



SYSTEMWIDE ACADEMIC PERSONNEL  
FACULTY AFFAIRS AND ACADEMIC PROGRAMS

OFFICE OF THE PRESIDENT  
1111 Franklin Street, 10<sup>th</sup> Floor  
Oakland, California 94607-5200

January 22, 2025

CHANCELLORS  
ACADEMIC COUNCIL CHAIR CHEUNG  
LABORATORY DIRECTOR WITHERELL  
ANR VICE PRESIDENT HUMISTON

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

Dear Colleagues:

Enclosed for systemwide review are proposed revisions to Academic Personnel Manual (APM) Section 036, General University Policy Regarding Academic Appointees/Employment (APM - 036). The policy revisions respond to the need to address a new bill signed into California state law that adds section 66284 to the California Education Code, effective January 1, 2025 (reference AB 1905 “Public postsecondary education: employment: settlements, informal resolutions, and retreat rights”), and requires the University to adopt a written policy regarding official letters of recommendation, among other requirements, as a condition of receiving state funding.

California Education Code Section 66284 requires that public postsecondary educational institutions, as a condition of receiving state financial assistance, adopt a written policy about Official Letters of Recommendation that includes the following requirements:

- Any administrator or supervisor who elects to provide an Official Letter of Recommendation to an employee must consult with the appropriate entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University.
- Administrators and supervisors are prohibited from providing an Official Letter of Recommendation if it is determined the employee is a respondent in a sexual harassment complaint and any of the following has occurred:
  - There is a “final administrative decision” (sustained finding) that the employee committed sexual harassment;
  - The employee resigned while an investigation is pending and before a final administrative decision is made; OR,
  - The employee enters into a settlement with the University based on the allegations arising from the sexual harassment complaint.

## Key Policy Revisions

The proposed technical revisions are intended to bring the University into compliance with section 66284 of the California Education Code by incorporating the following changes:

- **Revise title of policy to “Academic Employment” to clarify that the policy applies to academic employment and to remove the interim status of the policy**
- **Add section APM - 036-0 e. Official Letters of Recommendation**
  - This section prohibits academic appointees from providing Official Letters of Recommendation prior to consulting with the appropriate campus entities to determine if the employee is a respondent in a sexual harassment complaint filed with the University.
  - Official Letters of Recommendation is defined in the policy and excludes other forms of recommendations, such as surveys and phone calls, from the definition of Official Letters of Recommendation.
  - Administrator or Supervisor is defined in this section.
- **Add section APM - 036-0 f. Personal References and Personal Letters of Recommendation**
  - This section expressly permits academic appointees to provide references or letters in a personal capacity, and the academic appointee is not required to consult with the appropriate entities to determine if the current or former employee is a respondent in a sexual harassment complaint filed with the University. Examples of other letters of recommendation excluded from the definition of Official Letters of Recommendation are provided.
  - This section provides sample language to be included in personal references and letters of recommendation for employment.

## Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, full Senate review. Normally, technical revisions undergo management consultation only. However, given the breadth of this legislation, we are initiating systemwide review in lieu of management consultation. As the proposed revisions are technical revisions in response to legislative requirements, the duration of the systemwide review period is 60 days.

Employees should be afforded the opportunity to review and comment on the draft policies, available on the [Systemwide Academic Personnel website](#). Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Systemwide Labor Relations at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

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We would appreciate receiving your comments no later than **March 24, 2025**. Please submit your comments to [SystemwideAP-PolicyReviewComments@ucop.edu](mailto:SystemwideAP-PolicyReviewComments@ucop.edu). If you have any questions, please contact Kelly Anders at [kelly.anders@ucop.edu](mailto:kelly.anders@ucop.edu).

Sincerely,



Amy K. Lee  
Deputy Provost  
Systemwide Academic Personnel



Douglas M. Haynes  
Interim Vice Provost  
Faculty Affairs & Academic Programs

Enclosures:

- 1) APM - 036, Academic Employment (clean copy)
- 2) APM - 036, Academic Employment (tracked changes copy)
- 3) Model Communication

cc: President Drake  
Provost and Executive Vice President Newman  
Executive Vice Chancellors/Provosts  
Executive Vice President and Chief Operating Officer Nava  
Executive Vice President Rubin  
Senior Vice President and Chief Compliance Officer Bustamante  
Vice President Brown  
Vice President and Chief of Staff Kao  
Vice President Gullatt  
Vice President Lloyd  
Vice President Maldonado  
Academic Council Vice Chair Palazoglu  
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel  
Deputy General Counsel Woodall  
Assistant Vice Provosts/Assistant Vice Chancellors for Academic Personnel  
Associate Vice President Matella  
Associate Vice President McRae  
Chief Policy Advisor McAuliffe  
Executive Director Anders  
Executive Director Lin  
Executive Director Teaford  
Acting Chief of Staff Garber  
Deputy Chief HR Officer and Chief of Staff Henderson  
Chief of Staff Levintov  
LBL Chief Human Resources Officer Crosson  
Managing Counsel Chin  
Director Chin  
Director Weston-Dawkes

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Associate Director Woolston  
Assistant Director LaBriola  
Policy Analyst Durrin  
Policy Analyst Miller  
Policy Analyst Wilson  
Administrative Officer Babbitt

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

036-0 **Policy**

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

a. **Recruitment**

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

b. **Selection**

Selections for appointment from among applicants who meet the requirements of each position shall assure continuation of University standards of excellence. In accordance with applicable law, no applicant may be denied employment, nor shall any applicant be selected for employment in preference to an equally or more qualified candidate, on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, pregnancy, age, citizenship, sexual orientation, gender identity, or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994. Every good faith effort shall be taken to assure equal opportunity for employment for men and women in job groups that have traditionally been identified with one sex. In selecting from among candidates who are substantially equally well-qualified for a particular position, the appointing authority is reminded to pay attention to the general University commitment and policy of encouraging promotion of University employees.

c. **Promotion**

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

d. **Transfer**

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

e. **Official Letters of Recommendation**

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

Administrators and Supervisors include current department chairs, deans, provosts, chancellors, and faculty administrators (see [APM - 241](#) and [APM - 246](#)), principal investigators, instructors of record, and any other academic appointee with supervisory authority, whether full-time or part-time,

regardless of the current relationship between the letter writer and the requestor.

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

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

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

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

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

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

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

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

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

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

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

- Letters solicited by the University for an academic review file that reflect personal observations and evaluation of a peer colleague's academic qualifications of scholarly and instructional merit.
- Letters written by faculty members for current and former students regarding their academic performance for the purposes of applying for non-employment opportunities, such as education, programs, scholarship, and awards.



- Other letters used for a purpose other than employment, e.g., grant applications and awards nominations.

### **Revision History**

Month DD, 2025:

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

June 1, 2010:

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

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

## **INTERIM POLICY**

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

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

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

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## MODEL COMMUNICATION

The University invites comments on proposed revisions to Section 036 of the Academic Personnel Manual:

- APM - 036, Employment

Summarized below are the proposed key policy revisions that are being distributed for systemwide review.

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

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  - This section provides sample language to be included in personal references and letters of recommendation for employment.

The proposed technical revisions to the APM - 036 are posted to the [Systemwide Academic Personnel](#) website under the “Systemwide Review” tab. It may also be viewed at \_\_\_\_\_ [e.g., *the campus Academic Personnel Office or Human Resources Office*].

If you have any questions or if you wish to comment, please contact \_\_\_\_\_ at  
\_\_\_\_\_, no later than \_\_\_\_\_, 2025.