Revisions to APM - 036, General University Policy Regarding Academic  
Appointees/Employment**

The Committee on Charges reviewed the proposed revisions to APM-036 and was in support with no further comments.



March 4, 2025

TO: Ken Barish, Chair  
Riverside Division of the Academic Senate

FROM: Wesley Leonard, Chair   
CHASS Executive Committee

RE: Proposed Revisions to Academic Personnel Manual (APM): Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment

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The CHASS Executive Committee reviewed the Proposed Revisions to Academic Personnel Manual (APM): Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment. The committee agrees with the basic sentiment of the revisions but raised the following concerns.

1. We observe that the vast majority of letters of recommendation are not “official” as defined in these regulations. For this reason, we do not believe the policy will really accomplish what we understand its goals to be.
2. The person writing a letter of recommendation will in many cases not be privy to allegations or findings of misconduct due to confidentiality rules; as an example, negotiated settlements often contain confidentiality clauses. In some cases, a person in a higher administrative role, such as that of the Chancellor, will know of the issue because they had to be part of it by virtue of their administrative position. However, this is not always true, especially if the misconduct finding occurred before the recommender started the official position from which they are writing a letter.





March 5<sup>th</sup>, 2025

TO: Kenneth N, Barish, Ph.D., Chair, Academic Senate, UCR Division

FROM: Harry Tom, Ph.D., Chair, Faculty Executive Committee, College of Natural and Agricultural Sciences

SUBJECT: [Systemwide Review] (Proposed Revisions to Academic Personnel Manual (APM) Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment

Prof. Barish,

The CNAS Faculty Executive Committee has reviewed the proposed revisions to the APM and has no objections.

Sincerely,

A handwritten signature in black ink that reads "Harry Tom".

Harry Tom, Ph.D  
Chair, Faculty Executive Committee College of Natural and Agricultural Sciences



## *Academic Senate*

### **Committee on Research**

February 27, 2025

To: Kenneth Barish, Chair  
Riverside Division

From: Rachel Wu, Chair  
Committee on Research


Re: Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment

The committee on research reviewed the proposed revisions and had no comments.

**FACULTY WELFARE**

February 28, 2025

To: Kenneth Barish, Chair  
Riverside Division

From: Salman Asif, Chair   
Committee on Faculty Welfare

**RE: [Systemwide Review] *Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment***

The Committee on Faculty Welfare (CFW) reviewed the *Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment*. CFW has the following comments:

- The policy states: "Any administrator or supervisor who elects to provide an Official Letter of Recommendation to an employee must consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University."

This raises several concerns and puts additional burden on faculty who may be asked to write letters of recommendation. For instance, who do we contact to get information about an ongoing investigation? Are we allowed to ask questions regarding an ongoing investigation? Would this not be an invasion of privacy and a breach of confidentiality?

- While the policy states that we can provide personal letters of recommendation, it also seems to suggest that our letters to students and academic employees can be considered as "official letters of recommendation"; therefore, we must add a disclaimer. We may want to get some clarification on this and educate the faculty at large.
- The policy states that personal references or letters of recommendation for employment that are not official may be provided using University of California letterhead or via a University issued email address when the reference or letter clearly indicates that the recommendation is of a personal viewpoint and not representing the viewpoint of the University, such as: "The following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system."

This likely means that we should add a disclaimer in almost all the letters we write. We may want to get some clarification on this and educate the faculty at large.



*Academic Senate*

**COMMITTEE ON PRIVILEGE & TENURE**

February 20, 2025

To: Kenneth Barish, Chair  
Riverside Division

Fr: Louis Santiago, Professor and Chair *Louis Santiago*  
Committee on Privilege & Tenure

**Re: Academic Personnel Manual (APM): Proposed Revisions to APM - 036, General University Policy Regarding Academic Appointees/Employment**

The Committee on Privilege and Tenure reviewed the proposed revisions to APM-036 and was in support with no further comments.

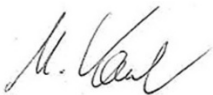
March 11, 2025

TO: Ken Barish, PhD, Chair, Academic Senate, UCR Division  
FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine  
SUBJECT: **Systemwide Review of Proposed Revisions to the Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment**

Dear Ken,

The Committee reviewed the proposed revisions to the Academic Personnel Manual (APM) Section 036 and it is willing to follow the recommended policy guidelines. However, the committee is of the opinion that the prohibition to provide a letter of recommendation merely on the basis of accusation and an ongoing investigation without a final conclusion can put an employee at a greater disadvantage to pursue career opportunities. Therefore, mere accusation and an ongoing investigation without a final finding should not be the decisive factor for the letter of recommendation.

Yours sincerely,



Marcus Kaul, Ph.D.  
Chair, Faculty Executive Committee School of Medicine



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE  
LA JOLLA, CALIFORNIA 92093-0002  
TELEPHONE: (858) 534-3640  
FAX: (858) 534-4528

March 20, 2025

Professor Steven Cheung  
Chair, Academic Senate  
University of California  
VIA EMAILRe: Divisional Review of Proposed Revisions to the Academic Personnel Manual (APM) 036,  
General University Policy Regarding Academic Appointees/Employment

Dear Chair Cheung,

The proposed revisions to the Academic Personnel Manual (APM) 036, General University Policy Regarding Academic Appointees/Employment were distributed to San Diego Divisional Senate standing committees and discussed at the March 17, 2025 Divisional Senate Council meeting. Although Senate Council acknowledged the need for policy revisions to ensure compliance with state law, Council recommended further review and refinement to clarify the policy. The current draft lacked sufficient detail and guidance for faculty. Council offered the following comments for consideration.

