Executive Board

(Second Systemwide Senate Review) Proposed Revisions to APM 025 and APM 671

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Re: Second Systemwide Review of Proposed Revisions to Academic Personnel Manual Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671)

Dear Colleagues:

Enclosed for second systemwide review are proposed revisions to APM - 025, Conflict of Commitment and Outside Activities of Faculty Members, and APM - 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants.

From late October 2021 to early March 2022, the Office of Academic Personnel and Programs initiated a comprehensive review of APM - 025 and APM - 671. Systemwide comments reflected general disapproval of the proposed revisions, which were intended to respond to management corrective actions resulting from a systemwide Office of Ethics, Compliance and Audit Services (ECAS) audit described in more detail below. We are now circulating revised APM - 025 and APM - 671 for another systemwide review.

Context for Policy Revisions

In accordance with the 2019-20 University of California (UC) audit plan, the systemwide Office of Ethics, Compliance and Audit Services performed a systemwide audit of foreign influence. ECAS conducted this audit in coordination with the internal audit departments at all UC campuses and the Lawrence Berkeley National Laboratory. The results of the audit were published in the Systemwide Foreign Audit Influence Report, issued in February 2021. The report noted increased concern regarding foreign influence in academia within the federal government and UC’s peer institutions, including concerns about efforts by foreign governments to unduly influence and capitalize on U.S.-conducted research. 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 as well as to increase compliance enforcement. The report, which recognizes the critical importance of preserving federal funding for research within UC, contained two systemwide recommendations for corrective action related to policies on conflict
of commitment and established an initial deadline of April 30, 2022, for completion of the proposed revisions and systemwide review:

- Systemwide Academic Personnel should update APM - 025 and APM - 671 to specify that they apply to all academic appointees listed as key personnel on proposals submitted by the University, regardless of faculty series or appointment percentage.

- Systemwide Academic Personnel should consider modifying APM - 025 and APM - 671 such that all foreign activities are Category I activities which require prior approval.

In June and July 2021, the Office of Academic Personnel and Programs (APP) convened a systemwide working group to consider the ECAS recommendations. The working group included representatives from six campus Academic Personnel Offices, the UC Academic Senate, UC Outside Activity Tracking System (OATS) Governance Board, UC Legal - Office of the General Counsel, and APP. The working group met four times over the course of two months and submitted its final report in August 2021. A subgroup of campus Academic Personnel representatives and UCOP APP staff met to draft the proposed policy revisions in September 2021, based on the Working Group recommendations.

The first systemwide review comment period for proposed revisions to APM - 025 and APM - 671 ended on March 1. Systemwide review comments reflected a widespread lack of support for the proposed revisions based on the absence of a compelling rationale for such extensive changes; the undermining of academic freedom and anticipated damage to University research, entrepreneurship, and international collaborations; conflation of conflict of interest and conflict of commitment; and the heavy administrative burden and costs associated with the revisions.

Following consultation with UC Legal and ECAS, APP revised the policies to more narrowly address the recommendations for corrective action from the systemwide audit of foreign influence. Summarized below are the revised key revisions that are now being distributed for a second systemwide review.

**Key Policy Revisions**

The following proposed revisions position the University to address the concerns identified in the systemwide audit of foreign influence without undue imposition of enormous administrative burdens or introduction of complexity that is disproportionate to the risks resulting from failure to disclose outside activities.

- For faculty holding appointments at or above 50% effort the policy revisions include:
  - Expanding Category I prior-approval and annual reporting requirements to all outside professional activities, regardless of whether they are related to the training and expertise that are the qualification for a faculty member’s University appointment. The revised policies propose to eliminate the distinction – within Category I – between activities that are related and unrelated to the training and expertise that are the qualifications for University appointment. Pursuant to the existing definition of conflict of commitment in APM - 025 and APM - 671, a conflict of commitment occurs when a faculty member’s outside activities...
interfere with the faculty member’s professional obligations. Whether the outside activities are related to the training and expertise that are the qualification for the faculty member’s University appointment is not relevant to whether the outside activities will interfere with the faculty member’s professional obligations to the University.

- Clarifying that 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 outside entity is a Category I activity. Although this requirement exists in current policies, the revised policies propose to clarify that compensated and uncompensated appointments at non-UC institutions are considered Category I activities requiring prior approval and annual disclosure.

- Clarifying that participation in or application to talent recruitment programs sponsored by a government agency of a nation other than the United States is a Category I activity. Although this requirement exists in current policies, the revised policies propose to clarify that faculty members must seek prior approval for application to or participation in talent recruitment programs specifically designed to recruit science and technology professionals or students.

- Clarifying that in-kind contributions such as office/laboratory space, equipment supplies, or employees or students supported by an outside source constitute compensation for outside professional activities. This is an existing reporting obligation required by federal funding agencies.

For faculty holding appointments at less than 50% effort and Designated Other Academic Appointees, the policy revisions require compliance with federal funding agency laws and policies governing research grant disclosures if participating in a federally funded research project and if deemed to be key personnel or senior personnel by the Principal Investigator or funding agency. The reporting requirements from the federal funding agency laws and policies include reporting on non-U.S. outside professional activities.

The following are the policy-covered non-Senate titles covered by APM - 025:

Agronomist Series
Astronomer Series
Coordinator of Public Programs
Professional Research Series
Project Scientist Series
Specialist Series
Specialist in Cooperative Extension Series

- Remove Appendices B, C, and D. The revised policies propose to delete Appendices B, C, and D, as all campuses use OATS for APM - 025 and APM - 671 prior approval and annual reporting processes.
Systemwide Review

This second systemwide review is intended to address concerns identified during the first 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. A second systemwide review also includes a 60-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policies, available on the Academic Personnel and Programs website. Attached is a Model Communication which may be used to inform non-exclusively represented employees about these proposals. The Labor Relations Office 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 November 1, 2022. Please submit your comments to VP-ACADEMICPERSONNEL@ucop.edu. If you have any questions, please contact Rebecca Woolston at Rebecca.Woolston@ucop.edu.

Sincerely,

Michael T. Brown, Ph.D.
Acting Vice Provost
Academic Personnel and Programs

Enclosures:

1) Proposed Revised APM - 025 (clean copy)
2) Proposed Revised APM - 025 (tracked-changes copy)
3) Proposed Revised APM - 671 (clean copy)
4) Proposed Revised APM - 671 (tracked-changes copy)
5) Model Communication

cc: President Drake
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Executive Vice President Byington
Senior Vice President and Chief Compliance Officer Bustamante
Vice President Lloyd
Vice President Maldonado
Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
Assistant Vice Provosts/Vice Chancellors/Directors - Academic Personnel
Associate Vice Provost Lee
Deputy General Counsel Woodall
Executive Director Lin
Executive Director Motton
Executive Director Silas
UC OATS Governance Board Chair Cohen
Chief of Staff Kao
Chief of Staff and Executive Director Henderson
Chief of Staff Levintov
Chief of Staff Peterson
Chief Policy Advisor McAuliffe
Managing Counsel Sze
Director Roller
Director Sykes
Associate Director DiCaprio
Associate Director Fishel
Associate Director Nguyen
Associate Director Woolston
Assistant Director LaBriola
Labor Relations Manager Donnelly
HR Manager Crosson
Policy Analyst Durrin
Policy Analyst Wilson
Administrator Officer Babbitt
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.
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
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
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
(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
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.
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;

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\(^3\) 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.
(d) Assuming an executive or managerial position outside of the University.\textsuperscript{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;\textsuperscript{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;

\textsuperscript{4} This does not include positions with professional societies.

\textsuperscript{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

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 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

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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
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
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
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.
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.
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
- 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
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
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 appointed 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.

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 are within a faculty member’s area of professional, academic expertise and that may advance or communicate that expertise through...
interact with industry, the community, or the public. Outside additional teaching as described
in APM - 025-10-1- (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
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 the 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
and 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

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potential financial value, excluding customary honoraria,\(^1\) reimbursement for reasonable travel expenses, and per diem expenses.\(^2\)

### 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, and APM - 025-10-b-(1) and Appendix B for prior approval requirements, and APM - 025-10-b-(2) and Appendices C and D 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: complying with this policy, including:
   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) and Appendix B 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) and Appendices C and D for annual reporting requirements);

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\(^1\) See APM - 666
\(^2\) See Business and Finance Bulletin G-28
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;

and,

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
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 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**

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 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.

025-10 Guidelines

Professional activities are separated into three categories in the management of this policy. Categories I and II include activities that must be reported and -- in the case of Category I -- must receive prior approval before the 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 related to the training and expertise that is the individual’s qualification for University appointment, but 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 and Appendix C 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 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;

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

(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 and Appendix C 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

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.
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;

(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;

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\(^5\) These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

\(^6\) 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.
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(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

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 policy7 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.

7 School of Veterinary Medicine faculty participating in the Veterinary Medicine Salary Scale are subject to both APM - 025 and APM - 675.
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
(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
Conflicts of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

(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

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 leaves 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

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 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.
GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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.

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.

Rev. 07/01/2024
GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of
Faculty Members and Designated Other Academic Appointees

APM - 025
APPENDIX A

RELATED UNIVERSITY POLICIES

- Standing Order of The Regents 103.1(b) Regents Policy 7303: Policy on Service Obligations and Leaves of Absence
- University Regulation No. 3 – APM – 005
- Privileges and Duties of Members of the Faculty – APM - 005
- University Regulation No. 4 – APM – 020
- Special Services to Individuals and Organizations – APM - 020
- The Faculty Code of Conduct – APM - 015 – APM - 015 Standards of Ethical Conduct
- Standards of Ethical Conduct
- University Policy on The Faculty Code of 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
- Regents Policy 7707, Senior Management Group Outside Professional Activities
- Conflict of Interest Code – Disqualification Rule Requirement
- 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
GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of
Faculty Members and Designated Other Academic Appointees

- Health Sciences Compensation Plan – APM - 670
- Deans – APM - 240
- 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
PRIOR APPROVAL FORM
FOR OUTSIDE ACTIVITIES (CATEGORY I)

For each Category I compensated outside professional activity in which you wish to engage in outside professional activities answer the following questions. Attach separate sheets, if necessary.

Type of activity in which you will be involved:

Category I Activities
Executive/managerial role: ______

Outside teaching or research activity: ______
Salaried employee: ______
Other potential conflict of commitment: ______

General description of the business/agency/organization/group/individual:

________________________________________________________________________

Activities/products/services of entity described above: ________________________________________________________________

Nature of your relationship to entity named above (check all that apply):

Founder/co-founder: ______ Owner: ______ Consultant: ______

Board member: ______ Salaried employee: ______ Stockholder/partnership interest: ______

Equity/royalty interest: ______ Other, please explain: ________________________________________________________________

Description of the nature of your participation in this activity, including, if you wish, possible beneficial outcomes to areas of research, industry, and public service:

________________________________________________________________________
SALARY ADMINISTRATION
Conflict of Commitment and Outside Activities of
Faculty Members

Beginning/ending month/year you could be involved in this activity:________________________

Fiscal year(s) for which seeking approval:________________________ (Approvals are generally for one fiscal year but may be granted for a longer term not to exceed five years. Outside income reports must be submitted annually.)

Estimated number of days involvement during fiscal-year appointment:____________

Do you wish to take a full- or part-time leave while engaged in this activity?________________________

Approval granted through fiscal year ending June 30, ______

Request denied:_____

________________________________________  __________________
Department Chair                             Date

________________________________________  __________________
Dean                                         Date

________________________________________  __________________
Faculty Member Signature                      Date

________________________________________  __________________
Chancellor or Chancellor’s Designee           Date
REPORT OF CATEGORY I AND II COMPENSATED OUTSIDE PROFESSIONAL ACTIVITIES

FOR THE FISCAL YEAR ENDING JUNE 30, _______

EXPLANATIONS FOR INFORMATION REQUESTED

Compensated Outside Activities: Compensation is defined broadly as all types of remuneration (including stock options) realized or having the potential to become realized for outside activity, excluding customary honoraria and reimbursement for reasonable travel expenses and per diem.

Fiscal-Year Faculty Appointment: A Fiscal-Year Appointment is an appointment in which the faculty member renders service to the University throughout the calendar year as opposed to the academic year (APM – 600-4-f). Fiscal-year faculty accrue vacation time in accordance with APM – 730.

Terms of Leave, if any: A faculty member may be permitted to go on full- or part-time leave in order to pursue certain compensated outside professional activities. If you were on such leave during any part of the pertinent fiscal year, provide information here about the percentage of time and inclusive months.

Category: For each activity, enter I or II.

Category I activities include: teaching, research, or administering a grant at an educational institution, trust, organization, government agency, or foundation outside of the University; employment outside the University; assuming a founding/co-founding role of a company; assuming an executive or managerial position outside of the University. You must receive prior approval to engage in Category I activities, which always count toward the 21–48-day limit and must be reported annually.

Category II activities include: additional University-compensated teaching, including teaching pursuant to APM – 662, Additional Compensation: Additional Teaching, for UNEX courses and programs, other continuing education programs run by the University, self-supporting UC degree programs; consulting under the auspices of the University of California; consulting or testifying as an expert or professional witness; consulting for for-profit entities; consulting for non-profit entities; consulting for non-profit health or education-related organizations; consulting for government agencies; serving on a board of directors outside of the University whether compensated or uncompensated; providing or presenting a workshop for industry; providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories; other income-generating activities specified in approved Implementing Procedures. Category II activities are counted within the 21–48-day limit and must be reported annually.

Number of Days: A full-time faculty member may engage in outside professional activities 21–48 days depending on the terms of the Department/School Implementing Procedures.

Enter the approximate number of days you worked on this activity during your period of active service to the University. For compensated outside professional activities a Day is defined using common sense and customary practice. This definition may vary by campus and/or discipline. A School or Departmental Implementing Procedure may include a more specific definition of a day. For additional teaching activities, the general rule is that every six contact or “podium” hours spent with students equals one day. See APM – 662 for further information.

Role: Use one or more of the following terms to describe your relationship to the entity identified in the last column: Founder/co-founder, owner, board member, consultant, recipient of equity or royalty interest, stockholder or partnership interest, salaried employee, or other (explain).

Compensation Dollars in Thousands: If income earned for the activity did not exceed the annual threshold, check the box in the left column. If income earned exceeded the annual threshold, enter the amount earned in the right column.
ANNUAL HEALTH SCIENCES COMPENSATION PLAN REPORTING FORM FOR CATEGORY I & II UNCOMPENSATED AND COMPENSATED OUTSIDE PROFESSIONAL ACTIVITIES

Fiscal Year Ending June 30 ______

In accordance with APM—671, all Compensation Plan participants are required to complete this form not later than ________

<table>
<thead>
<tr>
<th>Faculty Member Name (Print)</th>
<th>Academic Title</th>
<th>Department</th>
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<tr>
<th>Category I or II</th>
<th># of Days</th>
<th>Name of Outside Entity</th>
<th>Description of Services Provided</th>
<th>Role (e.g., consultant, speaker, employee, shareholder)</th>
<th>Compensation Dollars in Thousands</th>
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Total # Days

Total income earned $ $

I did not engage in Category I or II activities during the reporting period.

Total income earned did not exceed the earnings threshold.

I certify that I have complied with the provisions of the University of California Health Sciences Compensation Plan, the School of ________ Health Sciences Compensation Plan Implementation Procedures, and my departmental guidelines for the Plan regarding limitations on the retention of earnings, and time spent in Outside Professional Activities.

Faculty Member Signature __________________________ Date ________

The department chair's signature affirms the form was received and reviewed. Corrective actions should be implemented for time reports (days) that are above the annual limit and for unapproved Category I activities.

Department Chair Signature __________________________ Date ________

N.B.: Information disclosed herein is a public record under the California Public Records Act __________________________ 7/1/14
Salary Administration: APM - 671 - Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

671-0 Policy

The University of California policy on conflict of commitment and outside activities and the disposition of income earned from outside professional activities provides guidance for the identification and management of outside professional activities in order to avoid conflicts of commitment, while assuring that Health Sciences Compensation Plan (the “Plan”) participants may engage in a wide array of outside activities without unnecessary limitations. This policy is specific to faculty members who are participants in the Health Sciences Compensation Plan. Faculty members who are not participants in the Health Sciences Compensation Plan are subject to the provisions of APM - 025.

671-2 Purpose

a. General

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, clinical care, 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.

This policy acknowledges the value of outside professional activities while recognizing the likelihood that some 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 activity constitutes an outside professional or non-professional activity or if an activity is 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, describes the requirements when involving a student in outside professional activities, and defines the disposition of income earned from such activities.

Health Sciences Compensation Plan participants may engage in outside professional activities (other than patient care) only if they are deemed to be in Good Standing (see APM - 670-10) and may retain the income from outside professional activities only in accordance with the terms of this policy, the Plan, and the School Implementing Procedures.

b. Related University Policy

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

c. School Implementing Procedures

This policy provides a framework within which Implementing Procedures will be developed by each health sciences school that participates in the Plan. Additional Implementing Procedures may be developed for individual departments or organized research units. Departmental or Organized Research Unit Procedures must be consistent with the Plan and School Implementing Procedures and approved by the Dean. (See APM - 670-80 for details related to School Implementing Procedures.)

School Implementing Procedures and changes to approved Implementing Procedures must be consistent with this policy, approved by the Chancellor, and approved by the President or the President’s designee prior to implementation.

Affected Plan participants shall be provided the opportunity to review and comment on the proposed School Implementing Procedures, and any subsequent changes to School Implementing Procedures. The School Advisory Committee, described in APM - 670-6-d, shall advise the Dean on School Implementing Procedures developed in accordance with this policy.

School Implementing Procedures must reference the Plan, this policy, and:

(1) The University’s Conflict of Interest Code, adopted pursuant to the requirements of the Political Reform Act of 1974, which requires designated University employees to disqualify themselves from participating in University decisions in which they have a personal financial interest; and
(2) The Political Reform Act of 1974, including the Academic Decision Regulation, which provides instruction on where to obtain information on disclosure and disqualification requirements; and


671-4 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 - 671-10-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 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 professional obligation to the University.

b. Conflict of Commitment

A conflict of commitment occurs when a faculty member’s outside activities interfere with the faculty member’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 service related to the faculty member’s field or discipline, whether compensated or uncompensated, that furthers the interests of an entity outside 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. School or Departmental Implementing Procedures may include a more specific definition of a day.
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.\(^2\)

671-6 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, and annual reporting (see APM - 671-10, Guidelines, for a description of Categories I, II, and III activities, APM - 671-10-a-(1) for prior approval requirements, and APM - 671-10-a-(2) for annual reporting requirements);
3. Developing procedures to identify and resolve, if possible, conflicts between a faculty member’s commitment to generating University revenue within the Plan and the faculty member’s outside professional activities; and
4. Establishing a deadline for submission of annual reports.

b. Faculty

Faculty are responsible for complying with this policy, including:

1. Maintaining Good Standing per the terms of the Plan (School or Department) that governs the faculty member’s appointment;
2. Obtaining prior written approval for engagement in Category I activities (see APM - 671-10, Guidelines, for description of Categories I, II, and III activities, and APM - 671-10-a-(1) for prior approval requirements;
3. Maintaining a running total of annual earnings from, and time spent on, all outside professional activities;

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\(^1\) See APM - 666
\(^2\) See Business and Finance Bulletin G-28
(4) Depositing all income that exceeds the earnings approval threshold into the Plan (see APM - 671-8-c) with the exception of income earned from Category III activities (see APM - 671-10-a-(3) for a description of Category III activities) and certain other activities listed in APM - 671-10-b;

(5) Obtaining prior written approval to engage in outside professional activities that may result in exceeding the total annual time and/or earnings approval thresholds;

(6) Submitting annual reports of all Category I and II activities and compensation earned from such activities (or the lack thereof) to the Department Chair (see APM - 671-10-a-(2) for annual reporting requirements);

(7) Attesting to adherence with the requirements of the policy in the annual report;

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

(9) Obtaining prior approval from the Department Chair before involving a student in an outside professional activity (see APM - 671-8-f); and

(10) 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 Principal Investigator or funding agency.

671-8 General Principles

a. Obligations to the University

Outside professional activities must be undertaken in a manner consistent with the faculty member’s professional obligations to the University. Outside activities must not conflict with the faculty member’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

School Implementing Procedures must specify the maximum number of days which Plan participants may devote to compensated and uncompensated outside professional activities
that may not be less than 21 days and may not exceed 48 days annually.\(^3\) The School Implementing Procedures may allow departments or organized research units to set more restrictive limits than the maximum of 48 days, but such limits shall not be less than 21 days of compensated and uncompensated outside professional activity. Prior to implementing or revising the limit on the number of days that may be devoted to outside professional activities, affected Plan participants shall be provided an opportunity to review and comment on the proposed limit.

c. Annual Outside Professional Activities Earnings Approval Threshold

(1) The maximum annual outside professional activities approval threshold set by the Provost and Executive Vice President shall be up to $40,000 or 40 percent of the fiscal-year base salary scale (scale 0), whichever is greater, for an individual faculty member’s rank and step. The Provost and Executive Vice President may re-evaluate the maximum approval threshold periodically, adjust the maximum approval threshold for inflation on a periodic basis in accordance with the California Consumer Price Index (CPI), and publish it in the Academic Salary Scales.

Individual School, Department, or Organized Research Unit Implementing Procedures may choose a threshold lower than the maximum set by the Provost and Executive Vice President.

(2) A Plan participant who has satisfied the Good Standing Criteria established in accordance with APM - 670-10, who has not exceeded the limit on the number of days devoted to outside professional activities established in School Implementing Procedures, and whose annual earnings from all outside professional activities will not exceed the approval threshold is allowed to engage in outside professional activities (other than patient care) in accordance with all applicable University policies.

d. Retention/Non-retention of Income

(1) Income earned above the approval threshold, with the exception of income earned from Category III activities (see APM - 671-10-a-(3) for a description of Category III activities) and certain other activities listed in APM - 671-10-b, must be deposited to the Plan.

(2) School Implementing Procedures must clearly describe the types of activities for which time limits and earned income apply toward the approval threshold.

\(^3\) The maximum number of days allowed shall remain consistent with time limits established for outside professional activities in APM - 025.
(3) Income due the Plan is subject to established Departmental and/or School assessment policies.

(4) Departments have the authority to determine the amount of deposited income that may be set aside for academic enrichment. Academic Enrichment Accounts are established by departments to support the academic, research and professional development activities of the faculty by allowing direct charge or reimbursement of business-related expenses.

(5) Departments have the authority to distribute a portion of or the entire amount of the deposited income, after assessment, and with the exception of income set aside for academic enrichment, to the individual faculty member, consistent with applicable law and University policies.

e. Exception Requests

Each Plan participant shall be responsible for maintaining a running total of the Plan participant’s time devoted to and annual earnings derived from all outside professional activities whether they exceed the time or earnings threshold and whether the funds are due to the Plan. If a Plan participant wishes to engage in an activity that might reasonably be expected to cause the time and/or total annual earnings from outside professional activities to exceed the annual approval threshold, then the Plan participant must request prior written approval to engage in the activity. To request approval, the Plan participant is required to provide to the Department Chair, in writing, relevant details about the proposed engagement or schedule of engagements, the nature of the services to be provided, the person or entity(ies) who will receive and/or pay for the service, the anticipated period of service and/or days to be devoted to the activity, the total expected income from the activity, and the amount by which the participant’s total annual earnings from outside professional activities are expected to exceed the threshold. Department Chairs shall forward to the Dean any request which requires review by the Dean and/or Chancellor, in accordance with School Implementing Procedures. After a Plan participant has received approval to engage in an activity that may cause the Plan participant’s time allotment and/or annual earnings from outside professional activities to exceed the approval threshold, the Plan participant must request the Department Chair’s approval for any subsequent engagement(s). If such engagements are approved, they shall be undertaken with all related income accruing to the Plan unless an exception is approved in writing, in accordance with School Implementing Procedures.

Department Chairs and/or Deans may approve Plan participants’ requests to engage in outside professional activities in accordance with School Implementing Procedures. However, School Implementing Procedures shall state that only the Chancellor or Chancellor’s designee has the authority to approve any request which involves a Plan

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4 When required to ensure appropriate patient confidentiality, the person or entity to be reported as recipient/payer for professional witness activities is the attorney or law firm requesting the services.
participant retaining earnings that exceed the maximum annual outside professional earnings approval threshold set by the Provost and Executive Vice President.

Plan participants shall immediately notify their Department Chairs if they inadvertently exceed the time limits or earnings threshold or if any of the information they provided in an approval request is inaccurate or has changed since the initial notification. For example, a participant should immediately notify the participant’s Department Chair if the earnings estimate from an outside professional activity was understated. Plan participants are subject to corrective action and disciplinary measures as outlined in APM - 671-26-b for violation, neglect, or manipulation of Plan requirements.

f. 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 between the faculty member and the student must be protected from influences or activities that could interfere with the student’s learning and must be 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.

g. 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.

h. Liability Coverage

The University’s liability and workers compensation coverage does not extend to activity that is outside of the course and scope of the participant’s 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.

671-10 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 the faculty member 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 University employment and need not be approved or reported. When an activity falls into more than one category, it should be assigned to the category which 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 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 count toward the faculty member’s time threshold for outside professional activities (see APM - 671-8-b, and School Implementing Procedures for definition of time limits), and earned income counts toward the earnings approval threshold (see APM - 671-8-c and School Implementing Procedures for definition of the earnings approval threshold).

