

# Employment Policy Governing the Provision of Employee References: FAQ for Staff and MPP Employee References

CSU recognizes that reference-checking is an important part of the search and hiring process and seeks to ensure that positive references and letters of recommendation are provided based on all accurate and relevant information regarding a current or former employee's performance. [CSU's Employment Policy Governing the Provision of Employee References \(Policystat ID 1214This 2918\)](#), establishes standardized criteria and processes to assess when positive references/recommendations may be provided. This policy also prohibits providing positive letters of reference/recommendation for current or former CSU employees who have engaged in significant misconduct, including but not limited to policy violations. All CSU employees are subject to these principles and procedures, which are aimed at ensuring institutional integrity.

The questions below address frequently asked questions that have arisen since the Board of Trustees' adoption of the policy in July 2022.

## **1. Why was this policy implemented?**

To ensure the safety and integrity of the CSU population, as well as equitable treatment of all employees, the Board of Trustees has mandated that all campuses must take proactive measures to avoid providing misleading references that endorse candidates for employment who have engaged in significant misconduct. This policy establishes processes and procedures as to when references can be provided, who those references can represent, and under what circumstances those references should be withheld.

## **2. Why must Human Resources and/or Faculty Affairs be consulted prior to issuing letters of recommendation and/or review drafts of intended letters of recommendation?**

Human Resources/Faculty Affairs offices are the repositories of personnel records for faculty, staff, management, and student employees. These offices have access to confidential information about prior or pending investigations that could call into question a candidate's integrity, performance, or ethics. It is the responsibility of the campus to designate an administrator the responsibility of ensuring there are no pending Title IX, DHR, or EEO cases that might reveal problematic employee conduct or violations of policy. If these offices determine that a reference cannot be provided, the reason will not be disclosed. Employment may be verified, but an official letter of recommendation will not be provided.

## **3. Under what circumstances will CSU NOT provide official letters of recommendation?**

CSU's policy on employee references precludes providing positive references for current or former employees for whom a finding of misconduct has resulted, or could result, in non-retention or termination (regardless of whether the employee separates pursuant to a mutually agreed upon settlement as a result of the finding).

A finding includes but is not limited to:

- a final internal report, following any appeals, resulting from an investigation conducted by the university
- an internal or external audit
- an administrative decision by a state body having such jurisdiction, such as the Department of Labor, etc.
- a civil or criminal judgment, following any appeals

- a finding of improper governmental activity, which is defined by the State of California as any action that violates state or federal law or regulation; that is economically wasteful; or that involves gross misconduct, incompetence, or inefficiency; or
- admission of any of the above-referenced misconduct by the employee.

The CSU will also not issue official letters of recommendation or other formal references when:

1. A current or former employee is under investigation for misconduct or for violation of university policy for one of the reasons outlined above. In such cases, the investigation and appeals process must be concluded before providing a formal positive reference.
2. A former employee has had their retirement benefits rescinded under The Public Employees' Pension Reform Act due to criminal misconduct associated with their official duties.

#### **4. Who at CSU may provide references?**

References may be provided in one of two forms. They may be personal in nature, or they may serve as an official letter or recommendation. Prior to providing official references, recruiters must check with the Office of Human Resources (OHR)/and or Faculty Affairs. Once HR/Faculty Affairs has provided written approval to move forward with a reference, supervisors may be consulted for additional information. CSU employees and recruiters should not reach out directly to current or former supervisors of applicants, without written approval from HR/Faculty Affairs. Informal "off the record" references are not permitted.

#### **5. What is the difference between official and personal letters of recommendation?**

Official letters of recommendation are endorsed by the CSU and represent the views of the **employer**. Letters of recommendation offered by an administrator or current supervisor (for purposes of this policy supervisors do not include represented employee) always represent official letters of recommendation and must always be approved by Human Resources/Faculty Affairs prior to issuance. Official letters of recommendation may be issued on university letterhead and conveyed via university issued email addresses.

