



June 9, 2025

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

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 - 500,
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) - 500. All 10 Academic Senate divisions and three systemwide Senate committees ([UCAP](#), [UCFW](#), and [UCPB](#)) submitted comments. These were discussed at the Academic Council's May 28, 2025 meeting, and the compiled feedback is attached for your reference.

The proposed revisions are intended to bring University policy into compliance with [California Senate Bill 791](#) and [Assembly Bill 810](#), which require the disclosure and consideration of any substantiated findings of misconduct, including sexual harassment, during the academic hiring process.

Support for Legal Compliance: Senate reviewers generally supported the changes and agreed that UC should comply with state law and prevent individuals with confirmed findings of misconduct from being hired without that history being disclosed. At the same time, reviewers stressed that how the University implements the policy will be critical. They recommended a process that is fair, transparent, and protects privacy. Several raised concerns about the staffing and administrative effort required to carry out the policy, with some estimating that up to three full-time equivalent positions per campus may be needed to address the new requirements.

Need for Clarified Language: A major theme across the feedback was the need for simpler, more specific language. Reviewers asked for clear definitions of terms such as "finalist," "substantiated," "misconduct," and "reasonable attempt," noting that vague or technical language could lead

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

to confusion or inconsistent application. Some suggested using terms like “selected candidate” instead of “finalist.” They also asked for clarification on who decides whether misconduct has been “substantiated,” and how UC should handle cases where a candidate’s previous institution used a different standard for what qualifies as misconduct under UC’s policy. Several raised concerns that without clearer definitions, the term “misconduct” could be interpreted too broadly, going beyond the law’s focus on sexual harassment and related behavior.

Scope and Timing: Reviewers questioned why the policy applies only to certain faculty titles—such as those on the tenure track or in teaching-focused roles—while excluding other academic positions that also involve regular interaction with students. They also asked whether it would apply to retired faculty brought back to teach part-time. Some recommended expanding the policy or providing a clearer explanation of which positions are included.

Reviewers also pointed to confusion around the two types of disclosure the policy calls for: (1) a self-report form where candidates disclose any relevant past findings, and (2) a release form that allows UC to contact a candidate’s previous employers. They recommended the policy clearly explain when and how each type of disclosure is used, and whether these requirements apply to both academic and administrative/staff hires.

Concerns About Unintended Consequences: Reviewers raised concerns that the policy could be misused or applied unfairly—“weaponized” against candidates. For example, an unfounded or retaliatory complaint could damage a candidate’s employment prospects. Others worried that the broad language could be interpreted in ways that penalize individuals for political expression or protest and disproportionately affect individuals from underrepresented backgrounds. Some warned that the policy might discourage qualified candidates from applying. Reviewers stressed the importance of giving candidates an opportunity to respond to past findings and ensuring hiring decisions are made consistently and fairly.

Implementation and Confidentiality: There was agreement that putting the policy into practice will be complex and time-intensive. Reviewers called for clear, systemwide guidance to help campuses apply the policy consistently. They also noted the burden of contacting previous employers, especially for early-career candidates who may have several prior affiliations. Reviewers emphasized the importance of protecting sensitive information and limiting access to those involved in the hiring process. Clear rules will be needed for who can access misconduct disclosures and how that information is handled.

Ongoing Investigations and Missing Disclosures: Reviewers noted that the policy does not explain what should happen when a candidate is under

investigation at the time of applying to UC, but no decision has yet been made. They recommended creating procedures that balance fairness, privacy, and UC's responsibility to make informed hiring decisions. One suggestion was to include language in offer letters that allows UC to revisit the offer if a confirmed finding is issued after the application process concludes.

They also urged the University to provide guidance on what to do if a candidate fails to disclose required information or provides an inaccurate statement. Clear and consistent responses in these cases will be important for maintaining fairness and accountability.

Legal, Ethical, and Practical Risks: Several reviewers highlighted possible legal and ethical risks, such as privacy violations or unintentional discrimination, if the policy is applied inconsistently or too broadly. There were also concerns about giving individual departments too much discretion in deciding how to interpret and respond to disclosed findings, especially without sufficient training or oversight. Reviewers emphasized the need for clear decision-making standards to avoid confusion or uneven treatment across campuses.

Conclusion

While the Senate supports the goal of aligning University policy with state law and ensuring misconduct disclosures are handled appropriately, reviewers emphasized the need for greater clarity, fairness, and consistency in the policy. Recommendations include:

- Clearly defining key terms, especially “misconduct,” “finalist,” and “substantiated.”
- Focusing the policy on the types of misconduct the law is primarily concerned with, especially sexual violence and sexual harassment.
- Requiring the release form only at the point of offer, unless there is a compelling reason to require it earlier.
- Providing consistent standards for how disclosed information will be evaluated.
- Offering clear guidance for campus-level procedures and clarifying which types of academic appointments are covered.
- Consulting divisional Senates when developing the forms and procedures used locally.
- Protecting academic freedom, due process, and privacy.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven W. Cheung'.

Steven W. Cheung
Chair, Academic Council

Encl.

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



May 15, 2025

STEVEN CHEUNG
Chair, Academic Senate

Subject: Systemwide Review of Proposed Revisions to APM-500 (Recruitment- General)

Dear Chair Cheung,

On May 12, 2025, the Divisional Council (DIVCO) discussed the proposed revisions to Academic Personnel Manual Section 500, Recruitment (APM - 500), informed by written comments from the committees on Budget and Interdepartmental Relations (BIR); and Faculty Welfare (FWEL). This cover letter summarizes the committee comments.

The proposed revisions are designed to comply with state law that include the following:

- requiring all applicants who are identified as finalists for academic appointments to submit a misconduct disclosure form;
- permitting these finalists to disclose whether they have filed an appeal with a previous employer, administrative agency, or court; and
- requiring all applicants who are identified as finalists for a tenure-track/tenured position or a position in the Professor of Teaching series to submit an information release form.

DIVCO supports the proposed revisions that will bring the University into compliance with the California Education Code.

One concern was brought up by FWEL – a retired faculty member returning to teach a single course was unexpectedly asked by a third-party vendor to complete a Mandatory Disclosure Review (MDR), causing confusion. FWEL questioned whether recall appointments with no break in service should trigger MDRs and was informed that Academic Senate appointments are handled internally by the Academic Personnel Office (APO) and do not involve third parties.

FWEL members also raised concerns about unclear terms in APM 500, such as “finalist” and “reasonable attempt,” and suggested clearer alternatives like “provisionally selected candidate.”

FWEL emphasized the need for clear guidance stating that emeritus recall appointments do not require MDRs to avoid future confusion.

Thank you for the opportunity to review and comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Amani Nuru-Jeter". The signature is fluid and cursive, with the first name "Amani" being more prominent.

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
Samuel Otter, Chair, Committee on Budget and Interdepartmental Relations
Nancy Wallace, Co-Chair, Committee on Faculty Welfare
J. Keith Gilless, Co-Chair, Committee on Faculty Welfare
Will Lynch, Manager, Committee on Budget and Interdepartmental Relations
Patrick Allen, Senate Analyst, Committee on Faculty Welfare

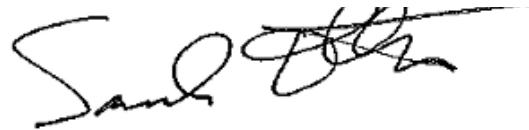
May 1, 2025

CHAIR AMANI NURU-JETER
BERKELEY DIVISION OF THE ACADEMIC SENATE

RE: Proposed Revisions to APM Section 500, Recruitment - General

Thank you for inviting us to comment on the proposed revisions to APM Section 500, Recruitment. These revisions, designed to comply with state law, include requiring all applicants who are identified as finalists for academic appointments to submit a misconduct disclosure form; permitting these finalists to disclose whether they have filed an appeal with a previous employer, administrative agency, or court; and requiring all applicants who are identified as finalists for a tenure-track/tenured position or a position in the Professor of Teaching series to submit an information release form.

We support the proposed revisions that will bring the University into compliance with the California Education Code and have no additional comments.

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

Samuel Otter
Chair

SO/wl



320 STEPHENS HALL
UNIVERSITY OF CALIFORNIA

May 6, 2025

CHAIR AMANI NURU-JETER
Academic Senate

Re: Proposed Revisions to APM - 500, (Recruitment - General)

Dear Chair Nuru-Jeter,

On April 28, 2025, the Committee on Faculty Welfare (FWEL) reviewed the proposed revisions to Academic Personnel Manual (APM) Section 500, (Recruitment - General) focusing on the recent implementation of Misconduct Disclosure Reviews (MDRs) for certain academic appointments.

A concern was prompted by a faculty member who had retired and returned to teach a single course. This individual was unexpectedly contacted by a third-party vendor requesting completion of an MDR, causing considerable confusion and distress. Committee members questioned what types of appointments triggered MDRs and whether recall appointments with no break in service should be subject to such requirements. The Committee was informed and understands that MDRs are not triggered by promotions within an academic series (e.g., Assistant to Associate Professor). For Senate appointments, the MDR process is handled internally by Academic Personnel Office (APO) and does not involve any third-party vendors.

FWEL members expressed concerns about ambiguous language in the current version of APM 500, particularly around terms like “finalist,” “reasonable attempt,” and “allegation.” Members also suggested replacing “finalist” with “provisionally selected candidate” to better reflect the intended meaning and reduce confusion.

Overall, the Committee emphasized the importance of clear, consistent communication regarding MDR requirements and request that guidance for departments explicitly state that emeritus recall appointments do not trigger reviews.

We appreciate the opportunity to weigh in on these matters.

Regards,

A handwritten signature in blue ink, appearing to read 'Nancy S. Wallace'.

Nancy Wallace, Co-Chair
Committee on Faculty Welfare

A handwritten signature in blue ink, appearing to read 'J. Keith Gilles'.

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

NW/JKG/pg



DAVIS DIVISION OF THE ACADEMIC SENATE
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(530) 752-2220
academicsenate.ucdavis.edu

May 20, 2025

Steven Cheung
Chair, Academic Council

RE: Proposed Revisions to APM 500, Recruitment

The proposed revisions to APM 500, Recruitment were forwarded to all standing committees of the Davis Division of the Academic Senate. Five committees responded: Academic Personnel – Oversight (CAP), Faculty Welfare (FWC) and the Faculty Executive Committees of the College of Biological Sciences (CBS), the College of Letters and Science (L&S) and the School of Medicine (SOM).

A majority of committees express concern regarding some aspects of the proposed revisions. CAP and FWC express concern that background checks are not required for all faculty positions. CAP highlights that the proposed revisions may still permit the final consideration and hiring of academic appointees who have “substantiated allegations of misconduct,” because they are not being considered for tenure-track/tenured or Professor of Teaching positions. FWC encourages the administration to work through UCOP and State Legislative Affairs to find less burdensome solutions to similar problems in the future, as this bill requires 3 full-time equivalent (FTE) positions per campus at a cost estimated at \$1 million per year.

CBS expresses serious concerns about the proposed misconduct disclosure policy, noting that unsubstantiated or retaliatory claims could be weaponized against candidates without clear guidelines to distinguish between credible and dismissed allegations. CBS emphasizes the need for clearer definitions, safeguards, and due process protections to avoid chilling applicants and inconsistent and inequitable hiring outcomes.

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Katheryn Niles Russ".