Category I activities include, but are not limited to:

(a) Teaching, research, or administration of a grant\(^5\) at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University;

\(^5\) Grants submitted on behalf of a professional society are exempt from this restriction, i.e., are not considered Category I activities.
(b) Employment outside of the University;

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

(d) Assuming an executive or managerial position outside of the University.⁶

(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 time allotment for outside professional activities (see APM - 671-8-b and School Implementing Procedures for definition of time limits). Income earned from these activities count toward the earnings approval threshold (see APM - 671-8-c and School Implementing Procedures for definition of the earnings approval threshold). Prior approval is required if the time and/or earnings thresholds are exceeded.

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 health education programs run by the University, and self-supporting UC degree programs;⁷

(b) Consulting under the auspices of the University of California;

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

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⁶ This does not include positions with professional societies.
⁷ 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) Consulting for for-profit entities;
(e) Consulting for non-profit entities;
(f) Consulting for non-profit health or education-related organizations;
(g) Consulting for government agencies;
(h) Serving on a board of directors outside of the University whether compensated or uncompensated;
(i) Providing or presenting a workshop for industry;
(j) Providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories;\(^8\)
(k) Other income-generating activities specified in approved Implementing Procedures.

(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, even if compensated, do not require disclosure in annual reporting or prior approval under this policy, do not count toward the faculty member’s time threshold for outside professional activities, and the income does not count toward the earnings approval threshold. Nevertheless, these activities must not interfere with a faculty member’s obligations to the University (see APM - 671-8-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;

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\(^8\) 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 days of outside professional activities.
b. Other Activities

Income from the following activities may be retained by Plan participants and does not count toward the earnings approval threshold. Time related to these activities does not count toward time limits.

(1) Prizes, defined as gifts in recognition of personal achievements and not for services rendered;

(2) Royalties, defined as shares of proceeds for contributions as authors or inventors, as allowed under the University’s copyright and patent policies;

(3) Honoraria, defined as payments by agencies outside the University for occasional lectures and similar public appearances beyond normal academic responsibilities to the University of California and which are not in return for other services, whether given directly or indirectly;

(4) University honoraria, defined as payment for occasional lectures or similar services performed on a University of California campus as permitted by Academic Personnel Policy (see APM - 666, Additional Compensation: Honoraria) and relevant campus policies;

(5) Administrative stipends;

(6) Income from a profession unrelated to the training and experience which is the individual’s qualification for University appointment.

c. Disclosure Requirements

Faculty are responsible for disclosing all 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 time or the earnings approval threshold require prior written approval from the Chancellor in advance of performing the activity.

(2) Reporting Requirements

All faculty must provide an annual report of outside professional activities to their Department Chairs each 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 that were conducted during the prior 12 months, including activities conducted during normal service periods and during periods of leave with pay. All earnings derived from these activities must be reported as well.

### 671-14 Eligibility

a. **Faculty subject to APM - 671**

All participants in the Health Sciences Compensation Plan are subject to the provisions of this policy.

b. **Recalled Faculty**

Faculty who have retired and are recalled to active service for appointments at or less than 43 percent time and who are participants in the Health Sciences Compensation Plan are subject to the provisions of this policy.

c. **Faculty on Leave**

Faculty who engage in professional activities while on approved leaves with pay such as sabbatical and vacation must comply with requirements for disclosure, prior approval, and annual reporting for outside professional activities. These activities, as well as professional activities performed during the evenings and weekends, count toward the annual time limits and earnings approval threshold. 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. School Implementing Procedures must describe the requirements for disclosure, prior approval, and annual reporting for outside professional activities and earnings during periods of leave without pay.

d. **Faculty Administrators**

Faculty administrators are covered under 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).

### 671-16 Restrictions

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

b. Patient care (clinical) activities must be provided within the University setting, or as part of an approved affiliation agreement or professional service agreement. All clinical income is
due to the Plan. In no case will Plan participants be allowed to retain income from patient
care (clinical) activities.

c. Faculty who are receiving extramural funding may not exceed limitations on outside
professional activities imposed by the funding sources, including effort rules.

671-24 Authority

a. President

This policy may be amended or repealed by the President, following consultation with the
Health Sciences Chancellors, Deans, and the appropriate Academic Senate Committee(s).

b. Chancellor

The Chancellor shall issue campus or School Implementing Procedures that further refine
APM - 671 and has the authority to approve Category I requests and individual exceptions
under this policy.

c. Deans

Deans have authority to determine whether faculty are meeting established standards and
requirements.

671-26 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. Consequences for Non-compliance

School Implementing Procedures shall clearly state that the University reserves the right to
impose administrative remedies and/or to take corrective action and disciplinary measures
toward any faculty member who fails to comply with Implementing Procedures on outside
professional activities.

Situations where faculty will be considered out of compliance include, but are not limited
to, the following:

(1) Failure to remit income due to the Plan as required by School Implementing
Procedures;
(2) Failure to obtain prior written approval for Category I activities or for involving a student in outside professional activities (see APM - 671-8-f);

(3) Failure to comply with time limits for Categories I and II activities;

(4) Failure to disclose and describe accurately the nature and scope of Categories I and II outside professional activities and earnings derived from those activities as required by School Implementing Procedures; and

(5) Failure to meet requirements of federal funding agencies regarding 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.

If the Department Chair or the Dean has reason to believe that a faculty member has not complied with the School Implementing Procedures, the Dean may take appropriate corrective action. A procedure for hearing and resolving disputes about corrective action shall be provided in the School Implementing Procedures. Corrective action refers to the discontinuation of certain privileges available only to Plan participants, in particular the opportunity to earn and receive compensation above the fiscal-year salary scale through the Plan.

Corrective actions may include, but are not limited to, the following:

(1) Incentive or bonus compensation (Z compensation) may be suspended until such time as the faculty member complies with the provisions of the Plan and the provisions of the Implementing Procedures;

(2) Additional negotiated compensation (Y compensation) may be set with consideration of the faculty member’s prior performance, including compliance with Implementing Procedures.

Compensation established in accordance with the Health Sciences Compensation Salary Scales (X, X’ compensation) shall not be reduced as a corrective action unless the faculty member is placed, by Chancellorial exception, on the fiscal-year salary scale (Scale 0).

Reductions in compensation are not always the result of corrective action and may also occur for other reasons such as insufficiency of current year income and contingency reserves. Whenever there are reductions in compensation, faculty shall be notified in writing by the Department Chair. In addition, corrective action will not preclude administrative remedies, sanctions or disciplinary measures in accordance with APM - 016, University Policy on Faculty Conduct and the Administration of Discipline and APM - 150, Non-Senate Academic Appointees/Corrective Action and Dismissal. Violations by faculty members of either the time limits or earnings approval thresholds for outside professional activities represent an unauthorized use of University resources and/or retention of funds that belong to the University.
c. Complaints and Appeals

A faculty member who has a complaint about an issue related to outside professional activities should first try to resolve the issue at the departmental level. If the complaint cannot be resolved through discussions at the departmental level, the faculty member’s complaint and the Department Chair’s response should be documented in writing. If a faculty member disagrees with the Department Chair’s decision, the faculty member should file a formal complaint with the Dean. The Dean will charge the School Advisory Committee with fact-finding. Both the Chair or the Chair’s designee and the faculty member will have the right to be heard by the Committee. The Committee will issue a formal recommendation for resolution to the Dean. The Dean makes the decision based on this recommendation.

d. Grievance Rights

Senate faculty members may grieve pursuant to Senate Bylaw 335, Privilege and Tenure: Divisional Committees – Grievance Cases. Non-Senate faculty members 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) remove Appendices B, C, and D.

September 23, 2020:

- Technical revisions to remove gendered language.

For details on prior revisions, please visit the Academic Personnel and Programs website.
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
- University Policy on Faculty Conduct and the Administration of Discipline – APM - 016
- Standards of Ethical Conduct
- 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
- 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
• 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
Salary Administration: APM - 671 - Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

671-0 Policy

The University of California policy on conflict of commitment and outside activities and the disposition of income earned from outside professional activities provides guidance for the identification and management of outside professional activities in order to avoid conflicts of commitment, while assuring that Health Sciences Compensation Plan (the “Plan”) participants may engage in a wide array of outside activities without unnecessary limitations. This policy is specific to faculty members who are participants in the Health Sciences Compensation Plan. Faculty members who are not participants in the Health Sciences Compensation Plan are subject to the provisions of APM - 025.

671-2 Purpose

a. General

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, clinical care, 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.

This policy acknowledges the value of outside professional activities while recognizing the likelihood that some 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 activity constitutes an outside professional or non-professional activity or if an activity is 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, describes the requirements when involving a student in outside professional activities, and defines the disposition of income earned from such activities.

Health Sciences Compensation Plan participants may engage in outside professional activities (other than patient care) only if they are deemed to be in Good Standing (see APM - 670-10) and may retain the income from outside professional activities only in accordance with the terms of this policy, the Plan, and the School Implementing Procedures.

b. Related University Policy

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

c. School Implementing Procedures

This policy provides a framework within which Implementing Procedures will be developed by each health sciences school that participates in the Plan. Additional Implementing Procedures may be developed for individual departments or organized research units. Departmental or Organized Research Unit Procedures must be consistent with the Plan and School Implementing Procedures and approved by the Dean. (See APM - 670-80 for details related to School Implementing Procedures.)

School Implementing Procedures and changes to approved Implementing Procedures must be consistent with this policy, approved by the Chancellor, and approved by the President or the President’s designee prior to implementation.

Affected Plan participants shall be provided the opportunity to review and comment on the proposed School Implementing Procedures, and any subsequent changes to School Implementing Procedures. The School Advisory Committee, described in APM - 670-6-d, shall advise the Dean on School Implementing Procedures developed in accordance with this policy.

School Implementing Procedures must reference the Plan, this policy, and:

1. The University’s Conflict of Interest Code, adopted pursuant to the requirements of the Political Reform Act of 1974, which requires designated University employees to disqualify themselves from participating in University decisions in which they have a personal financial interest; and
(2) The Political Reform Act of 1974, including the Academic Decision Regulation, which provides instruction on where to obtain information on disclosure and disqualification requirements; and


671-4 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 - 671-10-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 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 professional obligation to the University.

b. Conflict of Commitment

A conflict of commitment occurs when a faculty member’s outside activities interfere with the faculty member’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 service related to the faculty member’s field or discipline, whether compensated or uncompensated, that furthers the interests of an entity outside 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. School or Departmental Implementing Procedures may include a more specific definition of a day.

f. **Compensation**

Compensation for outside professional activities includes all types of remuneration (including stock, and 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.\(^2\)

### 671-6 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, and annual reporting (see APM - 671-10, Guidelines, for a description of Categories I, II, and III activities, APM - 671-10-a-(1)- and Appendix B for prior approval requirements, and APM - 671-10-a-(2)- and Appendices C and D for annual reporting requirements);
3. Developing procedures to identify and resolve, if possible, conflicts between a faculty member’s commitment to generating University revenue within the Plan and the faculty member’s outside professional activities; and
4. Establishing a deadline for submission of annual reports.

#### b. Faculty

Faculty are responsible for complying with this policy, including:

1. Maintaining Good Standing per the terms of the Plan (School or Department) that governs the faculty member’s appointment;
2. Obtaining prior written approval for engagement in Category I activities (see APM - 671-10, Guidelines, for description of Categories I, II, and III activities, and APM - 671-10-a-(1)- and Appendix B for prior approval requirements);

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\(^1\) See APM - 666
\(^2\) See Business and Finance Bulletin G-28
(3) Maintaining a running total of annual earnings from, and time spent on, all outside professional activities;

(4) Depositing all income that exceeds the earnings approval threshold into the Plan (see APM - 671-8-c) with the exception of income earned from Category III activities (see APM - 671-10-a-(3) for a description of Category III activities) and certain other activities listed in APM - 671-10-b;

(5) Obtaining prior written approval to engage in outside professional activities that may result in exceeding the total annual time and/or earnings approval thresholds;

(6) Submitting annual reports of all Category I and II activities and compensation earned from such activities (or the lack thereof) to the Department Chair (see APM - 671-10-a-(2) and Appendices C and D for annual reporting requirements);

(7) Attesting to adherence with the requirements of the policy in the annual report;

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

(9) Obtaining prior approval from the Department Chair before involving a student in an outside professional activity (see APM - 671-8-f); and

(10) 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 Principal Investigator or funding agency.

671-8 General Principles

a. Obligations to the University

Outside professional activities must be undertaken in a manner consistent with the faculty member’s professional obligations to the University. Outside activities must not conflict with the faculty member’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

School Implementing Procedures must specify the maximum number of days which Plan participants may devote to compensated and uncompensated outside professional activities.
that may not be less than 21 days and may not exceed 48 days annually. The School Implementing Procedures may allow departments or organized research units to set more restrictive limits than the maximum of 48 days, but such limits shall not be less than 21 days of compensated and uncompensated outside professional activity. Prior to implementing or revising the limit on the number of days that may be devoted to outside professional activities, affected Plan participants shall be provided an opportunity to review and comment on the proposed limit.

c. Annual Outside Professional Activities Earnings Approval Threshold

(1) The maximum annual outside professional activities approval threshold set by the Provost and Executive Vice President shall be up to $40,000 or 40 percent of the fiscal-year base salary scale (scale 0), whichever is greater, for an individual faculty member’s rank and step. The Provost and Executive Vice President may re-evaluate the maximum approval threshold periodically, adjust the maximum approval threshold for inflation on a periodic basis in accordance with the California Consumer Price Index (CPI), and publish it in the Academic Salary Scales.

Individual School, Department, or Organized Research Unit Implementing Procedures may choose a threshold lower than the maximum set by the Provost and Executive Vice President.

(2) A Plan participant who has satisfied the Good Standing Criteria established in accordance with APM - 670-10, who has not exceeded the limit on the number of days devoted to outside professional activities established in School Implementing Procedures, and whose annual earnings from all outside professional activities will not exceed the approval threshold is allowed to engage in outside professional activities (other than patient care) in accordance with all applicable University policies.

d. Retention/Non-retention of Income

(1) Income earned above the approval threshold, with the exception of income earned from Category III activities (see APM - 671-10-a-(3) for a description of Category III activities) and certain other activities listed in APM - 671-10-b, must be deposited to the Plan.

(2) School Implementing Procedures must clearly describe the types of activities for which time limits and earned income apply toward the approval threshold.

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3 The maximum number of days allowed shall remain consistent with time limits established for outside professional activities in APM - 025.
(3) Income due the Plan is subject to established Departmental and/or School assessment policies.

(4) Departments have the authority to determine the amount of deposited income that may be set aside for academic enrichment. Academic Enrichment Accounts are established by departments to support the academic, research and professional development activities of the faculty by allowing direct charge or reimbursement of business-related expenses.

(5) Departments have the authority to distribute a portion of or the entire amount of the deposited income, after assessment, and with the exception of income set aside for academic enrichment, to the individual faculty member, consistent with applicable law and University policies.

e. Exception Requests

Each Plan participant shall be responsible for maintaining a running total of the Plan participant’s time devoted to and annual earnings derived from all outside professional activities whether they exceed the time or earnings threshold and whether the funds are due to the Plan. If a Plan participant wishes to engage in an activity that might reasonably be expected to cause the time and/or total annual earnings from outside professional activities to exceed the annual approval threshold, then the Plan participant must request prior written approval to engage in the activity. To request approval, the Plan participant is required to provide to the Department Chair, in writing, relevant details about the proposed engagement or schedule of engagements, the nature of the services to be provided, the person or entity(ies) who will receive and/or pay for the service, the anticipated period of service and/or days to be devoted to the activity, the total expected income from the activity, and the amount by which the participant’s total annual earnings from outside professional activities are expected to exceed the threshold. Department Chairs shall forward to the Dean any request which requires review by the Dean and/or Chancellor, in accordance with School Implementing Procedures. After a Plan participant has received approval to engage in an activity that may cause the Plan participant’s time allotment and/or annual earnings from outside professional activities to exceed the approval threshold, the Plan participant must request the Department Chair’s approval for any subsequent engagement(s). If such engagements are approved, they shall be undertaken with all related income accruing to the Plan unless an exception is approved in writing, in accordance with School Implementing Procedures.

Department Chairs and/or Deans may approve Plan participants’ requests to engage in outside professional activities in accordance with School Implementing Procedures. However, School Implementing Procedures shall state that only the Chancellor or Chancellor’s designee has the authority to approve any request which involves a Plan

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4 When required to ensure appropriate patient confidentiality, the person or entity to be reported as recipient/payer for professional witness activities is the attorney or law firm requesting the services.
participant retaining earnings that exceed the maximum annual outside professional earnings approval threshold set by the Provost and Executive Vice President.

Plan participants shall immediately notify their Department Chairs if they inadvertently exceed the time limits or earnings threshold or if any of the information they provided in an approval request is inaccurate or has changed since the initial notification. For example, a participant should immediately notify the participant’s Department Chair if the earnings estimate from an outside professional activity was understated. Plan participants are subject to corrective action and disciplinary measures as outlined in APM - 671-26-b for violation, neglect, or manipulation of Plan requirements.

g. 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 between the faculty member and the student must be protected from influences or activities that could interfere with the student’s learning and must be 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.

h. 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.

h. Liability Coverage

The University’s liability and workers compensation coverage does not extend to activity that is outside of the course and scope of the participant’s 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.

671-10 Guidelines

Professional activities are separated into three categories in the management of this policy. Categories I and II include activities that must be reported and -- in the case of Category I -- must receive prior approval before the faculty member 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 University employment and need not be approved or reported. When an activity falls into more than one category, it should be assigned to the category which 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 related to the training and expertise which is the individual’s qualification for University appointment, but performed for a third party, and/or 2) they require significant professional commitment.

Category I activities require prior approval by the Chancellor 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 count toward the faculty member’s time threshold for outside professional activities (see APM - 671-8-b, Appendix C, and School Implementing Procedures for definition of time limits), and earned income counts toward the earnings approval threshold (see APM - 671-8-c and School Implementing Procedures for definition of the earnings approval threshold).

Category I activities include, but are not limited to:
Conflicts of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

(a) Teaching, research, or administration of a grant 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/co-founding role of a company;

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

(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 time allotment for outside professional activities (see APM - 671-8-b, Appendix C, and School Implementing Procedures for definition of time limits).

Income earned from these activities count toward the earnings approval threshold (see APM - 671-8-c and School Implementing Procedures for definition of the earnings approval threshold). Prior approval is required if the time and/or earnings thresholds are exceeded.

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:

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5 Grants submitted on behalf of a professional society are exempt from this restriction, i.e., are not considered Category I activities.

6 This does not include positions with professional societies.
Additional Teaching), other continuing health education programs run by the University, and self-supporting UC degree programs;\(^7\)

(b) Consulting under the auspices of the University of California;

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

(d) Consulting for for-profit entities;

(e) Consulting for non-profit entities;

(f) Consulting for non-profit health or education-related organizations;

(g) Consulting for government agencies;

(h) Serving on a board of directors outside of the University whether compensated or uncompensated;

(i) Providing or presenting a workshop for industry;

(j) Providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories;\(^8\)

(k) Other income-generating activities specified in approved Implementing Procedures.

(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, even if compensated, do not require disclosure in annual reporting or prior approval under this policy, do not count toward the faculty member’s time threshold for outside professional activities, and the income does not count toward the earnings approval threshold. Nevertheless, these activities must not interfere with a faculty member’s obligations to the University (see APM - 671-8-a).

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\(^7\) These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

\(^8\) 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 days of outside professional activities.
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; and

(d) Developing scholarly or creative works.

b. Other Activities

Income from the following activities may be retained by Plan participants and does not count toward the earnings approval threshold. Time related to these activities does not count toward time limits.

(1) Prizes, defined as gifts in recognition of personal achievements and not for services rendered;

(2) Royalties, defined as shares of proceeds for contributions as authors or inventors, as allowed under the University’s copyright and patent policies;

(3) Honoraria, defined as payments by agencies outside the University for occasional lectures and similar public appearances beyond normal academic responsibilities to the University of California and which are not in return for other services, whether given directly or indirectly;

(4) University honoraria, defined as payment for occasional lectures or similar services performed on a University of California campus as permitted by Academic Personnel Policy (see APM - 666, Additional Compensation: Honoraria) and relevant campus policies;

(5) Administrative stipends;

(6) Income from a profession unrelated to the training and experience which is the individual’s qualification for University appointment.

c. Disclosure Requirements

Faculty are responsible for disclosing all 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 time or the earnings approval threshold require prior written approval from the Chancellor in advance of performing the activity.

(2) Reporting Requirements

All faculty must provide an annual report of outside professional activities to their Department Chairs each 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 that were conducted during the prior 12 months, including activities conducted during normal service periods and during periods of leave with pay. All earnings derived from these activities must be reported as well.

671-14 Eligibility

a. Faculty subject to APM - 671

All participants in the Health Sciences Compensation Plan are subject to the provisions of this policy.

b. Recalled Faculty

Faculty who have retired and are recalled to active service for appointments at or less than 43 percent time and who are participants in the Health Sciences Compensation Plan are subject to the provisions of this policy.

c. Faculty on Leave

Faculty who engage in professional activities while on approved leaves with pay such as sabbatical and vacation must comply with requirements for disclosure, prior approval, and annual reporting for outside professional activities. These activities, as well as professional activities performed during the evenings and weekends, count toward the annual time limits and earnings approval threshold. 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. School Implementing Procedures must describe the requirements for disclosure, prior approval, and annual reporting for outside professional activities and earnings during periods of leave without pay.

d. Faculty Administrators

Faculty administrators are covered under 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).
671-16 Restrictions

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

b. Patient care (clinical) activities must be provided within the University setting, or as part of an approved affiliation agreement or professional service agreement. All clinical income is due to the Plan. In no case will Plan participants be allowed to retain income from patient care (clinical) activities.

c. Faculty who are receiving extramural funding may not exceed limitations on outside professional activities imposed by the funding sources, including effort rules.

671-24 Authority

a. President

This policy may be amended or repealed by the President, following consultation with the Health Sciences Chancellors, Deans, and the appropriate Academic Senate Committee(s).

b. Chancellor

The Chancellor shall issue campus or School Implementing Procedures that further refine APM - 671 and has the authority to approve Category I requests and individual exceptions under this policy.

c. Deans

Deans have authority to determine whether faculty are meeting established standards and requirements.

671-26 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. Consequences for Non-compliance

School Implementing Procedures shall clearly state that the University reserves the right to impose administrative remedies and/or to take corrective action and disciplinary measures toward any faculty member who fails to comply with Implementing Procedures on outside professional activities.
SALARY ADMINISTRATION

Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

Situations where faculty will be considered out of compliance include, but are not limited to, the following:

1. Failure to remit income due to the Plan as required by School Implementing Procedures;

2. Failure to obtain prior written approval for Category I activities or for involving a student in outside professional activities (see APM - 671-8-f);

3. Failure to comply with time limits for Categories I and II activities;

4. Failure to disclose and describe accurately the nature and scope of Categories I and II outside professional activities and earnings derived from those activities as required by School Implementing Procedures;

5. Failure to meet requirements of federal funding agencies regarding 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.

If the Department Chair or the Dean has reason to believe that a faculty member has not complied with the School Implementing Procedures, the Dean may take appropriate corrective action. A procedure for hearing and resolving disputes about corrective action shall be provided in the School Implementing Procedures. Corrective action refers to the discontinuation of certain privileges available only to Plan participants, in particular the opportunity to earn and receive compensation above the fiscal-year salary scale through the Plan.

Corrective actions may include, but are not limited to, the following:

1. Incentive or bonus compensation (Z compensation) may be suspended until such time as the faculty member complies with the provisions of the Plan and the provisions of the Implementing Procedures;

2. Additional negotiated compensation (Y compensation) may be set with consideration of the faculty member’s prior performance, including compliance with Implementing Procedures.

Compensation established in accordance with the Health Sciences Compensation Salary Scales (X, X’ compensation) shall not be reduced as a corrective action unless the faculty member is placed, by Chancellorial exception, on the fiscal-year salary scale (Scale 0).

Reductions in compensation are not always the result of corrective action and may also occur for other reasons such as insufficiency of current year income and contingency reserves. Whenever there are reductions in compensation, faculty shall be notified in writing by the Department Chair. In addition, corrective action will not preclude administrative remedies, sanctions or disciplinary measures in accordance with APM - 016,
University Policy on Faculty Conduct and the Administration of Discipline and APM - 150, Non-Senate Academic Appointees/Corrective Action and Dismissal. Violations by faculty members of either the time limits or earnings approval thresholds for outside professional activities represent an unauthorized use of University resources and/or retention of funds that belong to the University.

c. Complaints and Appeals

A faculty member who has a complaint about an issue related to outside professional activities should first try to resolve the issue at the departmental level. If the complaint cannot be resolved through discussions at the department level, the faculty member’s complaint and the Department Chair’s response should be documented in writing. If a faculty member disagrees with the Department Chair’s decision, the faculty member should file a formal complaint with the Dean. The Dean will charge the School Advisory Committee with fact-finding. Both the Chair or the Chair’s designee and the faculty member will have the right to be heard by the Committee. The Committee will issue a formal recommendation for resolution to the Dean. The Dean makes the decision based on this recommendation.

d. Grievance Rights

Senate faculty members may grieve pursuant to Senate Bylaw 335, Privilege and Tenure: Divisional Committees – Grievance Cases. Non-Senate faculty members 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) remove Appendices B, C, and D.