The primary concern was the need for clearer guidelines on implementing the policy, particularly in defining what constitutes an official letter of recommendation. Although official letters are rare and may not greatly impact daily operations, there is confusion regarding the distinction between personal and official letters. To address this, it would be beneficial to provide more information on what sets these two types of letters apart and examples of each. Additionally, reviewers raised some logistical concerns regarding the implementation and enforcement of this requirement. It was unclear how "appropriate entities" will verify whether an employee is a respondent in a sexual harassment case and how they will determine if an individual requesting information has a legitimate business need to know it. It was also unclear if this policy provides any protections for faculty providing personal recommendation letters if the scope of the relationship is solely based on UC work experience.

The responses from the Divisional Committee on Academic Personnel and Committee on Faculty Welfare are attached.

Sincerely,

A handwritten signature in cursive script that reads "Olivia Graeve".

Olivia A. Graeve  
Chair  
San Diego Divisional Academic Senate

Attachment

cc: Rebecca Jo Plant, Vice Chair, San Diego Divisional Academic Senate  
Lori Hullings, Executive Director, San Diego Divisional Academic Senate  
Monica Lin, Executive Director, UC Systemwide Academic Senate

March 05, 2025

Olivia Graeve, Senate Chair  
Academic Senate, San Diego Division

SUBJECT: Proposed Revisions to the APM 036- General University Policy Regarding Academic Employment

The Committee on Academic Personnel (CAP) met on February 19, 2025, to review the proposed revisions to the Academic Personnel Manual (APM) 036- General University Policy Regarding Academic Employment. CAP unanimously supports the proposed revisions to APM 036, which are necessary to comply with California Education Code Section 66284. This statute requires the University to adopt a written policy on official letters of recommendation, mandating that faculty consult the appropriate office to verify whether the candidate is involved in any sexual harassment allegations. In some cases, the policy may prohibit faculty from providing a letter.

While CAP unanimously supports the proposed revisions to APM 036, CAP members expressed concerns about the challenges of implementing and enforcing this requirement. Several members emphasized the need for the University to develop clear implementation guidelines and provide faculty with a simplified, easy-to-understand summary as a supplement to the policy.

CAP appreciates the opportunity to provide feedback on the proposed policy revisions.



Lynn Russell, Chair  
Committee on Academic Personnel

Cc: Senate Vice Chair Plant  
Senate Director Hullings  
CAP Vice Chair Schneider



February 27, 2025

OLIVIA GRAEVE, CHAIR  
Academic Senate, San Diego Division

SUBJECT: Systemwide Review of Proposed Revisions to the Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment

The Committee on Faculty Welfare (CFW) reviewed the Proposed Revisions to the Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment at its February meeting. The committee raised serious concerns with the revised policy. They are listed here:

Why should a faculty member provide a personal letter of recommendation with the suggested disclaimer, rather than an official letter of recommendation? This seems an attempt to shift liability away from UC to individual faculty, who do not have the scope of resources to make a personal determination of what is generally a confidential matter.

Clarification is needed of who are the "appropriate entities" that will confirm if a UCSD employee is a respondent in a sexual harassment complaint filed with the University for the campus and health system, and how that communication is being processed (e.g. website form, email contact, etc.).

How will the "appropriate entities" confirm that an individual requesting information to provide an official letter of recommendation is or has been in a supervisory role? Will the office provide verification to all UC or non-UC requests irrespective of the source?

Can a UC employee obtain a letter from the "appropriate entity" confirming eligibility for official letters of recommendation, which they can then share with their referees, or does each referee have to contact the "appropriate entities" individually?

What protections does UC convey to faculty providing personal recommendations, if the scope of the relationship is based on UC work experience?

Sincerely,

Patrick Mercier, Chair  
Committee on Faculty Welfare

cc: R. Plant

**Office of the Academic Senate**  
Wayne & Gladys Valley Center for Vision  
490 Illinois Street, 5th Floor  
San Francisco, CA 94158  
Campus Box 0764  
[academic.senate@ucsf.edu](mailto:academic.senate@ucsf.edu)  
<https://senate.ucsf.edu>

Steve Hetts, MD, Chair  
Errol Lobo, MD, PhD, Vice Chair  
Elizabeth Rogers, MD, Secretary  
Kathy Yang, PharmD, MPH, Parliamentarian

March 24, 2025

Steven Cheung  
Chair, Academic Council  
Systemwide Academic Senate  
University of California Office of the President  
1111 Franklin St., 12th Floor  
Oakland, CA 94607-5200

**Re: Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment**

Dear Chair Cheung:

The San Francisco Division of the Academic Senate is pleased to comment on the [Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment](#). Three committees commented on this review, the Committee on Rules and Jurisdiction (R&J), the Committee on Academic Personnel (CAP) Blue and Gold, and the Committee on Academic Freedom (CAF).