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

May 1, 2025

Kadee Russ

Chair, Davis Division of the Academic Senate

RE: RFC: Proposed Revisions to APM 500, Recruitment

The Committee on Academic Personnel – Oversight (CAP) has reviewed and discussed the proposed revisions to APM 500, Recruitment – General. CAP did not have any comments on the substance of the proposed revisions, but did have a question regarding why only “finalists for a tenure-track/tenured position or a position in the Professor of Teaching series” are required to undergo the “Release Form” process (PDF, p. 6-7). It was unclear to CAP why finalists for other types of academic appointments with similar responsibilities and privileges – such as adjunct professors – would not have to go through this process. CAP is concerned that the proposed revisions may meet the minimum requirements of the California state law but may still permit the final consideration and hiring of academic appointees who have “substantiated allegations of misconduct” (PDF, p. 6) because they are not being considered for tenure-track/tenured or Professor of Teaching positions.

CAP appreciates the opportunity to comment.

May 14, 2025

Katheryn Russ

Chair, Davis Division of the Academic Senate

RE: Request for Consultation – Proposed Revisions to APM 500, Recruitment

Dear Chair Russ:

The Committee on Faculty Welfare has reviewed the RFC – Proposed Revisions to APM 500, Recruitment. While the committee notes that we have no choice but to comply with the state law, it is encouraged that the Administration work through UCOP and State Legislative Affairs to find less burdensome solutions to problems of this type in the future. At a minimum, this bill requires 3 additional FTE positions per campus (total 29 systemwide) at a cost estimated at \$1 million per year at UCD. It is unclear how many cases would have been prevented by this process, but it seems like it's a small fix to a small problem that will require a lot of attention and cost. However, one committee member did feel that it's an appropriate change to the APM and expressed concern that background checks aren't included for all faculty positions.

Sincerely,

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

Janet Foley

Chair, Committee on Faculty Welfare

May 14, 2025

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

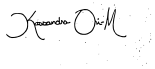
RE: Proposed Revisions to APM 500, Recruitment

Dear Kadee:

The CBS faculty reviewed the Proposed Revisions to APM 500, Recruitment and raised serious concerns about the proposed misconduct disclosure policy, highlighting its potential for misuse, legal risk, and procedural unfairness. They warned that unsubstantiated or retaliatory claims could be weaponized against candidates, especially without clear guidelines to distinguish between credible and dismissed allegations. The policy's broad definition of misconduct and lack of contextual assessment could disproportionately harm candidates, particularly those from marginalized groups. Additional concerns included legal exposure to defamation, privacy violations, and discrimination; the risk of bias from premature disclosure; and administrative burdens related to confidentiality and implementation. Faculty emphasized that, without clearer definitions, safeguards, and due process protections, the policy could chill applications and lead to inconsistent, unfair hiring outcomes.

The anonymous, unabridged comments from the FEC faculty representatives are included below.

Sincerely,



Kassandra Ori-McKenney
Associate Professor, Department of Molecular and Cellular Biology
Chair, College of Biological Sciences Faculty Executive Committee, Davis, CA

Anonymized comments from CBS faculty:

False or retaliatory claims: Bad actors could file unsubstantiated misconduct complaints against a candidate (e.g., during prior employment) to trigger mandatory disclosure, even if allegations were dismissed or appealed. The policy does not explicitly require hiring committees to distinguish between substantiated and unsubstantiated claims during initial screening.

Data manipulation: Institutions with poor record-keeping could inadvertently or intentionally misclassify minor policy violations as "misconduct," harming candidates who lack recourse to challenge outdated or inaccurate classifications.

No proportionality assessment: The policy lacks guidelines for contextualizing disclosed misconduct (e.g., severity, relevance to job duties), enabling adversaries to weaponize minor infractions like outdated social media posts.

Asymmetric response mechanisms: Candidates must respond to allegations after they reach finalist status, giving hiring committees first impression bias. There is no requirement to inform candidates about specific allegations raised by previous employers during verification.

Overemphasis on past incidents: The 7-year lookback period and broad definition of "misconduct" (including non-criminal policy violations) allow opponents to surface irrelevant or trivial past issues, disproportionately impacting marginalized groups facing higher rates of institutional disciplinary actions.

Defamation and Blacklisting: Sharing information about prior misconduct, even if intended to be limited to substantiated findings, could expose the University or previous employers to defamation claims if the information is inaccurate or misleading. There is also a risk of blacklisting claims if disclosures are used to unfairly prevent employment opportunities, especially if the misconduct involved protected activities such as whistleblowing or filing discrimination complaints.

Privacy and Data Protection: The proposal requires collecting and storing sensitive personal information about misconduct. Mishandling or unauthorized disclosure of this information could violate privacy laws or University policy, particularly if data security measures are insufficient. It is essential to have regular audits, secure storage, and clear consent procedures to mitigate these risks.

Compliance with Anti-Discrimination Laws: The process must ensure that only relevant misconduct is considered and that protected characteristics-such as race, age, health status, or legally protected activities-are not improperly factored into hiring decisions. Inadvertent consideration of such information could lead to discrimination claims.

Procedural and Practical Concerns

Ambiguity in Definitions and Scope: The term "misconduct" is defined broadly, including violations of policies or laws at a previous employer, such as harassment, discrimination, dishonesty, or unethical conduct. This broad scope could lead to inconsistent interpretation and application across departments, risking unfair or arbitrary outcomes.

Due Process and Fairness: Although the policy allows applicants to disclose appeals and respond to adverse information, there may be concerns about whether candidates are given enough opportunity to contest or contextualize past findings, especially if those findings are under appeal or resulted from flawed processes at prior institutions.

Impact on Internal Mobility and Rehiring: The requirements also apply to internal candidates and those transferring from other UC campuses, potentially complicating internal mobility and creating administrative burdens for both departments and applicants.

Administrative Burden and Confidentiality: The policy places significant responsibility on administrators to develop and implement confidential procedures for managing sensitive disclosures. Any lapses in confidentiality or inconsistent application could erode trust and expose the University to legal and reputational harm.

Other Considerations

Chilling Effect on Applicants: The requirement to disclose past misconduct, even if unrelated to the current position or under appeal, may discourage qualified candidates from applying, especially if they fear bias or lack confidence in the confidentiality of the process.

No Automatic Disqualification: While the policy states that disclosure of prior misconduct does not automatically disqualify a candidate, there is a risk that hiring committees may treat disclosures as disqualifying in practice, potentially leading to claims of unfair treatment or disparate impact.

In summary, the proposal's main legal and practical risks include defamation, privacy and data protection, discrimination, due process, administrative complexity, and the potential chilling effect on

applicants. Careful implementation, clear guidelines, and robust safeguards are necessary to address these concerns.

May 21, 2025

**Steven Cheung, Chair
Academic Council**

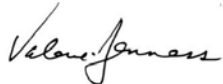
Re: Proposed Revisions to Academic Personnel Manual Section 500 (APM-500), Recruitment-General

The Irvine Division Cabinet discussed the proposed revisions to Academic Personnel Manual Section 500 (APM-500), Recruitment-General, at its meeting on May 20, 2025. The Council on Academic Personnel (CAP), Council on Equity and Inclusion (CEI), and Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) also reviewed the revisions.

Cabinet members mostly concurred with the attached feedback from these councils and expressed particular concern about how disclosed information will be managed and used. Members agreed that there should be clearer guidance on how differences between the UC's definition of misconduct and that of a candidate's current or previous employer will be managed in a consistent way. For example, will UC disregard information about conduct that is not considered misconduct by its own definition? Members hope that a final iteration of the policy will address this question clearly and that local procedures for the confidential management and tracking at each campus will be developed and implemented in consultation with the corresponding divisional Senate.

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

May 19, 2025

**Valerie Jenness, Chair
Academic Senate, Irvine Division**

Re: Proposed Revisions to Academic Personnel Manual Section 500 (APM-500), Recruitment-General


The Council on Equity and Inclusion (CEI) discussed the proposed revisions to Academic Personnel Manual Section 500 (APM-500), Recruitment-General at its meeting on May 5, 2025.

Overall, members agreed that the proposed revisions would help ensure people with substantiated allegations of misconduct would not be allowed to unknowingly move between universities and place students, staff, or faculty in unnecessary danger. Furthermore, members valued the clear emphasis on substantiated allegations of misconduct.

The council appreciates the opportunity to comment.

If you have any questions, please do not hesitate to reach out to me.

Sincerely,



**Rebeca Helfer, Chair
Council on Equity and Inclusion**

Cc: Jane Stoever, Chair Elect-Secretary
Jisoo Kim, Executive Director
Casey Lough, Assistant Director & CEI Analyst



April 21, 2025

**VALERIE JENNESS, CHAIR
ACADEMIC SENATE – IRVINE DIVISION****Re: Systemwide Proposed Revisions to Academic Personnel Manual Section 500
(APM-500), Recruitment-General**

Academic Council Chair Cheung has distributed for systemwide review proposed revisions to Academic Personnel Manual Section 500 (APM-500), Recruitment-General. The revisions are responsive to California Senate Bill (SB) 791 and California Assembly Bill (AB) 810 that add and amend sections 92612.1 and 92612.2 of the California Education Code, effective January 1, 2025.

The Council discussed this issue at its meeting on April 8, 2025, and submits the following comments:

1. Members generally approved of the revisions, but some members questioned why Divisional Senates were asked to review these revisions if they are already in effect in some units.
2. In Section 500-16.b.3, it would be best to include a link to the UC records retention policy where it states "in accordance with University of California records retention policy."
3. Section 500-16.f states: "Formal negotiations for recruitment of a faculty member may be initiated only with the prior approval of the Chancellor." What if a Search Committee Chair or Department Chair does not initiate prior approval? Search Committee Chairs and Department Chairs have often contacted individuals regarding recruitment without prior approval. The following revision was suggested: "A Chancellor's approval, authorizing recruitment of the specific individual, must first be obtained by the unit's Academic Personnel with copies of the approval given to Dean, Department Chair and Search Committee."
4. It was suggested that a link to the form be included in the document.

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

Casey Lough, Assistant Director
Academic Senate

April 24, 2025

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

RE: Proposed Revisions to APM-500

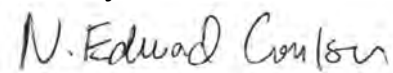
At its meetings on April 10, 2024, the Council on Academic Personnel (CAP) discussed the Proposed Revisions to APM-500.

Members raised the following questions and concerns:

1. Is the system being developed in a way that highlights accusations, which may lead to further litigation?
2. Is misconduct being defined by the previous employer? Different institutions have differing standards. Particularly in the current political climate, could political speech “violations” be included that would more normally be seen as encompassed by academic freedom.
3. It should be clear to recruitment candidates that accusations do not need to be declared—only negative findings, and by whom.
4. Would this lead toward potential biasing effects of how this information will be used by different constituencies involved in hiring at the university?

The Council on Academic Personnel appreciates the opportunity to opine on this important topic.

Sincerely,



N. Edward Coulson, Chair

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



May 8, 2025

Steven Cheung
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment - General

Dear Chair Cheung,

The divisional Executive Board (EB) reviewed the Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment - General and divisional council feedback at its meeting on May 8, 2025. Members provided the following advice for consideration.

The revision should clarify and provide context for the self-attestation versus the release form as well as whether this new provision applies only to those titles listed in the APM.

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



OFFICE OF THE ACADEMIC SENATE

Kevin Mitchell, Chair of the Academic Senate
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 North Lake Road
Merced, California 95343

April 24, 2025

To: Steven Cheung, Chair, Academic Council

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

Re: [Systemwide Review of Proposed Revisions to Academic Personnel Manual \(APM\) Section 500, Recruitment – General](#)

The proposed revisions to APM-500, Recruitment-General, 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)
- Graduate Council (GC)
- Committee on Privilege and Tenure (P&T)
- School of Natural Sciences Executive Committee (SNSEC)

CAP endorsed the proposed revisions.

CRE seeks clarification on the term “substantiated allegations” and recommends either defining it or specifying how such determinations are made. CRE also suggests broadening references to “previous employer” to include institutions or organizations, recognizing that some applicants may not have prior employment. CRE recommends clarifying who, by role or designation, will have access to confidential misconduct disclosure documents to reassure applicants. Finally, CRE raises concerns about how current employees applying for UC positions can navigate the disclosure process without alerting their present employers, and suggests guidance be provided for such situations.