September 23, 2020:

- Technical revisions to remove gendered language.

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

- Standing Order of The Regents 103.4(b) Regents Policy 7303: Policy on Service Obligations and Leaves of Absence
- University Regulation No. 3 – APM – 005
- Privileges and Duties of Members of the Faculty – APM - 005
- University Regulation No. 4 – APM – 020
- Special Services to Individuals and Organizations – APM - 020
- The Faculty Code of Conduct – APM - 015 – APM – 015 Standards of Ethical Conduct
- University Policy on The Faculty Code of Conduct and the Administration of Discipline – APM - 016
- Standards of Ethical Conduct
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest Related to Sponsored Projects

- 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

- Regents Policy 7707, Senior Management Group Outside Professional Activities
- Conflict of Interest Code – Disqualification Rule Requirement
• 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

• 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
PRIOR APPROVAL FORM

FOR OUTSIDE ACTIVITIES (CATEGORY I)

Name__________________________________________ Department__________________________________________

Please print

For each Category I compensated outside professional activity in which you wish to engage in outside professional activities answer the following questions. Attach separate sheets, if necessary.

Type of activity in which you will be involved:
  Category I Activities:
    Executive/managerial role:____

  Outside teaching or research activity:____
  Salaried employee:____
  Other potential conflict of commitment:____

General description of the business/agency/organization/group/individual:

____________________________________________________________________________________

Activities/products/services of entity described above:________________________________________

Nature of your relationship to entity named above (check all that apply):

  Founder/co-founder:____  Owner:____  Consultant:____

  Board member:____  Salaried employee:____  Stockholder/partnership interest:____

  Equity/royalty interest:____  Other, please explain:____________________________________________

Description of the nature of your participation in this activity, including, if you wish, possible beneficial outcomes to areas of research, industry, and public service:

____________________________________________________________________________________

____________________________________________________________________________________
Beginning/ending month/year you could be involved in this activity:_________________________

Fiscal year(s) for which seeking approval:_________________________
(Approvals are generally for one fiscal year but may be granted for a longer term not to exceed five years. Outside income reports must be submitted annually.)

Estimated number of days of involvement during fiscal year appointment:__________

Do you wish to take a full- or part-time leave while engaged in this activity?__________

Approval granted through fiscal year ending June 30, ______

Request denied:_______

____________________________________  __________________________
Department Chair  Date

____________________________________  __________________________
Dean  Date

____________________________________  __________________________
Faculty Member Signature  Date  Chancellor or Chancellor's Designee  Date
REPORT OF CATEGORY I AND II COMPENSATED OUTSIDE PROFESSIONAL ACTIVITIES

FOR THE FISCAL YEAR ENDING JUNE 30, EXPLANATIONS FOR INFORMATION REQUESTED

Compensated Outside Activities: Compensation is defined broadly as all types of remuneration (including stock options) realized or having the potential to become realized for outside activity, excluding customary honoraria and reimbursement for reasonable travel expenses and per diem.

Fiscal-Year Faculty Appointment: A Fiscal-Year Appointment is an appointment in which the faculty member renders service to the University throughout the calendar year as opposed to the academic year (APM–600-4-0). Fiscal-year faculty accrue vacation time in accordance with APM–730.

Terms of Leave, if any: A faculty member may be permitted to go on full- or part-time leave in order to pursue certain compensated outside professional activities. If you were on such leave during any part of the pertinent fiscal year, provide information here about the percentage of time and inclusive months.

Category: For each activity, enter I or II.

Category I activities include: teaching, research, or administering a grant at an educational institution; trust, organization, government agency, or foundation outside of the University; employment outside the University; assuming a founding/co-founding role of a company; assuming an executive or managerial position outside of the University. You must receive prior approval to engage in Category I activities, which always count toward the 21–48-day limit and must be reported annually.

Category II activities include: additional University-compensated teaching, including teaching pursuant to APM–662, Additional Compensation: Additional Teaching; for UNEX courses and programs, other continuing education programs run by the University, and self-supporting UC degree programs; consulting under the auspices of the University of California; consulting or testifying as an expert or professional witness; consulting for for-profit entities; consulting for non-profit entities; consulting for non-profit health or education-related organizations; consulting for government agencies; serving on a board of directors outside of the University whether compensated or uncompensated; providing or presenting a workshop for industry; providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories; other income-generating activities specified in approved Implementing Procedures. Category II activities are counted within the 21–48-day limit and must be reported annually.

Number of Days: A full-time faculty member may engage in outside professional activities 21–48 days depending on the terms of the Department/School Implementing Procedures.

Enter the approximate number of days you worked on this activity during your period of active service to the University. For compensated outside professional activities a Day is defined using common sense and customary practice. This definition may vary by campus and/or discipline. A School or Departmental Implementing Procedure may include a more specific definition of a day. For additional teaching activities, the general rule is that every six contact or “podium” hours spent with students equals one day. See APM–662 for further information.

Role: Use one or more of the following terms to describe your relationship to the entity identified in the last column: Founder/co-founder, owner, board member, consultant, recipient of equity or royalty interest, stockholder or partnership interest, salaried employee, or other (explain).

Compensation Dollars in Thousands: If income earned for the activity did not exceed the annual threshold, check the box in the left column. If income earned exceeded the annual threshold, enter the amount earned in the right column.
### ANNUAL HEALTH SCIENCES COMPENSATION PLAN REPORTING FORM FOR CATEGORY I & II UNCOMPENSATED AND COMPENSATED OUTSIDE PROFESSIONAL ACTIVITIES

Fiscal Year Ending June 30, ___

In accordance with APM–671, all Compensation Plan participants are required to complete this form not later than ________

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<tr>
<th>Faculty Member Name (Print)</th>
<th>Academic Title</th>
<th>Department</th>
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<tr>
<th>Category I or II</th>
<th># of Days</th>
<th>Name of Outside Entity</th>
<th>Description of Services Provided</th>
<th>Role (e.g., consultant, speaker, employee, shareholder)</th>
<th>Compensation Dollars in Thousands</th>
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Total # Days: __________________________ Total income earned: $ __________________________

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I did not engage in Category I or II activities during the reporting period.

Total income earned did not exceed the earnings threshold.

I certify that I have complied with the provisions of the University of California Health Sciences Compensation Plan, the School of ________ Health Sciences Compensation Plan Implementation Procedures, and my departmental guidelines for the Plan regarding limitations on the retention of earnings, and time spent in Outside Professional Activities.

Faculty Member Signature: __________________________ Date: __________________________

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The department chair's signature affirms the form was received and reviewed. Corrective actions should be implemented for time reports (days) that are above the annual limit and for unapproved Category I activities.

Department Chair Signature: __________________________ Date: __________________________

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N.B.: Information disclosed herein is a public record under the California Public Records Act

7/1/14
SUSAN CARLSON, VICE PROVOST  
ACADEMIC PERSONNEL

Re: Proposed Revisions to APM 025 and 671, Conflict of Commitment and Outside Activities of Faculty Members

Dear Susan:

As requested, I distributed for systemwide Senate review the proposed revisions to APM Sections 025 and 671, Conflict of Commitment and Outside Activities of Faculty Members. All ten Academic Senate divisions and five systemwide committee (UCAF, UCAP, UCORP, UCFW, and UCPB) submitted comments. These comments were discussed at Academic Council’s January 26 meeting and are attached for your reference.

We understand that the revisions respond to recommendations from the UC Office of Ethics, Compliance, and Audit Services (ECAS) following its systemwide audit of foreign influence, which noted increased concern from the federal government about foreign influence in academia, including efforts by foreign governments to influence and capitalize on U.S. research.

The revisions would expand approval and reporting responsibilities for conflicts of commitment to all academic appointees, regardless of job series or appointment percentage, and would require all appointees to seek prior approval for any foreign activity. The revisions establish subcategories I.A and II.A for domestic activities and I.B and II.B for foreign activities. Faculty would be responsible for securing prior approval for Category I.A, I.B, and II.B activities, and for annual reporting on all Category I and II activities. Other academic appointees would be responsible for securing prior approval for and annual reporting on Category I.B and II.B activities.

The Senate is unable to support the policy revisions as presented, given widespread faculty concerns about 1) the rationale for the policy; 2) the additional administrative burdens the new requirements would impose on faculty, other academic appointees, and staff; and 3) the harm the requirements would cause to University research and academic freedom.

The Senate understands the University’s need to track faculty affiliations with, or compensation received from, external domestic or foreign organizations, in order to monitor for conflicts of commitment and protect the University from potential liability. However, the proposed policy
does not articulate a clear rationale for the new requirements. It does not describe the foreign influence risks at UC of greatest concern, provide evidence of widespread problems involving foreign influence that would justify the requirements, provide clear metrics on which to judge risks, or explain the University’s obligations under federal law in these matters. Instead, the policy appears to exceed the University’s compliance obligations and responsibilities to an unnecessary degree.

The new prior-approval and reporting process for scholarly activities outlined in the policy would impose substantial new burdens on faculty and research staff. These reporting requirements affect what are currently routine faculty activities. They would delay research activity, harm research productivity, and impede and discourage international research collaborations, global health activities, and the international exchange of ideas, which are central to the UC mission. As written, they are onerous and unnecessary. We are concerned that prior approval of faculty activity such as giving expert testimony could compromise academic freedom, as was the case recently in the politically-motivated Florida State University debacle. Faculty should not be required to obtain prior approval to present to entities such as the World Health Organization, for example, or consult with environmental protection and human rights organizations that may be “foreign-owned.”

The policy employs vaguely-defined terms, including “foreign-owned entities,” “outside activities,” and “foreign influence risks.” The Senate emphasizes that assessing foreign ownership can be difficult. Companies may be owned by many different entities using various legal structures, and many corporations with domestic headquarters also have substantial foreign ownership. Most faculty will not know whether a given entity is foreign-owned. Moreover, it is difficult to define an “outside activity” given the prevalence of online business and remote meetings in which the question of physical location is less relevant.

The Senate questions the inclusion of postdoctoral scholars in the annual reporting requirements. Postdocs are not permanent University employees or faculty, but limited-term appointees working under the supervision of Senate or other full-time faculty. As such, they are not appropriate for inclusion in the list of academic appointees with approval and reporting responsibilities.

The policy is unclear about the consequences for non-compliance, and gives too much discretion to administrators to approve activities and monitor compliance. The materials accompanying the policy did not include an analysis of implementation costs, including staffing and training needs and changes to UC’s Outside Activity Tracking System (OATS). We note that many faculty find OATS an unfriendly interface; they have difficulty completing the conflict of interest, conflict of commitment, and financial reporting questions. Processing times for OATS are already unnecessarily long; the APM 025/671 revisions are likely to worsen wait times.

The Senate requests close consideration of these issues as you further revise the policy. We are gravely concerned about the policy’s potential chilling effect on academic freedom and the pursuit of research, and its potential to foster xenophobia and harm international relationships. We encourage UCOP to provide an analysis of administrative costs and to explore alternative compliance mechanisms that meet minimal federal requirements. We look forward to reviewing a new revision that does not burden faculty or harm the University’s research mission, and that maintains a better balance between the reporting of conflicts of commitment and protection of academic freedom.
We appreciate the opportunity to comment. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Robert Horwitz, Chair
Academic Council

Cc: Academic Council
    Campus Senate Directors
    Executive Director Baxter

Encl.
Dear Chair Horwitz:

On January 24, 2022, the Council of the Berkeley Division (DIVCO) discussed the proposed revisions to the Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671), informed by written comments from the Committees on Academic Planning and Resource Allocation (CAPRA); Budget and Interdepartmental Relations (BIR); Faculty Welfare (FWEL); and Research (COR).

DIVCO recommends that Academic Council oppose these changes and that we ask University of California, Office of the President (UCOP) for revisions that are the absolute minimum to meet legal requirements. The documents provide little description of the rationale for these changes, making it difficult for us to propose specific alternatives that would meet the stated need. For this proposal, DIVCO finds that the high additional administrative burden, the unclear definitions, specifically of “outside activities” and “foreign-owned entities,” and the application to research partners outside the university and other academic appointees all contribute to a policy that is unworkable and would be damaging to the University’s research enterprise. I offer details on each of these issues below.

Additional administrative burden
The proposed revisions suggest additional pre-approval and additional reporting that would add to the workload of faculty and research administrative staff who are already stretched thin. DIVCO discussed how the undue burdens on research colleagues who are not full-time UC employees, additional approvals for conference and research trips, and multiple sets of reviews could lead to delays or cancellation of activities that strengthen our research programs. Given that the U.S. Department of State and Department of Commerce already require specific documentation, the requirement for prior approval under Category I.B. and II.B. is not necessary.
Under Category II.B., DIVCO recommends that this requirement be limited to countries and technology covered by the State Department. We believe the proposed revisions will discourage international collaborations.

Scope of revisions is unclear
Regarding the phrase, “activities that occur outside the U.S.”, we note that in a computer-mediated world, where research and activities are conducted over email and video conferencing, how one defines outside the U.S. has ambiguity. For example, would an “outside activity” include a video conference with one or more participants outside the U.S.?

Another area that is unclear are the sections that include activities that “involve foreign-owned entities”. The words and phrases, “involve” and “foreign-owned entities” are not defined. We note that many corporations listed on the U.S. stock exchange and with headquarters in the U.S. have substantial foreign ownership. It seems unworkable to ask faculty to make an assessment on their own in this matter and the policy as written seems unworkable. Does this mean 51% or more owned by other countries? Will prior approval be required to provide consulting services within the U.S. to a wholly owned subsidiary of a company with international ownership?

Other academic appointees
There was no support from DIVCO for the idea that other academic appointees, such as postdoctoral scholars, be included in these policy revisions. Postdocs and other academic appointees would be better covered by contractual language at the time of the appointment.

Please see attached committee letters for more information.

Sincerely,

Ronald C. Cohen
Professor of Chemistry
Professor of Earth and Planetary Science
Chair, Berkeley Division of the Academic Senate

Enclosures

cc: Mary Ann Smart, Vice Chair, Berkeley Division of the Academic Senate
    Jocelyn Surla Banaria, Executive Director
    Holly Doremus, Chair, Committee on Academic Planning and Resource Allocation
    Victoria Plaut, Chair, Committee on Budget and Interdepartmental Relations
    Laura Nelson, Co-Chair, Committee on Faculty Welfare
    Thomas Leonard, Co-Chair, Committee on Faculty Welfare
    Lia Fernald, Chair, Committee on Research
    Deborah Dobin, Senate Analyst, Committees on Academic Planning and Resource Allocation and Research
    Courtney McIntyre, Senate Analyst, Committee on Budget and Interdepartmental Relations
    Patrick Allen, Senate Analyst, Committees on Privilege & Tenure; and Faculty Welfare
PROFESSOR RONALD COHEN  
Chair, Berkeley Division of the Academic Senate  

Re: CAPRA comments on proposed revisions to APM Sections 025 and 671, Conflict of Commitment and Outside Activities  

At its December 1, 2021, meeting, CAPRA discussed proposed revisions to the APM sections 025 and 671 on Conflict of Commitment and Outside Activities.  

The proposed changes focus on international activities. They would make three primary changes. First, they would expand the categories of academic appointees subject to reporting requirements, adding Professional Scientists, Academic Coordinators, Postdoctoral Scholars, and others if they engage in activities occurring outside the U.S. or involving foreign entities (referred to here as “foreign activities”). Second, they would require that reporting faculty and other appointees divide their activities into two categories, foreign and U.S. activities. Third, they would expand the requirement for prior approval to include foreign activities falling into Category II, which generally encompasses short-term activities not thought to pose a conflict of commitment risk.  

CAPRA understands that this proposal may be thought necessary to comply with federal law. We do not know the extent to which that is true, as no explanation of the University’s perceived legal obligations was provided with the proposal. Even if it is necessary that the University adopt the revisions in this precise form, we have concerns about them, and would urge the University to articulate those concerns to our federal partners.  

Our overarching concern is that the new reporting and prior approval requirements could impede international research collaborations. We believe (and in the past the campus and University have articulated that they believe) that international collaborations are often quite valuable. The proposed revisions will inevitably discourage such collaborations to some degree, because they will require more attention and paperwork, and because prior approvals can take considerable time to obtain. We also are concerned that the scope of the revisions is unclear. It might seem easy to identify “activities that occur outside the U.S.,” but in today’s computer-mediated world that may not be true. Must the reporting appointee be physically outside the U.S., or would participation in Zoom or other computer-mediated meetings with one or more attendees outside the U.S. be included?
Without clarification, activities that “involve foreign-owned entities” are even more difficult to identify. Neither “involve” nor “foreign-owned entities” is defined in the proposed revisions, nor are reporting faculty provided with a clear “safe harbor” path to check on the ownership of any entities they work with. We worry that this uncertainty will impose a new time burden on reporting faculty, as well as making them potentially liable to sanctions for reporting incompletely or incorrectly. Finally, we question whether the new requirements for other academic appointees, such as postdocs, belong in a section on “conflict of commitment.” Grant-funded postdocs do not owe their energies to the campus or university so much as they owe them to the funding agency and principal investigator. Perhaps the rules for such grant-funded appointees should be articulated and implemented through the funding process rather than in the APM.

We appreciate the opportunity to comment.

With best regards,

Holly Doremus, Chair
Committee on Academic Planning and Resource Allocation
January 11, 2022

CHAIR RONALD C. COHEN
BERKELEY DIVISION OF THE ACADEMIC SENATE

RE: Proposed Revisions of APM-025, Conflict of Commitment and Outside Activities of Faculty Members, and APM-671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

We thank you for inviting us to comment on the proposed revisions to APM-025, Conflict of Commitment and Outside Activities of Faculty Members, and APM-671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants. In our response we confine our comments to the proposed revisions of APM-025, which are most relevant to Berkeley campus faculty and other academic appointees. We note, however, that most of the proposed revisions mirror each other and that therefore our comments also apply to APM-671 proposed revisions. The proposed revisions entail two important changes:

1) a significant increase in the number of categories of employees who will be subject to annual reporting, and
2) a major new requirement, Category I.B and II.B, for prior authorization of all international commitments by appointees in all categories subject to annual reporting of outside activities.

As a preamble to our response, we would like to note that the information we received provides minimal detail on the motivation for these proposed changes. The cover letter describes the results of a “systemwide audit of foreign influence” and notes “increased concern regarding foreign influence in academia within the federal government and UC’s peer institutions, including concerns about efforts by foreign governments to unduly influence and capitalize on U.S.-conducted research.” While we are sympathetic to these concerns, we see both proposed elements as raising significant new administrative burdens on already overburdened system, with the principal burden falling on department chairs and deans and their staff.

1) Turning now to the first item, the proposed revision significantly increases the number of categories of University employees who will be required to file annual reports on their activities.

   a. While this revision may be a simple recognition of the fact that employees in a number of categories, covered by the new “Designated Other Academic Employee” classification, may have conflicts of commitment similar to those of
ladder-rank faculty, it would be desirable to understand how many employees would be covered and the extent of the increase in the administrative burden.

b. We are concerned about the inclusion of postdoctoral scholars in the Designated Other Academic Employees category, subjecting them to the annual reporting requirements. The funding for postdoctoral scholars is highly variable, and many have funding from non-University sources through fellowships and grants, some of which are not even managed through the University. Often, individuals in these categories are also citizens of other countries with funding from their national governments, which we address in the next section. Herein, we simply point out that postdoctoral appointees are temporary employees who are hired or sponsored by individual faculty, and their obligations may be better covered by contractual language at the time of appointment.

2) The proposed revision creates two new reporting categories, Category I.B and II.B, covering “outside professional activities involving foreign entities that may pose foreign influence risks.” Activities in both categories would require prior approval.

   a. The proposed language refers to “foreign-owned entities.” However, we note that this definition is unclear in that a corporation formally operating in the US may in fact be 51% or more owned by entities in other countries or may have controlling interests based in other countries, without this being apparent to anyone without detailed knowledge of the corporate structure. Indeed, the US operations, or subsidiaries, of large international companies may be substantially or wholly owned by parents based in other countries. Does that mean that prior approval will be required to provide consulting services within the US to a wholly owned subsidiary of a company with international ownership? Some examples that immediately spring to mind include Exxon, Shell, Novartis, Roche, and Samsung. And could this also affect activities involving the International Monetary Fund, the World Bank, and the United Nations?

   b. The requirement for prior approval presumes that the Chairs/Deans/Chancellors and their staff possess intimate knowledge of the faculty fields of expertise and of the legal constraints, if any, on the “foreign activities” of faculty in the specific fields in which they operate. This seems to be an impossible task and potentially puts the whole approval chain into legal jeopardy. Thus, although perhaps only a remote possibility, the University and its employees could be unnecessarily exposed to potential legal liability, consequences of which have not been fully assessed. Given that the US Department of State and the Department of Commerce already require specific documentation on the export and sharing of technology and have produced a list of proscribed entities and activities outside of the US with which the research faculty are required to comply (see e.g., https://rac.berkeley.edu/ec/exportcontrollist2.html), we are not convinced about the necessity of this step without a careful assessment of its ultimate legal implications for administrators, faculty, and other academic appointees.
c. Also, we fail to see the rationale for a blanket, worldwide, requirement for a prior approval on all activities in the newly defined Category II.B, which include any activities that “involve foreign-owned entities or occur outside the U.S.” Given that UC faculty are involved in professional activities in many countries, we find this blanket requirement overly broad and unnecessarily burdensome. Given the high volume of international activity among Berkeley faculty, we are also concerned about the potential chilling effects on, or slowing down of, such activities for which Chancellor approval is required. It could also hurt revenue (e.g., certificate programs in other countries would need prior approval). We are certainly cognizant of the potential for “foreign influence” and access to critical or sensitive research. In that regard, the State Department and the Department of Commerce already maintain lists of countries with which contacts are restricted, and they also maintain and publish lists of products and technologies which are subject to export control or embargo. We suggest that the requirement for a prior approval on “foreign activities” under Category II.B be limited to the countries and technologies covered by the State Department and Department of Commerce regulations. We further suggest that UCOP create and maintain a website with a list of these restrictions and requirements, so that it can be easily consulted.

d. In this context, we note that many postdoctoral scholars come from other countries and may have funding from their own country. They are thus legally allowed to pursue consulting and other activities within their own country. Consequently, it may not be possible or even feasible to obtain information on such activities unless voluntarily disclosed. We would suggest that a more effective approach may be to ascertain that the appointees in the postdoctoral-scholar category satisfy the State Department and Department of Commerce restrictions at the time of appointment, and that at the same time they should be required to attest that they understand and will abide the conflict of commitment rules. We further note that undue administrative burdens (including requiring prior approval for all “foreign activities”) may deter postdoctoral scholars from taking up positions at Berkeley.

Thank you again for the chance to review the proposed revisions to the APM.

Victoria C. Plaut  
Chair

VCP/wl
Re: Proposed Revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671)

Dear Chair Cohen,

The Committee on Faculty Welfare reviewed and discussed the proposed draft revision to APM - 025, Conflict of Commitment Outside Activities of Faculty Members, and APM - 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants.

FWEL believes strongly that the proposed revisions will add significantly to faculty and staff workloads, and will create obstacles to international collaboration and international research. We believe that DIVCO should head off the chilling effects on UC’s current best practices that these provisions invite:

Re: 025-2a (2): The expansion of APM -025 to require “Designated Other Academic Appointees” to comply with the same reporting requirements as faculty may create undue burdens on research colleagues who are not full-time UC employees. The reporting requirements may lead to research partners to sever their relationship with UC research projects, or for UC research projects in need of outside partners to have difficulty finding qualified partners willing to undergo the reporting required in APM-025.

Re: 025-6a (2): The definition of new Categories (Category I.A and Category I.B) and the inclusion of Category II activities in the activities requiring prior approval generates new and onerous burdens for securing approval ahead of conference and research trips.

Re: 025-6b and 025-6c: The language “all known relevant information regarding the nature of their outside professional activities and the business/agency/organization/group/individual for whom the services are performed” is both vague and excessive.

025-10a (1): The proposal breaks Category I activities (those that are related to training and expertise that qualify the individual for the University appointment, but which are performed for third parties and/or require significant professional commitment) into two parts: Category 1.A and Category 1.B. Category 1.b activities are defined as those that “involve” foreign owned entities or that occur outside the U.S. Faculty members must get prior approval from
the Chancellor for Category 1.A and 1.B activities and must disclose the activities in annual reporting; the revision requires other appointees to secure prior approval from the Chancellor for Category 1.B activities and annual reporting. This extension of the prior approval and reporting requirements to other appointees may have the same effects on collaborations as noted above, particularly as examples of Category 1.B includes employment outside the University, founding or co-founding a company, and assuming an executive or managerial position outside the University (including such a role in a professional society). Moreover, the term “involve” as the threshold for how activities relate to foreign-owned entities is vague and excessive.

