General University Policy Regarding Academic Appointees: APM - 025 - Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

025-0 Policy

The University of California policy on conflict of commitment and outside activities of faculty members and Designated Other Academic Appointees (referred to hereafter as "other academic appointees") provides guidance for the identification and management of outside professional activities in order to avoid conflicts of commitment, while assuring that faculty and other academic appointees (see APM - 025-14-a for a list of faculty and other academic titles subject to this policy) may engage in a wide array of outside activities without unnecessary limitations. This policy is specific to general campus faculty and other academic appointees. Faculty participating in the Health Sciences Compensation Plan are subject to APM - 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants and are not subject to APM - 025. Faculty members and other academic appointees in Health Sciences Schools who are not participants in the Health Sciences Compensation Plan are subject to APM - 025.

025-2 Purpose

a. General

(1) Faculty

Faculty members who are employed by the University of California owe their primary professional allegiance to the University and accept as their own the University's responsibilities to advance and communicate knowledge. Teaching, research or other creative activities, and the cultivation of scholarly or creative competence, are their primary activities and should receive the largest commitment of time and energy; the same expectation exists for part-time faculty to the extent of their faculty appointment. In service of the University's goals to advance and communicate knowledge through interaction with the public, faculty have an obligation to provide, within limits, University-related public service by using their expertise to contribute to the University and/or the professions, business, the community, or the public. Such activities also help faculty identify and address community needs and afford practical experience and knowledge valuable to teaching and research or creative activity. This policy seeks to balance these competing University obligations in the context of a faculty member's professional discretion in allocating time and effort across multiple activities.

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This policy acknowledges the value of outside professional activities while recognizing the likelihood that some outside activities may cause real or apparent conflicts of commitment. Outside professional activities that interfere with a faculty member's professional obligations to the University represent a conflict of commitment. The Department Chair, in consultation with the faculty member and the Dean, shall resolve all questions related to whether an individual activity constitutes an outside non-professional activity or is an activity within the course and scope of employment.

This policy manages conflict of commitment, defines which outside professional activities must be disclosed to the University, approved prior to engagement, and/or reported annually. This policy limits the amount of time a faculty member may devote to outside professional activities and describes the requirements when involving a student in outside professional activities.

(2) Designated Other Academic Appointees

Designated Other Academic Appointees who are employed by the University of California should devote their time and energy to research or other defined duties appropriate to their series. This policy requires that Designated Other Academic Appointees comply with federal funding agency laws and policies governing research and grant disclosures if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the Principal Investigator (PI) or funding agency.

b. Related University Policy

In addition to this policy on conflict of commitment and outside activities, faculty and other academic appointees must comply with all University policies involving University intellectual property (this includes, among other policies APM - 740-18-c-3), conflict of interest, sponsored research, and restrictions on compensation. See Appendix A for a list of other relevant University policies.

025-4 Definitions

a. Outside Professional Activities

Outside Professional Activities, compensated or uncompensated and regardless of financial interest, are defined as those activities that may or may not fall within a faculty member's area of professional, academic expertise and that may advance or communicate that expertise through interaction with industry, the community, or the public. Outside additional teaching as described in APM - 025-10-a- (2)-(a) is included in this definition. For Categories II and III, outside professional activities are distinct from non-professional activities, *i.e.*, activities that are part of

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the faculty member's private life and are not expressly governed by University regulations or by the guidelines on outside professional activities. For Category I, outside professional activities include certain activities performed for a non-University of California party regardless of whether they fall within a faculty member's area of training or professional expertise. Outside professional activities must not interfere with a faculty member's or other academic appointee's obligations to the University.

b. Conflict of Commitment

A conflict of commitment occurs when a faculty member's or other academic appointee's outside activities interfere with the faculty member's or other academic appointee's professional obligations to the University of California.

c. Conflict of Interest

This policy does not cover conflict of interest; it covers only conflict of commitment. See Appendix A for relevant University policies concerning conflict of interest.