Personal letters of recommendation represent the views of an individual **employee**. They are provided in an individual capacity. Recommendations by previous supervisors, deans, or department chairs, as well as former and current colleagues, may be issued in either an official or personal capacity. Letters issued in a personal capacity may only be issued on university letterhead or via university issued email addresses when the letter clearly states that it is written from a personal perspective and that the letter is not written on behalf of the institution or represent any form of official institutional statement. Suggested language is as follows:

*"The following recommendation represents my personal perspective working with <NAME> and does not represent the viewpoints of the California State University system."*

#### **6. What employee positions are considered as "executives, or other university officers in senior administrative positions" from which a personal letter of reference may be perceived as being provided on behalf of the University?**

Management Personnel Plan positions (M80s) classified as Administrator III and IV, as well as CSU Executives (M98s) including the Chancellor, Presidents, and Vice Chancellors, are considered senior administrators. Generally, such high-level positions are perceived as speaking on behalf of an institution and, thus, personal references should not be given where an official reference is prohibited under this policy. Such individuals must consult with Human Resources or Faculty Affairs to determine whether to determine whether letters of recommendation or positive references are appropriate and may be provided, even in their personal capacity.

**7. How should references be treated when an employee on one campus is asked to provide a reference/recommendation for an employee working at another CSU campus or the Chancellor's Office?**

References between peers/colleagues should be treated as personal references and may not be written on behalf of the CSU. If the peer/colleague is a former supervisor and wishes to provide an official recommendation, the appropriate campus human resources office or faculty affairs office must be contacted.

**8. Who may provide personal letters of reference/recommendation at the CSU and employees in what roles are limited to providing official letters of recommendation?**

<b>Always Issues Official Recommendations</b>	<b>May Issue Personal or Official Recommendations</b>
Current Supervisors (for purposes of this policy supervisors do not include represented employees)	Colleagues (current and former)
Current Deans	Former Deans
MPP III/IV	Former Department Chairs
Executives	MPP I/II

**9. Are CSU campuses required to seek and respond to reference check inquiries from/with other CSU campuses? How about inquiries from departments within a CSU campus?**

Yes. Each CSU campus is considered a business location. As such, CSU campuses are responsible for inquiring about the performance and conduct of all current and former CSU employees before initiating an offer. If an applicant is an employee within the same campus, inquiries about performance and conduct of current employees from a different department/division in the campus must also be conducted. The hiring manager, recruiter, or manager for the open search must work with their human resources teams to contact the appropriate individual at the applicant's current site of business.

Former or current supervisors and university Human Resources and Faculty Affairs departments must always provide any available information to other CSU campuses and departments; they may not withhold any factual and relevant information related to the conduct or performance of the current or former employee. Communications between campuses must always be truthful, accurate, job-related, candid, and unbiased. Any relevant information present in the Faculty and Employee Personnel Files should be provided.

If an applicant has worked at multiple CSU campuses, the hiring campus must inquire with the most recent campus where the applicant has worked.

**10. When a finalist for a position at one CSU business location has been identified and that applicant works for another CSU business location, how should reference checks proceed?**

The hiring campus should begin by contacting the HR Office at the applicant's current campus. If additional information regarding an employee's performance is required beyond the personnel record maintained in the home campuses HR Office (such as faculty records that might be maintained in an Faculty Affairs office), it is the responsibility of the responding HR Office to procure that information, as well as to check with Title IX/ DHR regarding any pending investigations, and to provide this information to the hiring entity. This guidance also applies to applicants currently employed for the hiring campus.

**11. When in the hiring process should campuses initiate a reference check for a current or form employee at another campus?**

Campuses may develop their own processes to determine when and how to initiate an internal inquiry to another CSU campus. The Chancellor's Office recommends that finalists be reminded of CSU policy and notified that an inquiry will be made of the current or former employing campus. Employees may not request that their application be confidential. However, the campus may make a conditional employment offer prior to initiating the reference check. Campuses should follow their existing practices.

**12. Does the policy apply to current and former University Police Department officers and Community Service Officers who are going through background checks with another agency?**

The CSU reference policy applies to all employees including University Police Personnel. However, Peace Officers and Dispatchers must also undergo additional background investigations in accordance with the Peace Officer Standards and Training (POST) guidelines. The POST Background Investigation Manual provides guidance on what information must be provided by employers for the required background investigation of Peace Officer and Dispatchers. University Police Departments should be familiar with POST requirements and comply with their legal obligations. Community Service Officers are not POST Certified sworn officers and as such the guidelines included in the POST Background Investigation manual do not apply.

**13. May CSU employees respond to reference checks through third party vendors such as SkillSurvey?**

Yes. Employees may respond to skill-based questionnaires.

**14. Is the Employment Policy Governing the Provision of Employee References intended to include University volunteers?**

Campuses should use the same guiding principles and apply the policy when considering a letter of reference for a volunteer.