EDI seeks clarification on whether the Misconduct Disclosure Form and Release Form are intended to serve a distinct function from UC’s general background checks, or if they are similar to the sections of employment applications that require self-disclosure of felonies or past misconduct. There is also concern about the inconsistent application of the Release Form, which

is currently required only for finalists in tenure and tenure-track positions. EDI questions why this more rigorous form of verification is not applied to all academic hires. Additionally, the proposed seven-year limitation on reporting prior misconduct raises concerns about potentially obscuring patterns of repeated behavior. EDI acknowledges the importance of allowing for personal growth and change, but believes that hiring committees should be given the opportunity to evaluate the relevance of past incidents, regardless of when they occurred.

The language in the policy stating that a hiring unit “may use the release form to engage in a reasonable attempt” to obtain information from a previous employer lacks clarity. EDI requests a more precise definition of what constitutes a “reasonable attempt” and asks for clarification on what happens if no information is received from a prior institution. It is unclear whether a lack of response would result in the matter being dropped or whether other follow-up actions would be taken.

EDI also raises concerns about the handling of cases where misconduct is confirmed. The current policy does not specify whether a hire can proceed with approval from the Chancellor, nor does it identify who will be informed of the findings. It is important to clarify whether this information is shared with the hiring committee or confined to higher levels of administration. Furthermore, EDI recommends that the policy include clear criteria for making decisions in such cases, such as whether the individual has demonstrated accountability, completed relevant remediation or training, or shown evidence of growth. Without these details, the university may be at risk of rehiring individuals with histories of misconduct without sufficient oversight or assurance that the behavior will not be repeated.

The policy’s reference to “substantiated allegations” also requires clarification. EDI suggests specifying who or what body is responsible for substantiating the allegations and what standards of evidence are used. Additionally, EDI encourages aligning the policy more closely with existing UC procedures, particularly [PPSM Appointment 21, Section VI](#), which provides more detailed guidance on managing disclosures and conducting background checks.

EDI believes that addressing these issues will strengthen the integrity and transparency of the academic hiring process. Providing clearer guidance and consistent procedures will not only support informed decision-making but also reinforce the University’s commitment to equity, accountability, and institutional responsibility.

FWAF recommends clarifying Section 500-16.b by explicitly referencing Assembly Bill 810 and Senate Bill 791, with links for context. While SB 791 focuses on sexual harassment disclosures, AB 810 introduces the broader concept of “misconduct.” FWAF is concerned that the current definition is too broad and could unintentionally restrict academic freedom and free speech. To address this, FWAF proposes a narrower definition of misconduct, limited to violations of conduct-related policies or laws - such as harassment, discrimination, academic dishonesty, or unethical academic behavior - as defined by the applicant’s previous employer

GC acknowledges that graduate admissions should be separate from employment offers, but notes that most PhD and some M.S. programs combine the two, with funding playing a key role in competitive admissions. GC believes the current language in offer letters - stating that

employment is contingent on a misconduct disclosure and possible background check - is sufficient.

P&T is concerned that the policy's current definition of "misconduct" is overly broad and could unintentionally include protected forms of expression, such as peaceful protest, potentially impacting faculty mobility. Additionally, the process for developing the misconduct disclosure questionnaire lacks clarity - specifically, who is responsible for drafting it and whether Senate faculty will be consulted to ensure fairness and consistency.

The term "substantiated" also requires further definition to clarify the standards and processes used to determine when misconduct has occurred. Finally, while the policy mentions the confidential handling of disclosure materials, P&T recommends that the development of these procedures and forms be conducted in full consultation with the Divisional Senate to ensure transparency and faculty oversight.

SNSEC raises several concerns about implementation. Key issues include the lack of a clear definition for "finalist," which may lead to inconsistent application, and ambiguity around the policy's scope - particularly whether it applies beyond ladder-rank faculty to include lecturers, postdocs, and graduate student employees.

NSEC is also concerned that restrictions on when disclosure forms can be requested may slow recruitment, especially for non-faculty roles. The administrative burden of contacting multiple prior employers in cases of disclosed misconduct is significant, particularly for early-career applicants, and it is unclear who will manage this work or how units will be supported.

To prevent disruption to searches, NSEC urges the Office of Academic Personnel to issue detailed guidance - including definitions, forms, and timelines - and to consult with department chairs and deans to ensure smooth and equitable implementation.

During its April 22 meeting, the Divisional Council discussed these proposed revisions to the APM, along with the comments provided by various committees and agrees with the various committees' viewpoints. Notably, DivCo suggests that it is important to establish clear responsibility for initiating contact with past employers - potentially designating the VP for Academic Personnel as the primary point of contact - to promote a consistent and streamlined approach across cases. At the same time, DivCo expressed concerns about the introduction of additional bureaucratic layers, underscoring the need to balance appropriate oversight with procedural efficiency and timeliness in the hiring process. Moreover, there is a pressing need for well-defined guidance on how prior findings of misconduct should be weighed in academic hiring decisions. Clarification is particularly needed around circumstances in which such findings may be set aside versus those in which they should preclude a candidate's advancement. The current structure, which involves multiple decision-making bodies, presents a risk of divergent interpretations and outcomes. Without clear, shared standards, decisions may vary significantly depending on how individual groups perceive and evaluate misconduct.

DivCo does, however, understand that some ambiguity in implementation is intended to give flexibility to the individual campuses to implement this policy in the manner most relevant to the local context.

We thank you for the opportunity to offer comments on these proposed revisions to the APM.

Cc: DivCo Members
P&T Chair Viney
SNSEC Chair Manilay
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

April 4, 2025

To: Kevin Mitchell, Senate Chair

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

Re: Updated Proposed Revisions to APM 500 - Recruitment

CAP reviewed the updated proposed revisions to APM 500 that were distributed on March 11, 2025. We endorse the proposed revisions with no further comments.

We appreciate the opportunity to opine.

cc: Senate Office

UNIVERSITY OF CALIFORNIA, MERCED

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

UNIVERSITY OF CALIFORNIA, MERCED

April 9, 2025

To: Kevin Mitchell, Chair, Divisional Council
From: Committee on Rules and Elections (CRE)
Re: Proposed Revisions to APM 500 – Recruitment

The Committee on Rules and Elections (CRE) has reviewed the Proposed Revisions to APM 500 – Recruitment, and offer the following comments.

APM – 500-16.b.2. Release Form (pages 2 and 3 of the proposed policy revisions)

What does “substantiated allegations” mean in exact terms? Is this simply borrowed from the wording of California Education Code Sections 92612.1 and 92612.2? CRE recommends providing a definition for more clarity. Alternatively, the language could state what is considered substantiated and that it should be based on the previous employer, institution, or organization from where the applicant is coming.

It is indicated that a “previous employer” should be contacted by the hiring unit at the University of California. However, what of those cases where this job application is the candidate’s first job? Perhaps language can be broadened to include previous employer, institution, or organization.

APM – 500-16.b.3. Local Implementation Procedures (page 3 of the proposed policy revisions)

It is stated that misconduct disclosure statements and release forms will be confidential. However, some select people will likely have access to these documents. It might be reassuring for job applicants to know who (not names but designations) will have access to this information.

Lastly, CRE wonders about job applicants who are still employed by their current employer, while being a candidate for a position at the University of California. What should applicants do if they do not wish to disclose their job search or the possibility of leaving their current position to their employers? How would they negotiate this new procedure?

We thank you for the opportunity to review and comment.

CC: CRE Members
Senate Office



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

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

April 14, 2025

To: Senate Chair Mitchell

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

Re: [Proposed Revisions to APM 500 – Recruitment](#)

The Committee for Equity, Diversity and Inclusion evaluated the proposed revisions to APM 500 – Recruitment and offers the following comments.

EDI wonders if it is possible to distinguish and clarify this process from a more general background check in employment at the University of California. Are the Misconduct Disclosure Form and Release Form similar to the section of an employment application that requires an applicant to disclose a felony or prior misconduct? Or are the forms and procedure as outlined in APM – 500-16.b. designated entirely for misconduct adjudicated through the previous workplace? Does the University of California already have policies on felony disclosures and background checks (for example, [PPSM Appointment 21, Section VI](#))? [PPSM Appointment 21, Section VI](#) has a more extensive discussion of how to conduct a background check if a candidate makes a disclosure.

The proposed revisions note that the Misconduct Release Form is required for finalists of academic appointments (page 2 of the proposed policy). This form is a self-disclosure and relies on the honesty of the applicant. On the other hand, the Release Form is required of finalists for only tenure/tenure-track positions. The Release Form must be used by the university to contact the prior institution to retrieve the information. EDI does not see a reason why the university would not require a Release Form for all academic appointments rather than relying on the honesty of the individual to self-disclose.

The Misconduct Release Form is limited to misconduct within the previous 7 years (page 2 of the proposed policy). EDI wonders if there is a reason for this and feels it may be counter-productive. For example, if an individual has been determined to have committed misconduct 8 years ago and 5 years ago, it would be seen as a concerning pattern and would look very different compared to a single case of misconduct. There is the potential for decision makers looking at a single misconduct case from 5 years ago and arguing that it has been long enough that it is not significant. Removing the history of misconduct can start to eliminate an understanding of overall patterns. EDI understands that perhaps a time limit is in place on the basis that people can change, but perhaps that should more be a question asked to the people making a hiring decision once the misconduct is found, rather than it being erased from consideration.

The current document under review offers that a hiring unit “may use the release form to engage in a reasonable attempt to obtain information from the previous employer” (page 3 of the proposed policy).

It is not clear what is meant by a “reasonable attempt.” Furthermore, if no information is received, is the misconduct ignored?

EDI also wonders what happens when misconduct is found. Can the university still hire the individual with permission from the Chancellor? EDI believes that including more information in the policy regarding what happens when misconduct is found would increase clarity and transparency. Also, EDI believes details on who the information should be shared with and the criteria for hiring or not hiring are vital. For example, will the hiring committee/chair be provided with the information, or does it rest fully with higher powers while the department remains fully unaware? Guidelines on what would allow an individual to still be hired are important, or the issue of individual's opinions on whether misconduct is significant may arise. For example, could there be a requirement for considering continuing with the hire that the individual who committed misconduct has since undergone some sort of remediation action/training, that they have engaged thoughtfully and willingly in the process, and there is evidence that they have learnt and grown from the action? If there is no formal process, the university runs the risk of hiring an individual with a history of misconduct with no real evidence that it will not occur again. This might also be a good place to specify in what circumstances, if any, a case of misconduct would not cause a stop in hire.

EDI believes that [PPSM Appointment 21, Section VI](#) is also helpful in regard to more precise information on management of disclosure forms. The current document under review places responsibility with the Vice Provosts/Vice Chancellors as noted in APM – 500-16.b.3., however EDI thinks a more detailed explanation is necessary.

EDI also believes that it would help to further clarify what is meant by “substantiated allegations” in the document under review. Substantiated by what or whom?

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

April 16, 2025

To: Kevin Mitchell, Academic Senate Chair

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

Re: [Proposed Revisions to APM 500 – Recruitment](#)

FWAF appreciates the updated proposal for revisions to APM 500 that clarifies the policy applies to “substantiated allegations of misconduct” and the inclusion of new language stating, “Applicants must be permitted to disclose if they have filed an appeal with the previous employer, administrative agency, or court, if applicable.”

During the April 7, 2025 meeting, members of the Committee on Faculty Welfare and Academic Freedom (FWAF) reviewed the updated Proposed Revisions to APM 500 – Recruitment and offer the following comments.