d. Outside Consulting

Outside consulting is one type of outside professional activity. It is defined as professional advice or services related to a faculty member's or other academic appointee's field or discipline, whether compensated or uncompensated, that furthers the interests of an entity outside of the University of California.

e. A Day

For purposes of this policy, a day is defined using common sense and customary practice. This definition may vary by campus and/or discipline.

f. Compensation

Compensation for outside professional activities includes all types of remuneration (including stock, stock options, and in-kind contributions such as office/laboratory space, equipment, supplies, or employees or students supported by an outside source) that have immediate or potential financial value, excluding customary honoraria,[1] reimbursement for reasonable travel expenses, and per diem expenses.[2]

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[1] See APM - 666
[2] See Business and Finance Bulletin G-28

025-6 Responsibility

a. Chancellor

The Chancellor is responsible for overseeing compliance with this policy which includes:

(1) Communicating policy requirements;

(2) Developing implementing procedures and administrative mechanisms for disclosure and prior approval of Category I activities (see APM - 025-10 for descriptions of Categories I, II, and III activities, APM - 025-10-b-(1) for prior approval requirements, and APM - 025-10-b-(2) for annual reporting requirements);

(3) Developing procedures to identify and resolve, if possible, conflicts between a faculty member's commitment to the University and a faculty member's outside professional activities; and

(4) Establishing a deadline for submission by faculty holding appointments at or above 50% effort of annual reports based on a fiscal-year calendar.

b. Faculty

(1) Faculty holding appointments at or above 50% effort are responsible for the following:

a. Obtaining prior written approval for engagement in Category I activities (see APM - 025-10 for descriptions of Categories I, II, and III activities and APM - 025-10-b-(1) for prior approval requirements);

b. Submitting annual reports of all Category I and Category II activities (or the lack thereof) to the Department Chair (see APM - 025-10-b-(2) for annual reporting requirements);

c. Attesting to adherence with the requirements of this policy in the annual report;

d. Disclosing any current or prospective outside professional activity to the Department Chair if in doubt as to whether there is a conflict of commitment;

e. Obtaining prior approval from the Department Chair before involving a student in an outside professional activity (see APM - 025-8-d); and

f. Complying with federal funding agency laws and policies governing research and grant disclosures (*e.g.,* conflicts of commitment and affiliations, including, but not limited to, participation in non-U.S. talent recruitment programs and

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accepting visiting and honorary appointments at outside institutions of higher education and research) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or funding agency.

(2) Faculty holding appointments at less than 50% effort are responsible for complying with federal funding agency laws and policies governing research and grant disclosures (*e.g.*, conflicts of commitment and affiliations, including, but not limited to, participation in non-U.S. talent recruitment programs and accepting visiting and honorary appointments at outside institutions of higher education and research) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or funding agency.

c. **Designated Other Academic Appointees**

Designated Other Academic Appointees are responsible for complying with federal funding agency laws and policies governing research grant disclosures (*e.g.*, conflicts of commitment and affiliations, including, but not limited to, participation in non-U.S. talent recruitment programs and accepting visiting and honorary appointments at outside institutions of higher education and research) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or funding agency. For other appointees who are covered by a Memorandum of Understanding, reporting requirements are governed by the applicable Memorandum of Understanding.

025-8 General Principles

a. Obligations to the University

Outside professional activities must be undertaken in a manner consistent with the faculty member's and other academic appointee's professional obligations to the University. Outside activities must not conflict with the faculty member's and other academic appointee's obligations to students, colleagues, or to the University as a whole. In order to fulfill those obligations, faculty members must maintain a significant presence on campus, meet classes, keep office hours, hold examinations as scheduled, be accessible to students and staff, be available to interact with University colleagues, and share service responsibilities throughout every quarter or semester of active service.

b. Time Limits

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(1) Faculty may engage in Category I and II outside professional activities for up to 39 days per year for academic-year faculty and 48 days per year for fiscal-year faculty. It is expected that the use of days will be allocated evenly across service periods.