025-10a (2): The proposal breaks Category II activities into two subcategories: Category IIA are activities within the US, and Category II.B are those that involve foreign owned entities or occur outside the U.S. The revision now requires faculty and other appointees to secure prior approval for Category II.B activities. These include consulting or testifying as an expert or professional witness; providing outside consulting services or referrals; serving on a board of directors; providing or presenting a workshop for industry; or other professional services provided outside the U.S. or to foreign-owned entities. The requirement to secure prior approval is excessively burdensome and may not be possible in cases with short timelines.

025-26a: The monitoring of the reporting, given the increased complexity of reporting, will be an increased burden on chairs or their designates. Hours of staff time will be diverted from more important work to ensure compliance with UC and federal regulations.

Taken in total, these revisions appear to be a reaction to fears regarding foreign influence on or foreign appropriation of faculty expertise and research information. This policy response will generate significant additional reporting burdens on faculty, other appointees, as well as chairs, staff, and administrators both to secure prior approvals and to report and oversee reporting. These additional requirements are likely to have a chilling effect on international research and international collaboration. Faculty at Berkeley value the intellectual benefits of international collegiality, and FWEL believes these proposed policy revisions will result in significant erosion of faculty productivity. We strongly recommend these changes not be adopted.

We appreciate the opportunity to weigh in on these matters.

Sincerely,

Thomas Leonard, Co-Chair  
Committee on Faculty Welfare

Laura Nelson, Co-Chair  
Committee on Faculty Welfare

TL/LN/pga
PROFESSOR RONALD COHEN  
Chair, Berkeley Division of the Academic Senate

Re: COR comments on proposed revisions to APM Sections 025 and 671, Conflict of Commitment and Outside Activities

At its December 8th meeting, the Committee on Research reviewed the proposed modifications to APM-025 and APM-671. These revisions include two key recommendations, that 1) all policies for reporting conflicts of commitment will apply to all academic appointees regardless of faculty series or appointment percentage, and 2) all foreign activities will be classified as Category I activities that will require prior approval.

COR discussed concerns relating to upholding Berkeley’s standards for ethical conduct and an overarching concern that this policy may have undue effects on faculty from countries outside the United States, as well as faculty who conduct their research outside the United States. Furthermore, the committee was concerned that faculty may look at national origins of potential faculty hires rather than focusing on the quality of the work.

The committee also raised a number of specific concerns about the policies, including the following:

- Increased burden on faculty and other academic appointees to go through a cumbersome prior-approval process for many activities, especially for those faculty whose research takes place outside the United States.
- Time required for multiple sets of reviews, and what the delays could mean in terms of research activity and productivity for faculty and other academic appointees.
- Lack of clarity on what types of activities fall into which categories for reporting. A concrete suggestion from COR was to include an explanatory list or table with as much detail as possible.
- Lack of detail regarding implications for foreign researchers who are working at UC Berkeley.
- Insufficient discussion of how the already-stretched research administrative staff will take on the increased reporting activities.
Thank you for asking COR to review this policy.

With best regards,

[Signature]

Lia Fernald, Chair
Committee on Research
Robert Horwitz  
Chair, Academic Council

RE: Proposed Revisions to APM – 025 and APM – 671

Dear Robert,

The proposed revisions to APM – 025 and APM – 671 were forwarded to all standing committees of the Davis Division of the Academic Senate. Seven committees responded: Academic Personnel Oversight (CAP), Privilege and Tenure Investigative (P&T), and the Faculty Executive Committees of the College of Agricultural and Environmental Sciences (CAES), the College of Biological Sciences (CBS), the College of Letters and Science (L&S), the School of Medicine (SOM), and the School of Veterinary Medicine (SVM). We also solicited feedback from UC Davis’ Academic Federation, a campus governance organization to which several academic titles affected by these revisions belong.

Though committees understand the motivation for the revisions, CAES and CBS expressed concerns about the workload and financial burden the revisions could create. CBS cautions that the policies will “impose substantial new burdens on the department staff who need to manage the certification process. In the current budget climate, where departments are being asked to operate with fewer staff, this extra burden does not appear to be justified.” The scale of the foreign influence issues should be more thoroughly explained to help justify the revisions, and an analysis of alternative, less broad revisions would also be helpful.

Additional specific suggestions are relayed below:

- P&T suggests revising Category I.A to “activities involve U.S.-owned entities or and occur within the U.S and revising Category II.A to “activities, which apply only to faculty, involve U.S.-owned entities or and occur within the U.S. and include, but are not limited to…” throughout APM 025 and APM 671. This will distinguish between Category I.B which includes all other foreign-owned activities or those that occur outside the U.S.
- P&T raised concern about APM 671-10 Guidelines in Category III – ‘Other Activities.’ In (3) was added “but within the U.S.” (page 13). This may adversely affect faculty who lecture internationally.
- CAES notes that the final sentence in section 025-2.a.(1) on page 1 of APM-025 states: “This policy also seeks to clarify reporting and prior approval requirements related to outside professional activities involving foreign entities that may pose foreign influence risks.” Who
determines which foreign entities “may pose foreign influence risks”? CAES suggests removing the phrase so that the policy applies to activities with all foreign entities.

- CBS wonders why non-faculty appointees are included in Category III activities (page 13, "Category III activities, which apply only to faculty, are within the course and scope of University employment"). For consistency and clarity, CBS recommends stating that such activities are also within the scope of University employment for non-faculty appointees.
- CBS notes that the language “Academic Appointees who are employed by the University of California owe their primary professional allegiance to the University” may be problematic—what about people appointed with less than 50% appointments at UC who also hold other positions at greater than 50%?
- The Academic Federation notes that it is unclear why some academic titles are now included in these policy updates but not others (e.g., librarians are not included).

The Davis Division appreciates the opportunity to comment.

Sincerely,

Richard P. Tucker, Ph.D.
Chair, Davis Division of the Academic Senate
University of California, Davis

Enclosed: Davis Division Committee Responses

c: Hilary Baxter, Executive Director, Systemwide Academic Senate
   Michael LaBriola, Assistant Director, Systemwide Academic Senate
   Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate
Richard Tucker  
Chair, Davis Division of the Academic Senate  

RE: RFC: Proposed Revisions to APM - 025 and APM - 671  

The Committee on Academic Personnel – Oversight (CAP) has reviewed and discussed the proposed revisions to APM - 025 and APM - 671. CAP does not have any objections to the proposed revisions.
Richard Tucker  
Chair, Davis Division of Academic Senate  

**RE:** RFC: Proposed Revisions to APM - 025 and APM – 671  

Dear Richard:

The Committee on Privilege & Tenure -- Investigative Subcommittee reviewed the Request for Consultation (RFC) of the Proposed Revisions to APM - 025 and APM - 671. The committee was in overall agreement with the proposed revisions.

The committee understands the need and impetus for these policy revisions. There is general concern that the prior approval for Category II may impact faculty and non-faculty research with requiring this new level of approval.

There was also a suggestion within the committee discussion to revise Category I.A to *activities involve U.S.-owned entities and occur within the U.S* and revise Category II.A to *activities, which apply only to faculty, involve U.S.-owned entities and occur within the U.S. and include, but are not limited to...* throughout APM 025 and APM 671. This will distinguish between Category I.B which includes all other foreign-owned activities or those that occur outside the U.S.

Lastly, the committee raised concern about APM 671-10 Guidelines in Category III – ‘Other Activities’ in (3) it was added ‘but within the U.S.’ (page 13). The committee raised concern about this insertion within honoraria for non-Senate faculty, as some may lecture, internationally. This statement in APM 671 does not apply only to non-senate faculty; it applies to all faculty under the health sciences compensation plan (who are under APM 671 rather than 025), which would include many senate faculty.

Thank you.

Catherine VandeVoort  
Chair, Committee on Privilege and Tenure – Investigative Subcommittee
The Faculty Executive Committee of the College of Agricultural and Environmental Sciences (CA&ES) discussed the Proposed Revisions to APM-025 and APM-671 by email and through the ASIS whiteboard.

The two primary revisions to the policies are (1) that they would apply to all academic appointees regardless of faculty series or appointment percentage, and 2) that Category II activities conducted with or for a foreign entity would require prior approval, which was formerly only required for Category I activities. Based on the background material provided on the (growing) potential threat of foreign influence in UC research, it seems prudent to update APM-25 and APM-671, and the need for this update justifies some extra workload. These changes will increase the workload for academics and substantially increase the workload for campus staff.

We question whether the proposed changes will actually be effective in diminishing the foreign threat and would like to see a follow-up study in 2-5 years to gauge whether or not these changes have been effective. If they are not effective, then the increased reporting burden is not justified.

It appears that this policy is asking faculty and designated other academic employees to assess whether they have been unduly influenced by foreign interests. Will there be training necessary to make it possible to spot such influence and to accurately describe this influence in annual reports?

The final sentence in section 25-2.a.(1). on page 1 of APM-025 states: “This policy also seeks to clarify reporting and prior approval requirements related to outside professional activities involving foreign entities that may pose foreign influence risks.” The phrase “that may pose foreign influence risks” appears to indicate that the policy is only concerned with foreign entities that actually might pose a risk. That would appear to be difficult to determine – and who gets to say what is and is not a risk? – so it seems prudent to simply remove that phrase to avoid the ambiguity and have the policy apply to activities with all foreign entities.

The CA&ES faculty appreciates the opportunity to comment.
January 10, 2022

Richard Tucker  
Chair, UC Davis Division of the Academic Senate

**RE: Conflict of Commitment and Outside Activities** (revisions to APM - 025 and APM – 671)

Dear Richard,

The Faculty Executive Committee of the College of Biological Sciences has reviewed the request for consultation regarding the proposed revisions to APM - 025 and APM – 671. Much of our discussion focused on the administrative burdens that these revisions could produce. Although we see some value in having additional categories of academic personnel report their outside activities, there is concern among CBS faculty that extending the applicability of this policy so broadly represents a yet another unfunded mandate that will create significant additional work for staff and faculty, and that these changes aim to solve a problem that does not exist on a scale that would warrant such broad intervention. If we understand the changes correctly, these changes would require all or most postdocs, Project Scientists, and Research Specialists to file annual certifications even if they did not engage in any outside activities - same as what faculty do now. This may not be a big deal individually, but it will impose substantial new burdens on the department staff who need to manage the certification process. In the current budget climate, where departments are being asked to operate with fewer staff, this extra burden does not appear to be justified. The documents do not explain the problem that this change is intended to fix, making it difficult to judge whether the effort that will be required is commensurate with the scale of that problem. The documents also do not mention what other, less invasive and time-consuming solutions were considered before this change was proposed.

Conversely, with regard to Category III activities, why are non-faculty appointees not explicitly included in these? (i.e., page 13, "Category III activities, which apply only to faculty [emphasis mine], are within the course and scope of University employment. Examples include... (a) serving on panels... (b) reviewing manuscripts.... "). For consistency and clarity, it would be better to state that such activities are also within the scope of University employment for non-faculty appointees.

Some faculty also expressed a concern that the language "Academic Appointees who are employed by the University of California owe their primary [emphasis mine] professional allegiance to the University" may be problematic - what about people appointed at <50% at UC, who hold other positions at >50%?

We appreciate being consulted on this proposal, and hope that our input will be carefully considered.

Artyom Kopp
Proposed Revisions to APM - 025 and APM - 671

FEC: College of Letters and Science Committee Response

January 10, 2022

The College of Letters and Science FEC reviewed this RFC and members agreed that these new policy revisions seem onerous and may disincentivize entrepreneurship and international exchange of ideas. Furthermore, the policy is written too broadly and could be interpreted differently.
Proposed Revisions to APM - 025 and APM - 671

FEC: School of Veterinary Medicine Committee Response

January 10, 2022

The SVM FEC has no major concerns.

Minor technical comment asking for clarification of how ongoing international collaborations and positions will be managed.
Richard Tucker
Chair, Davis Division of the Academic Senate

RE: Proposed Revisions to APM 025 and APM 671

Dear Richard:

The Academic Federation Executive Council (AFEC) distributed the proposed revisions to UC APM 025 and APM 671 to its three personnel committees (AFPC, ASPC, and JPC) for review. Their full responses are enclosed.

The AFEC also discussed the proposed revisions at their December 2, 2021 meeting. Members did not have any objections to the proposed revisions, but there were some questions raised about why certain academic titles were included and not others (e.g., librarians, who can be listed as key personnel on proposals submitted by the University). A clear explanation that includes the rationale for expanding the applicability of APM 025 and 0671 to specific academic titles would have been helpful in providing input on these proposed revisions. We ask that rationale for inclusion or exclusion of specific academic titles on the proposed revision be provided to share with AFEC members.

The Academic Federation appreciates the opportunity to review and provide feedback on these proposed revisions.

Sincerely,

[Signature]

Martin H. Smith
Chair, Academic Federation

c: Erin DiCaprio, Vice Chair, Academic Federation
    Edwin Arevalo, Executive Director, Davis Division of the Academic Senate
January 6, 2022

Robert Horwitz, Chair
Academic Council

Re: Systemwide Review of Draft Revised APM-025 and APM-671

Dear Chair Horwitz,

The Irvine Division discussed the draft revisions to APM-025 and APM-671 at its January 4, 2022 Cabinet meeting. The Council on Planning and Budget (CPB) and the Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) also reviewed the revisions. Both councils provided significant feedback that is attached for your review.

CFW found the proposed changes to be troubling, xenophobic, and to have the potential to significantly limit academic freedom. The reporting burden placed on faculty may severely limit international opportunities from which faculty and the university greatly benefit. Further, few faculty will understand when they need prior approval and will inadvertently fail to list certain categories of activities.

CPB raised a number of specific questions and practical matters, such as the vagueness of the phrase “involve foreign-owned entities or occur outside the U.S.” and whether educational institutions are included. The council also noted that assessing foreign ownership is often difficult or problematic. Most faculty will not even know whether the entities they are involved with are foreign owned. Finally, CPB could not evaluate the potential financial implications of implementation since little detail was provided.

Cabinet members generally agreed with the councils’ assessment of the revisions and suspected these changes were proposed in response to a small number of high-profile cases of abuse rather than a widespread problem.

The Irvine Division appreciates the opportunity to comment.

Sincerely,

Joanna Ho, Chair
Academic Senate, Irvine Division

Encl: CPB, CFW memos

Cc: Georg Striedter, Chair Elect-Secretary
    Gina Anzivino, Interim Executive Director
JOANNA HO, CHAIR
ACADEMIC SENATE – IRVINE DIVISION

Re: Review of Draft Revised APM-025 and APM-671

Systemwide Senate Chair Robert Horwitz has distributed for comment proposed revisions to APM-025: Conflict of Commitment and Outside Activities of Faculty Members, and APM-671: Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants. The proposed revisions are responsive to recommendations from the systemwide Office of Ethics, Compliance and Audit Services (ECAS) following a systemwide audit of foreign influence and subsequent working group.

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) reviewed this issue and solicited feedback electronically. The Council would like to submit the following comments:

1. The proposed changes are troubling, xenophobic, and have significant potential to limit academic freedom. The undue reporting burden could limit international opportunities that could be a great benefit to UCI. If there is real need for better reporting and tracking of these activities, a more salient argument should be made. A better, faster and more streamlined process for obtaining approval to engage in these activities should also be implemented.

2. A change requiring prior approval before presenting at a workshop in industry seems outrageous and against the missions of the university. Not only is that burdensome on faculty, it simply seems counter to what we stand for. Frankly, the changes to require prior approval in IA category also seem strange. The requirement for prior approval is a phenomenally bad idea and one that will have deleterious consequences for faculty at our institution. Such approvals are usually lengthy and ridden with administrative delays. Delays could mean that UCI faculty will basically be unable to perform any consulting work for 60-90 days after the company seeks to hire, and would unacceptable to most companies. This could result in faculty from other institutions being preferentially selected for these useful and important roles. Some important research ideas and inspirations for impactful science can come from such activities. It’s mystifying why UCI would seek to limit them.

3. The substantive change is to Category 2, where now prior approval is required for 2b. I think that further clarification of what activities fall under 2b would be important. For example, is travel expenses and honorarium for participation in a conference at a company included? What about at an international organization or non-US academic institution?

4. The proposed changes are insufficiently supported to be acceptable. So many faculty will be affected by this. Is the potential for abuse so likely to make such a widespread application necessary? This seems to affect faculty negatively and is a bad idea all the way around. Instead, they need to identify and specify exactly what the problem seems to be, and then fashion a response that is as narrowly tailored as possible. This isn't it.
5. The proposed creation of category II.B activities may mean that faculty will no longer be able to participate in industry-sponsored workshops abroad without prior authorization. An important example are user workshops, which are often sponsored by third parties such as distributors abroad. Reporting and disclosure requirements regarding such activities are already burdensome, and this would make it even harder to participate, share the latest research and developments, and educate users in applying them. Similarly, the restrictions on participating on a board of directors will mean some faculty will lose influence and may eventually have to cease participating in any governance activities abroad. This policy could result in UCI losing out to competing institutions that are much more friendly and open to commercialization of fundamental research and supportive of faculty who engage in such activities beyond national borders.

Apart from the immediate chilling impact on research and service, there is also a deep concern regarding the broader implications for academic freedom and first amendment rights. We have just seen FSU inflict severe damage to itself and its faculty by its administrations' misguided attempt of preventing faculty from testifying in a lawsuit over voting restrictions. The proposed changes open the door to similar missteps. Even if the prior authorization requirement would "only" apply to foreign lawsuits and other activities, it could do great damage to the ability of UCI faculty to serve the public and make their expertise and knowledge available without concerns of institutional loyalty or retributions. The mere requirement of prior approval of such activities is unworthy of an institution that prides itself of having the highest standards of academic integrity and transparency and has "fiat lux" as its motto.

If anything creates a conflict of interest here, it is ill-defined and ill-conceived notions such as "primary professional allegiance" used in this policy. Academic integrity requires that our only "professional allegiance" be science, education, and relentless pursuit and analysis of scientific evidence, no matter how inconvenient it may be. This policy seems to be written on the assumption that faculty are just employees and a university is a business like any other. Especially during times of unprecedented faculty workload and further eroding of real salaries and benefits, this is tone deaf and likely a major mistake that may backfire.

The need for oversight of outside activities is understandable, but this is blatant administrative overreach. Since this is a core academic freedom issue for all UCI faculty and researchers, it might be appropriate to inform other Senate committees, as well as the Irvine Faculty Association, and possibly consult with AAUP.

6. Without concrete examples of proven or potential abuses and transgressions (a working group report is cited by not linked), it is hard to assess the merits of the proposed changes. This lack of clarity, plus the timing, create the appearance of an ill-advised response to external political pressure. The allusions to "undue foreign influence" seems xenophobic.

7. The creation of Category II.B will affect many faculty. Giving talks abroad at conferences of various sorts or at companies and getting reimbursed or compensated for the associated expenses is a commonplace activity. This may not refer to consulting specifically, but it could be taken as such. Many faculty will inadvertently fail to list Category II.B activities, and that few will understand that they need to get prior approval. There is a deep concern regarding the potential consequences of this change in policy.
Sincerely,

Terry Dalton, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

C: Gina Anzivino, Associate Director
   Academic Senate

   Matthew Hurley, Cabinet Analyst
   Academic Senate
January 4, 2022

JOANNA HIO, CHAIR
ACADEMIC SENATE, IRVINE DIVISION

RE: Systemwide Review of Proposed Revisions to APM 025, Conflict of Commitment and Outside Activities of Faculty Members and APM 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

At its December 8, 2021, meeting, the Council on Planning and Budget (CPB) discussed proposed revisions to APM 025 and 671, Conflict of Commitment and Outside Activities of Faculty Members and Health Sciences Compensation Plan Participants.

Background
The revisions seek to clarify reporting and prior approval requirements related to outside professional activities involving foreign entities that may pose foreign influence risks. Proposed revisions to APM–025 and APM–671 are responsive to recommendations from the Office of Ethics, Compliance and Audit Services following the systemwide audit of foreign influence. The results of the audit were published in the Systemwide Foreign Audit Influence Report, issued in February, 2021. The report noted increased concern regarding foreign influence in academia within the federal government and UC’s peer institutions, including concerns about efforts by foreign governments to unduly influence and capitalize on U.S.-conducted research.

Summary
The proposed changes include:

- Expanding applicability of APM–025 to cover designated other academic appointee titles. This includes adding the language “Designated Other Academic Appointees” to the policy (throughout) in order to cover a broader array of researchers (Academic Administrator Series, Academic Coordinator Series, Agronomist Series, Astronomer Series, Coordinator of Public Programs Series, Professional Research Series, Project Scientist Series, Specialist Series, Specialist in Cooperative Extension Series, Postdoctoral Scholars) and research activities.
- Expanding applicability of APM–025 to cover appointments above 0%. The threshold above which reporting is necessary has gone down for faculty, from 50% to 0%. The threshold for Designated Other Academic Titles Subject to APM–025 is newly set at 0%. Recalled faculty or others who have retired and are recalled at “exceeding 0% but at or less than 43% time are subject to the disclosure, prior approval and annual reporting requirements for Category I.B and Category II.B activities (but are not subject to the time limits”).
- Establishing subcategories in APM–025 and APM–671 for domestic and foreign activities within Category I and Category II Outside Activities. New subcategories I.A and II.A are created for domestic activities and new subcategories I.B and II.B for foreign activities. Faculty would be responsible for securing prior approval for participation in Category I.A, I.B, and II.B activities and for submitting annual reports on all Category I and Category II activities. Designated other academic appointees would be responsible for securing prior approval for participation in and submitting annual reports on Category I.B and II.B activities.
• Removing Appendices B, C, and D. The revised policies propose to delete Appendices B, C, and D, as all campuses use OATS for APM-025 and APM-671 prior approval and annual reporting processes.

The Council offers the following comments:

• The phrase: “involve foreign-owned entities or occur outside the U.S.” used throughout the policy seems vague. More detail would be useful. What is meant by the word “involve”? What counts as foreign-owned? What are borderline situations? For example, does a US subsidiary of a foreign company with less than 50% ownership count? Does outside the U.S. include U.S. territories? What if the main firm a faculty works with is a U.S. company, but a secondary partner is foreign-owned? Does this include educational institutions?

• The report does not consider that assessing foreign ownership is often difficult or problematic. Most faculty will not know whether the entities they are involved with are foreign-owned. Most firms (e.g., private firms) don’t disclose this before one works with them. Also, finding out ownership information would likely require some investigation and may be impossible to determine for the faculty member. Furthermore, such inquiries could possibly damage relationships with the entity.

• An assessment of 0% is also vague, in that it suggests that any interactions that fall into the prescribed categories must be reported (e.g., one phone call). The corresponding additional reporting burden on faculty is not recognized. Requiring reporting for such low involvement (e.g., 1%) creates a significant burden on faculty. If “0%” throughout the text refers to the employment degree of an appointee, then this point is moot.

• It may be necessary to clarify non-compliance. For example 025-6.b., Item 2-10, on page 4, says “It is the responsibility of the individual faculty member to disclose to the best of their ability all known relevant information regarding the nature of their outside professional activities and the business, agency, organization, group, or individual for whom the services are performed.” However, there is a difference between failing to disclose and getting the disclosure wrong (e.g., claiming a US entity when there is some foreign ownership that is not immediately obvious). How far must faculty investigate to ensure that they are in compliance? How will such issues be evaluated?

• The proposed policy revisions recognize increased workloads for campuses and necessitate changes to the Outside Activity Tracking System (OATS), all of which have financial implications (Item 2-1, Item 2-4). However, very little detail is provided about these implications, so CPB cannot effectively evaluate these financial impacts at this time.

• It was noted that the policy does not require reporting of honoraria. The vast majority of the work that UCI faculty do likely falls into this category. However, given the proposed increased workload, perhaps this should remain omitted.

On behalf of the Council,

Alyssa Brewer, Chair
January 10, 2022

Robert Horowitz  
Chair, UC Academic Senate

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

Dear Chair Horowitz,

The Divisional Executive Board, councils, and committees appreciate the opportunity to review the proposed revisions to APM 025 and APM 671. The Executive Board reviewed the proposal and divisional council and committee feedback at its meeting on January 6, 2022.

Executive Board members voted unanimously to reject the proposal as written. Per the detailed attached feedback, Senate members expressed concerns about the inclusion of postdoctoral scholars, the lack of reference to NIH and NSF policies that informed the proposal, the lack of clarity between domestic and foreign activities as defined, and the need to disambiguate foreign influence from percent commitment.

Sincerely,

Jody Kreiman  
Chair  
UCLA Academic Senate

Encl.

Cc: Jessica Cattelino, Vice Chair/Chair Elect, UCLA Academic Senate  
April de Stefano, Executive Director, UCLA Academic Senate 
Shane White, Immediate Past Chair, UCLA Academic Senate
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
To: Jody Kreiman, Chair  
Executive Board

From: Andrea S. Goldman, Chair  
Committee on International Education

Date: December 15, 2021

Re: Systemwide Senate Review – Draft Revised APM 025 and AMP 671

The draft of the revised APM 025 (Conflict of Commitment and Outside Activities of Faculty Members) and APM 671 (Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants) was circulated to the Committee on International Education members for independent review. Members did not have comments regarding the proposed revisions.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me via the Committee on International Education analyst, Emily Le, at ele@senate.ucla.edu.
December 8, 2021

To: Jody Kreiman, Chair, UCLA Academic Senate

From: Leah Lievrouw, Chair, Graduate Council

Re: Systemwide Senate Review: Draft Revised APM 025 and APM 671

At its meeting on November 5, 2021, the Graduate Council reviewed and discussed the draft revised APM 025 (Conflict of Commitment and Outside Activities of Faculty Members) and APM 671 (Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants). We offer the following remarks for the Executive Board’s consideration.