First, CAP, R&J, and CAF find that the policy language on delineating between official and personal letters of recommendation is confusing. It would therefore be useful to clearly define the differences between personal and official letters of recommendation, potentially through explicit guidelines and examples. CAP suggests creating a table with a list of examples differentiating personal and official letters of recommendation. R&J and CAF noted that if a clear distinction between the two types of letters of recommendation isn't detailed, faculty and others may unknowingly violate the policy.

Second, CAP, R&J, and CAF noted that it would be difficult, if not impossible, to obtain information on whether a given employee has a sexual harassment complaint. CAP suggested appointing an office to publicize the information for the specific purpose of assisting with the compliance of this policy. Conversely, R&J believes that getting information on whether a faculty member is involved in a sexual harassment complaint is not appropriate, or even possible, due to Title IX confidentiality requirements.

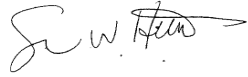
Third, CAP found that the policy does not detail whether the employee obtaining an official letter of recommendation should be notified that sexual harassment-related information will be sought. This should be specified in the policy.

Fourth, R&J and CAF identified an issue with the second criterion that prohibits the deliverance of an official letter of recommendation to individuals who resign during a pending investigation. They found that this criterion assumes guilt and noted that employees resign for a multitude of reasons and should not be punished as a result regardless of whether there is a pending investigation. Therefore, the criterion that prohibits providing an official letter of recommendation to individuals who resign during a pending investigation should be revised to avoid implying guilt and ensure fairness.

Fifth, CAP suggests creating a Frequently Asked Questions section on a web-based resource for this policy in order to address common queries, and assist faculty in understanding and complying with the new policy. (CAP).

Thank you for the opportunity to opine on this review. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Hetts", with a long horizontal flourish extending to the right.

Steven Hetts, MD, 2023-25 Chair  
UCSF Academic Senate

Enclosures (3)

Cc: Irfan Kathiriya, Chair, Committee on Rules & Jurisdiction (R&J)  
Kristina Rosbe, Chair, Committee on Academic Personnel – Blue  
Lorriana Leard, Chair, Committee on Academic Personnel – Gold  
Andrea Hasenstaub, Chair, Committee on Academic Freedom (CAF)

## **Committee on Academic Freedom (CAF) Andrea Hasenstaub, PhD, Chair**

March 24, 2025

Steven Hetts, MD  
Division Chair  
UCSF Academic Senate

### **Re: Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment**

Dear Chair Hetts:

The Committee on Academic Freedom (CAF) wishes to comment on the [Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment](#) that is out for systemwide review. CAF has identified several areas of concern with this policy.

First, CAF finds that the policy lacks clear delineation between official and personal letters of recommendation. It states that most letters are likely personal unless certain criteria are met, such as being written by an administrator, supervisor, principal investigator, or any academic appointee with supervisory authority; CAF is concerned that most letters may meet these criteria, and this ambiguity raises concerns that academic appointees may unintentionally violate the policy without further guidance.

Second, the policy language appears to assume the guilt of individuals accused of sexual harassment, even if they may ultimately be found not guilty. For instance, the second criterion, which restricts the deliverance of an official letter of recommendation, implies guilt for employees who resign during an investigation. CAF recommends amending the language to avoid unjust implications.

Third, CAF is concerned about how writers of official letters of recommendation would be informed of pending sexual harassment investigations or findings, given Title IX confidentiality. This poses challenges for the policy's feasibility and implementation. CAF recommends that the policy be reviewed by relevant departments to ensure practicality and compliance with confidentiality requirements.

Thank you for taking the time to review CAF's comments. Please contact me or our committee's analyst, Sophia Root ([Sophia.root@ucsf.edu](mailto:Sophia.root@ucsf.edu)), if there are questions.

Sincerely,



Andrea Hasenstaub, PhD  
Committee on Academic Freedom Chair

**Communication from the Committee on Academic Personnel**  
**Kristina Rosbe, MD, Chair, Blue CAP**  
**Lorriana Leard, MD, Chair, Gold CAP**

March 17, 2025

TO: Steven Hetts, Chair of the UCSF Division of the Academic Senate

FROM: Kristina Rosbe, Chair, Committee on Academic Personnel – Blue  
Lorriana Leard, Chair, Committee on Academic Personnel – Gold

CC: Todd Giedt, Executive Director of the UCSF Academic Senate Office

RE: Systemwide Review of Proposed Revisions to APM 036, General University Policy  
Regarding Academic Appointees/Employment

Dear Chair Hetts:

The Blue and Gold Committees on Academic Personnel (CAP) write to comment on the Systemwide Review of Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment.

CAP understands that the revisions to APM 036 are responsive to a new state law, and CAP is supportive of bringing the University of California into compliance with this law. However, CAP feels that the policy, as written, is confusing for faculty to understand and implement. Additional clarity is needed so that faculty can comply with the policy. Importantly, confusion about the policy may create a risk that faculty will be discouraged from writing letters of recommendation, which would be detrimental to their colleagues and trainees.