FWAF believes the updated proposed revisions are an attempt to align the APM with new California laws; however, members offer the following suggestions for clarity:

Section 500-16 – Restrictions

b. In compliance with provisions in state law regarding the disclosure of misconduct during the course of prior employment, the University of California is implementing the following requirements in faculty and academic recruitment processes:

“Misconduct” means any violation of the policies governing employee conduct at the applicant’s previous place of employment, including, but not limited to, violations of policies prohibiting sexual harassment, sexual assault, or other forms of harassment or discrimination, as defined by the employer.

FWAF first recommends including the two laws in the 500-16 b description: Assembly Bill No. 810 and Senate Bill No. 791, along with links for reference.

Second, the Senate Bill 791 requires disclosures related to sexual harassment, but Assembly Bill 810 is much broader, introducing the concept of “misconduct.” FWAF believes in relation to Senate Bill 791, misconduct is an overly broad term that must be more narrowly defined. Without proper definition, this term could unintentionally limit academic freedom and free speech. As has been observed, the current U.S. administration has targeted many forms of research, academic freedom, and speech. Faculty should be cautious of overly broad laws that could restrict these fundamental rights.

Additionally, the University of California has already implemented the law in its job ads. FWAF believes the APM should establish a narrow and specific definition of “misconduct” and offers the following suggestion:

"Misconduct" means any violation of the policies or laws governing conduct at the applicant's previous place of employment, ~~including, but not limited to,~~ relating to violations of policies or laws prohibiting sexual harassment, sexual assault, or other forms of harassment, discrimination, academic dishonesty, or unethical academic conduct, as defined by the employer.

FWAF thanks you for the opportunity to review and comment on the proposed revisions to APM 500 – Recruitment.

Cc: FWAF Members
Senate Office



ACADEMIC SENATE, MERCED DIVISION
GRADUATE COUNCIL (GC)

UNIVERSITY OF CALIFORNIA, MERCED

April 4, 2025

To: Kevin Mitchell, Chair, Divisional Council

From: John Abatzoglou, Chair, Graduate Council (GC)

Re: [Proposed Revisions to APM 500 – Recruitment](#)

At the April 4, 2025 Graduate Council (GC) meeting, voting members reviewed the Proposed Revisions to APM 500 – Recruitment and offer the following comments.

GC understands that admissions into graduate programs should be decoupled from employment offers. However, nearly all PhD degree programs, and some M.S. programs, bundle admissions with employment offers. Funding commitments tied to admissions often result in highly competitive offers during the admissions process. GC believes that the following language in the current offer letters distributed by the Graduate Division is sufficient:

“...all offers of employment are dependent on completing a misconduct disclosure and potential background check.”

GC aims to ensure that the proposed revision to the APM has minimal impact, not only for graduate students but also for prospective graduate programs and the Graduate Division, while remaining compliant with state orders.

GC thanks you for the opportunity to review and comment.

Cc: Graduate Council
Senate Office



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

UNIVERSITY OF CALIFORNIA, MERCED

April 3, 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 500, Recruitment

Thank you for the opportunity to provide feedback on the proposed revisions to APM 500-Recruitment. Our comments regarding specific sections of the policy are summarized below.

Section 500-16.b. Restrictions (page 2 of the policy)

“Misconduct” means any violation of the policies governing employee conduct at the applicant’s previous place of employment, including, but not limited to, violations of policies prohibiting sexual harassment, sexual assault, or other forms of harassment or discrimination, as defined by the employer.

This definition of “misconduct” appears to be overly broad and open-ended, especially in the context of a national climate where the limits of freedom of speech are being tested. P&T is concerned that such a broad definition could unintentionally encompass actions that may not constitute true misconduct. For example, could participation in peaceful protest or other forms of protected expression potentially end up hindering faculty mobility?

Section 500-16.b.1.a. Misconduct Disclosure Form

All applicants who are identified as finalists for academic appointments are required to complete a misconduct disclosure questionnaire and disclose any final administrative or judicial decisions issued within the last seven (7) years from the date of submission of an employment application determining that the applicant committed misconduct, including sexual harassment. Applicants must be permitted to disclose if they have filed an appeal with the previous employer, administrative agency, or court, if applicable.

A key concern is the process by which the scope and wording of the “misconduct disclosure questionnaire” will be determined. Who will be responsible for drafting this questionnaire, and will there be an opportunity for Senate faculty consultation to ensure fairness, clarity, and consistency?

Section 500-16.b.2.a. Release Form

Applicants who are identified as finalists for a tenure-track/tenured position or a position in the Professor of Teaching Series are required to sign a release form authorizing the release of information by the applicant’s previous employers to the University concerning any substantiated allegations of misconduct in order to permit the University to evaluate the released information with respect to the criteria for

potential employment. The hiring unit is required to obtain the release form for proposed appointees in these series and to engage in a reasonable attempt to obtain information from the previous employer when the applicant reaches the final stages of the application process.

The term “substantiated” requires greater clarity. How is “substantiated” to be interpreted? What type of process should have occurred for the alleged misconduct to reach the status of “substantiated”?

Section 500-16.b.3

“Vice Provosts/Vice Chancellors who oversee academic personnel are responsible for developing implementing procedures for the confidential management and tracking of misconduct disclosure questionnaires and release forms, as well as confidential decision-making and communication processes involving applicants, previous employers, and University administrators. In order to protect a candidate’s privacy, the misconduct disclosure form and any information pertaining to prior misconduct must be treated as confidential, retained per local procedures, and disposed in accordance with University of California records retention policy.”

The phrase “implementing procedures for the confidential management and tracking” should explicitly include the development of the text of the forms in full consultation with the Divisional Senate.

We thank you for the opportunity to offer comments on this section of the APM.

CC: P&T Members

Encl. Revised Policy

DRAFT - Recruitment: APM - 500 - General

500-0 Policy

The University recruiting program is directed toward obtaining the best qualified person for the position authorized.

Normally vacancies should be filled at the instructor or assistant professor level in the Professorial series and at the lowest rank in the other teaching series and in the Professional Research series.

500-6 Responsibility

Academic personnel for existing budgeted positions are normally recruited by the appropriate department chair, director, dean and Chancellor.

500-7 Aids

The following policies relating to travel and removal expenses are designed to facilitate the University's recruitment policies:

- a. Travel Expenses for Recruitment ([APM - 540](#)).
- b. Removal Expenses ([APM - 560](#)).
- c. Removal Expenses — Assistants ([APM - 561](#)).
- d. Moving Expenses for Intercampus Transfers ([APM - 550](#)).
- e. Travel Expenses for Appointees to Visiting Titles ([APM - 230-20-h](#)).
- f. Travel Expenses for Short-Term Appointees on Extramurally Financed Projects ([APM - 570](#)).

500-10 Standards

Necessary qualifications for new personnel and limitations on title and salary offers that may be made to prospective personnel are determined by the policies and procedures for appointment and promotion of academic personnel as set forth in the Academic Personnel Manual Part II, Appointment and Promotion.

500-16 Restrictions

- a. All recruiting is subject to the limitation that appointments must conform to established University policies.
- b. In compliance with provisions in state law regarding the disclosure of misconduct during the course of prior employment, the University of California is implementing the following requirements in faculty and academic recruitment processes:

“Misconduct” means any violation of the policies governing employee conduct at the applicant’s previous place of employment, including, but not limited to, violations of policies prohibiting sexual harassment, sexual assault, or other forms of harassment or discrimination, as defined by the employer.

1. Misconduct Disclosure Form

- a. All applicants who are identified as finalists for academic appointments are required to complete a misconduct disclosure questionnaire and disclose any final administrative or judicial decisions issued within the last seven (7) years from the date of submission of an employment application determining that the applicant committed misconduct, including sexual harassment. Applicants must be permitted to disclose if they have filed an appeal with the previous employer, administrative agency, or court, if applicable.
- b. A hiring unit may also elect to require misconduct disclosure questionnaires from all applicants who meet the minimum requirements of a recruitment. The hiring unit may not obtain a misconduct disclosure questionnaire unless the hiring unit determines that an applicant meets the minimum requirements for the position.
- c. In the event that an applicant discloses prior misconduct, the hiring unit shall obtain a signed release form (see APM - 500-16.b.2) from the applicant before contacting the previous employer.

2. Release Form

- a. Applicants who are identified as finalists for a tenure-track/tenured position or a position in the Professor of Teaching Series are required to sign a release form authorizing the release of information by the applicant’s previous employers to the University concerning any substantiated allegations of misconduct in order to permit the University to evaluate the released information with respect to the criteria for potential employment. The hiring unit is required to obtain the release form for proposed appointees in these series and to engage in a reasonable attempt to obtain information from the previous employer when the applicant reaches the final stages of the application process.

- b. A hiring unit may request a release form from all applicants of a recruitment, and may use the release form to engage in a reasonable attempt to obtain information from the previous employer when the applicant reaches the final stages of the application process.
 - c. In the event that a previous employer discloses misconduct, the hiring unit shall follow up with the applicant to give that individual an opportunity to respond.
- 3. Vice Provosts/Vice Chancellors who oversee academic personnel are responsible for developing **implementing procedures for the confidential management and tracking** of misconduct disclosure questionnaires and release forms, as well as confidential decision-making and communication processes involving applicants, previous employers, and University administrators. In order to protect a candidate's privacy, the misconduct disclosure form and any information pertaining to prior misconduct must be treated as confidential, retained per local procedures, and disposed in accordance with University of California records retention policy.
- c. Special conditions must be observed before initiating negotiations with the prospective employee who is employed on another University of California campus (see [APM - 510](#))
- d. Restrictions are placed upon the employment of near relatives of University employees (see [APM - 520](#)).
- e. No commitment, formal or informal, may be made in negotiating for the recruitment of a faculty member to a budgeted position involving tenure or security of employment prior to the approval of the Chancellor.
- f. Formal negotiations for recruitment of a faculty member may be initiated only with the prior approval of the Chancellor.
- g. When an individual not in the employ of the University is to be offered a tenure appointment by two or more campuses of the University, the same level of salary shall be offered by each of those campuses. The following procedure is to be followed to make this procedure effective: when it becomes known to any campus administrative officer that another campus of the University is also recruiting an individual for a tenure appointment, that officer is obliged to inform the Chancellor. (Appointments subject to the foregoing procedures are also subject to provisions of the Academic Personnel Manual such as APM - 500 and [530](#) concerning recruitment of academic personnel and [APM - 220-85](#) concerning appointment of academic personnel at the tenure rank.)

Revision History

July 1, 2025:

Technical revision to comply with two bills signed into state law that add and amend sections 92612.1 and 92612.2 of the California Education Code, effective January 1, 2025 (reference California Senate Bill (SB) 791, Postsecondary education: academic and administrative employees: disclosure of sexual harassment; and California Assembly Bill (AB) 810, Postsecondary education: hiring practices: academic, athletic, and administrative positions).

May 22, 2023:

- Technical revision to remove requirement to notice Association of American University (AAU) institutions and removal of list of AAU membership.

For details on prior revisions, please visit the [policy issuance web page](#).

From: [Jennifer Manilay](#)
To: [Fatima Paul](#); [ucm senatechair](#)
Cc: [Anne Kelley](#); [Lin Tian](#); [Teamrat Ghezzehei](#); [Shilpa Khatri](#); [Susan DeRiemer](#)
Subject: RE: [Systemwide Review Item] Proposed Revisions to APM 500, Recruitment (Updated)
Date: Monday, April 14, 2025 4:49:19 PM

Dear Fatima and Kevin:

NSEC has reviewed the proposed changes to APM 500, Section 500-16. While we acknowledge that the policy aims to bring the university into compliance with California State Bill 791, we wish to express several concerns regarding its implementation and potential impact on academic recruitment.