(2) For faculty appointed at less than 100 percent time, the number of days allowed for outside professional activities during the faculty member's normal University working hours shall be prorated based on the percentage of appointment, provided that the faculty member had otherwise fulfilled obligations to the University. In addition, the faculty member could engage in additional outside professional activities during the time not committed to University service.

(3) Even distribution of days is encouraged; however, no more than 39 days in one academic year or 48 days in one fiscal year are permitted.

(4) Days not used in one year may not be carried forward to the next year.

(5) The participation of faculty holding appointments at less than 50% effort and other academic appointees in outside professional activities is not subject to time limits under this policy but must not interfere with the appointee's professional obligations to the University.

c. Summer Months

There are no restrictions on the number of days of Category I and II activity for academic-year faculty during the summer months unless an academic-year faculty member holding an appointment at or above 50% effort receives additional University compensation for the summer. If an academic-year faculty member who holds an appointment at or above 50% effort receives additional University summer compensation, the time limit on compensated and uncompensated outside professional activities is the equivalent of one day per week during the period in which University summer compensation is received. For faculty receiving University summer compensation at less than 100 percent time, hours shall be prorated, and faculty may engage in additional OPA during time not committed to University service. (See APM - 600, Appendix 1). The 39-day maximum during the academic year is distinct and separate from the equivalent of one day per week during the period in which University summer compensation is received. The 39 days may not be averaged into the summer service period.

d. Students

Involvement of students in the outside professional activities of a faculty member may, under certain conditions, offer the student potential educational benefits. However, the relationship

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between faculty member and student must be protected from influences or activities that may interfere with learning consistent with the goals and ideals of the University (The Faculty Code of Conduct, APM - 015). A faculty member involving a student in outside activities has the responsibility to ensure that the student's participation does not interfere with the student's academic obligations.

If the faculty member has, or expects to have, academic responsibility (instructional, evaluative, or supervisory) for the student, the faculty member must obtain prior written approval from the Department Chair before involving a student in an outside professional activity regardless of whether the faculty member is compensated for or has a financial interest in the activity. Involvement of students means any substantive activity in which the student participates, whether the student is compensated or uncompensated. The involvement of a student in the outside professional activity of a faculty member must not affect, positively or negatively, the faculty member's evaluation of the student's performance in any other context.

e. Use of University Resources

The use of University resources in connection with outside professional activities is subject to limitations. The Faculty Code of Conduct (APM - 015, Part II, C) defines the unauthorized use of University resources or facilities on a significant scale for personal, commercial, political or religious purposes as a type of unacceptable conduct. The Standards of Ethical Conduct, as adopted by The Regents, state that University resources may only be used for activities that are undertaken on behalf of the University. The University's resources may not be used for private gain or for personal purposes except in limited circumstances that are permitted by existing policy.

f. Liability Coverage

The University's liability and workers compensation coverage does not extend to activity that is outside the course and scope of University employment. Some outside professional activities, particularly certain consulting and expert witness testimony, would generally be considered outside the course and scope of University employment, depending on the facts and circumstances of any given case. Questions about University liability coverage in connection with a specified activity or exposure should be discussed with the Office of Risk Services at the Office of the President.

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025-10 Guidelines

Professional activities are separated into three categories in this policy. Categories I and II include activities that must be reported and -- in the case of Category I -- must receive prior approval before a faculty member holding an appointment at or above 50% effort engages in the activity. Category I activities are subject to prior approval and reporting requirements regardless of whether they are related to the training and expertise that are the faculty member's qualification for University appointment. Category III activities are those that are within the course and scope of employment at the University and need not be approved or reported. When an activity falls into more than one category, it should be assigned to the category that requires more stringent reporting and prior approval, as applicable.

a. Types of Outside Professional Activity

Outside professional activities are categorized based on the extent to which they are likely to constitute conflict of commitment:

(1) Category I

Category I activities are outside professional activities that are most likely to create a conflict of commitment because: 1) they are activities performed for a third party and/or 2) they require significant professional commitment.

Category I activities require prior approval by the Chancellor, count toward the faculty member's maximum 39/48 days of outside professional activities (see APM - 025-8-b for definition of time limits), and require disclosure in annual reporting. Approvals are generally for one fiscal year but may be granted for a longer term, not to exceed five years.