Three specific aspects of the policy that require additional clarification are as follows:

1. The distinction between official letters of recommendation and letters of support is unclear. It may be helpful to create a table listing some specific examples of letters faculty are likely to write (e.g., reference letters in support of colleagues seeking a promotion or new position, reference letters for graduate students seeking employment elsewhere, etc.) and identifying whether they are categorized as official letters of recommendation or letters of support. This table need not be included in the policy itself, so long as it is linked to the policy and is easily accessible to faculty (e.g., in an appendix or supplementary Frequently Asked Questions document).
2. Faculty are unsure how to access information about whether an employee is a respondent in a sexual harassment complaint. Even if the appropriate contact person for this information varies by campus or role of the employee, it would be helpful to include some more information in the policy explaining where faculty might go to obtain this information. For example, the policy could designate an office, such as the Academic Affairs Office, that is responsible for publicizing on its website the required process for faculty writing an official letter of recommendation. This information would help faculty understand how to comply with the policy.
3. The policy does not explain whether the letter writer should inform the employee that this information will be sought for the purposes of writing an official letter of recommendation. It may

be helpful to clarify whether the employee should be informed of this requirement and provided an opportunity to opt out of receiving an official letter of recommendation. Such a provision may help to balance possible privacy concerns and the need to protect current and future employers.

Finally, CAP strongly recommends creating a web-based resource, including a Frequently Asked Questions section, that is easy to navigate and addresses all potential queries faculty may have regarding the new policy.

Thank you for the opportunity to comment on this important issue. CAP is happy to provide input into the design of additional materials to clearly communicate this policy to faculty. If you have any questions on these comments, please contact us or Academic Senate Analyst Liz Greenwood ([liz.greenwood@ucsf.edu](mailto:liz.greenwood@ucsf.edu)).

## Committee on Rules and Jurisdiction (R&J) Irfan Kathiriya, MD, PhD, Chair

March 24, 2025

Steven Hetts, MD  
Division Chair  
UCSF Academic Senate

### Re: Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment

Dear Chair Hetts:

The Committee on Rules and Jurisdiction (R&J) writes to comment on the [Proposed Revisions to APM 036, General University Policy Regarding Academic Appointees/Employment](#) that is out for systemwide review. In general, R&J members identified several clarity issues with the proposed revisions.

First, members sought clarification on the distinction between writing official versus personal letters of recommendation. Section e. Official Letters of Recommendation of the policy reads:

*Official Letters of Recommendation for employment are endorsed by the University and represent the views of the employer and are typically only provided by Administrators or Supervisors. Most letters of recommendation written by faculty members and other academic appointees are not considered an Official Letter of Recommendation; instead, they are personal references and letters of recommendation that do not serve as an Official Letter of Recommendation from the University (see APM - 036-0 f. for personal references and letters of recommendation).*

The policy does not clearly delineate between what an official letter of recommendation is and what a personal one is. It merely states that most letters of recommendation are likely to be personal but can be official if certain requirements are adhered to, e.g., written by an administrator, supervisor, principal investigators or any academic appointee with a supervisory authority; by consulting with appropriate entities to see if the employee is involved in a sexual harassment complaint. As these are expansive categories that have the potential to include many faculty, what determines an official letter of recommendation and a personal one? If a clear distinction or further guidance is not outlined in the policy, then R&J is worried that academic appointees may unknowingly violate it.

Second, R&J contested the second criterion that restricts academic appointees from providing an official letter of recommendation, it reads:

*An academic appointee is prohibited from providing an Official Letter of Recommendation, if it is determined the employee is a respondent in a sexual harassment complaint filed with the University, and any of the following has occurred: ...*

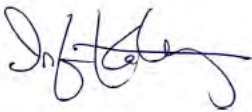
- 2. Before a final administrative decision is made, and while an investigation is pending, the employee resigns from their current position.*

R&J disagrees with this criterion because it implies guilt if an employee resigns while an investigation is pending. R&J notes that resignations can occur for various unrelated reasons. Thus, R&J recommends amending this criterion.

Third, R&J questioned how individuals writing official letters of recommendation would be informed of pending sexual harassment investigations or findings, given Title IX confidentiality. This raised concerns about the feasibility and implementation of the policy without breaching confidentiality. Therefore, R&J recommends that the proposed policy be reviewed by the Title IX team and other relevant departments to ensure it is practical and complies with confidentiality requirements.

Thank you for taking the time to review R&J's comments. Please contact me or our committee's analyst, Sophia Root ([Sophia.root@ucsf.edu](mailto:Sophia.root@ucsf.edu)), if there are questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Irfan Kathiriya', with a stylized flourish at the end.

Irfan Kathiriya, MD, PhD  
Committee on Rules and Jurisdiction Chair





# UC SANTA BARBARA

Academic Senate  
Rita Raley, Chair  
Shasta Delp, Executive Director

1233 Girvetz Hall  
Santa Barbara, CA 93106-3050  
<http://www.senate.ucsb.edu>

March 24, 2025

To: Steven Cheung, Chair  
Academic Senate

From: Rita Raley, Divisional Chair  
Academic Senate

A handwritten signature in blue ink, appearing to read "R. Raley".

Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM)  
Section 036, General University Policy Regarding Academic Appointees/Employment

The Santa Barbara Division distributed the Proposed Revisions to Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment to the Council on Faculty Welfare, Academic Freedom, and Awards (CFW), the Graduate Council (GC), the Undergraduate Council (UgC), the Committee on Academic Personnel (CAP), the Charges Advisory Committee (CAC), the Committee on Privilege and Tenure (P&T), and the Faculty Executive Committees (FECs) for the College of Letters and Science (L&S), the College of Engineering (COE), the College of Creative Studies (CCS), the Gevirtz Graduate School of Education (EDUC), and the Bren School of Environmental Science and Management (BREN). CAP, CAC, and the L&S, Bren, and CCS FECs elected not to opine.

The Santa Barbara Division is unable to endorse the revised version of APM 036 in its current form. While the need for compliance with State law is well understood, reviewing groups found the proposed revisions to be ambiguous and raised a number of significant questions and concerns related to implementation. As written, the policy is at once over-specified and under-specified, too rigid to adapt to real-world situations and too confusing to provide meaningful guidance. The main points are summarized below, with more details in the attached reviewing group responses.

A key focus is the designation of letters as "official" or "unofficial." Concerns were raised about the fact that unofficial letters may not meet the expectations of the letter requesters or recipients, given that these distinctions have not been formalized and do not necessarily translate to institutional contexts outside of the University of California. (The distinction between the two types of letters was characterized by one group as "murky at best.")

Multiple groups also raised questions about the process for consulting with the appropriate entities in order to verify that an official letter of recommendation may be provided, in other words, that the subject of the letter has not been party to any complaints of policy violations. The procedural aspects of this process were unclear, and concerns were raised about workload, privacy, and enforcement.

The groups make a number of suggestions regarding the provision of “unofficial” letters of recommendation. These include the inclusion of a specific reference to AB 1905 and the use of clear and consistent disclaimers across all unofficial recommendations in order to lessen ambiguity. The Division also notes the need for policy to reflect the increasing use of online portals for submitting recommendations, with survey questions and scoring systems replacing traditional stand-alone documents on University letterhead.

Given the numerous issues that remain unaddressed, we recommend that the proposed revisions to APM 036 be reconsidered and resubmitted for Systemwide review.

We thank you for the opportunity to comment.

March 19, 2025

To: Rita Raley, Divisional Chair  
Academic Senate

*Laurie Freeman*

From: Laurie Freeman, Chair  
Council on Faculty Welfare, Academic Freedom and Awards

Re: Proposed Changes to Academic Personnel Manual (APM) 036 - General University  
Policy Regarding Academic Employees/Appointment

At its meeting of March 5, 2025, the Council on Faculty Welfare, Academic Freedom and Awards (CFW) discussed the proposed changes to Academic Personnel Manual (APM) 036 - General University Policy Regarding Academic Employees/Appointment. CFW found no problems with the new language regarding Official Letters of Recommendation.

However, CFW did want to point out language that seems outdated in the following sentence from APM section Policy: b - Selection: "Every good faith effort shall be taken to assure equal opportunity for employment for men and women in job groups that have traditionally been identified with one sex." CFW is concerned that similar language may be present in other APM sections and recommends a review of the APM for these binary terms, and the insertion of more inclusive terminology recognizing non-binary designations where appropriate.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate  
Santa Barbara Division**

March 13, 2025

To: Rita Raley, Divisional Chair  
Academic Senate

From: Alexander Simms, Chair  
Graduate Council



**Re: Proposed Changes to Academic Personnel Manual (APM) 036 - General University Policy  
Regarding Academic Appointees/Employment**

At its meeting of March 10, 2025, Graduate Council reviewed the proposed changes to Academic Personnel Manual (APM) 036 - General University Policy Regarding Academic Appointees/Employment and has the following comments.

Overall, the Council finds the policy updates to be confusing and believes the distinction between *official* and *personal* letters of recommendation to be murky at best.

The Council fears that letters that feature a disclaimer like the example in the policy (“The following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system.”) will not be taken seriously by the letter recipient. Language that presents the letter as being “unofficial” immediately takes the air out of the recommendation. The Council wonders if it might be better to reference the actual statute (AB 1905) in any disclaimer to make it clear the disclaimer language is present due to state law.

The policy states that the letter writer should consult with the “appropriate entities” for every official letter of recommendation to determine whether or not the subject of the letter received any sexual harassment complaints against them while at UCSB. If that is the case, the Council wonders who exactly should be contacted to verify this information for each individual letter, and does this not add a significant amount to the workload of an already thin campus staff?

Finally, the Council also wonders what enforcement mechanism exists to enforce such a policy.

CC: Shasta Delp, Executive Director, Academic Senate

UC SANTA BARBARA  
Academic Senate

DATE: March 20, 2025

TO: Rita Raley, Chair  
Academic Senate

FROM: Jason Duque, Chair  
Undergraduate Council



RE: Proposed Changes to Academic Personnel Manual (APM) 036 - General University  
Policy Regarding Academic Appointees/Employment

The Undergraduate Council (UgC) reviewed and considered the Proposed Changes to Academic Personnel Manual (APM) 036 - General University Policy Regarding Academic Appointees/Employment during their March 6th meeting. UgC's discussion identified several unanswered questions and significant ambiguities in the proposed changes. The Council voted to not endorse the proposed changes unanimously. The most significant issues are detailed here.