A primary concern is the lack of clarity around the term “finalist.” Without a clear definition, departments may interpret this designation inconsistently, potentially leading to unequal or inefficient application of the policy. Additionally, the scope of the policy remains ambiguous. It appears to apply not only to ladder-rank faculty but also to lecturers, postdoctoral scholars, and graduate student employees. If this broad applicability is intended, further clarification is needed to ensure all units understand their responsibilities.

We are also concerned that the prohibition on requesting misconduct disclosure forms until after minimum qualifications are verified could significantly slow the recruitment process. For faculty positions, it seems permissible to collect release forms with initial applications, but the process for non-faculty appointments appears more cumbersome. This inconsistency could create confusion and delay.

Further, the administrative burden of contacting all prior employers within the past seven years in cases where misconduct is disclosed is considerable, particularly for early-career applicants who may have multiple former employers. It is unclear who will be tasked with this follow-up and whether units will receive adequate support and resources to manage the additional workload.

To avoid disruption to ongoing and future searches, we strongly recommend that the Office of Academic Personnel finalize and distribute detailed procedures and guidance, including definitions, forms, and timelines. Consultation with department chairs and deans will be essential to ensure smooth and equitable implementation of this policy.

We appreciate your attention to these matters and welcome the opportunity for further discussion.

Sincerely,

Jennifer O. Manilay, PhD (*pronounced mah-NEE-lie, sounds like “money-lie”*)



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

May 21, 2025

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

RE: Revised Distribution of Proposed Revisions to APM Section 500, Recruitment – General

Dear Steven,

On May 12, 2025, the Riverside Academic Senate Executive Council discussed the *Revised Distribution of Proposed Revisions to APM Section 500, Recruitment – General* along with comments received from divisional committees on Academic Personnel, Faculty Welfare, Charges, Privilege & Tenure, and UCR's Faculty Executive Committees. As you'll find from the attached memos, reviewers laid out important concerns regarding the proposed revisions.

Similar to local committees, Council discussed issues around the proposed revision's lack of clarity and potential overreach in the proposed policy regarding candidate misconduct. Specifically, there is a need for a clearer definition of "candidate" and "misconduct". Though current definitions mirror state law, 2025, it needs further refinement.

The key concerns Council discussed include

1. Definition of Misconduct

Several committees noted that the policy is absent clear language to define what constitutes misconduct. Further, the policy's wording "related to misconduct, including sexual harassment" appears misaligned with our understanding of the spirit of the bills passed by the state legislature, which is that the legislature's primary focus was "preventing situations where a person who has committed sexual harassment or other sexual misconduct keeps moving to new institutions, and repeating the misconduct." Concern was expressed in the Council meeting that, e.g., that the definition is so general that it could include charges related to expressions of free speech activities.

2. Disclosure and Evaluation of Misconduct Findings:

A concern across multiple committees revolves around the practicalities of disclosing and evaluating prior misconduct findings. The CHASS EC notes that the policy "does not effectively

engage the important issue of what will actually happen when a previous finding of misconduct is disclosed late in the hiring process, and certain people, such as those within the 'hiring unit,' will need to know." They highlight the policy's emphasis on confidentiality but criticize its failure to "address the core issue of what principles, guidelines, and policies the decision makers are meant to follow when evaluating a particular case 'with respect to the criteria for potential employment'." They express concern that the policy "puts forth the practice without clarifying the principles (aside from confidentiality) under which it will be enacted." Further, CAP notes the need for "an explicit process in place to help candidates become aware of, and correct errors if any" regarding disclosed information.

3. Timing and Scope of Release Forms:

Several committees noted the lack of a clear definition of "finalist" (long shortlist, shortlist, and final candidate to be appointed), and in the Council discussion strongly favored for this to occur only for "the finalist", e.g at the offer stage. The School of Business EC (BUS) , e.g. pointed out that "Many faculty will not want their current employer to know that they are looking at other schools unless they believe that they will actually get an offer."

The School of Education (SOE) Executive Committee questions whether the release form requirement applies to both "academic and administrative appointments" as the policy mentions both, but the requirement is tied to "finalists for academic appointments."

The Committee on Faculty Welfare notes that the requirement for release forms "can be intrusive for applicants and may dissuade some candidates from applying."

4. Handling of Ongoing Investigations:

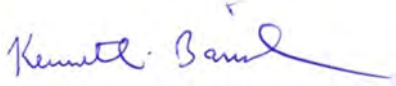
The CHASS EC raises the concern of "What happens when someone is under investigation at the time of applying for another job?". They acknowledge that this is not unusual, as "anticipating a misconduct finding can be a reason for a person to actively look for a new job." While recognizing the "many problems associated with requiring disclosure of an active investigation," they suggest "mechanisms that balance the candidate's privacy and principles of due process while still advancing the intent of the policy." They offer a potential solution: "integrate into an offer provisions for situations where alleged misconduct was already under investigation when the candidate applied to UCR but not substantiated until later only because the process was not yet complete."

Summary: Recommendations include:

- Refining the policy language to better align with legislative intent, particularly regarding sexual harassment.
- Providing a clear and comprehensive definition of "misconduct."
- Developing detailed procedures and principles for evaluating disclosed misconduct findings, ensuring fairness and consistency.
- Clarifying the definition of "finalist" and establishing clear guidelines for the timing and scope of the required release form.
- Addressing the process for handling applicants who are under investigation.

- Developing comprehensive campus-level guidelines and administrative structures to support consistent implementation across all units and appointment types potentially impacted.
- Clarifying the policy's application to internal administrative appointments and staff.
- Addressing the potential impact and requirements for existing employees with short-term appointments.

Sincerely yours,



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

Attachments

March 28, 2025

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

From: Elodie Goodman
Chair, School of Business Executive Committee

Re: APM Revision: Revised Distribution re: *Proposed Revisions to APM Section 500, Recruitment - General*

Please let this memo serve as an official notification that the School of Business Executive Committee overall supports the proposal. However, we have concerns that the policy of having all finalists for a position sign a release form authorizing the release of information by the applicant's previous employers will limit the ability to recruit faculty from other universities. We suggest a modification such that the release is not required until a faculty is "the" finalist—that is, at the point of giving an offer. Many faculty will not want their current employer to know that they are looking at other schools unless they believe that they will actually get an offer. Also, the policy should clarify who at the candidate's previous employer will receive the form: HR? ombudsman? Dean?



Academic Senate

COMMITTEE ON ACADEMIC PERSONNEL

April 7, 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 Section 500, Recruitment - General**

In its April 2, 2025 meeting, CAP discussed the proposed revisions to *APM Section 500, Recruitment - General*, and had the following comments:

State law mandates these revisions. CAP's discussion therefore focused on clarifying the implementation of this change given that it will take place.

As a consequence of adopting these changes there will be a need to think through the administrative structure and resources required to manage this process. For example, there will need to be an explicit process in place to help candidates become aware of, and correct errors if any. In addition, there will need to be detailed guidelines specifying actions to be taken by search and review committees. It is also the case that more specific guidance about process in relation to internal administrative appointments (e.g. chair or Associate/Divisional Dean) would be helpful. CAP discussion noted, too, that, while the APM covers faculty there will be issues for TA and GSR appointments. Over and above documentation, there will need to be guidelines at the campus level to ensure consistency of responses across units (i.e. so that search committees A and B respond to similar cases in similar ways).

There are, then, very many questions relating to practical implementation at the campus level that will need to be resolved. Except in the case of appointment files which will, now, need to include appropriate documentation, resolving these questions is beyond the remit of CAP except in the case of appointment files.



Academic Senate

COMMITTEE ON CHARGES

April 30, 2025

To: Kenneth Barish, Chair
Riverside Division

Fr: Darrel Jenerette 
Chair, Committee on Charges

Re: [Systemwide Review] APM Revision: Revised Distribution re: Proposed Revisions to APM Section 500, Recruitment - General

The Committee on Charges reviewed the proposed revisions to APM-500 and was in support with no further comments.

FACULTY WELFARE

April 30, 2025

To: Kenneth Barish, Chair
Riverside Division

From: Salman Asif, Chair
Committee on Faculty Welfare

A handwritten signature in black ink, appearing to read "Salman", with a checkmark to its right.

RE: [Systemwide Review] *Proposed Revisions to APM Section 500, Recruitment - General*

The Committee on Faculty Welfare (CFW) reviewed the *Proposed Revisions to APM Section 500, Recruitment - General*. CFW has the following comments:

- First of all, we would like to clarify whether the **underlined and bold parts** will be included in the revised version of APM-500.

CFW notes that the document shared by UCR titled “[Systemwide Review] APM Revision: Revised Distribution re: Proposed Revisions to APM Section 500, Recruitment - General” Distributed for Review: 02/21/25 includes new revisions that are indicated using **underlined and bold** text.

The relevant text is as follows.

Applicants must be permitted to disclose if they have filed an appeal with the previous employer, administrative agency, or court, if applicable.

Applicants ... are required to sign a release form authorizing the release of information by the applicant’s previous employers to the University concerning any **substantiated** allegations of misconduct in order to permit the University to evaluate the released information with respect to the criteria for potential employment.

These changes seem to be missing in the letter sent by UCoP and the modified APM-500 draft.

- While CFW acknowledges the need for background checks, the committee also expresses concerns that the background checks and mechanisms can be intrusive for applicants and may dissuade some candidates from applying.

- While APM-500 is focused on tenure-track faculty, the policy seems to affect associate instructors who are already employed by UCR, but their contracts are renewed for each quarter. The instructors are receiving emails to fill out the disclosure forms. We should get some clarification if the instructors will be required to perform these disclosures and background checks every quarter or every year.



Academic Senate

COMMITTEE ON PRIVILEGE & TENURE

April 30, 2025

To: Kenneth Barish, Chair
Riverside Division

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

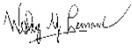
Re: [Systemwide Review] APM Revision: Revised Distribution re: Proposed Revisions to APM Section 500, Recruitment - General

The Committee on Privilege and Tenure reviewed the proposed revisions to APM-500 and commented on the need for greater clarity regarding the term "finalist," particularly in relation to the stages of the search process: long shortlist, shortlist, and final candidate to be appointed. The policy should clearly define the parameters of flexibility that a department may have at each stage. At a minimum, P&T recommends this check occur at the time of the shortlist. Additionally, some members suggested requiring all applicants to submit necessary documentation before being invited for on-campus interviews.



May 19, 2025

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

FROM: Wesley Leonard, Chair 
CHASS Executive Committee

RE: APM Revision: Revised Distribution re: Proposed Revisions to APM Section 500,
Recruitment - General

The CHASS Executive Committee (EC) reviewed the APM Revision: Revised Distribution re: Proposed Revisions to APM Section 500, Recruitment – General. The committee supports the general intention of the revisions but expressed various concerns about whether the policy will be effective and fair.

As a general observation, we find the policy’s wording to be misaligned with our understanding of the spirit of the bills passed by the state legislature. Our understanding is that the legislature was most interested in preventing situations where a person who has committed sexual harassment or other sexual misconduct keeps moving to new institutions, and repeating the misconduct. The wording “... related to misconduct, including sexual harassment”, however, suggests that sexual harassment is not the core issue. This is because the construction “related to/based on X, including Y, ...” usually implies that Y is something less obvious, or less serious. This policy seems to be more aligned with the spirit of “especially sexual harassment, but also including ___, ___, ___, ...” where the remaining items might mention other types of misconduct such as violations of academic integrity or misuse of university property.

The Committee expressed concerns about practical issues arising when misconduct is shared. This policy does not effectively engage the important issue of what will actually happen when a previous finding of misconduct is disclosed late in the hiring process, and certain people, such as those within the “hiring unit”, will need to know. We observe that the policy emphasizes confidentiality, but does not address the core issue of what principles/guidelines/policies the decision makers are meant to follow when evaluating a particular case “with respect to the criteria for potential employment”. We are concerned that this policy puts forth the practice without clarifying the principles (aside from confidentiality) under which it will be enacted.