Category I activities include, but are not limited to:

(a) Teaching, research, or administration of a grant[3] at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University;

(b) Employment outside of the University;

(c) Assuming a founding or a co-founding role of a company;

[3] Grants submitted on behalf of a professional society are exempt from this restriction, *i.e.*, are not considered Category I activities.[4] This does not include positions with professional societies.

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(d) Assuming an executive or managerial position outside of the University.[4]

(e) Current or pending acceptance of an honorary, visiting, adjunct, or other institutional appointment (either compensated or uncompensated) at an outside institution of higher education, research institute, or medical center affiliated with an outside institution of higher education, non-U.S. government, or other entity.

(f) Current or pending participation in, or application to, talent recruitment programs (specifically designed to recruit science and technology professionals or students) sponsored by a government agency of a nation other than the United States ("non-U.S. government").

(2) Category II

Category II activities are typically shorter-term outside professional activities that are outside the course and scope of University employment. Category II activities have a lesser potential for a conflict of commitment than do Category I activities.

Category II activities require disclosure in annual reporting under this policy, but do not require prior approval. Category II activities count toward the faculty member's maximum 39/48 days of outside professional activities (see APM - 025-8-b for definition of time limits).

Examples of Category II activities include, but are not limited to:

(a) Additional University-compensated teaching, including teaching for UNEX courses and programs (see APM - 662, Additional Compensation: Additional Teaching), other continuing education programs run by the University, and self-supporting UC degree programs;[5]

(b) Consulting or testifying as an expert or professional witness;

(c) Providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship;

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[4] This does not include positions with professional societies.
[5] These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

(d) Serving on a board of directors outside of the University;

(e) Providing or presenting a workshop for industry;

(f) Providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories.[6]

(3) Category III

Category III activities are within the course and scope of University employment. As such, they are unlikely to raise conflict of commitment issues.

Category III activities do not require disclosure in annual reporting or prior approval under this policy and do not count toward the faculty member's maximum of 39/48 days of outside professional activities. Nevertheless, these activities must not interfere with a faculty member's obligations to the University (see APM - 025-8-a).

Examples of Category III activities include, but are not limited to:

(a) Serving on government or professional panels or committees or as an officer or board member of a professional or scholarly society;

(b) Reviewing manuscripts; acting in an editorial capacity;

(c) Attending and presenting talks at university/academic colloquia and conferences;

(d) Developing scholarly or creative works;

(e) Accepting honoraria for scholarly, intellectual, educational, outreach work within the course and scope of employment; and,

(f) Receiving prizes, defined as gifts in recognition of personal achievements and not for services rendered.

b. Disclosure Requirements

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[6] Because of the nature of their relationship to the University, consulting specifically for the Board of Governors Science and Technology Committee of Los Alamos National Security, LLC and Lawrence Livermore National Security, LLC does not require disclosure in annual reporting or prior approval and does not count toward the faculty member's maximum of 39/48 days of outside professional activities.

Faculty holding appointments at or above 50% effort are responsible for disclosing situations that may raise conflict of commitment issues in the following manner:

(1) Prior Approval Requirements

All Category I activities and requests to exceed the maximum number of days permitted require prior written approval from the Chancellor in advance of performing the activity.

(2) Reporting Requirements

All faculty must file an annual report of outside professional activities each fiscal year, even if the faculty member did not engage in outside professional activities during the year. Faculty must report annually all Category I and II outside professional activities conducted during the prior 12 months, including activities that were conducted during normal service periods and during periods of leave with and without pay, and during summer months when receiving University compensation. The requirement for annual reporting begins after the faculty member's first full year of continuous employment.

