



SYSTEMWIDE ACADEMIC PERSONNEL
FACULTY AFFAIRS AND ACADEMIC PROGRAMS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 10th 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. If you have any questions, please contact Kelly Anders at 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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Policy Analyst Wilson
Administrative Officer Babbitt