The proposed changes rely on a distinction between "official" and "personal" recommendations. The attention given to specifying the distinction misses an important point: an "official" recommendation may be just the thing that both the person being recommended and the person(s) receiving the recommendation are looking for. This fact should bear on the way the policy is reconstructed.

The long list of positions that qualify as "Administrator or Supervisor" makes it unclear who would, as a practical matter, not be considered an Administrator or Supervisor. In particular, the inclusion of "instructor of record" (section e) means that many, if not most, letters written by academic faculty would be considered "official." This contradicts the statement that "most letters of recommendation written by faculty members and academic appointees are not considered an Official Letter of Recommendation."

While the proposed changes do attempt to define an "employee," the definition is still inadequate for many real-life situations. For example, an undergraduate student could receive academic credit for work in a lab during the regular academic year but then be paid as an employee for such work during a summer session. Would that summer work mean that that student would be considered an employee? If the work is the same, and supervisory responsibilities the same, is being paid for work the only meaningful distinction?

Without presuming any special legal expertise, the Council is concerned that there exist laws and policies that would prohibit a recommender from knowing whether or not the person being recommended is under investigation. This would make it impossible for a person to meet the requirements of the proposed changes.

The proposed changes include "sample language" to communicate that a recommendation is "of a personal viewpoint and not representing the viewpoint of the University" (section f). In other words, if a recommendation is not official, there should be a disclaimer to that effect. If the intent is that the non-"official" nature of the recommendation be unambiguous, then the language for indicating so should be clear and consistent across all such recommendations. In short, we should all be using an identical statement.

Recommendations are often submitted online or in some form other than on any sort of letterhead. The proposed changes include no provision for such recommendations. Without such guidance, there will be many cases where the person providing a recommendation will have to improvise an approach. This seems reckless, especially given the apparent intent of the proposed changes to satisfy new legal requirements.

Finally, it is not at all clear what person or office has the authority to enforce this policy.

CC: Shasta Delp, Executive Director, Academic Senate

March 10, 2025

To: Rita Raley, Divisional Chair

From: Phillip Christopher, Chair  
Committee on Privilege and Tenure

Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM)  
Section 036, General University Policy Regarding Academic Appointees/Employment

Committee on Privilege and Tenure discussed the Proposed Revisions to the Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment.

While the committee agreed that the new policy was mostly clear, there was concern that the new language was not sufficiently explicit regarding personal letters of recommendation from faculty for undergraduate, graduates, and postdocs, as these are the most common letters that faculty members write.

To provide more clarity on this topic, the committee proposes the following changes to the new documentation (see modified text in bold below).

"f. Personal References and Letters of Recommendation

Personal references or letters of recommendation represent the views of the individual letter writer and are provided in an individual capacity.

Academic appointees, including emeriti faculty, may provide references or letters in a personal capacity (i.e., **personal references or letters of recommendation**), and the academic appointee is not required to consult with the appropriate entities to determine if the current or former employee is a respondent in a sexual harassment complaint filed with the University.

Personal references or letters of recommendation for employment that are not official may be provided using University of California letterhead or via a University issued email address when the reference or letter clearly indicates that the recommendation is of a personal viewpoint and not representing the viewpoint of the University, such as:

"The following recommendation represents my personal perspective working with [name] and

does not represent the viewpoints of the [campus] or the University of California system.”

These personal references or letters of recommendation with the personal viewpoint statement can be used for academic appointees recommending undergraduate, graduate, or postdoc students for future employment opportunities.”



March 17, 2025

TO: Rita Raley  
Divisional Chair, Academic Senate

FROM: Carl Meinhart,  
College of Engineering, Faculty Executive Committee

Signed by:  
*Carl Meinhart*  
884262A07C384CC...

Dahlia Malkhi, Vice Chair  
College of Engineering, Faculty Executive Committee

Signed by:  
*Dahlia Malkhi*  
2DE4762F8998416...

RE: Proposed Changes to Academic Personnel Manual (APM) 036 – General University  
Policy Regarding Academic Appointees/Employment

The College of Engineering FEC met on Wednesday, February 19th and Wednesday, March 5th and reviewed the Proposed Changes to Academic Personnel Manual (APM) 036 – General University Policy Regarding Academic Appointees/Employment.

Committee members discussed the merits of and concerns with this policy.

Committee members recognized that including a disclaimer on “non-official” recommendation letters is a reasonable way to plausibly comply with the law and could be a reasonable approach for most faculty.

At the same time, the committee suggests that any blanket policy about putting disclaimers on letters of recommendations should be more general and beyond the scope of this policy.

General Objections:

1. The committee felt that the definition of "administrators and supervisors" is currently too broad, and would like the role and context to be more specific.
2. The committee questioned whether there should be a time limit specified on when a person is considered an official administrator or supervisor, in the context of writing a recommendation.
3. The committee felt that there should be more details on the process by which official letter writers can find out whether or not they are allowed to write an official letter of recommendation.



