

Interim Letter of Recommendation Guidance for Academic Appointees

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Questions and Answers for Academic Appointees

- 1. Why is the University of California required to restrict the ability of administrators and supervisors to provide employees with Official Letters of Recommendation?**

Effective January 1, 2025, AB 1905 “Public postsecondary education: employment: settlements, informal resolutions, and retreat rights” adds section 66284 to the California Education Code which requires each public postsecondary education institution to adopt a written policy about Official Letters of Recommendation, among other requirements, as a condition of receiving state funding.

- 2. What are the new requirements in AB 1905 for Official Letters of Recommendation?**

The University of California (UC) is required to adopt a 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 UC 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.

- 3. Do these requirements apply to Official Letters of Recommendation for all employees, or just academic appointees?**

This restriction applies to any Official Letter of Recommendation written for current and former employees, which includes academic appointees, staff employees, as well as student employees.

- 4. What is an Official Letter of Recommendation, and how is it different from a personal letter of recommendation?**

Official Letters of Recommendation for employment are endorsed by the University and represent the views of the employer. The requirements in question #2 apply only to Official Letters of Recommendation.

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/letters of recommendation that do not serve as an Official Letter of Recommendation from the University.

Official Letters of Recommendation are different from personal references or letters of recommendation that represent the views of the individual letter writer and are provided in an individual capacity. Personal references or letters of recommendation (that are not an Official Letter of Recommendation) may only be issued on University letterhead or via a University issued email address when the reference or letter clearly states that it is written from a personal perspective and that the letter is not written on behalf of the University. Personal references or letters of recommendation (that are not an Official Letter of Recommendation) written by current Administrators and Supervisors, as defined in question #6, 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 question #5 so that it is clear their letter represents their own personal perspective of the employee who is requesting the reference.

Letters solicited by the University for an academic review file are not considered an Official Letter of Recommendation. Other forms of recommendations, such as surveys and phone calls, are not considered Official Letters of Recommendation.

5. How can academic appointees and Administrators and Supervisors ensure that their letter of recommendation is not considered an Official Letter of Recommendation?

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. Personal references or letters of recommendation (that are not an Official Letter of Recommendation) represent the views of the individual letter writer and are provided in an individual capacity. Personal references or letters of recommendation 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.”

6. Who qualifies as an Administrator or Supervisor?

Administrators and Supervisors include current department chairs, deans, provosts, and

chancellors (and their subordinates such as vice chairs, associate or assistant deans, vice provosts, and vice chancellors), 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.

7. May faculty write a personal letter of recommendation regarding the performance of a graduate student employee without verifying whether they are a respondent in a sexual harassment complaint?

Yes, if it is a personal reference or personal letter of recommendation and the language in #5 is included explaining that the letter is written from a personal perspective.

8. Are academic appointees still able to provide letters of recommendation for current and former students regarding their academic performance?

Yes, academic appointees, including Administrators and Supervisors, may provide letters of recommendation for current and former students about their academic performance for the purposes of applying for employment or non-employment opportunities, such as education programs, scholarships, and awards. This letter is not an Official Letter of Recommendation, and the academic appointee is not required to consult with the appropriate entities to determine if the current or former student is a respondent in a sexual harassment complaint filed with the University as long as the letter is about academic performance and not employment (*i.e.*, work performed as an employee of the university). However, the language in #5 is required for any personal reference or letter of recommendation that is on University letterhead or comes from a University email address if the recommendation about the student includes commentary about their performance as an employee (*e.g.*, as a Graduate Student Researcher).

9. Are academic appointees still able to provide letters of recommendation for current and former colleagues for the purposes of an academic review file?

Yes, academic appointees, including Administrators and Supervisors, may provide letters that reflect personal observations and evaluation of a peer colleague's academic qualifications of scholarly and instructional merit. This letter is not an Official Letter of Recommendation, 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.

10. If an academic appointee wishes to provide an Official Letter of Recommendation for an employee, who are the appropriate entities to contact to determine if the employee is a respondent in a sexual harassment complaint filed with the University?

Each location will develop local procedures in partnership with the appropriate campus offices – *e.g.*, central academic personnel office, human resources, Title IX offices, or other responsible campus or location office.