

December 16, 2021

To: Jody Kreiman, Chair  
Academic Senate

From: Carson T. Schutze, Chair  
Faculty Welfare Committee

**Re: (Systemwide Senate Review) Draft Revised APM 025 and APM 671**

Dear Chair Kreiman,

At its meeting on November 15, 2021, the Faculty Welfare Committee (FWC) reviewed and discussed the Draft Revisions to APM 025 and APM 671. Members resumed the discussion electronically and offered the following comments.

The FWC has two concerns with these proposals. The major concern is the lack of motivation for the new pre-approval requirements. The secondary concern is the lack of clarity in how the new distinction between domestic and foreign activities is defined.

**I. Lack of motivation for new pre-approval requirements**

The proposed policy revisions would newly require prior approval by the Chancellor for Category II foreign activities, by faculty as well as ten new categories of academic appointees not previously subject to APM-025. According to the cover letter from VPAPP Susan Carlson, the origin of these proposed changes is the following:

Since 2018, the National Institutes of Health (NIH) and the National Science Foundation (NSF) have expanded their efforts to increase awareness of foreign influence risk and increased compliance enforcement. The report [*Systemwide Foreign Audit Influence Report* issued by systemwide Office of Ethics, Compliance and Audit Services], which recognizes the critical importance of **preserving federal funding for research within UC**, contained two systemwide recommendations...

One of those recommendations was an even more far-reaching expansion of pre-approval requirements on outside activities.

Unfortunately, neither the cover letter nor the policy proposal cite any specific language from NIH/NSF or refer to any policies, statements, etc., by those agencies. If the administration's claim is that the new requirements are necessary to avoid jeopardizing federal funding, the onus is on them to show this by (1) citing exactly what NIH/NSF have said about "foreign influence risk"; (2) explaining how this applies

to all Category II foreign activities; and (3) explaining how requiring prior approval by the Chancellor (based on provision of what details?) will ensure that NIH/NSF's concerns in this regard are assuaged.

Absent such direct linkage between the extra burden that the proposed policy revision would place on faculty (and other academic appointees) and the stated motivation for it, we see no reason to believe this extra effort is required to preserve federal funding, and consider it simply another unnecessary bureaucratic hurdle that will further drain time and effort away from research, and in particular will discourage international interactions of the sort we understand to be in the spirit of UCLA's vision of being a global institution. We therefore recommend the policy proposal be rejected unless it can be re-written with full justification as outlined above.

## **II. Lack of clarity in the definitions of subcategories I.A vs. I.B and II.A vs. II.B**

The definitions of Category I.A vs. I.B and II.A vs. II.B activities do not seem to be mutually exclusive, leaving ambiguity as to where certain activities would fall, and hence in some cases whether they would require prior approval. The proposed definitions are as follows (emphasis added):

Category I.A & II.A activities involve U.S.-owned entities **or** occur within the U.S.

Category I.B & II.B activities involve foreign-owned entities **or** occur outside the U.S.

In which category is an activity that occurs within the U.S. but involves a foreign-owned entity (e.g. remote teaching from the U.S. for a foreign university)? Likewise, an activity that occurs outside the U.S. but involves a U.S.-owned entity (e.g. remote teaching from abroad for a U.S. university)? We note that, in light of modern technologies, the question of the physical location where an event is taking place may be becoming less relevant, and in some cases impossible to answer.

Furthermore, the definition of "US-owned entity" and "foreign-owned entity" are not self-evident and require further explication.

cc: Jessica Cattelino, Vice Chair/Chair-Elect, Academic Senate  
April de Stefano, Executive Director, Academic Senate  
Elizabeth Feller, Assistant Director, Academic Senate  
Shane White, Immediate Past Chair, Academic Senate  
Members of the Faculty Welfare Committee