The Council was broadly supportive of the policies’ intent to identify and track significant conflicts of commitment among regular faculty and other academic appointees, particularly their affiliations with or compensation received from domestic or foreign organizations or institutions outside the University. One member noted that the effort is consistent with recent advice from key U.S. institutions such as the NSF and the NIH, though others also observed that the requirements might be seen as frankly political gestures, drawing broad distinctions between domestic and foreign activities and reporting.

However, members’ principal concerns related to the inclusion of postdoctoral scholars in the list of appointees subject to the revised reporting and prior approval requirements. Members noted that while the policies’ language is primarily and consistently directed toward “faculty” and other full-time academic appointments, postdoctoral scholars are not permanent University employees or faculty, but rather are appointed as limited-term academic fellows or trainees working under the mentorship and supervision of Senate or other full-time faculty. For example, per UC Bylaw 330 B.3.(c), Graduate Councils set policies and standards for “the appointment of postdoctoral scholars or their academic equivalent and for their enrollment by the Graduate Division” (emphasis added), and Graduate Division administers and oversees such appointments.

In essence, the distinction between postdoctoral scholars and graduate students is minimal, which prompted some members to speculate whether the same requirements could not be extended to graduate students or even undergraduates employed as GSRs funded by research grants from domestic or international agencies, for example. As presented in the draft, the reporting and permission requirements could have the unintended effect of limiting postdoctoral scholars’ research agendas or professional relationships outside UCLA, with adverse consequences for their academic careers. Members also pointed out that the revisions and covering documents did not contain clearly stated rationales/justifications for the 10 new categories of appointees to be covered by the revised policies, or an account of how the new categories were selected. Members recommended removing postdoctoral scholars from the list.
Some members also expressed frustration with the difficulty of distinguishing which activities under the policy are subject to limits on compensation, versus limits on time, and called for clearer language on this point. Others suggested that the revised policies should state more clearly the reporting implications of differences between domestic vs. foreign organizations or institutions, whether located in the U.S. or internationally -- or as one member put it, clearly distinguishing the “interaction” between outside-university and outside-country affiliations or activities.

We appreciate the opportunity to express our views on this matter. If you have any questions, please contact us via Graduate Council’s Analyst, Estrella Arciba, at earciba@senate.ucla.edu.
November 23, 2021

To: Jody Kreiman, Chair, Academic Senate

From: Kathleen Bawn, Chair, Undergraduate Council

Re: Systemwide Senate Review: Draft Revised APM 025 and APM 671

At its meeting on November 12, 2021, the Undergraduate Council had an opportunity to review proposed revisions to the following policies:

- APM - 025, Conflict of Commitment and Outside Activities of Faculty Members;
- APM - 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants.

Members noted that some of the language in the revisions refers to “ownership,” which may be difficult to establish. Members recommend revising such language to “foreign-controlled” or “foreign-domiciled.”

Members also sought clarification on the category of individuals labeled as “other” who are not subject to time constraints.

Thank you for the opportunity to opine. If you have any questions, please contact me via the Undergraduate Council’s analyst, Julia Nelsen, at jnelsen@senate.ucla.edu.

cc: Jessica Cattelino, Vice Chair/Chair-Elect, Academic Senate
April de Stefano, Executive Director, Academic Senate
Julia Nelsen, Committee Analyst, Undergraduate Council
Peter Petersen, Vice Chair, Undergraduate Council
Shane White, Immediate Past Chair, Academic Senate
January 14, 2022

To: Robert Horwitz, Chair, Academic Council

From: LeRoy Westerling, Chair, UCM Divisional Council (DivCo)

Re: Proposed Revisions to APM 025 and APM 671

The proposed revisions to APM 025, Conflict of Commitment and Outside Activities of Faculty Members and APM 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants were distributed for comment to the Merced Division Senate Committees and the School Executive Committees. Graduate Council offered comments (appended).

On December 16, 2021, members of the Divisional Council were invited to share their thoughts on the proposed revisions. No concerns were raised.

Graduate Council’s comments were endorsed by the DivCo Chair on January 14, 2022.

CC:
Divisional Council and UCM Senate Office
Hilary Baxter, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
DECEMBER 3, 2021

TO: LEROY WESTERLING, CHAIR, DIVISIONAL COUNCIL

FROM: ERIN HESTIR, CHAIR, GRADUATE COUNCIL

RE: PROPOSED REVISIONS TO APM SECTIONS 025 AND 671

Graduate Council (GC) has reviewed the proposed revisions to APM 025, Conflict of Commitment and Outside Activities of Faculty Members and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants. GC is pleased to endorse the proposed revisions with the following comments.

**APM 025**

Section 025-06 introduces reporting lines involving Department Chairs. However, responsibilities of this sort are not explicitly assigned to Department Chair. Perhaps a section should be added to APM 025 outlining Department Chair responsibilities. Additionally, a reference to such responsibilities should be added to APM 245.

Postdoctoral scholars have been added to APM 025’s list of academic appointees who are responsible for submitting disclosure documents. Are their mentors/supervisors responsible in any way for the action of their postdoctoral scholars? GC wonders if (faculty) supervisors should be required to approve such disclosures before the submission of the documents to the Department Chair.

**APM 025 and 671**

Although this passage (in p.10 in both documents) is outside the scope of the proposed revisions, GC lead reviewer found it puzzling that grants submitted as part of a professional society are exempted from the reporting requirements. What are the rationales for this exemption?

In both documents, in page 14, it is stipulated that reporting begins on “date of hire.” Further clarification would be beneficial, as it is not clear if such requirements can be binding in advance of appointment date.

Graduate Council appreciates the opportunity to opine.

CC: Graduate Council
Senate Office
January 14, 2022

Robert Horwitz, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: (Systemwide Review) Draft Revised APM 025 and APM 671

Dear Robert,

The Riverside Executive Council discussed the subject proposed APM revisions at their January 10, 2022 meeting.

Council members commented that these revised policies require administrative infrastructure to assess, ensure compliance, and education. I trust these comments and those attached from Riverside Divisional committees prove helpful.

Sincerely yours,

/s/ Jason
Jason Stajich
Professor of Bioinformatics and Chair of the Riverside Division

CC: Hilary Baxter, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office
COMMITTEE ON ACADEMIC PERSONNEL

January 5, 2022

To: Jason Stajich  
Chair, Riverside Division Academic Senate

Fr: Sean Cutler  
Chair, Committee on Academic Personnel


CAP discussed the proposed revisions to APMs 025 and 671. CAP did not take issue with the recommended changes regarding their expansion to cover other academic appointee titles. However, CAP was concerned by the recommendation that all foreign activities be classified as Category I activities requiring prior approval. CAP is concerned that this burdensome requirement will reduce external collaborations and discourage a highly desirable form of scholarly engagement that reviewing bodies usually encourage and reward. In addition, clear guidelines on what activities are “foreign” need to be provided. For example, faculty often participate in large international multi-member teams or utilize remote facilities for their experiments, even though they may not visit other countries to collaborate or access instrumentation and data. CAP was similarly concerned with potentially conflicting guidance on reporting and compliance. The proposed language states that “It is the responsibility of the individual faculty member to disclose, to the best of their ability, all known relevant information…” and later that “faculty will be considered out of compliance” for “failure to disclose and describe ... outside professional activities accurately” (italics added). Since reporting guidelines often change throughout a project’s lifetime (often unbeknownst to the faculty member), it is conceivable that a faculty member may unintentionally make technically inaccurate statements despite following the “best of their ability” guidance. How is accuracy defined and measured by this policy? What are the consequences of failing to “accurately” disclose and describe outside professional activities? The document should address these questions. Lastly, CAP members noted the document mentions “that the proposed policy revisions would result in increased workloads for campuses and necessitate changes to the Outside Activity Tracking System (OATS)”. Estimates for the cost and time required to implement these changes would also be helpful.
December 17, 2021

To: Jason Stajich, Ph.D., Chair, Academic Senate, UCR Division

From: Declan McCole, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine


Dear Jason,

The SOM Faculty Executive Committee has reviewed the Proposed Revisions to Academic Personnel Manual (APM): Draft Revised APM 025 and APM 671. There was broad approval for the proposed revisions, but we offer the following feedback.

The SOM Faculty Executive Committee is in full support of monitoring more rigidly any foreign outside activities by faculty and other non-faculty associates. However, and in order to avoid additional roadblocks to entrepreneurship and translation of University inventions, it would be advisable that non-faculty University employees would be exempt from rigid reporting, in particular that they would not need to request permissions and reporting Category I activities if these involve secondary employment at a University “affiliated” company, such as a formal spin-off company and/or a company that has in-licensed University intellectual property (IP). We also suggest that some guidance be included as to whether any existing situations will be grandfathered in if the APM is updated.

Yours sincerely,

Declan F. McCole, Ph.D.
Chair, Faculty Executive Committee School of Medicine
January 18, 2022

Professor Robert Horwitz  
Chair, Academic Senate  
University of California  
VIA EMAIL

Re: Divisional Review of Proposed Revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671)

Dear Professor Horwitz,

The proposed revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671) were distributed to San Diego Divisional Senate standing committees and discussed at the January 10, 2022 Divisional Senate Council meeting. Senate Council had no objection to the proposal, and offered the following comments for consideration.

There was no objection to revise the policy to include additional academic series, but Council members were concerned about the additional workload associated with the proposed changes, especially for those involved in the review and approval process as well as the supporting staff. The approval process for outside activities is already onerous for faculty, and the addition of more reporting requirements further highlights the need for explicit instructions on how to classify activities correctly. In addition, the definitions of the new subcategories I.A, I.B, II.A, and II.B are not clear enough (especially II.A and II.B since pre-approval is needed for II.B), given that companies can be owned by many different entities using various legal structures and can conduct business online. It may be hard for a faculty member to determine if a company would be considered “foreign-owned” or “U.S.-owned” and whether it conducts business only in the U.S. or outside the U.S. In light of a history of profiling, how can we ensure the policy does not create a fertile ground for targeting foreign-born scholars? It would also be helpful for faculty to know what constitutes allowable and unallowable foreign engagements in order to both prevent potential violations and to encourage an open scholarly culture fostering productive international engagements and collaborations.

The responses from the Divisional Committee on Academic Personnel, Committee on Faculty Welfare, and Committee on Research are attached.
Sincerely,

[Signature]

Tara Javidi
Chair
San Diego Divisional Academic Senate

Attachments

cc: Nancy Postero, Vice Chair, San Diego Divisional Academic Senate
    Lori Hullings, Executive Director, San Diego Divisional Academic Senate
    Hilary Baxter, Executive Director, UC Systemwide Academic Senate
IN CONFIDENCE

TARA JAVIDI
Academic Senate, San Diego Division

SUBJECT: Proposed Revisions to APM 025: Conflict of Commitment and Outside Activities of Faculty Members and APM 671: Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

The Committee on Academic Personnel (CAP) appreciates the opportunity to provide comments on the proposed revisions to APM 025: Conflict of Commitment and Outside Activities of Faculty Members and APM 671: Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants. The committee discussed the proposal at its November 10, 2021 meeting.

The committee has no objection to the proposal to modify APM 025 to cover 10 additional academic series that would be newly subject to prior approval and annual reporting requirements if engaging in foreign activities. CAP also has no objections to expanding the applicability of APM 025 to cover appointments above 0%, therefore requiring faculty and designated other academic appointees appointed above 0%, including recall appointees, to secure prior approval for and submit annual reports on participation in foreign activities. CAP understands that these policies would only be applicable if the appointee is participating in foreign activities and that no such annual reporting nor pre-approval is required in cases where someone appointed in one of the ten newly added series is performing Category I.A and Category II.A activities (i.e. involving U.S.-owned entities or occurring within the U.S.). If the intent is to require that these 10 series report on all Category I and II activities annually and receive prior approval for all Category I activities, regardless of whether they are domestic or foreign, then the policy revisions should make that clearer.

CAP also supports the removal of Appendices B, C, and D in the policies since all campuses use UC OATS for APM 025 and APM 671 prior approval and annual reporting processes.

In general, CAP understands that the University has an interest in protecting the University from any potential liability that may result from an academic appointee participating in outside foreign activities. Most committee members voiced support for the goal of the proposed policy and the need to establish new subcategories I.A and II.A for domestic activities and new subcategories I.B and II.B for foreign activities. However, CAP found that the definitions of Category I.A and Category I.B were not clear enough (Category I.A activities involve U.S.-owned entities or occur within the U.S.; Category I.B activities involve foreign-owned entities or occur outside the U.S.). Members judged that there is a conflict between these definitions because an activity can take place in the U.S. (hence Category I.A) but with a foreign-owned entity (hence Category I.B). Some committee members surmised that the intention was to define Category I.A activities as involving U.S.-owned entities AND occurring within the U.S. CAP recommends that the policy
language is refined, with possible permutations (example: U.S. owned company with activity occurring in the U.S= Category I.A, etc.) listed as examples, to make the requirements as clear as possible.

CAP also notes that clarity is required on the definitions of "U.S. owned" and "foreign-owned" with all the permutations of direct ownership, partially-owned subsidiaries, investments, and so on. An example of why this is necessary is illustrated by an example a member brought up during the discussion: An academic appointee wants to consult at a company that is physically located in San Diego, CA. After doing their due diligence by checking that Wikipedia says the company is listed on NASDAQ and headquartered in another U.S. state, would that be sufficient to call this a Category II.A activity, or would the academic appointee need to dig further, perhaps needing to review any publicly noted foreign company investors that may have a large stake/ownership in the company that would bump this into a Category II.B activity, or perhaps being expected to use specific types of information sources, rather than just Wikipedia? Having to spend an inordinate amount of time researching the ownership of the company adds an undue burden to the academic appointee and CAP can see compliance issues if this is the level of scrutiny expected by every academic appointee that would be required to comply with the revised policy.

CAP members were also deeply concerned with the downstream effects that will occur as the result of the proposed new policy. Even with the campus adoption of the UC OATS system, processing times are unnecessarily long. In many cases, an appointee is faced with a short deadline to respond to any entities with which they may wish to engage in outside activities. Members are worried that with this new requirement and the many new requests for pre-approval that will be generated as a result, that the approval process will be considerably longer. CAP strongly urges that, if at all possible, streamlined and speedy pre-approval processes are programmed into the UC OATS system before the policy goes into effect.

CAP appreciates the opportunity to comment on the proposed policy revisions and hopes that the Senate will consider some of the concerning elements of the proposed policy revisions that CAP judged as needing further clarification.

Pamela Cosman, Chair
Committee on Academic Personnel

Cc: N. Postero
    L. Hullings
    J. Lucius
December 15, 2021

TARA JAVIDI, CHAIR
Academic Senate, San Diego Division

SUBJECT: APM 025 & 671 Proposed Revisions to Conflict of Commitment and Outside Activities of Faculty Members and Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

The Committee on Faculty Welfare (CFW) reviewed the proposed revisions to the APM 025 and 671 Conflict of Commitment and Outside Activities of Faculty Members and Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants at its November meeting. The members of the committee endorsed the revisions.

Sincerely,

Juan Pablo Pardo-Guerra, Vice Chair
Committee on Faculty Welfare

cc: N. Postero
    S. Sinha
November 29, 2021

TARA JAVIDI, Chair
Academic Senate, San Diego Division

SUBJECT: Review of APM 025 & 671, Conflict of Commitment and Outside Activities

The Committee on Research (COR) discussed the proposed revisions to APM 025 and 671 at their November 15, 2021 meeting. The Committee endorses the proposed changes, and understands and supports that the rules and processes will, and should, apply to every researcher on campus, regardless of appointment or series. COR believes the changes will be beneficial in helping to keep faculty accountable for activities needing prior approval to prevent future violations. The changes will also keep the University aware of the entire range of commitments and activities its faculty members are engaged in.

Along with the proposed changes, COR opined that providing a clear outline of which activities are under the threat of potential foreign influence would be beneficial to researchers. The Committee believes educating faculty on what constitutes allowable and unallowable foreign engagements is crucial in order to prevent potential violations.

We thank you for the opportunity to comment on the proposed revisions to APM 025, Conflict of Commitment and Outside Activities of Faculty Members APM 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants.

Sincerely,

Gert Cauwenberghs, Chair
Committee on Research

cc: S. Golden
    L. Hullings
    J. Lucius
    N. Postero
January 18, 2021

Robert Horwitz  
Chair, Academic Council  
Systemwide Academic Senate  
University of California Office of the President  
1111 Franklin St., 12th Floor  
Oakland, CA 94607-5200

Re: UCSF Comments on the Proposed Revisions to APM 025 and APM 671 (Conflict of Commitment and Outside Activities of Faculty Members)

Dear Robert:

The San Francisco Division of the Academic Senate recently reviewed the proposed revisions to APM 025 and APM 671 (Conflict of Commitment and Outside Activities of Faculty Members). In brief, the proposed revisions would increase the number of academic appointees who are subject to outside activity/conflict of commitment requirements, and would increase the reporting and pre-approval requirements for foreign outside activities. In addition, we understand that the proposed changes are intended to reduce or mitigate foreign influence over the University. UCSF’s Clinical Affairs Committee (CAC), Committee on Faculty Welfare (CFW), Rules & Jurisdiction (R&J), and the School of Medicine Faculty Council (SOMFC) provided comments. Given the importance of outside activities to UCSF, this is a critical issue for our faculty.

We have the following specific concerns and suggestions:

1. **Xenophobia:** UCSF’s CAC is concerned that these changes will have a chilling effect on productive and appropriate work with colleagues across the world.

2. **Faculty Administrative Burden:** The proposed revisions would complicate what are already significant reporting and preapproval requirements (CAC, CFW, & SOMFC). On this point, we recommend that the University quantify the estimated increased burden on faculty before moving forward with the policy, and develop a process for faculty to provide requested information in a streamlined manner that does not result in undue burden (CFW & SOMFC). We are also particularly concerned about how faculty will know whether activities involve foreign-owned entities or occur outside the U.S. Therefore, both CAC and the SOMFC recommend that the University provide faculty guidance on how faculty should determine whether an activity involves a foreign-owned entity or whether it occurs outside the U.S.

3. **Application to Staff:** While we understand that the APMs only apply to UC faculty, our CFW articulated concerns that the proposed policy only applies to faculty and not to staff. If the risk of foreign influence is significant, a similar policy should be drafted that would apply to staff.

4. **Impact on Post-Doctoral Scholars:** If the policy is limited to academic appointees, CFW is concerned about how it will impact postdoctoral scholars, whose careers are especially vulnerable to delays.

Thank you for the opportunity to opine on the revisions to these important APMs. If you have any questions, please let me know.
Steven W. Cheung, MD, 2021-23 Chair
UCSF Academic Senate

Enclosures (4)
Cc: Kathleen Liu, Chair, UCSF Clinical Affairs Committee
    Lindsay Hampson, Chair, UCSF Committee on Faculty Welfare
    Mijung Park, Chair, UCSF Rules & Jurisdiction
    Marta Margeta, Chair, School of Medicine Faculty Council
Clinical Affairs Committee  
Kathleen Liu, M.D., Ph.D., M.A.S., Chair

January 10, 2022

Steven Cheung, M.D.  
Division Chair  
UCSF Academic Senate

Re: Systemwide Review of Proposed Revisions to APM 025 and APM 671, Conflict of Commitment and Outside Activities of Faculty Members

Dear Chair Cheung:

The Clinical Affairs Committee (CAC) writes to comment on proposed revisions to APM 025 and 671 that govern outside activities of faculty members and potential conflicts of commitment.

CAC understands that the proposed changes are intended to reduce or mitigate foreign influence over the University, but CAC is concerned that these changes will have a chilling effect on productive and appropriate work with colleagues across the world. CAC is also concerned that the proposed revisions will foster xenophobia and racism and make faculty less willing to develop the very relationships that break down barriers and stereotypes.

Outside activity is important to faculty professionally and financially. The proposed revisions would complicate what are already significant reporting and preapproval requirements. CAC is particularly concerned about how faculty will know whether activities involve foreign-owned entities or occur outside the U.S. This might seem like a strange concern, but it is not always obvious whether entities are foreign-owned. In a world filled with multi-national corporations, parent companies, subsidiaries, and international supply chains, it is not easy to know whether entities are foreign-owned. It can even be difficult to tell whether an activity occurs outside of the U.S. Is a faculty member participating in an activity that occurs outside the U.S. if the faculty member is paid by a U.S. company to speak at a European online conference while the faculty member remains in the U.S.?

CAC recommends that the University provide faculty with guidance on how faculty should determine whether an activity involves a foreign-owned entity or whether it occurs outside the U.S. These questions are not as straightforward as they may seem, and faculty will need guidance and resources to comply with the proposed policy.

Thank you for the opportunity to comment on this systemwide review.

Sincerely,

Kathleen Liu, M.D., Ph.D., M.A.S., Clinical Affairs Committee Chair

CC Senate Executive Director Todd Giedt
Re: Systemwide Review of Proposed Revisions to APM 025 and APM 671, Conflict of Commitment and Outside Activities of Faculty Members

Dear Chair Cheung:

The Committee on Faculty Welfare (CFW) writes to comment on the systemwide review of Proposed Revisions to APM 025 and APM 671, Conflict of Commitment and Outside Activities of Faculty Members. CFW is concerned about the proposed revisions to APM 025 and APM 671. CFW fears that the revisions would make the Conflict of Commitment and Outside Activities policy excessively bureaucratic and would not meaningfully address the problem of malfeasance by foreign governments in academic research.

CFW recommends that the University quantify the estimated increased burden on faculty before moving forward with the policy and provide a system for faculty to provide requested information in a streamlined manner that does not result in undue burden.

If the proposed policy is implemented and chancellor-level approval is required for more outside activities, the process for obtaining that approval should be efficient. Otherwise, projects can be delayed by months to years.

CFW is also concerned that the proposed policy only applies to faculty and not to staff. If the risk of foreign influence is significant, the policy should also apply to staff. If the policy is limited to academic appointees, CFW is concerned about how it will impact postdoctoral scholars whose careers are especially vulnerable to delays.

Finally, CFW believes that if the proposed changes are implemented, there should be a thoughtful and coordinated effort to educate faculty about the new rules. CFW members were not very familiar with the existing policies on outside activities, and the members are concerned that faculty will not learn about the proposed changes if they are implemented.

Sincerely,

Lindsay Hampson, MD, MAS, Committee on Faculty Welfare Chair
Committee on Rules and Jurisdiction
Mijung Park, PhD, MPH, RN, Chair

January 10, 2022

Steven Cheung, MD
Division Chair
UCSF Academic Senate

Re: Systemwide Review of the Proposed Revisions to APM 025 and APM 671 (Conflict of Commitment and Outside Activities of Faculty Members.

Dear Chair Cheung:

The Committee on Rules and Jurisdiction (R&J) writes to comment on the proposed revisions to APM 025 and APM 671 related to conflict of commitment and outside activities of faculty members. APM 025 and APM 671 frequently refer to “a day” in time limits for outside activities. It is unclear whether “a day” is a calendar day, a business day, or eight hours.

The proposed policy defines “A Day” in APM 025 as follows, “For purposes of this policy, a day is defined using common sense and customary practice. This definition may vary by campus and/or discipline.” (See PDF page 8 of the 93-page systemwide review packet.) The proposed policy uses an identical definition for APM 671 but with this additional language at the end, “School or Departmental Implementing Procedures may include a more specific definition of a day.” (See PDF page 54.) R&J finds these definitions inadequate and recommends that the definitions be more specific.

Thank you for the opportunity to comment on this systemwide review. Please reach out if you have any questions.

Sincerely,

Mijung Park, PhD, MPH, RN
Committee on Rules and Jurisdiction, Chair
Re: Systemwide Review of Proposed Revisions to APM 025 and APM 671, Conflict of Commitment and Outside Activities of Faculty Members

Dear Chair Cheung:

The School of Medicine Faculty Council (SOMFC) writes to comment on the systemwide review of proposed revisions to APM 025 and APM 671 regarding conflict of commitment and outside activities of faculty members.

The proposed revisions would increase the number of academic appointees who are subject to outside activity/conflict of commitment requirements, and the revisions would increase the reporting and pre-approval requirements for foreign outside activities.

SOMFC has concerns about the administrative burden of increasing reporting and pre-approval requirements. SOMFC recommends that any forms, processes, and systems for implementing the proposed changes be as streamlined as possible. A streamlined system would not only be less frustrating for faculty, but it likely would result in more accurate information and be a better tool for identifying undue foreign influence. It needs to be relatively easy and clear for faculty to provide information about their outside activities.

Of note, the University should provide clear guidance on how faculty should determine whether an outside activity involves a foreign entity. With so many multinational entities with complex parent and subsidiary relationships, it may not be easy to know when an outside activity involves a foreign entity. If the proposed revisions are adopted, SOMFC recommends that the University provide faculty with clear guidance on how to evaluate whether an entity is considered foreign.

Last, SOMFC recommends that the University provide clear guidance on whether lower risk Category III activities like serving on an editorial board of a foreign or international journal would have any increased reporting or preapproval requirements.