1156 HIGH STREET  
SANTA CRUZ, CALIFORNIA 95064

Office of the Academic Senate  
SANTA CRUZ DIVISION  
125 CLARK KERR HALL  
(831) 459 - 2086

March 25, 2025

STEVEN CHEUNG  
Chair, Academic Council

**RE: Systemwide Review of Proposed Revisions to the Academic Personnel Manual (APM)  
Section 036, General University Policy Regarding Academic Appointees/Employment**

Dear Chair Cheung,

The Santa Cruz Division of the Academic Senate has completed its review of the proposed revisions to Academic Personnel manual section 036 (APM-036) with the Committees on Academic Freedom (CAF), Academic Personnel (CAP), Planning and Budget (CPB), Privilege and Tenure (CPT), and Rules, Jurisdiction, and Elections (CRJE) providing comment. Several of the committees were concerned that the policy could have adverse impacts on both privacy and due process rights. As well, some thought that the issue could more efficiently be dealt with by placing this responsibility within Academic Human Resources (AHR) through the use of succinct boiler plate language and/or by simply a policy that restricts “official letters” to those requested from and provided by AHR.

The Santa Cruz division recognizes the severity of the issue behind the implementation of Assembly Bill 1905 which was drafted with the intent to better protect students and faculty from sexual harassment at public postsecondary institutions. As well they recognize the significant harm caused nationwide by faculty who have been found to have committed Sexual Violence/Sexual Harassment (SVSH) violations or have resigned during investigations. The problem lies with how to meet the intent of the law through the implementation process without infringing upon due process and privacy rights.

This is a complicated policy that has impacts both for the individual requesting a letter and for those who are asked to draft one. A first issue is distinguishing between who can draft an “official” letter of recommendation and the criteria behind distinguishing it from a *personal* letter. CAP and CPT observed that most letters by faculty members written for their colleagues do not fall within the “official” category and are considered personal as a matter of long-standing practice. This begs the question of what an *official* letter would be from a faculty member, since essentially all such letters would be considered “personal” in the current framework. On this point, CPT commented

that, “the proposed policy will not, in practice, achieve the transparency desired by state law because when applying for positions, most faculty members do not request letters that would be defined as “official” under the policy. The policy thus circumvents the spirit of the law.”

The lack of guidance in this distinction then raises both privacy and due process issues for both the writer and the recipient. The language of the policy is problematic in this regard, suggesting that the employee may “elect” to write either an official or personal letter, but without clarification of how this choice is distinguished in practice, or what it may imply for the writer.<sup>1</sup> The same language also raises due process concerns, as it suggests that simply just being named in a case (“a respondent” ) now carries an inference of guilt within at least this area of university policy—without any actual finding of such. Several committees found this deeply problematic, and it would be true in a situation where a faculty member may in fact be innocent but lacks the finances or time to fully challenge allegations, and instead elects to resign and move on, to settle the complaint, or simply has within their permanent record a note of having been a “respondent”.<sup>2</sup>

Among the most problematic issues with the allowing letter authors to “elect” to write personally or official letters that it *in practice* this could be seen as placing the author of a letter in the position of determining if any allegations exist, or if they do have enough merit to be forwarded to a prospective employer (choose “official”), or not forwarded (choose “personal”). This would seem untenable as a general process for determining when information is serious enough to be acted upon. Further, if the author chooses to write an “official” letter, several committees suggested that this would also require the potential author to then inquire into the file of their colleague to make any informed determination. This de-facto requirement has the potential to infringe upon the privacy of the requestor, by requiring the author to make such inquiries. It is also unclear if once an inquiry is made, the person who made the inquiry would then be *required* to write an official letter including such information, or if they could still elect not to, choosing the “personal” route. Finally, CRJE wondered about the exposure of the author to disciplinary action in the event of being misinformed and providing a letter for one who is under investigation.

One additional due process concern raised by CRJE was the possibility of an *ex post facto* application of the rule that could have “a material impact on respondents that made decisions to settle or resign under different circumstances . . .” The issue is further explored by CPT. They point out that if practice is highly variable, an inference of guilt could conceivably arise if a faculty member does not provide an “official” letter to a potential employer. This could be for any number of legitimate reasons not be related to any allegations. With the creation of this caste system of correspondence, not providing a letter of the “official” variety could ultimately come to carry an adverse stigma, such that “personal” letters would carry a taint of suspicion, if not also accompanied by an “official” letter. CPT concludes by offering “The policy may place a chilling effect on what letters faculty members are willing to write given that the burden of compliance

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<sup>1</sup> Any academic appointee who elects to provide an Official Letter of Recommendation to a current or former employee, which includes academic appointees, staff employees, as well as student employees, of the University of California is required to first consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University.

<sup>2</sup> 2. Before a final administrative decision is made, and while an investigation is pending, the employee resigns from their current position. 3. The employee enters into a settlement with the University based on the allegations of the sexual harassment complaint.

with state law is placed on the letter writer, and (that) writers typically do not have the information needed to make the judgement required by law.”