025-14 Eligibility

a. Faculty Titles Subject to APM - 025

All faculty holding appointments in the following title series are subject to this policy[7] and are required to comply with federal funding agency laws and policies governing grant disclosures (*e.g.*, conflicts of commitment and affiliations including, but not limited to, participation in non-U.S. talent recruitment programs and accepting visiting and honorary appointments at outside institutions of higher education and research) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or the funding agency. Faculty should submit their funding-agency disclosures to the appropriate University research or other designated office. However, faculty holding appointments of less than 50 percent time are not subject to the annual reporting and prior approval requirements of APM - 025:

(1) Professor, including Acting titles

(2) Professor in Residence

(3) Adjunct Professor

[7] School of Veterinary Medicine faculty participating in the Veterinary Medicine Salary Scale are subject to both APM - 025 and APM - 675.

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(4) Professor of Clinical (*e.g.*, *Medicine*)*

(5) Health Sciences Clinical Professor*

(6) Clinical Professor of Dentistry*

(7) Lecturer with Security of Employment, including Acting titles

*Faculty holding titles in these series are subject to APM - 025 if not participating in the Health Sciences Compensation Plan. Faculty participating in the Health Sciences Compensation Plan are subject to APM - 671 and are not subject to APM - 025.

b. Designated Other Academic Titles Subject to APM - 025

Individuals holding appointments in the following title series are required to comply with federal funding agency laws and policies governing research grant disclosures (*e.g.*, conflicts of commitment and affiliations, including, but not limited to, participation in non-U.S. talent recruitment programs and accepting visiting and honorary appointments at outside institutions of higher education and research) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or funding agency. Other appointees should submit their funding-agency disclosures to the appropriate University research or other designated office. For other appointees who are covered by a Memorandum of Understanding, reporting requirements are governed by the applicable Memorandum of Understanding:

(1) Agronomist Series

(2) Astronomer Series

(3) Coordinator of Public Programs

(4) Professional Research Series

(5) Project Scientist Series

(6) Specialist Series

(7) Specialist in Cooperative Extension Series

c. Recalled Faculty and Designated Other Academic Appointees

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Faculty and other appointees who have retired and are recalled to active service for appointments at or less than 43 percent time are not subject to the prior approval and annual reporting requirements of this policy. However, they are required to comply with federal funding agency laws and policies governing research grant disclosures (*e.g.*, conflicts of commitment and affiliations, including, but not limited to, participation in non-U.S. talent recruitment programs and accepting visiting and honorary appointments at outside institutions of higher education and research) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or funding agency.

Faculty members recalled to the Health Sciences Compensation Plan are subject to the provisions of APM - 671.

d. Faculty on Leave

When making required disclosures in the University of California Outside Activities Tracking System (OATS), faculty must provide complete and accurate information and in particular must avoid attributing prior work or income to the period of their leave of absence in order to unfairly benefit the faculty member or a private company or result in detriment to the University.

(1) Leave without Pay

Faculty holding appointments at or above 50% effort and on an approved leave without pay are subject to disclosure, prior approval, and annual reporting requirements but are not subject to the time limits in APM - 025-8-b.

(2) Sabbatical or Other Leaves with Pay (Other than Vacation)

Faculty holding appointments at or above 50% effort on approved sabbatical or other leave with pay are subject to the disclosure, prior approval, annual reporting requirements, and time limits in APM - 025-8-b, regardless of the funding source for salary.

(3) Vacation

Faculty on approved vacation are not subject to the disclosure, prior approval, annual reporting requirements, or time limits described in APM - 025-8-b for outside professional activity performed during the vacation period.

(4) Faculty Administrators

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Faculty administrators are covered by this policy, but they are also subject to the provisions in APM - 240, Deans, APM - 241, Faculty Administrators (Positions Less Than 100%), and APM - 246, Faculty Administrators (100% Time).

025-16 Restrictions

a. A faculty member shall not engage in any outside professional activity that creates a conflict of commitment.

b. Faculty holding appointments at any percentage of effort, as well as other academic appointees, who are receiving extramural funding may not exceed limitations on outside professional activities imposed by the funding sources, including effort rules.

025-24 Authority

The Chancellor shall issue campus procedures implementing APM - 025 and has the authority to approve Category I requests and individual exceptions under this policy.