Thank you for the opportunity to comment on this systemwide review. Please contact me if you have any questions.
Sincerely,

Marta Margeta, MD, PhD
Chair of the School of Medicine Faculty Council

cc: Todd Giedt, UCSF Academic Senate Executive Director
    Elena Fuentes-Afflick, UCSF SOM Vice Dean for Academic Affairs
    Rene Binder, UCSF SOM Associate Dean for Academic Affairs
January 18, 2022

To: Robert Horwitz, Chair
   Academic Senate

From: Susannah Scott, Chair
      Santa Barbara Division

Re: Systemwide Review of Revisions to APM 025 and 671 - Conflict of Commitment and Outside Activities

The Santa Barbara Division distributed the proposed revisions to Senate councils and committees, including the Council on Faculty Welfare, Academic Freedom, and Awards (CFW), Committee on Academic Personnel (CAP), Committee on Diversity and Equity (CDE), Committee on International Education (CIE), Committee on Privilege and Tenure (P&T), Committee on Research Policy and Procedures (CRPP), and the Faculty Executive Committees (FECs) of the College of Letters and Science (L&S), College of Engineering (COE), and Gevirtz Graduate School of Education (GGSE), Bren School of Environmental Science and Management (BREN) and the College of Creative Studies (CCS). CRPP and GGSE, BREN, and CCS FECs opted not to or were unable to opine within the time permitted.

Overall, the Santa Barbara Division finds the expansion of APM 025 objectionable, which was our primary focus given the lack of a medical school at UC Santa Barbara. The policy presents an undue burden on faculty for activities that are critical to the mission of the University of California and which fall within their normal range of professional duties. As presented, the policy places compliance at odds with the principles of academic freedom. The revisions also poorly define “foreign influence risks” and the metrics by which these risks will be judged. A summary of key points is included below, and the individual responses are attached for your review.

A key issue raised by the reviewing groups is the expansion of the policy. As stated by CFW, “In general, we object as a matter of principle to the UC requiring faculty to seek prior written approval for participation in foreign activities. We are concerned that this policy change results in intensified UC oversight over faculty professional activities due to more generalized federal concerns about foreign influence in the US. There is a need to maintain a balance between the reporting of conflicts of commitment and protection of academic freedom.” Similarly, CAP stated that the revision “…appears to be expanding an existing reporting system into a surveillance system, in order to collect data on an issue unrelated to the original statute. Further, how this new data will be judged is nebulous. We find this objectionable.”
Another issue raised was the lack of a clear definition of “foreign influence risks.” Multiple groups emphasized the critical importance of a revised policy which defines the metrics that will be used to judge the risks of foreign influence in outside activities. The L&S FEC states, “Clarity around this definition is critical, because the very mission of the University depends on the generation, sharing, and distribution of knowledge both domestically and internationally. The campus benefits tremendously from this multi-directional creation of knowledge and its exchange, and provides value from its own contributions. Without a clear definition for what constitutes a “foreign influence” threat, for example in the sense of a specific risk to national security, the whole-sale implementation of changes presented could unduly damage our faculty’s and students’ ability to engage in international exchange and collaboration with entities outside of the country and erode the very foundation of our ethics of engagement.” The boundary between work within the university and outside of the university was also unclear.

Per CDE, the language in section II.A(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;” is vague. Faculty members frequently provide consultations and referrals in the context of their research, graduate mentorship, and other professional activities. The UC Regents encourage entrepreneurial activities among faculty; are those enterprising activities to be reported as well? Or only an individual faculty member’s professional work outside the university?

Several groups also called attention to the implementation of this new aspect of the policy, characterizing the requirements as onerous. CFW states “Faculty should not be tasked with onerous and unnecessary reporting requirements or be asked to work in a context in which they must question whether each of their teaching, research, or professional activities constitutes a conflict of commitment. The oversight and reviewing workload for this policy change is extensive and excessive, especially during a time of staff attrition in the UC system and on our campus.” They specifically call attention to why the activities mentioned in Category III A-F would be included in a conflict of commitment policy, noting that these are normal professional activities that faculty typically report as part of the academic personnel review process. They ask how these activities could “interfere with a faculty member’s obligations to the University” when they are expected as part of faculty members’ merit and promotion cases. The groups also raised questions about how administrators, faculty, and staff might be trained to identify the vaguely defined “foreign influence risks,” and noted that the lack of clarity would make the policy difficult to adhere to.

Multiple groups also raised concerns about equity, noting that the policy will impact some faculty more than others, due to their nationality or area(s) of research. P&T emphasized that international and domestic activities should be seen as equitable.

Other, more specific concerns include:

- **Potential for abuses of power.** There could be conflicts of interest if a Chair does not want to approve faculty, or postdoctoral scholars, from pursuing supplemental work (which is often needed to earn a living wage in high cost of living areas). Will Chairs be
subject to recusal? Will there be a way to appeal a decision? The approval process should be explained in more detail.

- **Earnings for outside activities.** CDE expressed concern about how the amount of money a faculty member can make on top of what they earn at the UC will be calculated. $40,000 or 40%, whichever is greater, seems inequitable.

- **Elected positions.** Footnote 6 of section 025-10.a.1.I.B indicates that faculty members must have prior approval from the Chancellor before “assuming an executive managerial position outside of the University” with foreign-owned entities or those that occur outside the U.S., with the inclusion of positions with professional societies. As these types of positions are often elective, it is unclear whether the approval of the Chancellor would be required prior to a faculty member standing for election, or only after they win. In either case, obtaining the Chancellor’s approval constitutes a time-consuming and onerous additional step in the process. P&T is of the opinion that Footnote 4 of section 025-10.a.1.I.A, indicating that such a limitation would specifically not include positions with professional societies, should apply to both categories I.A and I.B.

- **Executive or managerial positions in professional societies.** P&T suggests that section 025-10 should overall state that serving in an executive or managerial position in a professional society is a Category II, rather than a Category I, activity. Subsequently, footnote 4 and footnote 6 may instead read, “with the exception of positions in professional societies, which constitute Category II activities.”

- **Differing restrictions.** P&T is also generally concerned that different restrictions apply to I.A/II.A and I.B/II.B activities. Such distinctions suggest that faculty participation in foreign-based professional activities should be under stricter scrutiny than their domestic-based counterparts, presumably on the assumption that the membership of non-American citizens will be greater in the former than the latter. The Committee believes that the standards governing faculty participation in I.A/II.A and I.B/II.B activities should be the same.

In short, the Santa Barbara Division feels strongly that all of these issues should be taken into consideration in an effort to further revise the policy. Any future iterations should be routed to the Academic Senate for review prior to implementation.

We thank you for the opportunity to comment.
January 12, 2022

To: Susannah Scott, Divisional Chair
   Academic Senate

From: Lisa Parks, Chair
      Council on Faculty Welfare, Academic Freedom, and Awards

Re: Proposed Revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671)

The Council on Faculty Welfare, Academic Freedom, and Awards reviewed the Proposed Revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671) and offered comment via email. The memo was drafted based on input from council members solicited via email. The comments below are specific to APM-025; the Council did not consider APM 617 applicable since our campus does not have a medical school.

The council finds the mandatory reporting and permissions for Category I.A(a) & I.B(a) to be unnecessarily onerous: “Teaching, research, or administration of a grant at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University;”

Faculty frequently participate in collaborative work that involves teaching and/ research activities outside the university and should not have to request prior permission to engage in such activities. There is a need for clarification as to whether these policies pertain to faculty delivering lectures at other universities, whether in the U.S. or foreign countries, where students are present and may receive honoraria. Is this considered “teaching”?

Additionally, section II.A(c) needs further clarification. “Providing outside consulting services or referrals or engaging in professional practice as an individual or through a single- member professional corporation or sole proprietorship;” is vague. Faculty members frequently provide consultations and referrals in the context of their research, graduate mentorship, and other professional activities. The UC Regents encourage entrepreneurial activities among faculty; are those enterprising activities to be reported as well? Or only an individual faculty member’s professional work outside the university? The boundaries are a bit confusing.

It is unclear as to how and why the activities mentioned in Category III A-F would be included in a conflict of commitment policy. These are normal professional activities that faculty typically report as part of the academic personnel review process. How could they “interfere with a faculty member’s
obligations to the University” when they are expected as part of faculty members’ merit advancements and promotions? This needs clarification.

The policy does not provide information about the training and education of faculty or academic appointees about the details and requirements of the policy. What UCSB offices will be charged with informing the research community about this? Department chairs? Deans? Currently, they are charged with oversight and review, but what about informing faculty and academic appointees about these requirements? More detail is needed in this regard.

In general, we object as a matter of principle to the UC requiring faculty to seek prior written approval for participation in foreign activities. We are concerned that this policy change results in intensified UC oversight over faculty professional activities due to more generalized federal concerns about foreign influence in the US. There is a need to maintain a balance between the reporting of conflicts of commitment and protection of academic freedom. Faculty should not be tasked with onerous and unnecessary reporting requirements or be asked to work in a context in which they must question whether each of their teaching, research, or professional activities constitutes a conflict of commitment. The oversight and reviewing workload for this policy change is extensive and excessive, especially during a time of staff attrition in the UC system and on our campus.

Moreover, such a policy poses equity issues as some faculty, due to their nationality or research, would be more targeted or limited than others. In the foreign languages and literatures fields, for instance, most international organizations and conferences may be housed abroad and participating in these professional organizations and meetings may be more or less a requirement in order to be a leading scholar in the field. This policy would strongly prevent such faculty from doing the work and achieving the renown they have been hired for.

CC: Shasta Delp, Executive Director, Academic Senate
TO: Susannah Scott, Divisional Chair
Academic Senate

FROM: Omar Saleh, Chair
Committee on Academic Personnel

RE: Proposed Revisions to Academic Personnel Manual (APM) 025 and APM 671

The Committee on Academic Personnel (CAP) has reviewed the proposed revisions to APM 025 and APM 671. Given UCSB’s lack of a medical school, the focus was solely on APM 025.

CAP members appreciated the need to bring campus reporting policy in line with the expectations of federal agencies, and also understood the motivation to more clearly identify and categorize the various types of external activities. However, the general consensus of the committee was negative, for the following reasons:

- The stated intent of the revisions (page 1) is to identify outside activities involving ‘foreign entities that may pose foreign influence risks.’ However, no criteria are explicated as to which activities or foreign entities might pose such a risk. In many cases it is unclear how to define whether an entity is, in fact, foreign-- many corporations are multinational, and even apparently domestic companies maintain foreign headquarters, e.g. for tax reasons. The memo indicates that the Department Chair will play a key role in approving activities, but it is far from obvious that this individual will have the knowledge and insight to clarify these points. Thus even well-informed faculty wishing to follow the revised procedures will ultimately be left in the dark as to how to define foreign activities and their potential risk, and so will not be able to predict the likelihood of obtaining prior approval for any given activity, which will lead to uncertainty, inability to make future plans, and delays. It seems critical that the statute be revised so there is a clear answer to the question, “What metrics will be used to judge the risks of foreign influence in outside activities?”

- There is significant concern about the way in which the statute is being expanded in this revision. The original statute was aimed at ensuring faculty are committing appropriate time and effort to university activities, particularly by clearly explicating the amount of time permitted to be devoted to outside activities. The revision adds a new aspect (‘foreign influence risks’), without defining them. The revision thus appears to be expanding an existing reporting system into a surveillance system, in order to collect data on an issue unrelated to the original statute. Further, how this new data will be judged is nebulous. We find this objectionable.

- A second manner in which the revision expands the statute regards who must report-- now not just faculty, but various other members of the University community (e.g. researchers, scientists,
academic administrators). This expansion is likely to have an impact on recruiting individuals into those positions; we are concerned that the proposed increase in scrutiny will make it difficult to attract foreign-born candidates. Already, hiring of international candidates into these positions has been negatively impacted by various political and legal developments; the expansion proposed here is likely to exacerbate those impacts.

Because of the issues stated above, there is concern that the revision will have the effect of discouraging international collaboration in research and other scholarly activities, which is contrary to the principles of academic freedom and global engagement that are integral to the University’s values.

For the Committee,

[Signature]

Omar Saleh, Chair
January 3, 2022

To: Susannah Scott, Divisional Chair
    Academic Senate

From: Jean Beaman, Chair
      Committee on Diversity and Equity

Re: Proposed Revisions to Academic Personnel Manual APM 025 and APM 671

At its meeting of November 29, 2021, the Committee on Diversity and Equity (CDE) reviewed the proposed revisions to Academic Personnel Manual (APM) 025 and 671, pertaining to conflict of commitment and outside activities of faculty members. CDE focused on APM 025, as APM 671 covers health sciences compensation plan participants. The Committee questioned the reasoning behind these changes: it would be odd if the motivation for these changes is to scrutinize faculty members’ sources of income, but understandable if it is to protect intellectual property. Other concerns raised included:

- Participation in foreign and domestic professional groups being treated differently. If a faculty member is a member of a domestic professional organization, this does not need additional approval, but does if they belong to a foreign professional organization. This seems odd as many professional organizations are international in nature. This is also an issue of equity, as certain areas of research may be more international than others.

- Potential for abuses of power. There could be conflicts of interest if a Chair does not want to approve faculty, or postdoctoral scholars, from pursuing supplemental work (which is often needed to earn a living wage in high cost of living areas). Will Chairs be subject to recusal? Will there be a way to appeal a decision? The approval process should be explained in more detail.

- How the amount of money a faculty member can make on top of what they earn at the UC will be calculated. $40,000 or 40%, whichever is greater, seems inequitable.

CC: Shasta Delp, Executive Director, Academic Senate
January 12, 2022

To: Susannah Scott  
Divisional Chair, Academic Senate

From: Spencer Smith, Chair  
Committee on International Education

Re: Proposed Revisions to Academic Personnel Manual (APM) 025 and APM 671

The Committee on International Education (CIE) has reviewed the “Proposed Revisions to Academic Personnel Manual (APM) 025 and APM 671.” Since UC Santa Barbara does not have a School of Medicine, the committee chose not to discuss APM 671, which focused on “Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants.” Instead, the committee focused on APM 025 as it pertains to “General Academic Appointees” and how these revisions could affect international education.

The committee commented that the addition of the line, “This policy also seeks to clarify reporting and prior approval requirements related to outside professional activities involving foreign entities that may pose foreign risk,” due to its vagueness, could cultivate prejudice as the revisions do not indicate what constitutes a “foreign risk.” Without clear definitions of “foreign risk,” undue burden will be placed upon faculty members and others to determine what is a “foreign risk” and could negatively impact potential research collaborations with foreign universities and institutions. The committee understands that there are legitimate national security concerns, but this addition as written will likely cause complications in recruiting international scholars and researchers.

We hope that the policy will affirm the positive components of international scholarship and collaboration, avoid placing undue burdens on academic personnel, and use precise language to delineate the types of risks that merit careful reporting to address legitimate national security concerns.

Please do not hesitate to contact the committee if you have additional questions.

Cc: Shasta Delp, Executive Director, Academic Senate
November 22, 2021

To: Susannah Scott, Divisional Chair, Academic Senate

From: Risa Brainin, Chair, Committee on Privilege and Tenure

Re: Review of Proposed Revisions to APM-025/APM-671

The Committee on Privilege and Tenure (P&T) reviewed and discussed the proposed revisions to the Academic Personnel Manual 025 and 671. The following items were identified as areas of concern.

Footnote 6 of section 025-10.a.1.I.B indicates that faculty members must have prior approval from the Chancellor before “assuming an executive managerial position outside of the University” with foreign-owned entities or those that occur outside the U.S., with the inclusion of positions with professional societies. As these types of positions are often elective, it is unclear whether the approval of the Chancellor would be required prior to a faculty member standing for election, or only after they win. In either case, obtaining the Chancellor’s approval constitutes a time-consuming and onerous additional step in the process. The Committee is of the opinion that Footnote 4 of section 025-10.a.1.I.A, indicating that such a limitation would specifically not include positions with professional societies, should apply to both categories I.A and I.B.

Moreover, the Committee suggests that section 025-10 should overall state that serving in an executive or managerial position in a professional society is a Category II, rather than a Category I, activity. Subsequently, footnote 4 and footnote 6 may instead read, “with the exception of positions in professional societies, which constitute Category II activities.”

The Committee is also generally concerned that different restrictions apply to I.A/II.A and I.B/II.B activities. Such distinctions suggest that faculty participation in foreign-based professional activities should be under stricter scrutiny than their domestic-based counterparts, presumably on the assumption that the membership of non-American citizens will be greater in the former than the latter. The Committee believes that the standards governing faculty participation in I.A/II.A and I.B/II.B activities should be the same.

The Committee on Privilege and Tenure appreciates the opportunity to comment on these proposed revisions.

Cc: Shasta Delp, Executive Director, Academic Senate
Monica J. Solorzano, Analyst, Committee on Privilege and Tenure
December 13, 2021

To: Susannah Scott
Chair, Divisional Academic Senate

From: Sabine Frühstück
Chair, L&S Faculty Executive Committee


At its meeting on December 2, 2021, the Faculty Executive Committee of the College of Letters and Science (FEC) reviewed the proposed revisions to Academic Personnel Manual (APM) 025 and APM 671. These revisions focus on expanding policy application to a wider range of academic titles and creating separate categories of reporting and approval requirements between “domestic” and “foreign” outside activities.

The committee found these revisions presented a disturbing shift in focus toward the vaguely defined “foreign influence” threat described in the background section of the proposal. The proposal highlights the potential for foreign governments to “influence and capitalize on US conducted research,” but it does not present a clear definition of criteria used in defining such threatening influence or capitalization.

Clarity around this definition is critical, because the very mission of the University depends on the generation, sharing, and distribution of knowledge both domestically and internationally. The campus benefits tremendously from this multi-directional creation of knowledge and its exchange, and provides value from its own contributions. Without a clear definition for what constitutes a “foreign influence” threat, for example in the sense of a specific risk to national security, the whole-sale implementation of changes presented could unduly damage our faculty’s and students’ ability to engage in international exchange and collaboration with entities outside the country and erode the very foundations of our ethics of engagement. In particular, outside activities involving collaboration with entities in politically sensitive regions abroad could be at greater risk from an overly vague characterization of “foreign threat” risks during prior approval and review, making them more susceptible to being silenced for political or other reasons.

The committee strongly feels that the above should be addressed before the campus provides an endorsement of the proposed changes, also in light of the increased administrative burden required to implement them.

cc: Pierre Wiltzius, Executive Dean of the College and Dean of Science
Michael Miller, Interim AVC and Interim Dean of Undergraduate Education
Mary Hancock, Acting Dean of Humanities and Fine Arts
Charlie Hale, Dean of Social Sciences
January 18, 2022

TO: Susannah Scott  
Divisional Chair, Academic Senate

VIA: Shasta Delp, Academic Senate

FROM: Tobias Hollerer, Chair  
College of Engineering, Faculty Executive Committee

RE: Proposed Revisions to Academic Personnel Manual 025

The College of Engineering FEC met on Monday, January 3rd, 2022, and Tuesday, January 18th, 2022 and reviewed the proposed revisions to the APM - 025 - Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees. The committee strongly disagrees with both the necessity and the practicality of the proposed changes.

The proposed revisions to APM 025 nominally address “foreign influence risks” as they relate to faculty (and broader categories of employees) involvement in outside professional activities. The explanation provided for the proposed revisions is that they are a response to address the “critical importance of preserving federal funding for research within UC.” It is our opinion that these revisions are deeply flawed and would damage relationships with public and private sector companies, which are vital for significant amounts of research funding, employment and internship opportunities for students, and the economy of the state of California. The policies are stated to address potential “Conflicts of Interest and Commitment” associated with foreign influences, yet the current APM 025 has more than adequate disclosure requirements to address both COI and COC arising from interactions with both domestic and overseas entities.

The current Category II class of activities, which includes consulting for a public or private company, does not distinguish where the company is located or who owns it. The proposal is to split the category in two with Category II.A corresponding to “U.S.-owned entities or activity occurs in U.S.” and Category II.B corresponding to “Foreign-owned or activity occurs outside the U.S.” Category II.A does not require prior approval (as does the current Category II class), while Category II.B requires Chancellor-level approval. There are insurmountable problems associated with this proposal:

1) The descriptions used to distinguish II.A from II.B are insufficient. For example, if one consults for a German company by a Zoom call in the U.S., both categories II.A and II.B are met. Likewise, how would a Zoom consultation from the U.S. with a Microsoft research team in China be categorized? What about the case of consulting for a wholly owned subsidiary of the same German company located in the U.S. that was perhaps originally a U.S.-based startup company? As another example, suppose an individual was consulting for a publicly traded U.S. company in the U.S., but that company was acquired by a company from Japan or its domicile was changed...
to Ireland. How should that be reported? In short, many large companies today are so global as to defy categorization as U.S. or non-U.S., so the proposed policy as written is completely unworkable.

2) Classifying all foreign-owned or based entities the same, regardless of geography and governance seems unreasonable. Does a private western European company, a Japanese company, or an Australian company pose the same “foreign influence risk” as a state-owned Chinese, Russian, or N. Korean company? Moreover, why should consulting for a trusted international company such as Unilever in the UK require Chancellor approval, when consulting for a proven domestic bad actor such as an Enron does not? UC should not be trying to sort entities as “good” or “bad” based on geography or other criteria; this is an impossible distinction to make as companies change domicile, merge, and evolve.

3) Mandating that participating in a Category II.B activity requires Chancellor-level approval is an unnecessary burden that would fall disproportionately on UC faculty of engineering, sciences, and professional schools. Such a policy could cause UC’s most industry-engaged faculty to seek other employment, resulting in significant loss of revenue and reputation.

In summary, it is the opinion of the CoE FEC that the current APM 025 has more than adequate disclosure and approval requirements to address Conflict of Interest and Commitment arising from interactions with foreign entities. The committee deems the proposed revisions both unworkable and unacceptable and strongly urges against their implementation.
January 18, 2022

Robert Horwitz, Chair
Academic Council

RE: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM-025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM-671)

Dear Robert,

The Santa Cruz Division has reviewed the proposed revisions to APM Sections 025 and 671 regarding conflict of commitment and outside activities. Our Committees on Academic Freedom (CAF), Academic Personnel (CAP), Faculty Welfare (CFW), and Research (COR) have responded. The Santa Cruz Division notes that the proposed revisions to these policies are in response to recommendations made in the 2021 Systemwide Foreign Audit Influence Report, which expressed concern regarding foreign influence in academia within the federal government and UC’s peer institutions, including concerns about efforts by foreign governments to unduly influence and capitalize on U.S.-conducted research. Although Senate faculty and academic appointees should be made aware of the potential of foreign influence to undermine the benefits of research enterprise in the U.S. and guidance regarding appropriate action should be provided, our responding committees raised serious concerns about the potential effects that the increased workload and bureaucracy associated with these proposed revisions could have on research and entrepreneurism, and provided recommendations to help mitigate this issue, and improve the overall clarity of the policies.

The cover letter for this review acknowledges that the proposed revisions will require an increase in administrative workload and recognizes that a “significant amount of time will need to be devoted to partnering with stakeholders on the challenges of implementation”.¹ Our committees raised concerns that the excessive bureaucracy and increased workload that will result from all the inquiries,

¹ Carlson to Chancellors, Horwitz, et al., 10/22/21, Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM-025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM-671)
applications, approvals, and reporting that are required by the revisions may actually discourage faculty and academic appointees from pursuing international research and entrepreneurship, and therefore greatly hinder the UC’s overall mission. Further, the proposed revisions will place chairs and deans into the role of arbiter of appropriate and inappropriate foreign activity, which places extraordinary responsibility on these individuals, and will require significant training and resources. Extension of the policy to other academic appointee titles will additionally increase the need for training, resources, and outreach.

Although it is expected that the implementation of these proposed revisions will greatly increase workload, and presumably the allocation of resources, there is no guidance provided to mitigate these effects, or central support provided to alleviate the associated burden. Our committees noted that a clear statement on the specific problems that the proposed changes to APM 025 and 671 aim to solve and why the revisions are necessary would have greatly assisted reviewers in determining whether the expected negative impacts are worth the potential gains.

In addition to the need for a statement of problems the revisions aim to address in the review packet, the Santa Cruz Division urges that the following should be addressed and clarified in the revised policies:

- What is the criteria for approval and how long will approval take? The process and timing of approval should be clarified and standardized in order to ensure equity.
- What constitutes an approval or disapproval for Category II.B?
- The difference between what is acceptable vs. what is not acceptable/transgressive foreign activity should be noted. Multidisciplinary examples are needed.
- The policy should clearly state what constitutes “outside activities” and provide examples.
- Will the reporting requirements for international academic appointees be the same as those of other academic appointees?
- What is the reasoning behind the different reporting requirements for Senate faculty vs. other academic appointees?
- What constitutes “providing or presenting a workshop for industry” under Category II.B.d.?
- The process of academic appointee training or orientation in APM 025 should be clarified.

In order to decrease the workload and resource burden of these revisions, the Santa Cruz Division recommends that a threshold be included in APM 025 to determine the need for the requirement to report and gain prior approval for Category II.B activity. The threshold could require approval and reporting for any single payment or accumulated total that exceeds a specific dollar amount and has the ability to greatly reduce workload and simplify the overall process.