The CHASS EC also discussed a scenario that we believe warrants further consideration: What happens when someone is under investigation at the time of applying for another job? We note that this is not unusual, as anticipating a misconduct finding can be a reason for a person to actively look for a new job. While we recognize many problems associated with requiring disclosure of an active investigation, we suggest mechanisms that balance the candidate's privacy and principles of due process while still advancing the intent of the policy. For instance, it may be possible to integrate into an offer provisions for situations where alleged misconduct was already under investigation when the candidate applied to UCR but not substantiated until later only because the process was not yet complete.

Finally, while it may already be implied, the CHASS EC emphasizes that a "Letter of Censure" (or similar substantiated misconduct finding) should explicitly be noted as falling within the required disclosure.



4/14/25

To: Kenneth Barish, Division Chair of the UCR Division of the Academic Senate and Cherysa Cortez, Executive Director of the UCR Academic Senate

From: Katherine Meltzoff, Ph.D., Faculty Chair of the School of Education Executive Committee

Subject: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment - General

The SOE Executive Committee reviewed the Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment - General. Comments/feedback were solicited at our executive committee meeting and via email.

On page 2, it says "all applicants who are identified as finalists for academic appointments...", whereas on page 1 it says the policy refers to both academic and administrative appointments. Does this policy related to the release form apply to both academic and administrative appointments? Also, is there any equivalent policy for staff? If not, is there clarity about why not?

Thank you for the opportunity to provide feedback.

Sincerely,

Katherine Meltzoff
Faculty Executive Committee Chair
School of Education
University of California, Riverside



May 16, 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]** APM Revision: Revised Distribution re: Proposed Revisions to APM Section 500, Recruitment – General

Dear Ken,

The Committee reviewed the Proposed Revisions to APM Section 500, Recruitment – General, and found the revised proposed revisions suitable. The committee had no further comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Kaul".

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

May 21, 2025

Professor Steven Cheung
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of Proposed Revisions to Academic Personnel Manual (APM) 500,
Recruitment - General

Dear Chair Cheung,

The proposed revisions to Academic Personnel Manual (APM) 500, Recruitment - General were distributed to San Diego Divisional Senate standing committees and discussed at the May 12, 2025 Divisional Senate Council meeting. Senate Council had concerns that they would like to see addressed prior to the policy revisions being implemented. Council offered the following comments for consideration.

Reviewers were concerned that requesting information from an applicant's current employer during the hiring process may compromise their privacy and undermine their ability to negotiate during a recruitment for an academic position. The policy lacks clarity on the specific stage of the hiring process at which the prospective UC campus should contact an applicant's current employer, and that timing is considered crucial. To ensure fairness and transparency, clear definitions of the terms "misconduct" and "substantiated" should be included in the policy. Reviewers noted an inconsistency in the Misconduct Disclosure Form, which currently requires applicants to disclose any final or judicial decisions, even if they were not substantiated, whereas the rest of the process only considers substantiated decisions. This discrepancy could unfairly harm an applicant's reputation by including unfounded or unsubstantiated claims in the hiring process.

To address this, reviewers recommended revising the Misconduct Disclosure Form to include the term "substantiated", thereby preventing applicants from reporting cleared accusations. Furthermore, to account for differences in the culture and policies at different institutions, reviewers suggested that an applicant should only be denied employment if their prior substantiated misconduct would also be deemed misconduct under the University of California's standards. The misconduct disclosure questionnaire required for academic appointments should be made available to all applicants in advance to ensure that they are aware of what will be asked of them if they are a finalist for a position.

The development of uniform evaluation criteria for local decision makers is recommended to help ensure consistent application of this process. Furthermore, the scope of the policy should be clarified and potentially narrowed to only encompass the series that are subject to the state law requirements, as the current policy appears to unnecessarily include certain groups that may not be required to comply with these regulations.

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

Sincerely,

A handwritten signature in black ink, reading "Olivia Graeve". The signature is fluid and cursive, with the first name "Olivia" being more prominent than the last name "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

May 01, 2025

Olivia Graeve, Senate Chair
Academic Senate, San Diego Division

SUBJECT: Proposed Revisions to APM 500- Recruitment General

The Committee on Academic Personnel (CAP) met on April 09, 2025, to review the proposed revisions to the Academic Personnel Manual (APM) 500- Recruitment General. CAP unanimously supports the proposed revisions to APM 500, without comment.

CAP appreciates the opportunity to review the proposed policy revision.

A handwritten signature in dark ink, appearing to read "Lynn M. Russell".

Lynn Russell, Chair
Committee on Academic Personnel

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

April 29, 2025

OLIVIA GRAEVE, CHAIR
Academic Senate, San Diego Division

SUBJECT: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment - General

The Committee on Faculty Welfare (CFW) reviewed the proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment – General at its April meeting. The revisions to APM 500 seek to require disclosure of potential past misconduct for new hires in tenure track positions or teaching series. The committee has a few concerns:

The committee was initially concerned about the requirement of a release form but there is language that only “reasonable attempt” is required to obtain information from current employer. However, the committee is still concerned that notifying current employer is a violation of privacy. It’s well understood that timing is everything when undergoing negotiations for academic positions. Communication between the current and prospective employer could undercut the candidate’s ability to negotiate. The policy is vague on when in the hiring process this request for information will be made. Presumably before an offer letter is drafted.

What is the definition of misconduct? (see pg. 2) “...other forms of harassment or discrimination as defined by the employer.” Same standards being applied to something as significant as sexual assault and to lesser forms of harassment? Requires clarification.

What is definition of substantiated? Seems to imply that there is evidence of misconduct but not depend on the completion of due process. It is important that due process be completed before any preliminary findings are disseminated.

What is in the questionnaire? Difficult to assess impact on faculty welfare without knowing what information is required.

State law only requires disclosure and only for sexual harassment, the proposed revisions seem like overreach. Does this apply to academic misconduct as well? Need to clarify language so that it only applies to situations where due process has been completed. How do we guarantee that there is due process at the reporting institution?

Sincerely,

Patrick Mercier, Chair
Committee on Faculty Welfare

cc: R. Plant

April 16, 2025

OLIVIA GRAEVE

Chair, San Diego Divisional Academic Senate

SUBJECT: Review of Proposed Revisions to Academic Personnel Manual (APM) 500,
Recruitment – General

Dear Chair Graeve,

The Committee on Privilege and Tenure (CPT) reviewed the proposed revisions to Academic Personnel Manual (APM) 500, Recruitment - General at its April 3, 2025 meeting. The committee offered the following comments for consideration:

- In Section 500-16.b.1.a Misconduct Disclosure Form, the committee noted that as written, the policy requires disclosure of *any* final or judicial decisions and not solely substantiated decisions. If an individual is accused of misconduct, undergoes a thorough hearing, and is ultimately cleared of any wrongdoing, they should not be required to disclose this information. Having to report a cleared accusation can unfairly tarnish an applicant's reputation and create a lasting bias, even though they were found not to be at fault. The cover letter notes that "substantiated" allegations need to be reported during each step of the hiring process but leaves that term out when discussing the Misconduct Disclosure Form. To address this, the term "substantiated" should be added to this sentence: "and disclose any *substantiated* final or judicial decisions issued within the last seven (7) years..."
- To ensure fairness and consistency, CPT proposes that a stipulation be added in which an applicant can only be denied employment at a UC campus if their substantiated previous misconduct would also be considered misconduct under the UC system's standards. The policy only contains a vague definition of misconduct, which could create ambiguity and uncertainty in evaluating the severity of past incidents. While certain actions, such as sexual harassment or violence, are clearly misconduct, the policy's vagueness may lead to inconsistent treatment of applicants from institutions with stricter codes of conduct, where behaviors considered misconduct there, may not be considered as such within the UC system.
- The absence of a clear definition of misconduct in this policy or any other APM makes it challenging to evaluate the standards used by the University of California to hold its faculty accountable. While recognizing there can be a need for flexible wording of systemwide policies, without a definitive definition of misconduct, it is unclear how the institution can consistently apply these standards when assessing applicants.
- To ensure fair application across the UC system, uniform evaluation criteria should be developed for local decision makers at each campus. Furthermore, any revisions made to APM 500 need to promptly be reflected in the corresponding local policies and procedures to ensure that campus-specific guidelines remain up-to-date and aligned with the updated systemwide policy.

Sincerely,

Kelly Frazer, Chair
Committee on Privilege and Tenure

cc: Rebecca Plant, Senate Vice Chair
Lori Hullings, Senate Executive Director

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
<https://senate.ucsf.edu>

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

May 21, 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 the Academic Personnel Manual Section 500, Recruitment

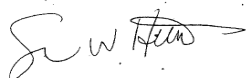
Dear Chair Cheung:

The UCSF Academic Senate has reviewed the proposed revisions to the Academic Personnel Manual (APM) Section 500, Recruitment. Particularly UCSF's Committee on Rules and Jurisdiction (R&J) has reviewed the proposed revisions, focusing on the policy elements related to misconduct disclosure during recruitment:

1. *Definition of "Substantiated"*: The term "substantiated" is emphasized in the background section of the solicitation letter but lacks a clear definition in the policy text. R&J recommends including a precise definition to ensure uniform understanding and application of what constitutes a substantiated allegation of misconduct. This will help establish a consistent standard for evidence or proof required for compliance.
2. *Applicability of Ongoing Investigations*: The policy currently does not address ongoing investigations explicitly. Given that California Education Code § 92612.1 mandates the disclosure of final administrative or judicial decisions, R&J suggests adding language to clarify that only final decisions are evaluated. This will align the policy with the amended legislation and remove ambiguity regarding the status of ongoing investigations.
3. *Protocol for Non-disclosure of Misconduct Information*: There is a need for clear procedures if a candidate fails to disclose misconduct information. It is not clear whether standard HR practices apply, or if specific requirements should be incorporated into this policy. R&J recommends including guidance on the steps to be taken in such situations to ensure a comprehensive framework for handling omissions during the hiring process.

Thank you for considering the comments provided by R&J. We believe that addressing these points will enhance the effectiveness and clarity of the APM.

Sincerely,



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

Enclosures (1)

Cc: Irfan Kathiriya, MD, PhD, Chair, Rules & Jurisdiction

Committee on Rules and Jurisdiction (R&J)

Irfan Kathiriya, MD, PhD, Chair

May 21, 2025

Steven Hetts, MD
Division Chair
UCSF Academic Senate

Re: Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment

Dear Chair Hetts:

The Committee on Rules and Jurisdiction (R&J) writes to comment on the [Proposed Revisions to Academic Personnel Manual \(APM\) Section 500, Recruitment](#). After a careful review of this policy on misconduct disclosure during recruitment, R&J identified a few areas of contention.

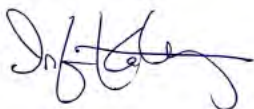
First, R&J raised a query regarding the need to define the term “substantiated” within the policy. In the background section of the letter sent to solicit feedback from campuses, the term “substantiated” is both bolded and underlined. However, it is not defined in the policy text, despite its presence within the policy. R&J believes that defining this term is essential to clarify what constitutes a substantiated allegation of misconduct. This definition would help establish a consistent standard for the type of evidence or proof required to ensure compliance with the policy.

Second, R&J questioned whether the policy language should explicitly address the applicability of ongoing investigations, given that CA Educ Code § 92612.1 (2024) mandates applicants to disclose final administrative or judicial decisions regarding misconduct. Without referencing the amended legislation, it remains unclear whether ongoing investigations are encompassed within the policy. As such, R&J recommends including language in the policy that explicitly mentions that only final decisions are evaluated.

