

Executive Board

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

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INTERIM POLICY

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

~~NOTE: Appendices B-1 and B-2 of APM-035 are rescinded.~~

036-0 **Policy**

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

a. **Recruitment**

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

b. **Selection**

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

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

c. **Promotion**

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

d. **Transfer**

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

e. **Official Letters of Recommendation**

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

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

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

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

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

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

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

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

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

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

f. Personal References and Letters of Recommendation

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

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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.

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

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March 20, 2025

Steven Cheung
Chair, UC Academic Senate

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

Dear Chair Cheung,

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

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

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

Thank you for the opportunity to advise on this matter.

Sincerely,



Kathleen Bawn
Chair
UCLA Academic Senate

Encl.

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

To: Kathleen Bawn, Chair, Academic Senate

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



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

March 11, 2025

Re: Proposed Revisions to APM-036

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

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

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

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

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

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

ⁱ especially those involving entering a relationship with a trainee

February 19, 2025

Kathy Bawn, Chair
Academic Senate

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

Dear Chair Bawn,

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

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

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

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

Sincerely,

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

Justin Caram, Chair
Faculty Welfare Committee

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

February 18, 2025

Kathleen Bawn, Chair
Academic Senate

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

Dear Chair Bawn,

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

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

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

Best regards,



Monica Smith, Chair
Council on Planning and Budget

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

MEMORANDUM

Center for the Health Sciences
Mail Code: 166815

February 28, 2025

TO: UCLA Academic Senate

FR: Dr. Flavia Pirih
Chair, FEC

RE: Winter Quarter 2025 General Faculty Meeting – Report

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

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

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

Thank you,
Flavia Pirih

March 12, 2025

To: Kathleen Bawn, Chair, Academic Senate
Academic Senate

From: Kriss Ravetto-Biagioli, Chair, Charges Committee

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

Re: Proposed Revisions to APM-036

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

Concerns:

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

Recommendations:

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

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

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