Due to the concerns expressed above and the need for further clarification and improvements to the proposed revisions to APM 025 and APM 671, the Santa Cruz Division does not support the drafts of these two policies as proposed. Our Division looks forward to participating in a new review with revised proposed revisions that address these concerns and those that may be raised by our sister campuses.

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2 The Key Policy Revisions section in Vice Provost Carlson’s 10/22/21 review cover letter state, “Faculty would be responsible for securing prior approval for participation in Category I.A, I.B, and II.B activities and for submitting annual reports on all Category I and Category II activities. Designated other academic appointees would be responsible for securing prior approval for participation in and submitting annual reports on Category I.B and II.B activities.”
Sincerely,

David Brundage, Chair
Academic Senate
Santa Cruz Division

cc: Minghui Hu, Chair, Committee on Academic Freedom
Stefano Profumo, Chair Committee on Academic Personnel
Nico Orlandi, Chair, Committee on Faculty Welfare
Jarmila Pittermann, Chair, Committee on Research
January 12, 2022

ROBERT HORWITZ, CHAIR,  
ACADEMIC COUNCIL  

RE: PROPOSED REVISIONS TO APM 025 AND APM 671, CONFLICT OF COMMITMENT AND OUTSIDE ACTIVITIES OF FACULTY MEMBERS  

Dear Robert,  

UCPB appreciates the opportunity to review the proposed changes to APM 025 and APM 671, Conflict of Commitment and Outside Activities of Faculty Members.  

The changes in policy are in response to an ECAS systemwide audit of foreign influence, amid growing concerns that foreign governments may seek to “unduly influence and capitalize on U.S.-conducted research.” The policy separates outside activity of faculty between foreign and domestic consulting activities. Faculty would face a higher reporting threshold for consulting activities with foreign entities.  

Committee members expressed concern that vaguely defined “foreign activities” would complicate compliance. Increased workloads on faculty and staff would follow from increased need for prior approvals of faculty activities. UCPB recognizes the University’s legitimate interest in preventing the misuse of faculty research and therefore interest in outside activity, but urges that any changes to the APM be made with clarity and acknowledgement of the costs.  

Sincerely,  

Kathleen McGarry, Chair  
UCPB  

cc: UCPB
January 18, 2022

RE: PROPOSED REVISIONS TO APM 025 AND APM 671

Robert Horwitz, Chair
Academic Senate

Dear Robert,

The proposed revisions to sections 025 and 671 of the systemwide Academic Personnel Manual (APM) will likely have several critical implications and repercussions, including with respect to academic freedom. Accordingly, UCAF respectfully submits these comments.

Our primary concern related to academic freedom is that the expansion of activities that require pre-approval and the vagueness of the criteria that will be used to evaluate pre-approval requests may have a chilling effect on the pursuit of certain research, especially for the expanded categories of non-Senate faculty that may now be included in the policy. The restrictions on participating on a board of directors may mean some faculty will lose influence and may eventually have to cease participating in any governance activities abroad. This policy could result in UC faculty losing out to competing institutions that are much more friendly and open to commercialization of fundamental research and supportive of faculty who engage in such activities beyond national borders.

The fundamental concern of the proposed policy expansion in the APM 025 and 671 is that it may create a chilling effect for many academic appointees, who are more likely to be foreign nationals, to pursue their research in a relatively unconstrained way. UCAF understands the goals of the APM 025 and 671 are to regulate outside activities, especially outside the US, and encourage more academic appointees to report them. We understand the spirit of the policy language is to protect national security and US intellectual property. However, the proposed policy raises so many unanswered questions that vest great discretion in administrators who are tasked with approving outside activities.

For example, most multinational corporations and industries operate beyond our national borders. Research activities often involve international cooperation, global support, and cross-national interaction. There are circumstances where giving a workshop to a foreign-owned industry outside the US could be straightforward and easily defined as “non-US.” At the same time, other situations could be very complex. For example, many US industry conferences take place outside of the US, and pre-approval requirements may discourage faculty and academic appointees, or create unnecessary scrutiny by administrators, especially if they were prejudiced. Most corporations are
multinational in their operation and management structure. Faculty and academic appointees in schools of engineering often consult, work for, and interface with the industries adjacent to campuses. However, these companies may be subsidiaries of other foreign companies. How do we define the line on that activity? What about the international industry or academic conferences with a foreign industry presence? How would they be scrutinized and approved?

When so much is left to the discretion of administrators, faculty members—and especially academic appointees with less status—may be reasonably wary of pursuing research that may be deemed to run afoul of these regulations. The need for pre-approval, without significantly clearer guidelines for approval criteria, threatens to chill the exercise of research that is conducted, even in small part, abroad. We pose the above questions because we are primarily concerned with the chilling effect and deterrence on the cosmopolitan spirit of global collaboration and exchange of ideas, research, and promotion of valuable knowledge. During the Cold War, the United States government had closed the national borders on helpful intellectual dialogue. The “national security state” policy had trumped many scientific priorities before. UCAF hopes that UC does not stifle the cosmopolitan spirit of scientific and technological exchange by echoing the Cold War-like policies pursued by the Federal Government.

UCAF appreciates the opportunity to comment on this matter.

Sincerely,

Ty Alper, Chair
ROBERT HORWITZ  
CHAIR, ACADEMIC COUNCIL  

RE: Proposed Revisions to Proposed Revisions to APM 025 and APM 671, Conflict of Commitment and Outside Activities of Faculty Members  

Dear Robert,  

UCORP offers the following comments on the Proposed Revisions to APM 025 and APM 671, Conflict of Commitment and Outside Activities of Faculty Members:  

UCORP members are concerned about added responsibility for deans and chairs to approve activities and monitor compliance with new regulations. Will they be provided with training to have the appropriate knowledge to make approval decisions?  

We understand the need to address “foreign influence” risks, but are concerned about additional administrative burdens on faculty and delays from a bureaucratic process that will lead to lost opportunities. We note that the potential for increased workloads is recognized in the cover letter, and hope that sufficient resources will be dedicated to the implementation process. A streamlined approval process will be critical for compliance. Communication with all groups affected by the changes in this policy will be an important challenge as well.  

UCORP appreciates the opportunity to comment on these revisions.  

Sincerely,  

Karen Bales  
Chair, University Committee on Research Policy
January 13, 2022

ROBERT HORWITZ, CHAIR
ACADEMIC COUNCIL

RE: PROPOSED REVISIONS TO APM 025 AND APM 671 (CONFLICT OF COMMITMENT AND OUTSIDE ACTIVITIES OF FACULTY MEMBERS)

Dear Robert,

UCAP has discussed the proposed revisions to APM 025 and APM 671 (Conflict of Commitment and Outside Activities of Faculty Members) and the committee offers the following comments.

UCAP notes that one major change in APM 025 and APM 671 is the requirement that Category II.B activities require prior approval. The definition of Category II.B activities is very broad, and makes no distinction between different kinds of foreign-owned entities, such as universities, non-profit organizations, and companies:

(a) Consulting or testifying as an expert or professional witness;
(b) Providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship
(c) Serving on a board of directors outside of the University;
(d) Providing or presenting a workshop for industry;
(e) Providing outside consulting or compensated professional activities performed for foreign-owned entities or that occur outside the U.S.

UCAP expresses concern that requiring prior approval for all such activities involving “foreign-owned entities” will impose an unacceptable administrative burden and will introduce delays in commencing a range of activities that are normal and desirable corollaries of having faculty with international reputations who are engaged in wide-ranging foreign collaborations. We feel that the requirement for prior approval for such activities should be thought through carefully, with only a restricted subset of such activities requiring prior approval.

The committee also notes that there is problematic wording in 025-8 – General Principles; subsections b.1 and b.2 (on time limits). In section b.1., for faculty, the term used is “professional activities,” and Category I and II activities are specifically mentioned, while in b.2, for other academic appointees, “professional service activities” is used, with no reference to Category I/II. This language should be clarified, with the qualifier “service” perhaps being deleted.

UCAP appreciates the opportunity to comment on this matter. Please don’t hesitate to contact me if you have any questions.

Sincerely,

John Kuriyan, Chair
UCAP
ROBERT HORWITZ, CHAIR
ACADEMIC COUNCIL

RE: Proposed Revisions to APM 025 and APM 671 (Conflict of Commitment and Outside Activities of Faculty Members)

Dear Robert,

The University Committee on Faculty Welfare (UCFW) has reviewed the proposed revisions to APM 025 and APM 671 (Conflict of Commitment and Outside Activities of Faculty Members), and we have several comments. UCFW understands that these proposals are in response to concerns raised at the federal level in 2018, and we are concerned that while they may address some legitimate concerns, they will likely place an undue burden on faculty engaged in routine professional activities, and that additionally they may reflect anti-Chinese racist sentiments.

The main revision is the extension of prior approval by the Chancellor (required for Category I activities) to previously Category II activities that occur with foreign entities or outside the U.S. (proposed as Category IIb). These activities are already required to be disclosed in annual reporting. The additional step of requiring Chancellor approval before engaging in such activity represents a significant bureaucratic expansion that will likely lead to a substantial slowing down of any international activity. Being a consultant, for example, to the World Health Organization for a report, or serving as an editor (which often includes compensation) on a journal based overseas, would now require Chancellor approval. This change was recommended by the University of California Ethics, Compliance and Audit Services (ECAS) Systemwide Foreign Influence Audit.

UCFW is also troubled by the difference in what is listed in proposed Category IIb between APM sections 025 and 671. While the phrase "include, but are not limited to" is used, there are five descriptions in APM 025 and ten in APM 671; these should be made consistent.

UCFW has no concerns about the expansion of titles subject to APM 025.

Thank you for your consideration.

Sincerely,

Jill Hollenbach, UCFW Chair
January 10, 2022

Robert Horowitz  
Chair, UC Academic Senate

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

Dear Chair Horowitz,

The Divisional Executive Board, councils, and committees appreciate the opportunity to review the proposed revisions to APM 025 and APM671. The Executive Board reviewed the proposal and divisional council and committee feedback at its meeting on January 6, 2022.

Executive Board members voted unanimously to reject the proposal as written. Per the detailed attached feedback, Senate members expressed concerns about the inclusion of postdoctoral scholars, the lack of reference to NIH and NSF policies that informed the proposal, the lack of clarity between domestic and foreign activities as defined, and the need to disambiguate foreign influence from percent commitment.

Sincerely,

Jody Kreiman  
Chair  
UCLA Academic Senate

Encl.

Cc: Jessica Cattelino, Vice Chair/Chair Elect, UCLA Academic Senate  
April de Stefano, Executive Director, UCLA Academic Senate  
Shane White, Immediate Past Chair, UCLA Academic Senate
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 “U.S.-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
To: Jody Kreiman, Chair
Executive Board

From: Andrea S. Goldman, Chair
Committee on International Education

Date: December 15, 2021

Re: Systemwide Senate Review – Draft Revised APM 025 and AMP 671

The draft of the revised APM 025 (Conflict of Commitment and Outside Activities of Faculty Members) and APM 671 (Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants) was circulated to the Committee on International Education members for independent review. Members did not have comments regarding the proposed revisions.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me via the Committee on International Education analyst, Emily Le, at ele@senate.ucla.edu.
December 8, 2021

To: Jody Kreiman, Chair, UCLA Academic Senate

From: Leah Lievrouw, Chair, Graduate Council

Re: Systemwide Senate Review: Draft Revised APM 025 and APM 671

At its meeting on November 5, 2021, the Graduate Council reviewed and discussed the draft revised APM 025 (Conflict of Commitment and Outside Activities of Faculty Members) and APM 671 (Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants). We offer the following remarks for the Executive Board’s consideration.

The Council was broadly supportive of the policies’ intent to identify and track significant conflicts of commitment among regular faculty and other academic appointees, particularly their affiliations with or compensation received from domestic or foreign organizations or institutions outside the University. One member noted that the effort is consistent with recent advice from key U.S. institutions such as the NSF and the NIH, though others also observed that the requirements might be seen as frankly political gestures, drawing broad distinctions between domestic and foreign activities and reporting.

However, members’ principal concerns related to the inclusion of postdoctoral scholars in the list of appointees subject to the revised reporting and prior approval requirements. Members noted that while the policies’ language is primarily and consistently directed toward “faculty” and other full-time academic appointments, postdoctoral scholars are not permanent University employees or faculty, but rather are appointed as limited-term academic fellows or trainees working under the mentorship and supervision of Senate or other full-time faculty. For example, per UC Bylaw 330 B.3.(c), Graduate Councils set policies and standards for “the appointment of postdoctoral scholars or their academic equivalent and for their enrollment by the Graduate Division” (emphasis added), and Graduate Division administers and oversees such appointments.

In essence, the distinction between postdoctoral scholars and graduate students is minimal, which prompted some members to speculate whether the same requirements could not be extended to graduate students or even undergraduates employed as GSRs funded by research grants from domestic or international agencies, for example. As presented in the draft, the reporting and permission requirements could have the unintended effect of limiting postdoctoral scholars’ research agendas or professional relationships outside UCLA, with adverse consequences for their academic careers. Members also pointed out that the revisions and covering documents did not contain clearly stated rationales/justifications for the 10 new categories of appointees to be covered by the revised policies, or an account of how the new categories were selected. Members recommended removing postdoctoral scholars from the list.
Some members also expressed frustration with the difficulty of distinguishing which activities under the policy are subject to limits on compensation, versus limits on time, and called for clearer language on this point. Others suggested that the revised policies should state more clearly the reporting implications of differences between domestic vs. foreign organizations or institutions, whether located in the U.S. or internationally -- or as one member put it, clearly distinguishing the “interaction” between outside-university and outside-country affiliations or activities.

We appreciate the opportunity to express our views on this matter. If you have any questions, please contact us via Graduate Council’s Analyst, Estrella Arciba, at earciba@senate.ucla.edu.
November 23, 2021

To: Jody Kreiman, Chair, Academic Senate

From: Kathleen Bawn, Chair, Undergraduate Council

Re: Systemwide Senate Review: Draft Revised APM 025 and APM 671

At its meeting on November 12, 2021, the Undergraduate Council had an opportunity to review proposed revisions to the following policies:

- APM - 025, Conflict of Commitment and Outside Activities of Faculty Members;
- APM - 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants.

Members noted that some of the language in the revisions refers to “ownership,” which may be difficult to establish. Members recommend revising such language to “foreign-controlled” or “foreign-domiciled.”

Members also sought clarification on the category of individuals labeled as “other” who are not subject to time constraints.

Thank you for the opportunity to opine. If you have any questions, please contact me via the Undergraduate Council’s analyst, Julia Nelsen, at jnelsen@senate.ucla.edu.

cc: Jessica Cattelino, Vice Chair/Chair-Elect, Academic Senate
April de Stefano, Executive Director, Academic Senate
Julia Nelsen, Committee Analyst, Undergraduate Council
Peter Petersen, Vice Chair, Undergraduate Council
Shane White, Immediate Past Chair, Academic Senate
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 “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 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 appointees. Faculty participating in the Health Sciences Compensation Plan are subject to APM - 025. Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants and are not subject to APM - 025. Faculty members and other appointees appointed 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. This policy also seeks to clarify reporting and prior approval requirements related to outside professional activities involving foreign entities that may pose foreign influence risks.
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.

(2) Designated Other Academic Appointees

Designated Other Academic Appointees who are employed by the University of California owe their primary professional allegiance to the University. Research or other defined duties appropriate to their series should receive their time and energy. This policy seeks to clarify reporting and prior approval requirements related to outside professional activities involving foreign entities that may pose foreign influence risks.

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 or other appointee may devote to outside professional activities and describes the requirements for when involving a student in outside professional activities.

b. Related University Policy

In addition to this policy on conflict of commitment and outside activities, faculty and other appointees must comply with all University policies involving University intellectual property (this includes, among other policies APM - 740-18-c-3), conflict of interest, 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 are within a faculty member’s or other appointee’s area of professional, academic expertise and that 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. Outside professional activities are...
distinct from non-professional activities, i.e., activities that are part of the faculty member’s or other appointee’s private life and are not expressly governed by University regulations or by the guidelines on outside professional activities. Outside professional activities must not interfere with a faculty member’s or other appointee’s obligations to the University.

b. **Conflict of Commitment**

A conflict of commitment occurs when a faculty member’s or other appointee’s outside activities interfere with the faculty member’s or other 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 the faculty member’s or other 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 and stock options) that have immediate or potential financial value, excluding customary honoraria, reimbursement for reasonable travel expenses, and per diem expenses.

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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, prior approval of all Category I activities (including I.A and I.B) and Category II.B activities (see APM - 025-10 for descriptions of Categories I, II, and III activities and APM - 025-10-b-(1) and Appendix B for prior approval requirements, and APM - 025-10-b-(2) and Appendices C and D for annual reporting requirements);

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

   (4) Establishing a deadline for submission of annual reports based on a fiscal-year calendar.

   b. Faculty

   It is the responsibility of the individual faculty member to disclose, to the best of their ability, all known relevant information regarding the nature of their outside professional activities and the business/agency/organization/group/individual for whom the services are performed.

   Faculty are responsible for complying with this policy, including:

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

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

   (3) Attesting to adherence with the requirements of this policy in the annual report;
(4) Disclosing any current or prospective outside professional activity to the Department Chair if in doubt as to whether there is a conflict of commitment; and,

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

c. Designated Other Academic Appointees

It is the responsibility of the individual appointee to disclose to the best of their ability all known relevant information regarding the nature of their outside professional activities and the business/agency/organization/group/individual for whom the services are performed. Appointees subject to this policy are responsible for complying with this policy, including:

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

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

(3) Attesting to adherence with the requirements of this policy in the annual report;

(4) Disclosing any current or prospective outside professional activity to the Department Chair or equivalent if in doubt as to whether there is a conflict of commitment; and,

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

025-8 General Principles

a. Obligations to the University

(1) Faculty

Outside professional activities must be undertaken in a manner consistent with the faculty member’s professional obligations to the University. Outside activities must not conflict with the faculty member’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.

(2) Designated Other Academic Appointees

Outside professional activities must be undertaken in a manner consistent with the appointee’s professional obligations to the University. Outside activities must not conflict with the appointee’s obligations to colleagues, student employees, student mentees, or to the University as a whole. In order to fulfill those obligations, appointees must maintain a significant presence on campus; be accessible to student employees, student mentees, and staff; be available to interact with University colleagues, and; if appropriate to their series, share service responsibilities throughout every quarter or semester of active service.

b. Time Limits

(1) Faculty

(a) Faculty may engage in Category I (including I.A and I.B) and II (including II.A and II.B) 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.

(b) 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.

(c) 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.

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

(2) Designated Other Academic Appointees
The participation of full-time and part-time appointees in outside professional service activities is not subject to time limits.

c. **Summer Months**

(1) **Faculty**

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 receives additional University compensation for the summer. If an academic-year faculty member 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.

(2) **Designated Other Academic Appointees**

There are no restrictions on the number of days of Category I and II activity for academic-year appointees during the summer months.

d. **Students**

(1) **Faculty**

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 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.

(2) Designated Other Academic Appointees

Involvement of students in the outside professional activities of an appointee may, under certain conditions, offer the student potential career or educational benefits. However, the relationship between the appointee and student must be protected from influences or activities that may interfere with student learning and professional development consistent with the goals and ideals of the University. An appointee 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 appointee has, or expects to have responsibility (supervisory or evaluative) for the student, the appointee must obtain prior written approval from the Department Chair or equivalent before involving a student in an outside professional activity regardless of whether the appointee 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 an appointee must not affect, positively or negatively, the appointee’s evaluation of the student’s performance as a student or employee.

c. 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.

025-10 Guidelines

Professional activities are separated into three categories in the management of this policy. For faculty, Categories I and II include activities that must be reported and -- in the case of Categories I.A, I.B, and II.B -- must receive prior approval before the faculty member engages in the activity. For other appointees, Category I.B and Category II.B activities must be reported and receive prior approval before engagement in the activity. Category III activities are those that are within the course and scope of employment at the University and need not be approved or reported, either by faculty or other appointees. 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 related to the training and expertise that is the individual’s qualification for University appointment, but performed for a third party, and/or 2) they require significant professional commitment.

Category I activities include two subsets of activities: Category I.A activities involve U.S.-owned entities or occur within the U.S.; Category I.B activities involve foreign-owned entities or occur outside the U.S. Faculty must receive prior approval and submit annual reports for engagement in both Category I.A and I.B activities. Other appointees must receive prior approval and submit reports for engagement in only Category I.B activities.

For faculty members, Category I.A and I.B 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 and Appendix C for definition of time limits),
and require disclosure in annual reporting. For other appointees, Category I.B activities require prior approval by the Chancellor and disclosure in annual reporting. Approvals for both faculty and other appointees are generally for one fiscal year but may be granted for a longer term, not to exceed five years.

**Category I.A**

*Examples of Category I.A activities, which apply only to faculty and involve U.S.-owned entities or occur within the U.S. and 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;

(d) Assuming an executive or managerial position outside of the University.\(^4\)

**Category I.B**

*Examples of Category I.B activities, which apply to both faculty and other appointees and involve foreign-owned entities or occur outside the U.S. and include, but are not limited to:*

(a) Teaching, research, or administration of a grant\(^5\) at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University;

(b) Employment outside of the University;

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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.

5 Grants submitted on behalf of a professional society are exempt from this restriction, i.e., are not considered Category I activities.
(c) Assuming a founding or a co-founding role of a company;

(d) Assuming an executive or managerial position outside of the University.\(^6\)

(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 include two subsets of activities:** Category II.A activities involve U.S.-owned entities or occur within the U.S.; Category II.B activities involve foreign-owned entities or occur outside the U.S.

**For faculty,** Category II.A activities require disclosure in annual reporting under this policy, but do not require prior approval. **For both faculty and other appointees,** Category II.B activities require prior approval, as well as disclosure in annual reporting. Category II.A and II.B activities count toward the faculty member’s maximum 39/48 days of outside professional activities (see APM - 025-8-b and Appendix C for definition of time limits).

**Category II.A**

Examples of Category II.A activities, which apply only to faculty, involve U.S.-owned entities or occur within the U.S. and 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;\(^7\)

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

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\(^6\) This includes positions with professional societies.

\(^7\) These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.
(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;

(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.\(^8\)

**Category II.B**

Examples of Category II.B activities, which apply to both faculty and other appointees, involve foreign-owned entities or occur outside the U.S. and include, but are not limited to:

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

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

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

(d) Providing or presenting a workshop for industry;

(e) Providing outside consulting or compensated professional activities performed for foreign-owned entities or that occur outside the U.S.

\(^8\) 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.
(3) Category III

Category III activities, which apply only to faculty, 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

Faculty and other appointees are responsible for disclosing situations that may raise conflict of commitment issues in the following manner:

(I) Prior Approval Requirements

(a) Reporting requirements for faculty
For faculty, all Category I.A, I.B, and II.B activities and requests to exceed the maximum number of days permitted require prior written approval from the Chancellor in advance of performing the activity.

(b) Reporting requirements for Designated Other Academic Appointees

For other appointees, all Category I.B and II.B activities require written approval from the Chancellor in advance of performing the activity.

(2) Reporting Requirements

(a) Reporting requirements for faculty

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 (including I.A and I.B) and Category II (including II.A and II.B) 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 on the date of hire.

(b) Reporting requirements for Designated Other Academic Appointees

All appointees subject to APM - 025 must file an annual report of engagement in Category I.B and Category II.B outside professional activities each fiscal year, even if the appointee did not engage in outside professional activities in these categories during the year. Appointees must report annually all Category I.B and Category II.B outside professional activities conducted during the prior 12 months, including activities that were conducted during normal service periods, during periods of leave with and without pay, and during summer months when receiving University compensation. The requirement for annual reporting begins on the date of hire.

025-14 Eligibility

(a) Faculty Titles Subject to APM - 025
GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

All faculty holding appointments above 0% time in the following title series are subject to this policy, including the annual reporting requirements for Category I (including I.A and I.B) and Category II (including II.A and II.B) activities, as well as the prior approval requirements for Category I.A, I.B, and II.B activities; however, faculty holding appointments of less than 50 percent time are not subject to the annual reporting and prior approval requirements:

(1) Professor, including Acting titles
(2) Professor in Residence
(3) Adjunct Professor
(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 above 0% effort in the following title series are subject to the annual reporting and prior approval requirements for Category I.B and II.B activities. For appointees in the following title series who are covered by a Memorandum of Understanding, reporting requirements are governed by the applicable Memorandum of Understanding:

(1) Academic Administrator Series
(2) Academic Coordinator

9 School of Veterinary Medicine faculty participating in the Veterinary Medicine Salary Scale are subject to both APM - 025 and APM - 675.
(3) Agronomist Series
(4) Astronomer Series
(5) Coordinator of Public Programs
(6) Professional Research Series
(7) Project Scientist Series
(8) Specialist Series
(9) Specialist in Cooperative Extension Series
(10) Postdoctoral Scholar
c. Recalled Faculty and Designated Other Academic Appointees

Faculty and other appointees who have retired and are recalled to active service for appointments exceeding 0% but at or less than 43 percent time are not subject to this policy, the disclosure, prior approval and annual reporting requirements for Category I.B and Category II.B activities, but are not subject to the time limits in APM - 025-8-b. Faculty members recalled to the Health Sciences Compensation Plan are subject to the provisions of APM - 671.
d. Faculty on leave

(1) Leave Without Pay

Faculty and other appointees 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 and other appointees on approved sabbatical or other leaves 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 and other appointees 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

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 or other appointee shall not engage in any outside professional activity that creates a conflict of commitment.

b. Faculty or other appointees 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.A, I.B, and II.B requests and individual exceptions under this policy. In accordance with APM - 100-6-d, the Chancellor may redelegate authority to a designee for implementing APM - 025.