Third, R&J inquired about the procedures to be followed if a candidate fails to disclose information regarding their misconduct. R&J is uncertain whether the protocol for such situations adheres to existing standard human resources practices or if there are specific requirements that need to be incorporated into this policy. This inclusion would provide clear guidance on the steps to be taken when an applicant omits misconduct information during the hiring process.

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), if there are questions.

Sincerely,



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>

May 21, 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", is placed next to the "From:" line.

Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM)
Section 500, Recruitment - General

The Santa Barbara Division distributed the Proposed Revisions to Academic Personnel Manual (APM) Section 500 regarding recruitment to the Council on Faculty Welfare, Academic Freedom, and Awards (CFW), the Committee on Academic Personnel (CAP), the Charges Advisory Committee (CAC), the Committee on Privilege and Tenure (P&T), Undergraduate Council (UgC), Graduate Council (GC), and the Faculty Executive Committees (FECs) of the College of Letters and Science (L&S), College of Engineering (COE), College of Creative Studies (CCS), Bren School of Environmental Science and Management (BREN), and the Gevirtz Graduate School of Education (EDUC). GC and the CCS, BREN, and EDUC FECs elected not to opine.

Although the Santa Barbara Division recognizes the need for the University of California to update Academic Personnel Manual (APM) Section 500 for compliance purposes, we are unable to offer our endorsement at this time. The councils and committees raise a number of significant concerns and identify areas in need of additional consideration; given their gravity, the division's view is that it would be premature to move forward with the proposed changes as written. CAP's conclusion encapsulates this view: "as written, the policy is an inadvisable delegation of a huge responsibility with legal ramifications." The main points are summarized below, with each group's individual response attached.

One theme among the responses is a lack of clarity about how this process would fit into existing hiring practices. As with many proposed policy revisions that the Academic Senate is asked to review, it is challenging to evaluate the changes without a better understanding of how they would or could be implemented at a campus level. For example, CFW requests clarity about the process that would be followed if our campus received information that allegations of misconduct against a finalist had been substantiated. P&T asks how the process would unfold if a case involving a finalist had yet to be completely adjudicated.

Candidate privacy and the lack of personal protections present in the policy is another area of concern. P&T specifically identifies a fundamental question about data storage: how will the documentation from these inquiries be stored and how might they be potentially used in future disciplinary cases? Here, the Undergraduate Council recommends that the process be managed by Academic Personnel, which would have the appropriate expertise and resources for doing so. They also call attention to the potential risks borne by the candidate when their employer is notified of the recruitment and emphasize that these "inquiries should be undertaken with great care, perhaps even systematically postponed until the final stages of a recruitment process."

Additional areas of concern open up into fundamental questions about academic rights and freedoms, particularly in the adjudication of policies that do not align with those of the University of California. Is there not a risk, the L&S FEC observes, of "weaponizing what constitutes 'misconduct' and 'harassment' to limit the exercise of free speech and academic freedom." The FEC suggests that "further clarification might be necessary to prevent the barring of potential incoming faculty from employment for simply exercising their rights as members of an academic community at their former institution." At a high level, the COE FEC noted that the UC hiring needs to balance mandated due diligence with equal employment opportunity and prevent a non-factual bias.

Several groups additionally felt that the proposed changes go beyond the scope of the legislation. UgC asks whether compliance "actually demands the extensive, burdensome, and risky changes being proposed." The COE FEC recommends that the policy "be narrowed to the intent of the legislation." CFW further recommends that the process be designed "so as to minimally disrupt departments' and units' ability to conduct searches in a timely fashion."

Finally, we suggest that all terms used in APM 500 (including, but not limited to, misconduct, disclosed misconduct, substantiated allegations, finalists, and hiring unit) be clearly explained in a list of definitions or glossary included in the section.

We thank you for the opportunity to comment.

May 9, 2025

To: Rita Raley, Divisional Chair
Academic Senate

From: Matt Helgeson, Vice Chair
Council on Faculty Welfare, Academic Freedom and Awards



Re: Proposed Revisions to Academic Personnel Manual (APM) 500 - Recruitment, General

At its meeting of May 7, 2025, the Council on Faculty Welfare, Academic Freedom and Awards (CFW) discussed the proposed revisions to Academic Personnel Manual (APM) 500 - Recruitment, General. CFW supports the language as written, as these policy revisions are necessitated by state law. CFW would like to have guidance as to what the process will be if a finalist is found to have substantiated allegations of misconduct. CFW would recommend that such a process be formulated so as to minimally disrupt departments' and units' ability to conduct searches in a timely fashion.

CC: Shasta Delp, Executive Director, Academic Senate

UC **SANTA BARBARA**
Academic Senate

DATE: May 12, 2025

TO: Susannah Scott, Chair of the Academic Senate - UC Santa Barbara Division

FROM: Committee on Academic Personnel

RE: CAP Response to Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment - General

The Committee on Academic Personnel (CAP) has reviewed the *Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 500, Recruitment - General*. In its review, committee members expressed concern about the category of "misconduct including sexual harassment" in the disclosure forms diluting the original goal and being applied to a wide range of practices, and that it was unclear how the policy would be enforced or who will determine if someone is hireable at a UC campus.

Some members also suggested that the definition of "Misconduct", defined as "any violation of the policies governing employee conduct at the applicant's previous place of employment," should also include "that would also violate policies at the University of California." In addition, committee members expressed further concern about the "hiring unit" having the ability to determine whether misconduct occurred and what the course of action should be. As written, the policy is an inadvisable delegation of a huge responsibility with legal ramifications; there's no guidance on how the department is to proceed after that step.

For the Committee,

A handwritten signature in dark ink, appearing to read "Geoff Raymond", with a stylized, cursive script.

Geoffrey Raymond, Chair

April 9, 2025

To: Rita Raley, Chair, Academic Senate

From: Dick Startz, Faculty Charges Officer

Via: Shasta Delp, Executive Director

Re: Proposed Revisions to Academic Personnel Manual (APM) 500

The Charges Advisory Committee recommends two modifications to the proposed revisions to APM 500.

- A. References to ""Misconduct" means any violation of the policies governing employee conduct at the applicant's previous place of employment" should be replaced with ""Misconduct" means any violation of the policies governing employee conduct at the applicant's previous place of employment that would also violate policies at the University of California."

Other employers may have policies that are not relevant, that are inconsistent with the policies of the University of California, or even in some instances policies that are illegal.

- B. References to "finalists" should be replaced with "before an offer" is made.

It is generally unnecessary to ask about conduct from applicants to whom no offer will be made. Further, in many searches "finalists" is not well-defined.

We also note that the UCSB ought to clarify practices about how such queries are to be made and how responses are to be handled, in particular how it is determined if a concerning response precludes employment. However, we recommend this be done at the campus level rather than being embedded in the APM.

UC **SANTA BARBARA**
Academic Senate

DATE: May 15, 2025

TO: Rita Raley, Divisional Chair

FROM: Phillip Christopher, Chair
Committee on Privilege and Tenure

RE: Proposed Changes to Academic Personnel Manual (APM) 500 - Recruitment, General

The Committee on Privilege and Tenure has considered the proposed changes to Academic Personnel Manual (APM) 500 regarding recruitment. The Committee recognizes the need for University of California policy, in this case academic personnel policy, to be compliant with state law. As such, P&T affirms the proposed changes.

The Committee raised several questions regarding the process described in the proposed language. How will the process unfold if a case involving the faculty candidate has yet to be completely adjudicated? Will the documentation regarding previous allegations be stored, and if so, how will it be used? Will P&T be notified or provided with these materials if further allegations arise in the event that the candidate is ultimately hired at the UC?

The Committee also recommends that the term “substantiated” be defined in the APM.

CC: Shasta Delp, Executive Director

UC **SANTA BARBARA**
Academic Senate

DATE: May 16, 2025

TO: Rita Raley, Chair
Academic Senate

FROM: Jason Duque, Chair
Undergraduate Council



RE: Proposed Revisions to Academic Personnel Manual (APM) 500 - Recruitment, General

On May 15, the Undergraduate Council (UgC) reviewed and considered the Proposed Revisions to Academic Personnel Manual (APM) 500 - Recruitment, General. The Council endorses the proposal by a vote of 10 in favor, 1 against, and 1 abstention.

The Council does wish to express some serious concerns with the proposed revisions. Please note that the Council did consider whether or not these concerns were relevant to Council's specific responsibilities. The Council affirmed the relevance of their concerns, given the simple fact that the job requirements of any recruited faculty would likely include teaching or mentoring undergraduate students.

In general, the proposed revisions raise serious issues around the protection of privacy. Assigning responsibility for privacy concerns does not go nearly far enough to protect that privacy.

The Council did not think it was clear what "the hiring unit" is. In any event, it seems most appropriate for the inquiries described in the proposed revisions to be carried out by the individuals and groups associated with Academic Personnel. Other units are likely to lack the expertise, organization, and resources necessary for pursuing these inquiries.

The Council is concerned about the impact proposed revisions could have on recruitment as it often unfolds in the real world. The inquiries described in the proposed revisions would include informing a candidate's current employer of the candidate's recruitment, which would add some risks whether or not the candidate is offered a position. Given those risks, the inquiries should be undertaken with great care, perhaps even systematically postponed until the final stages of a recruitment process.

While the Council understands that the revisions are being proposed in an effort to align with statutory requirements, it remains unclear whether such alignment actually demands the extensive, burdensome, and risky changes being proposed.

CC: Shasta Delp, Executive Director, Academic Senate

April 29, 2025

To: Rita Raley
Chair, Divisional Academic Senate

From: Jeffrey Stopple
Chair, L&S Faculty Executive Committee



Re: Request for comment on Proposed Revisions to Academic Personnel Manual (APM) 500-
Recruitment, General

At its meeting on April 24, 2025, the Faculty Executive Committee of the College of Letters and Science (FEC) reviewed proposed revisions to Academic Personnel Manual (APM) 500 - Recruitment, General. These revisions are designed to bring recruitment policies into alignment with California Senate Bill (SB) 791, which requires collection of information on job applicants' past conduct violations.

While our committee appreciates the importance of complying with the legal mandate created by SB 791, in this political climate, and as we witness the federal government weaponizing what constitutes "misconduct" and "harassment" to limit the exercise of free speech and academic freedom, further clarification may be necessary to prevent the barring of potential incoming faculty from employment for simply exercising their rights as members of an academic community at their former institution. We would encourage consideration of this factor in formulating the final language of the UC's policy.

Thank you for the opportunity to comment.

cc: Michael Miller, AVC and Dean of Undergraduate Education
Charlie Hale, Dean of Social Sciences
Daina Ramey Berry, Dean of Humanities and Fine Arts
Shelly Gable, Interim Dean of Science

April 21, 2025

TO: Rita Raley
Divisional Chair, Academic Senate

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

RE: Proposed Revisions to Academic Personnel Manual (APM) 500 - Recruitment, General

Signed by:

Carl Meinhart

884262A07C384CC...

The College of Engineering FEC met on Monday, April 7th and Monday, April 21st and discussed the Proposed Revisions to Academic Personnel Manual (APM) 500 - Recruitment, General.

Committee members noted this proposal is a response to new California legislation. The proposed revision to policy is too vague and beyond the scope of the legislation. The policy should be narrowed to the intent of the legislation. At a high level, the committee noted that the UC hiring needs to balance mandated due diligence with equal employment opportunity and prevent a non-factual bias.

To accomplish this, the committee recommends the following revisions.

In section 1.a., "misconduct" must be defined. The committee advised focusing on harassment.

In section 2.a., the committee believes "substantiated allegations" refers to an administrative decision that harassment has been substantiated, but this must be clarified.

In section 2.c., "disclosed misconduct" must be defined.



