

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~~NOTE: Appendices B-1 and B-2 of APM-035 are rescinded.~~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

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 current or former employee is a respondent in a sexual harassment complaint filed with the University.

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.