

Interim Letter of Recommendation Guidance for Staff Personnel (AB 1905)

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Questions and Answers for Staff Personnel

1. Why is the University of California required to restrict the ability of administrators and supervisors to provide staff personnel with letters of recommendation?

Effective January 1, 2025, AB 1905, “Public Postsecondary Education: Employment: Settlements, Informal Resolutions, and Retreat Rights,” adds section 66281 to the California Education Code. This law requires all public postsecondary education institutions to adopt a written policy regarding letters of recommendation, among other requirements, as a condition of receiving state funding.

2. What are the new requirements about letters of recommendation?

The University of California [“UC”] is required to adopt a policy about 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 prior to drafting the recommendation letter, to determine whether 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 that 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.
 - The employee enters into a settlement with the University based on allegations arising from a sexual harassment complaint.

3. Does this restriction apply to all employees, or just staff employees?

This restriction applies to any Official Letter of Recommendation written for current and former employees including staff and student employees and academic appointees.

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 above apply only

to Official Letters of Recommendation.

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) written by current Administrators and Supervisors, as defined in Question #5 below, are often perceived as being Official Letters of Recommendation by virtue of their position. It is essential that Administrators and Supervisors include the language in Personal Letters of Recommendation so that it is clear their letter represents their own personal perspective of the individual. Personal letters should not be issued on university letterhead. Generally, personal email addresses should be used for personal references or letters instead. If university-issued email addresses are used for the issuance of personal references or letters, then the recommendation must be explicit that the reference/letter is provided in a personal capacity and does not represent the University's views.

5. Who qualifies as an Administrator or Supervisor?

Generally, a supervisor is a person who has supervisory duties over other UC employees. An administrator is generally a person whose duties include running the daily administrative operations of the university. Additional guidance regarding these definitions is forthcoming, and will be provided in early 2025.

6. Can a staff employee provide a personal letter of recommendation?

Yes. Staff employees may provide references or letters in a personal capacity, and these personal references or letters are not required to be reviewed by the University. Personal references or letters represent the views of the individual writer and must clearly state that they are not written on behalf of the University.

7. Who are the appropriate entities to determine if an employee is a respondent in a sexual harassment complaint? Where do administrators or supervisors submit requests for permission to provide letters of recommendation?

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