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May 20, 2025

STEVEN CHEUNG
Chair, Academic Council

**RE: Systemwide Senate Review of Proposed Revisions to Academic Personnel Manual
(APM) Section 500, Recruitment - General**

Dear Steven,

The Santa Cruz Academic Senate has reviewed your request for feedback on the proposed revisions to Academic Personnel Manual (APM) Section 500. Our Committees on Academic Freedom (CAF), Academic Personnel (CAP), Faculty Welfare (CFW), Diversity, Equity, and Inclusion (CODEI), Privilege and Tenure (CPT), and Rules, Jurisdiction, and Elections (CRJE) have provided feedback. We understand that the proposed revisions aim to address requirements of two new bills, California Senate Bill (SB 791) and California Assembly Bill (AB) 810. The Santa Cruz Division appreciates that the revised policy would bring the University into alignment with this legislation, reflecting our strong institutional commitment to addressing sexual harassment and misconduct. We additionally recognize the challenges of protecting the interests of the University community through misconduct disclosure, while simultaneously ensuring that candidates are afforded appropriate confidentiality and due process. As such, while committees were supportive of the underlying goals of the proposed changes, they also highlighted a number of questions and concerns, as well as areas where they felt the proposed policy needed clarification.

First, the issue of the policy exceeding the state law was raised by several committees, with a particular concern around potentially basing hiring decisions on poorly defined “substantiated” allegations, as opposed to findings. Responding committees did appreciate the addition of language regarding a period of review set at no more than seven years, and the assertion that faculty subject to review of allegations would have the opportunity to respond to the results of their review. However, the term “substantiated allegations” itself, which is a key criterion in the revised policy, is not clearly defined. It must be.

Concerns were also raised that APM 500 may constitute an overreach, in that it includes the criterion of “substantiated *allegations*” at all, which appear to substantially exceed the disclosure requirements for SB 791, which limits inquiries to “final determinations”. This raises questions in

terms of due process, particularly when the standard for a “substantiated” allegation, and how this is distinct from the standard for a “determination”, is not made clear. The proposed APM 500 policy also further exceeds the mandate of SB 791 by including aspects of misconduct that are not covered at all by the legislation. According to SBP 791, disclosure is required only pertaining to sexual harassment as per federal and state law. In contrast, according to APM 500, “Misconduct means any violation of the policies governing employee conduct at the applicant’s previous place of employment including, but not limited to, violations of policies prohibiting sexual harassment, sexual assault, or other forms of harassment or discrimination, as defined by the employer.” This appears to be a major expansion beyond the letter or intent of the law, with any form of harassment as defined by the employer potentially opening the door to any number of unconstrained interpretations. Many of our responding committees felt that the new policy should hew closely to the mandates of the legislation driving it and not seek to extend these in sometimes poorly defined and potentially problematic ways.

Second, our responding committees identified a number of key areas where additional clarifications in language, definition, and/or process were deemed to be very important. Major areas flagged included:

1) Relationships between state law sections. The relationship between 500-16.b Sections 1a and 2a, stating that the release of such information under 2a is contingent upon the conditions of Section 1a being met “as clarified in section 500-16.b.1.c” was deemed difficult to understand. We recommend revising the language to make this connection more clear. As an example of what clearer language might look like, we suggest: *“When a final administrative or judicial decision is disclosed under 500-16 Section 1a, the hiring unit shall obtain a release form and may request from previous employers any information concerning all substantiated allegations of misconduct.”*

2) Responsibility for record tracking. Similarly, more detail and clarity is needed in section 500-16.b point 3 with regard to the responsibility for developing and implementing procedures for confidential management and tracking. It was not clear to responding committees whether this section intends for Vice Provosts/Vice Chancellors to be responsible for developing the procedures for implementation (by others), or rather to be responsible for developing *and* implementing procedures. This language should be clarified, with additional detail to ensure consistent and effective implementation across the system.

3) Applicant pool information requests and confidentiality. Concerns were raised about confidentiality and clear distinctions between “finalists” and “all applicants” with regard to the need to complete disclosure questionnaires and release forms. The policy suggests now that hiring units are able to require such forms from all applicants who meet the minimum qualifications. If correct, this would include dozens or in some cases hundreds of applicants. Requesting such information for all applicants would in many cases be a very large undertaking, and raises the question of whether the whole hiring committee would have access to all of this confidential information. Extent of such requests, how confidentiality will be maintained, and what oversight would exist, must be clarified. For example, the policy now specifies that Vice Provosts/Vice Chancellors are responsible for developing procedures to ensure confidentiality. One of our responding committees questioned whether there would or should be Senate engagement and oversight over such administrative decisions, and periodic review of the handling of these procedures.

4) *Equity in obtaining information.* Finally, responding committees raised concerns about the vagueness inherent in the “reasonable effort” that is required to obtain information on candidate backgrounds. In particular, concerns were raised regarding action that would be taken in cases in which background information may be difficult or impossible to collect and/or determine. This raises possible issues with uniform applicant treatment if information is obtained for some candidates and not others, depending on different institutional policies. For example, will international candidates be at a disadvantage due to the lack of information available in English, or lack of response? What if documentation does not exist, institutions are unwilling to provide it, or do not provide it in the forms UC is expecting? APM 500 and associated implementation procedures should ensure that all applicants have a level playing field, and that no one will be disadvantaged by the new review process.

Overall, while the Santa Cruz Division is supportive of underlying motivations for these policy changes, substantially more clarity is needed in multiple areas of the draft policy to ensure due process, clarify and define vague terms (in particular standards underlining “substantiated allegations”), safeguard confidentiality, and ensure consistent and effective implementation.

Thank you for the opportunity to provide feedback on these proposed revisions.

Sincerely,



Matthew McCarthy, Chair
Academic Senate, Santa Cruz Division

cc: Roger Schoenman, Chair, Committee on Academic Freedom
Susan Gillman, Co-Chair, Committee on Academic Personnel
Gregory Gilbert, Co-Chair, Committee on Academic Personnel
Yat Li, Chair, Committee on Faculty Welfare
Gabriela Arredondo, Chair, Committee on Diversity, Equity, and Inclusion
Galina Hale, Chair, Committee on Privilege and Tenure
Eleanora Pasotti, Chair, Committee on Rules, Jurisdiction, and Elections
Nirvikar Singh, Chair, Committee on Research
Raphael Kudela, Chair, Committee on Planning and Budget
Matthew Mednick, Executive Director, Academic Senate



Academic Senate

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UNIVERSITY COMMITTEE ON PLANNING AND BUDGET (UCPB)

Tim Groeling
groeling@comm.ucla.edu

May 8, 2025

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Steven Cheung
Chair, Academic Council

RE: PROPOSED REVISIONS TO APM 500 (RECRUITMENT - GENERAL)

Dear Steven

UCPB was pleased to discuss the proposed revisions to APM 500. This revision brings the UC into compliance with California law, ensuring that applicants must disclose any administrative, final, administrative, or judicial decisions within the last seven years related to misconduct, including sexual harassment as defined in the statute.

The proposal is an improvement over an earlier iteration which did not specify final disciplinary actions, leaving applicants with open yet unsubstantiated complaints in the unenviable position of disclosing potential disciplinary findings.

UCPB members noted that records retention and staff time were the likely budget implications, and that the law will likely increase the time for successful recruitment. The committee endorses the proposed changes.

Sincerely,

Tim Groeling
Chair, UCPB

cc: UCPB



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UNIVERSITY COMMITTEE ON ACADEMIC PERSONNEL
Nael Abu-Ghazaleh, Chair

May 21, 2025

STEVEN W. CHEUNG
Chair, Academic Council

RE: Proposed Revisions to APM 500 (Recruitment – General)

Dear Chair Cheung,

The University Committee on Academic Personnel (UCAP) has discussed the proposed revisions to APM Section 500 (Recruitment – General), and we cannot support the proposal absent further clarifications.

We have identified some unclear language that would impede policy implementation. We find “substantiated allegation” to be unclear; if it is substantiated, it is a finding and no longer an allegation. We also find the term “finalist” to be unclear: Most campuses do not use that term in their recruitment process, and so when the submission of a Misconduct Disclosure Form (MDF) should be required raises questions. For example, would this requirement be invoked before an interview or campus visit can occur, potentially causing delays in the process?

Thank you for your consideration.

Sincerely,

Nael Abu-Ghazaleh, UCAP Chair

Cc: UCAP Members
Council Vice Chair Palazoglu



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UNIVERSITY COMMITTEE ON FACULTY WELFARE
JUAN PABLO PARDO GUERRA

May 21, 2025

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STEVEN W. CHEUNG
CHAIR, ACADEMIC COUNCIL

RE: Proposed Revisions to APM 500 (Recruitment)

Dear Chair Cheung,

UC Faculty Welfare welcomes the opportunity to comment on the proposed changes to APM 500 (Recruitment – General).

We discussed with great interest the most recent set of modifications and additions to APM 500, recognizing the University’s obligation to comply with AB 810 and SB 712. Revisions to the policy have made it more consistent with the spirit of the law, but we believe there are still opportunities for refinement.

The first concerns the scope of the policy. In its current form, the revised APM 500 (Recruitment – General) requires finalists for “academic appointments” (APM 500 16.b.1.a) to submit a Misconduct Disclosure Form (MDF). We believe the use of the term “academic appointment” is incorrect, however, since it includes groups that are not covered by the new state legislation. The AP Glossary at UC San Diego, for example, defines academic appointees to include “academic administrative officers, faculty, research appointees, student appointees, medical residents, University Extension appointees, and librarians”. The text of AB 810 defines relevant subjects as “person[s] who submits an employment application for an academic, athletic, or administrative position”. While it is true that the usage of “academic appointee” overlaps with those employed in an academic position, it also includes other groups (student appointees, University Extension appointees). Substituting “academic appointments”

for “academic positions” would be both consistent with the legislation (which explicitly applies only to “academic, athletic, or administrative positions”), and with established practices at the University of California. Academic positions apply, specifically, to ladder-rank faculty, lecturers, specialists, and other more commensurable series.

We are also concerned with the term “substantiated allegation” as included in the most recent revision (APM 500 16.b.2.a). The amended SEC. 6.Section 92612.1 of the Education Code applicable to the University of California does not refer to “substantiated allegations” but specifies disclosing any “final administrative decision or final judicial decision”. An administrative decision is not necessarily equivalent to a substantiated allegation. Replacing “substantiated allegation” with the original words of AB 810 (“final administrative decision or final judicial decision”) would be appropriate.

Further, we believe that the policy would be more efficient with added clarity on both scope and implementation. For example, it is unclear what a “finalist” consists of in the policy. “Provisionally selected candidate” would better reflect the academic personnel hiring process, where multiple lists are generated and the boundaries between finalists and non-finalists aren’t clear. Similarly, the accompanying guidelines should clarify the phrase “Reasonable attempt to obtain information from the previous employer”: a specific time frame for response (2 weeks) would make implementation more straightforward and would avoid unnecessary delays waiting for out-of-state institutions to reply with the required information. Specificity on when MDFs should be requested, as well as who is covered by the policy, would also be critical for cluster hire initiatives, where committees deal with multiple offers.

Finally, the policy does not cover “a person who is a current employee and is hired or rehired for a different position with the same employer” yet it seems that Misconduct Disclosure Forms are requested for series changes, FTE transfers within the institution, and individuals in Without Salary Appointments moving into other positions at their campus. Lack of specificity about implementation and scope leads to some incoherent situations. For example, while emeriti faculty on recall are not requested to fill out an MDF, non-emeriti faculty are requested to do so. But if the second group had no employment between leaving UC and returning on recall, the MDF is an administrative burden of little relevance.

Sincerely,

Juan Pablo Pardo Guerra

Cc: Academic Council Vice Chair Ahmet Palazoglu
Senate Executive Director Monica Lin