025-26 Non-compliance

a. Monitoring and Compliance

Department Chairs shall monitor compliance with this policy by collecting and reviewing annual reports and shall consult with the Dean about any concerns. The Dean shall review the Department Chairs' annual reports of outside professional activities each year.

b. Consequence for Non-compliance

(1) Faculty

Situations where faculty holding appointments at or above 50% effort will be considered out of compliance include, but are not limited to, failure to obtain prior written approval to engage in Category I activities, to obtain prior written approval for involving a student in outside professional activity (see APM - 025-8-d), to comply with time limits for Categories I and II activities, and/or to accurately disclose and describe the nature and scope of Categories I and II outside professional activities.

Situations where faculty holding appointments at any percentage of effort will be considered out of compliance include failure to meet requirements of federal funding agencies regarding

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research grant disclosures (*e.g.*, conflicts of commitment and affiliations) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or funding agency.

(2) Designated Other Academic Appointees

Situations where other academic appointees, will be considered out of compliance include failure to meet requirements of federal funding agencies regarding research grant disclosures (*e.g.*, conflicts of commitments and affiliations) if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the PI or funding agency.

Failure to comply with this policy may subject a faculty member or other academic appointee to discipline, corrective action, or administrative remedies pursuant to APM - 016, University Policy on Faculty Conduct and the Administration of Discipline, and APM - 150, Non-Senate Academic Appointees/Corrective Action and Dismissal.

(c) Grievance Rights

Senate faculty members may grieve pursuant to Senate Bylaw 335, Privilege and Tenure: Divisional Committees – Grievance Cases. Non-Senate faculty members and other academic appointees may grieve pursuant to APM - 140, Non-Senate Academic Appointees/Grievances.

Revision History

July 1, 2024:

- Substantive revisions to address recommendations in the University of California Ethics, Compliance, and Audit Services Systemwide Foreign Influence Audit Report (February 2021): (1) clarify that Category I activities require prior approval and disclosure regardless of whether they are related to the training and expertise that are the qualification for a faculty member's University appointment; (2) clarify that Category I activities include participation in or application to non-U.S. talent recruitment programs and accepting visiting and honorary appointments at outside institutions of higher education and research, or medical center affiliated with an outside institution of higher education, non-U.S. government, or other entity; (3) expand population subject to APM - 025 to include seven Designated Other Academic Appointee titles; (4) remove Appendices B, C, and D.

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January 15, 2020:

- Technical revisions: (1) correct inadvertent omission of language regarding uncompensated outside professional activities during summer months in APM - 025-8-c; (2) remove gendered language; (3) conform with recent updates and revisions to other APM policies; (4) correct minor grammatical and formatting inconsistencies; and (5) add links to referenced documents.

For details on prior revisions, please visit the Academic Personnel and Programs website.

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RELATED UNIVERSITY POLICIES

- Regents Policy 7303: Policy on Service Obligations and Leaves of Absence
- Privileges and Duties of Members of the Faculty – APM - 005
- Special Services to Individuals and Organizations – APM - 020
- The Faculty Code of Conduct – APM - 015
- Standards of Ethical Conduct
- University Policy on Faculty Conduct and the Administration of Discipline – APM - 016
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest in Private Sponsors of Research
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest, Public Health Service Research Awards
- Guidelines for Disclosure and Review of Principal Investigator's Financial Interest in Private Sponsors of Research – APM - 028
- University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University
- Regents Policy 7707, Senior Management Group Outside Professional Activities
- Conflict of Interest Code – Disqualification Rule
- Conflict of Interest (COI) Policy and Compendium of Specialized University Policies, Guidelines and Regulations Related to COI – BFB-G-39
- Health Care Vendor Relations Policy
- Health Sciences Compensation Plan – APM - 670
- Deans – APM - 240

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- Faculty Administrators (Positions Less Than 100%) – APM - 241
- Faculty Administrators (100% Time) – APM - 246
- University of California Patent Policy
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest, National Science Foundation Awards
- University of California Policy on Accepting Equity When Licensing University Technology

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