One recommendation that would address many of these comments is that AHR is the unit best suited to address the requirements of the statute and resulting policy, rather than individual faculty. Situating this responsibility within that unit places the responsibility for vetting in a unit already responsible for tracking and monitoring faculty violations of policy. As such, they are already privy to the confidential information required for the determining if a faculty member is eligible to receive an “official” letter. This would then remove the necessity of faculty to investigate *sua sponte* whether or not their colleague is the subject of a complaint. This would also help to alleviate the potential for inferences of guilt amongst colleagues and assist in preserving privacy and due process rights.

Several of the committees offered examples of language for letters of recommendation that should be more clear in their intent, clarifying their status as official or personal. In many instances this could remove the necessity of faculty having to look into the confidential affairs of their colleagues if an official letter is requested. These include:

- Add stronger language to 036-0.f: “Personal references or letters of recommendation for employment that are not official may be provided using University of California letterhead or via a University issued email address when the reference or letter clearly indicates that the recommendation is a personal viewpoint and not representing the viewpoint of the University, with wording such as: **The following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system.**”
- Letters of recommendation should be sufficiently official in the language they use to distinguish official from personal letters e.g. “In compliance with state law, I hereby state that this is a personal letter...”
- Faculty can include the following language in any letter of recommendation: “The following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system.”
- Finally, on page three in the first bullet-point of the second paragraph, CRJE suggested that the phrase “Recommendation to an employee” could be written as “Recommendation for an employee” for grammatical clarity.

On behalf of the Santa Cruz Division of the Academic Senate, I thank you for the opportunity to opine on this policy.

Sincerely,



Matthew McCarthy, Chair  
Academic Senate, Santa Cruz Division

cc: Roger Schoenman, Chair, Committee on Academic Freedom  
Greg Gilbert, Co-Chair, Committee on Academic Personnel  
Susan Gillman, Co-Chair, Committee on Academic Personnel  
Raphael Kudela, Chair, Committee on Planning and Budget  
Galina Hale, Chair, Committee on Privilege and Tenure  
Eleonora Pasotti, Chair, Committee on Rules, Jurisdiction and Elections  
Matthew Mednick, Executive Director, Academic Senate



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Academic Senate

Office of the President  
1111 Franklin Street  
Oakland, CA 94607

[senate.universityofcalifornia.edu](http://senate.universityofcalifornia.edu)

UNIVERSITY COMMITTEE ON EDUCATIONAL POLICY (UCEP)

Rachael Goodhue, Chair  
[goodhue@primal.ucdavis.edu](mailto:goodhue@primal.ucdavis.edu)

February 19, 2025

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Los Alamos

Steven W. Cheung  
Chair, UC Academic Council

RE: Proposed Revisions to APM 036

Dear Steven,

UCEP discussed the proposed revisions to APM 036 at its February 3 meeting. The committee is concerned about the degree of confusion regarding precisely what the revisions require. Members from different campuses reported different interpretations. There needs to be clarification about whether or not official letterhead can be used. Once disclaimer language is developed centrally, it needs to be disseminated broadly.

Importantly, it is problematic if the new requirement means that faculty must ask any student requesting a letter of recommendation if they are involved/have been involved in a SVSH case. It's inappropriate for faculty-student relations to include such dimensions.

UCEP appreciates the opportunity to opine on this matter. Don't hesitate to contact me should you have any questions.

Sincerely,

Rachael Goodhue, Chair  
UCEP



Academic Senate

Office of the President  
1111 Franklin Street  
Oakland, CA 94607

senate.universityofcalifornia.edu

COORDINATING COMMITTEE ON GRADUATE AFFAIRS

James Bisley, Chair  
[jbisley@mednet.ucla.edu](mailto:jbisley@mednet.ucla.edu)

February 19, 2025

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Steven W. Cheung  
Academic Senate Chair

RE: Proposed Revisions to APM 036

Dear Chair Cheung,

At its February meeting, CCGA discussed the proposed revisions to APM 036. Members had several concerns that they wanted to bring to the attention of Council.

The proposed changes state:

*An academic appointee is prohibited from providing an Official Letter of Recommendation, if it is determined the employee is a respondent in a sexual harassment complaint filed with the University, and any of the following has occurred:*

- 1. The employee is determined in a final administrative decision to have committed sexual harassment.*
- 2. Before a final administrative decision is made, and while an investigation is pending, the employee resigns from their current position.*

Members felt that number 2 (above, underlined) couched such a resignation as an admission of guilt and is not appropriate.

CCGA also felt that a small change should be made to the suggested letter of recommendation language:

*“The following recommendation represents my personal perspective working with [name] and does not represent the viewpoints of the [campus] or the University of California system.”*

Members balked at the word “personal” in this statement and

recommended the word “individual” in its place.

It was also suggested that this line could be inserted as a footnote disclaimer, rather than in the body of the letter.

CCGA appreciates the opportunity to opine on these changes. Please let me know if I can answer any questions regarding the committee’s thoughts on this topic.

Sincerely,

A handwritten signature in black ink, appearing to read "Bisley", with a stylized flourish at the end.

James Bisley  
Chair, CCGA

cc: Academic Senate Vice Chair Palazoglu  
Academic Senate Executive Director Lin  
Academic Senate Assistant Director LaBriola  
CCGA Members