



OFFICE OF THE PROVOST AND
EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT
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ACADEMIC COUNCIL CHAIR AHMET PALAZOGLU
ANR VICE PRESIDENT GLENDA HUMISTON

**Re: Issuance of Revisions to Academic Personnel Manual (APM) Section 036,
Academic Employment**

Dear Colleagues:

I am formally issuing revised Academic Personnel Manual (APM) 036, Academic Employment. The revised policy, effective immediately, may be found online on the [policy issuance webpage](#).

Background

Rewrites to add the Letters of Recommendation sections of the policy were considered during a first systemwide review period from January 22, 2025, through March 24, 2025. Based on feedback received, further revisions were incorporated and circulated for a second systemwide review period from September 18, 2025, through December 19, 2025. The Letters of Recommendation proposed revisions were added in response to California Education Code Section 66284, effective January 1, 2025 (reference AB 1905 “Public postsecondary education: employment: settlements, informal resolutions, and retreat rights”), which 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.

While the policy language was under development and review, Systemwide Academic Personnel (SWAP) and Faculty Affairs and Academic Programs (FAAP) issued interim guidance on December 19, 2024, to support campuses in meeting statutory requirements pending final policy issuance.

The most recent review also addressed a gap in the Academic Personnel Manual regarding the federal Fair Labor Standards Act (FLSA). The FLSA establishes minimum wage, overtime, recordkeeping, and other requirements. Under the FLSA, employees are classified as either exempt or non-exempt based on their duties and method of compensation. Exempt salaried employees (e.g., faculty) are not required to report hours worked and are not eligible to receive premium overtime pay, while non-exempt employees (e.g., non-instructional titles that fall below a minimum salary threshold) are compensated hourly, must record and report hours worked, and may be eligible for premium overtime pay. Salaried exempt employees are expected to fulfill the duties of their positions regardless of the hours worked.

Historically, the University has referred to the Personnel Policies for Staff Members (PPSM) 30: Compensation for guidance on FLSA compliance for academic appointees, but those provisions are now being incorporated into the APM, as the APM includes the policies pertaining to the employment relationship between an academic appointee and the University of California.

Additionally, the most recent review addressed a gap in the current APM regarding lactation accommodation by incorporating lactation accommodation provisions into the APM.

Historically, the University has referred to the Personnel Policies for Staff Members (PPSM) 84: Lactation Accommodation for guidance on lactation accommodation for academic appointees.

From January 22, 2025, through March 24, 2025, Systemwide Academic Personnel and Faculty Affairs and Academic Programs distributed the draft policy for systemwide review. Comments submitted as part of systemwide review raised concerns about the need for more clarity with respect to what kinds of letters of recommendation are subject to California Education Code Section 66284, the distinction between official and personal letters, who the “appropriate entity” is for academic administrators and supervisors from whom to seek verification, and the application of the policy to different faculty roles.

From September 18, 2025, through December 19, 2025, Systemwide Academic Personnel and Faculty Affairs and Academic Programs distributed a revised draft policy for second systemwide review. The proposed revisions included changes based on comments received during the initial systemwide review and clarification from UC Legal regarding compliance with California Education Code Section 66284. Systemwide comments generally noted clearer organization, improved responsiveness to prior feedback, and stronger alignment with statutory requirements. However, a recurring theme in the comments received related to the

need for greater clarity as to the distinction between an Official Letter of Recommendation and a personal reference, privacy rights, and requests for an implementation toolkit.

Key Policy Revisions

The revised policy includes the following substantive updates and clarifications:

- The policy title has been revised to “Academic Employment” to clarify its scope and to formally remove the interim designation.
- A new section, APM - 036-6 Obligations; b. Official Letters of Recommendation, has been added to describe systemwide expectations for Official Letters of Recommendation, consistent with California Education Code Section 66284.
 - The policy clarifies that an Official Letter of Recommendation reflects the official position of the University of constitutes an institutional endorsement; requires the Chancellor or designee to develop implementing procedures, including identifying and communicating the “appropriate entities” responsible for verification of whether issuance of an Official Letter of Recommendation is permitted under the California Education Code, and; includes template language to use in all Official Letters of Recommendation, to confirm that the letter represents the University’s official viewpoint.
 - In accordance with statute, the policy provides that an Official Letter of Recommendation shall not be issued if the employee is a respondent in a sexual harassment complaint and (1) a final administrative decision has found sexual harassment; (2) the employee resigns while an investigation is pending; or (3) the employee enters into a settlement based on the allegations.
 - To address privacy concerns, the policy clarifies that the consultation process is limited to determining permissibility and does not disclose confidential personnel or misconduct information to the administrator or supervisor providing the letter.
 - The policy describes which academic administrators and supervisors are subject to these requirements and affirms that nothing in the policy requires an administrator or supervisor to provide an Official Letter of Recommendation.
- A new section, APM - 036-6 Obligations; c. Personal References and Personal Letters of Recommendation, clarifies the distinction between Official Letters of Recommendation and personal references or personal letters of recommendation.
 - The policy clarifies that personal references or personal letters of recommendation are written in the author’s individual capacity and do not reflect the official position of the University or constitute an institutional endorsement. These include many employment-related letters that are written based on the individual’s direct professional experience and knowledge, rather than as an institutional endorsement.

- The policy clarifies that letters not treated as Official Letters of Recommendation under the policy are considered personal references or personal letters of recommendation, even when written by an administrator or supervisor and even when issued on University letterhead or transmitted from a University-issued email address. Use of University letterhead or a University-issued email address in this context reflects the author's professional affiliation with the University of California and is intended to establish the author's academic credentials and context for the recipient; it does not indicate that the letter reflects the official position or views of the University or constitutes the University's endorsement. Such letters shall be clearly written in the author's personal capacity, regardless of the author's administrative or supervisory title, particularly for employment-related letters.
- The policy clarifies that letters solicited for academic review files, letters written for current or former students regarding academic performance, and letters written for non-employment purposes (such as grants, fellowships, awards, or honors) are not Official Letters of Recommendation and are not subject to the consultation requirements. In addition, letters written by any academic appointee, including Administrators and Supervisors, for Graduate Student Researchers (GSRs), Teaching Assistants (TAs), Specialists, Project Scientists, or Professional Researchers, or other academic personnel, based on direct supervision or collaboration, when the letter reflects personal professional observations rather than an official University endorsement do not constitute an Official Letter of Recommendation.
- Revisions made following the second systemwide review further refine policy language, clarify scope, and improve organization to respond to feedback regarding faculty roles, administrative responsibilities, and campus implementation, while strengthening alignment with statutory requirements.

To support implementation, a systemwide toolkit will be issued at a later date and will include guidance on the process for issuing Official Letters of Recommendation and frequently asked questions.

Key Policy Revisions in response to Addressing a Gap in the Current APM

The revised policy also incorporates and consolidates existing legal requirements and established University practices that were not previously addressed comprehensively in the APM, to promote consistency and clarity for academic appointees and supervisors:

- Fair Labor Standards Act (FLSA) provisions addressing exempt and non-exempt status, overtime eligibility, recordkeeping responsibilities, and supervisory obligations. These clarifications recognize that faculty are exempt employees, while acknowledging that faculty may supervise both exempt and non-exempt employees.
- Service obligations and leaves of absence, consistent with Regents Policy 7303, Service Obligations and Leaves of Absence.

- Clarification of meal, rest, and lactation break provisions for academic appointees, as established by state and federal law, including incorporation of lactation accommodation practices previously addressed outside the APM.
- Clarification of working and non-working time, travel time, and leave-recording expectations to support accurate leave administration and consistent application across campuses. These revisions do not introduce requirements for faculty to newly report time worked through timekeeping systems but rather affirm existing practices and compliance obligations.
- Technical and conforming revisions to APM - 036-0 a. Recruitment and APM - 036-0 b. Selection to reflect current state contractor obligations, reinforce anti-discrimination requirements, and remove references to federal compliance provisions that no longer apply.

An implementation toolkit, including guidance on exempt versus non-exempt roles, meal and rest break provisions for non-exempt academic appointees, and leave and time reporting documentation, will be issued at a later date to assist academic supervisors with compliance.

I wish to thank all members of the University community who participated in the consultation of the revisions to this important APM policy. Your contributions are deeply appreciated.

Sincerely,



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UC System Provost and
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UC Berkeley Chancellor's Distinguished Professor
of Sociology & Public Policy

cc: President Milliken
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