



SYSTEMWIDE ACADEMIC PERSONNEL
FACULTY AFFAIRS AND ACADEMIC PROGRAMS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 10th Floor
Oakland, California 94607-5200

February 13, 2025

CHANCELLORS
ACADEMIC COUNCIL CHAIR STEVEN CHEUNG
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

**Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM)
Section 500, Recruitment - General**

Dear Colleagues:

Enclosed for systemwide review are proposed revisions to Academic Personnel Manual (APM) Section 500, Recruitment (APM - 500). The policy revisions respond to the need to address two new bills signed into state law that add and amend sections 92612.1 and 92612.2 of the California Education Code, effective January 1, 2025 (reference California Senate Bill (SB) 791, Postsecondary education: academic and administrative employees: disclosure of sexual harassment; and California Assembly Bill (AB) 810, Postsecondary education: hiring practices: academic, athletic, and administrative positions).

Background

California Education Code Sections 92612.1 and 92612.2 include the following requirements:

- Applicants who are identified as a finalist for an academic or administrative position to disclose any final administrative or judicial decisions issued within the last seven years related to misconduct, including sexual harassment, as defined in the statute.
- Permit finalists to disclose if they have filed an appeal with the previous employer, administrative agency, or court, if applicable.
- In the event the applicant reaches the final stages of the application process, the applicants for tenure-track/tenured appointments will be required to sign a release form that authorizes the release of information by the applicant's previous employers to the UC location concerning any allegations of misconduct. This authorization will permit the UC location to evaluate the released information with respect to the criteria for a potential appointment.
- The law requires the UC location to use the signed release form from applicants for tenure-track/tenured appointments to make a reasonable attempt to obtain information from the previous employer concerning any allegations of misconduct.

Systemwide Academic Personnel, in partnership with the campuses and Systemwide Human Resources, distributed guidance for implementation of these new laws on October 10, 2024.

Key Policy Provisions

The proposed policy revisions include the following key provisions:

Misconduct Disclosure Form:

- All applicants who are identified as finalists for academic appointments are required to complete a misconduct disclosure questionnaire and disclose any final administrative or judicial decisions issued within the last seven (7) years from the date of submission of an employment application determining that the applicant committed misconduct, including sexual harassment.
- A hiring unit may also elect to require misconduct disclosure questionnaires from all applicants who meet the minimum requirements of a recruitment. The hiring unit may not obtain a misconduct disclosure questionnaire unless the hiring unit determines that an applicant meets the minimum requirements for the position.
- In the event that an applicant discloses prior misconduct, the hiring unit shall obtain a signed release form (see APM - 500-16.b.2) from the applicant before contacting the previous employer.

Release Form:

- Applicants who are identified as finalists for a tenure-track/tenured position or a position in the Professor of Teaching Series are required to sign a release form authorizing the release of information by the applicant's previous employers to the University concerning any allegations of misconduct in order to permit the University to evaluate the released information with respect to the criteria for potential employment. The hiring unit is required to obtain the release form for proposed appointees in these series and to engage in a reasonable attempt to obtain information from the previous employer when the applicant reaches the final stages of the application process.
- A hiring unit may request a release form from all applicants of a recruitment and may use that release form to engage in a reasonable attempt to obtain information from the previous employer when the applicant reaches the final stages of the application process.
- In the event that a previous employer discloses misconduct, the hiring unit shall follow-up with the applicant to give that individual an opportunity to respond.

Local Implementation Procedures:

- Vice Provosts/Vice Chancellors who oversee academic personnel are responsible for developing implementing procedures for the confidential management and tracking of misconduct disclosure questionnaires and release forms, as well as confidential decision-making and communication processes involving applicants, previous employers, and University administrators. In order to protect a candidate's privacy, the misconduct disclosure form and any information pertaining to prior misconduct must be treated as confidential, retained per local procedures, and disposed in accordance with University of California records retention policy.

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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, 90-day 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.

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.

We would appreciate receiving your comments no later than **May 14, 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 and Academic Programs

Enclosures:

- 1) Draft APM - 500, Recruitment (clean copy)
- 2) Draft APM - 500, Recruitment (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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Administrative Officer Babbitt