025-26 Non-compliance

a. Monitoring and Compliance

Department Chairs or their equivalents 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 will be considered out of compliance include, but are not limited to, failure to obtain prior written approval to engage in Category I (including I.A and I.B) and Category II.B activities, failure to obtain prior written approval to involve a student in outside professional activity (see APM - 025-8-d), failure to comply with time limits for Categories I (including I.A and I.B) and Category II (including II.A and II.B) activities, and/or failure to accurately disclose and describe the nature and scope of Categories – Category I and II outside professional activities.

(2) Designated Other Academic Appointees

Situations where appointees will be considered out of compliance include, but are not limited to, failure to obtain prior written approval to engage in Category I.B and II.B activities, failure to obtain prior written approval to involve a student in outside professional activities, and/or failure to accurately disclose and describe the nature and scope of Category I.B and II.B outside professional activities.

Failure to comply with this policy may subject a faculty member or other 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, and collective bargaining agreements.

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 appointees may grieve pursuant to APM - 140, Non-Senate Academic Appointees/Grievances.

Revision History

Month XX, 2021:
- Substantive revisions to address recommendations in the University of California Ethics, Compliance, and Audit Services Systemwide Foreign Influences Audit Report (February 2021): (1) Expand population subject to APM - 025 to include ten Designated Other Academic Appointee titles; (2) expand applicability to appointments above 0%; (3) establish subcategories I.A and II.A for domestic activities and I.B and II.B for foreign activities; (4) remove Appendices B, C, and D.

Rev. 01/15/2020XX/XX/2021
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.
GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of Faculty Members

APM - 025
APPENDIX A

RELATED UNIVERSITY POLICIES

- Regents Policy 7303: Policy on Service Obligations and Leaves of Absence
  Standing Order of The Regents 103.1(b)

- University Regulation No. 3 – APM - 005

- University Regulation No. 4 – APM - 020

- The Faculty Code of Conduct – APM - 015 Standards of Ethical Conduct

- University Policy on The Faculty Code of 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


- Regents Policy 7707, Senior Management Group Outside Professional Activities

- Conflict of Interest Code – Disqualification Requirement

- Conflict of Interest Policy and Compendium of Specialized University Policies – BFB-G-39

- Health Care Vendor Relations Policy

- Health Sciences Compensation Plan – APM - 670

- Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants - APM - 671

- Veterinary Medicine Salary Administration - APM - 675

- Deans – APM - 240
GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of Faculty Members

- 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
GENERAL UNIVERSITY POLICY REGARDING ACADEMIC APPPOINTEES not using Outside Activities

APPENDIX B

PRIOR APPROVAL FORM FOR OUTSIDE ACTIVITIES (CATEGORY I)

Name: ____________________________ Faculty Title: ____________________________

Last Name: ____________________ First Name: ____________________ M.I.: ________

Department: ____________________________ College/School: ____________________________

For each Category I outside professional activity in which you wish to engage in outside professional activities, answer the following questions. Attach separate sheets, if necessary.

Type of activity in which you will be involved:

Category I Activities:

Executive/managerial role: ________ Salaried employee: ________

Outside teaching or research activity: ________ Other potential conflict of commitment: ________

General description of the business/agency/organization/group/individual: ________________________________________________________________

Activities/products/services of entity described above: ________________________________________________________________

Nature of your relationship to entity named above (check all that apply):

Founder/co-founder: ________ Owner: ________ Consultant: ________

Board member: ________ Salaried employee: ________ Stockholder/partnership interest: ________

Equity/royalty interest: ________ Other, please explain: ________________________________________________________________

Description of the nature of your participation in this activity, including, if you wish, possible beneficial outcomes to areas of research, industry, and public service:

________________________________________________________________________

________________________________________________________________________

Beginning/ending month/year you could be involved in this activity: ____________________________

Fiscal year(s) for which seeking approval: ____________________________ (Approvals are generally for one fiscal year but may be granted for a longer term not to exceed five years. Compliance reports must be submitted annually.)

Estimated number of days involvement during academic- or fiscal-year appointment: __________

Will you be requesting a full- or part-time leave without pay while engaged in this activity? __________

________________________________________________________________________

Approval granted through fiscal year ending June 30, ________

Request denied: ________

Department Chair: ____________________________ Date: ____________________________

DMS 190

Rev. 7/1/14
REPORT OF CATEGORY I AND II OUTSIDE ACTIVITIES AND ADDITIONAL TEACHING ACTIVITIES FOR THE FISCAL YEAR ENDING JUNE 30, _______

EXPLANATIONS FOR INFORMATION REQUESTED

Academic/Fiscal-Year Faculty Appointment: Enter whether you held an academic- or fiscal-year appointment. An Academic-Year Appointment is an appointment in which the faculty member renders services to the University during the academic year, from the beginning of the fall term through the end of the spring term (APM - 600-4-c), or the equivalent of an academic year should the campus operate year-round. A Fiscal-Year Appointment is an appointment in which the faculty member renders service to the University throughout the calendar year as opposed to the academic year (APM - 600-4-f). Fiscal-year faculty accrue vacation time in accordance with APM - 730.

Terms of Leave, if any: A faculty member may be permitted to go on full- or part-time leave in order to pursue certain compensated outside professional activities. If you were on such leave during any part of the pertinent fiscal year, provide information here about the percentage of time and inclusive months.

Category: For each activity, enter I, II or AT (for additional teaching as defined in APM - 662).

Category I activities include: teaching, research, or administration of a grant at an educational institution, trust, organization, government agency, or foundation outside of the University; employment outside the University; assuming a founding/co-founding role of a company; assuming an executive or managerial position outside of the University. You must receive prior approval to engage in Category I activities, which always count toward the 39/48-day limit and must be reported annually.

Category II activities include: additional University-compensated teaching, including teaching in accordance with APM - 662, Additional Compensation: Additional Teaching, for UNEX courses and programs, other continuing education programs run by the University, and self-supporting UC degree programs if the teaching is outside the normal teaching load; consulting or testifying as an expert or professional witness; providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship; serving on the board of directors outside of the University; providing a workshop for industry; providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories. Category II activities are counted within the 39/48-day limit and must be reported annually.

Number of Days: A full-time faculty member on an academic-year appointment normally may engage in outside professional activities for up to 39 days from the start of the fall term through the end of the spring term (including intercession). There are no restrictions on the number of days of outside professional activity for academic-year faculty during the summer months unless an academic-year faculty member is receiving University compensation for the summer. If an academic-year faculty member is receiving University summer compensation, then the applicable time limit on outside professional activities is the equivalent of one day per week during the period in which University summer compensation is received (unless a funding agency specifies otherwise). A fiscal-year faculty member is permitted a maximum of 48 days per fiscal year.

Enter the approximate number of days you worked on this activity during your period of active service to the University. For outside professional activities, a Day is defined using common sense and customary practice. This definition may vary by campus and/or discipline. For additional teaching activities, the general rule is that every six contact or “podium” hours spent with students equals one day. See APM - 662 for details.

Nature of Relationship: Use one or more of the following terms to describe your relationship to the entity identified in the last column: Founder/co-founder, owner, board member, consultant, recipient of equity or royalty interest, stockholder or partnership interest, salaried employee, or other (explain).
ANNUAL REPORTING FORM

FOR CATEGORY I & II OUTSIDE ACTIVITIES AND ADDITIONAL TEACHING ACTIVITIES

REPORTING PERIOD: __________ THROUGH __________

Instructions: In accordance with APM - 025, this form must be completed, signed, and submitted to the department chair each year by all eligible faculty for the time your academic-year or fiscal-year appointment was effective during the identified fiscal year. See Explanations (Appendix B) for further guidance. If you engaged in no Category I and Category II outside activities during the identified fiscal year, and did not perform additional teaching as defined in APM - 662 (i.e., teaching in UNEX courses or programs, other continuing education programs run by the University, or self-supporting UC degree programs), write "NONE" across the grid below and check the box below. Attach additional sheets if necessary.

Name (Print): ____________________________
Academic Title: __________________________
Department: ___________________________

Appointment: _______ Academic year or _______ Fiscal year
Terms of leave, if any: ______________________
College/School: _______________________

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<tr>
<th>Category I or II</th>
<th>Number of Days</th>
<th>Leave Without Pay</th>
<th>Description of Activity</th>
<th>Nature of Relationship</th>
<th>General Description of Business/Agency/Organization/Group/Person</th>
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Total # Days: _______________________

I did not engage in Category I or II activities during the reporting period.

I certify that I have complied with the provisions of APM - 025 and have reported all Category I and II activities as required by policy.

Faculty Member Signature: __________________________
Date: __________________________

The department chair’s signature affirms the form was received and reviewed. Corrective actions should be implemented for time reports (days) that are above the annual limit and for unapproved Category I activities.

Department Chair Signature: __________________________
Date: __________________________

Dean Signature: __________________________
Date: __________________________

N.B.: Information disclosed herein is a public record under the California Public Records Act.
Salary Administration: APM - 671 - Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants

671-0 Policy

The University of California policy on conflict of commitment and outside activities and the disposition of income earned from outside professional activities provides guidance for the identification and management of outside professional activities in order to avoid conflicts of commitment, while assuring that Health Sciences Compensation Plan (the “Plan”) participants may engage in a wide array of outside activities without unnecessary limitations. This policy is specific to faculty members who are participants in the Health Sciences Compensation Plan. Faculty members who are not participants in the Health Sciences Compensation Plan are subject to the provisions of APM - 025.

671-2 Purpose

a. General

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, clinical care, 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. This policy also seeks to clarify reporting and prior approval requirements related to outside professional activities involving foreign entities that may pose foreign influence risks.

This policy acknowledges the value of outside professional activities while recognizing the likelihood that some 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 activity constitutes an outside professional or non-professional activity or if an activity is 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, describes the requirements when involving a student in outside professional activities, and defines the disposition of income earned from such activities.

Health Sciences Compensation Plan participants may engage in outside professional activities (other than patient care) only if they are deemed to be in Good Standing (see APM - 670-10) and may retain the income from outside professional activities only in accordance with the terms of this policy, the Plan, and the School Implementing Procedures.

b. Related University Policy

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

c. School Implementing Procedures

This policy provides a framework within which Implementing Procedures will be developed by each health sciences school that participates in the Plan. Additional Implementing Procedures may be developed for individual departments or organized research units. Departmental or Organized Research Unit Procedures must be consistent with the Plan and School Implementing Procedures and approved by the Dean. (See APM - 670-80 for details related to School Implementing Procedures.)

School Implementing Procedures and changes to approved Implementing Procedures must be consistent with this policy, approved by the Chancellor, and approved by the President or the President’s designee prior to implementation.

Affected Plan participants shall be provided the opportunity to review and comment on the proposed School Implementing Procedures, and any subsequent changes to School Implementing Procedures. The School Advisory Committee, described in APM - 670-6-d, shall advise the Dean on School Implementing Procedures developed in accordance with this policy.

School Implementing Procedures must reference the Plan, this policy, and:

(1) The University’s Conflict of Interest Code, adopted pursuant to the requirements of the Political Reform Act of 1974, which requires designated University employees to disqualify themselves from participating in University decisions in which they have a personal financial interest; and
(2) The Political Reform Act of 1974, including the Academic Decision Regulation, which provides instruction on where to obtain information on disclosure and disqualification requirements; and


671-4 Definitions

a. Outside Professional Activities

Outside Professional Activities, compensated or uncompensated, and regardless of financial interest, are defined as those activities that are within a faculty member’s area of professional, academic expertise and that advance or communicate that expertise through interaction with industry, the community, or the public. Outside additional teaching as described in APM - 671-10-a-(2)-(a) is included in this definition. Outside professional activities are distinct from non-professional activities, i.e., activities that are part of the faculty member’s private life and are not expressly governed by University regulations or by the guidelines on outside professional activities. Outside professional activities must not interfere with a faculty member’s professional obligation to the University.

b. Conflict of Commitment

A conflict of commitment occurs when a faculty member’s outside activities interfere with the faculty member’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 service related to the faculty member’s field or discipline, whether compensated or uncompensated, that furthers the interests of an entity outside 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. School or Departmental Implementing Procedures may include a more specific definition of a day.
f. Compensation

Compensation for outside professional activities includes all types of remuneration (including stock and stock options) that have immediate or potential financial value, excluding customary honoraria,\(^1\) reimbursement for reasonable travel expenses, and per diem expenses.\(^2\)

671-6 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 of all Category I (including I.A and I.B) and Category II (including II.A and II.B) activities and, prior approval of all Category I (including I.A and I.B) and Category II.B activities, and annual reporting (see APM - 671-10, Guidelines, for a description of Categories I, II, and III activities, APM - 671-10-a-(1) and Appendix D for prior approval requirements, and APM - 671-10-a-(2) and Appendices C and D for annual reporting requirements);

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

(4) Establishing a deadline for submission of annual reports.

b. Faculty

It is the responsibility of the individual faculty member to disclose to the best of their ability all known relevant information regarding the nature of their outside professional activities and the business/agency/organization/group/individual for whom the services are performed.

Faculty are responsible for complying with this policy, including:

(1) Maintaining Good Standing per the terms of the Plan (School or Department) that governs the faculty member’s appointment;

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\(^1\) See APM - 666

\(^2\) See Business and Finance Bulletin G-28
(2) Obtaining prior written approval for engagement in all Category I (including I.A and I.B) and Category II.B activities (see APM - 671-10, Guidelines, for description of Categories I, II, and III activities, APM - 671-10-a-(1) and Appendix D for prior approval requirements);

(3) Maintaining a running total of annual earnings from, and time spent on, all outside professional activities;

(4) Depositing all income that exceeds the earnings approval threshold into the Plan (see APM - 671-8-c) with the exception of income earned from Category III activities (see APM - 671-10-a-(3) for a description of Category III activities) and certain other activities listed in APM - 671-10-b;

(5) Obtaining prior written approval to engage in outside professional activities that may result in exceeding the total annual time and/or earnings approval thresholds;

(6) Submitting annual reports of all Category I (including I.A and I.B) and Category II (including II.A and II.B) activities and compensation earned from such activities (or the lack thereof) to the Department Chair (see APM - 671-10-a-(2) and Appendices C and D for annual reporting requirements);

(7) Attesting to adherence with the requirements of the policy in the annual report;

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

(9) Obtaining prior approval from the Department Chair before involving a student in an outside professional activity (see APM - 671-8-f).

671-8 General Principles

a. Obligations to the University

Outside professional activities must be undertaken in a manner consistent with the faculty member’s professional obligations to the University. Outside activities must not conflict with the faculty member’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
School Implementing Procedures must specify the maximum number of days which Plan participants may devote to compensated and uncompensated outside professional activities that may not be less than 21 days and may not exceed 48 days annually.³ The School Implementing Procedures may allow departments or organized research units to set more restrictive limits than the maximum of 48 days, but such limits shall not be less than 21 days of compensated and uncompensated outside professional activity. Prior to implementing or revising the limit on the number of days that may be devoted to outside professional activities, affected Plan participants shall be provided an opportunity to review and comment on the proposed limit.

c. Annual Outside Professional Activities Earnings Approval Threshold

(1) The maximum annual outside professional activities approval threshold set by the Provost and Executive Vice President shall be up to $40,000 or 40 percent of the fiscal-year base salary scale (scale 0), whichever is greater, for an individual faculty member’s rank and step. The Provost and Executive Vice President may re-evaluate the maximum approval threshold periodically, adjust the maximum approval threshold for inflation on a periodic basis in accordance with the California Consumer Price Index (CPI), and publish it in the Academic Salary Scales.

Individual School, Department, or Organized Research Unit Implementing Procedures may choose a threshold lower than the maximum set by the Provost and Executive Vice President.

(2) A Plan participant who has satisfied the Good Standing Criteria established in accordance with APM - 670-10, who has not exceeded the limit on the number of days devoted to outside professional activities established in School Implementing Procedures, and whose annual earnings from all outside professional activities will not exceed the approval threshold is allowed to engage in outside professional activities (other than patient care) in accordance with all applicable University policies.

d. Retention/Non-retention of Income

(1) Income earned above the approval threshold, with the exception of income earned from Category III activities (see APM - 671-10-a-(3) for a description of Category III activities) and certain other activities listed in APM - 671-10-b, must be deposited to the Plan.

(2) School Implementing Procedures must clearly describe the types of activities for which time limits and earned income apply toward the approval threshold.

³ The maximum number of days allowed shall remain consistent with time limits established for outside professional activities in APM - 025
(3) Income due the Plan is subject to established Departmental and/or School assessment policies.

(4) Departments have the authority to determine the amount of deposited income that may be set aside for academic enrichment. Academic Enrichment Accounts are established by departments to support the academic, research and professional development activities of the faculty by allowing direct charge or reimbursement of business-related expenses.

(5) Departments have the authority to distribute a portion of or the entire amount of the deposited income, after assessment, and with the exception of income set aside for academic enrichment, to the individual faculty member, consistent with applicable law and University policies.

e. **Exception Requests**

Each Plan participant shall be responsible for maintaining a running total of the Plan participant’s time devoted to and annual earnings derived from all outside professional activities whether they exceed the time or earnings threshold and whether the funds are due to the Plan. If a Plan participant wishes to engage in an activity that might reasonably be expected to cause the time and/or total annual earnings from outside professional activities to exceed the annual approval threshold, then the Plan participant must request prior written approval to engage in the activity. To request approval, the Plan participant is required to provide to the Department Chair, in writing, relevant details about the proposed engagement or schedule of engagements, the nature of the services to be provided, the person or entity(ies) who will receive and/or pay for the service, the anticipated period of service and/or days to be devoted to the activity, the total expected income from the activity, and the amount by which the participant’s total annual earnings from outside professional activities are expected to exceed the threshold. Department Chairs shall forward to the Dean any request which requires review by the Dean and/or Chancellor, in accordance with School Implementing Procedures. After a Plan participant has received approval to engage in an activity that may cause the Plan participant’s time allotment and/or annual earnings from outside professional activities to exceed the approval threshold, the Plan participant must request the Department Chair’s approval for any subsequent engagement(s). If such engagements are approved, they shall be undertaken with all related income accruing to the Plan unless an exception is approved in writing, in accordance with School Implementing Procedures.

Department Chairs and/or Deans may approve Plan participants’ requests to engage in outside professional activities in accordance with School Implementing Procedures. However, School Implementing Procedures shall state that only the Chancellor or

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4 When required to ensure appropriate patient confidentiality, the person or entity to be reported as recipient/payer for professional witness activities is the attorney or law firm requesting the services.
Chancellor’s designee has the authority to approve any request which involves a Plan participant retaining earnings that exceed the maximum annual outside professional earnings approval threshold set by the Provost and Executive Vice President.

Plan participants shall immediately notify their Department Chairs if they inadvertently exceed the time limits or earnings threshold or if any of the information they provided in an approval request is inaccurate or has changed since the initial notification. For example, a participant should immediately notify the participant’s Department Chair if the earnings estimate from an outside professional activity was understated. Plan participants are subject to corrective action and disciplinary measures as outlined in APM - 671-26-b for violation, neglect, or manipulation of Plan requirements.

f. 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 between the faculty member and the student must be protected from influences or activities that could interfere with the student’s learning and must be 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.

g. 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.

h. Liability Coverage

The University’s liability and workers compensation coverage does not extend to activity that is outside of the course and scope of the participant’s University employment.
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.

671-10 Guidelines

Professional activities are separated into three categories in the management of this policy. Categories I and II include activities that must be reported and -- in the case of Categories I.A, I.B, and II.B -- must receive prior approval before the faculty member engages in the activity. Category III activities are those that are within the course and scope of University employment and need not be approved or reported. When an activity falls into more than one category, it should be assigned to the category which 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 related to the training and expertise which is the individual’s qualification for University appointment, but performed for a third party, and/or 2) they require significant professional commitment.

Category I activities include two subsets of activities: Category I.A activities involve U.S.-owned entities or occur within the U.S.; Category I.B activities involve foreign-owned entities or occur outside the U.S. Faculty must receive prior approval and submit annual reports for engagement in both Category I.A and I.B activities.

Category I.A and I.B activities require prior approval by the Chancellor 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.A and I.B activities count toward the faculty member’s time threshold for outside professional activities (see APM - 671-8-b, Appendix C, and School Implementing Procedures for definition of time limits), and earned income counts toward the earnings approval threshold (see APM - 671-8-c and School Implementing Procedures for definition of the earnings approval threshold).
Examples of Category I.A activities, which involve U.S.-owned entities or occur within the U.S., include, but are not limited to:

(a) Teaching, research, or administration of a grant\(^5\) 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/co-founding role of a company;

(d) Assuming an executive or managerial position outside of the University.\(^6\)

Category I.B

Examples of Category I.B activities, which involve foreign-owned entities or occur outside the U.S., include, but are not limited to:

(a) Teaching, research, or administration of a grant\(^7\) 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;

(d) Assuming an executive or managerial position outside of the University.\(^8\)

(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 include two subsets of activities: Category II.A activities involve U.S.-owned entities or occur within the U.S.; Category II.B activities involve foreign-owned entities or occur outside the U.S.

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\(^5\) Grants submitted on behalf of a professional society are exempt from this restriction, i.e., are not considered Category I activities.

\(^6\) This does not include positions with professional societies.

\(^7\) Grants submitted on behalf of a professional society are exempt from this restriction, i.e., are not considered Category I activities.

\(^8\) This includes positions with professional societies.
Category II.A activities require disclosure in annual reporting under this policy, but do not require prior approval. Category II.B activities require prior approval, as well as disclosure in annual reporting. Category II.A and II.B activities count toward the faculty member’s time allotment for outside professional activities (see APM - 671-8-b, Appendix C, and School Implementing Procedures for definition of time limits). Income earned from these activities count toward the earnings approval threshold (see APM - 671-8-c and School Implementing Procedures for definition of the earnings approval threshold). Prior approval is required if the time and/or earnings thresholds are exceeded.

Category II.A

Examples of Category II.A activities, which involve U.S.-owned entities or occur within the U.S., 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 health education programs run by the University, and self-supporting UC degree programs;9

(b) Consulting under the auspices of the University of California;

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

(d) Consulting for for-profit entities;

(e) Consulting for non-profit entities;

(f) Consulting for non-profit health or education-related organizations;

(g) Consulting for government agencies;

(h) Serving on a board of directors outside of the University whether compensated or uncompensated;

(i) Providing or presenting a workshop for industry;

(j) Providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories;10

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9 These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

10 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...
(k) Other income-generating activities specified in approved Implementing Procedures.

**Category II.B**

Examples of Category II.B activities, which involve foreign-owned entities or occur outside the U.S. and include, but are not limited to:

(a) Consulting under the auspices of the University of California;

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

(c) Consulting for for-profit entities;

(d) Consulting for non-profit entities;

(e) Consulting for non-profit health or education-related organizations;

(f) Consulting for government agencies;

(g) Serving on a board of directors outside of the University whether compensated or uncompensated;

(h) Providing or presenting a workshop for industry;

(i) Providing outside consulting or compensated professional activities performed for foreign-owned entities or that occur outside the U.S.

(j) Other income-generating activities specified in approved Implementing Procedures.

(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, even if compensated, do not require disclosure in annual reporting or prior approval under this policy, do not count toward the faculty member’s time threshold for outside professional activities, and the income does not count toward the earnings approval threshold. Nevertheless, these activities must not interfere with a faculty member’s obligations to the University (see APM - 671-8-a).

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 days of outside professional activities.

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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; and

(d) Developing scholarly or creative works.

b. Other Activities

Income from the following activities may be retained by Plan participants and does not count toward the earnings approval threshold. Time related to these activities does not count toward time limits.

(1) Prizes, defined as gifts in recognition of personal achievements and not for services rendered;

(2) Royalties, defined as shares of proceeds for contributions as authors or inventors, as allowed under the University’s copyright and patent policies;

(3) Honoraria, defined as payments by agencies outside the University but within the U.S. for occasional lectures and similar public appearances beyond normal academic responsibilities to the University of California and which are not in return for other services, whether given directly or indirectly;

(4) University honoraria, defined as payment for occasional lectures or similar services performed on a University of California campus as permitted by Academic Personnel Policy (see APM - 666, Additional Compensation: Honoraria) and relevant campus policies;

(5) Administrative stipends;

(6) Income from a profession unrelated to the training and experience which is the individual’s qualification for University appointment.

c. Disclosure Requirements

Faculty are responsible for disclosing all situations that may raise conflict of commitment issues in the following manner:

(1) Prior Approval Requirements
All Category I.A, I.B, and II.B activities and requests to exceed the time or the earnings approval threshold require prior written approval from the Chancellor in advance of performing the activity.

(2) Reporting Requirements

All faculty must provide an annual report of outside professional activities to their Department Chairs each year, even if the faculty member did not engage in outside professional activities during the year. Faculty must report annually all Category I (including I.A and I.B) and II (including II.A and II.B) outside professional activities that were conducted during the prior 12 months, including activities conducted during normal service periods and during periods of leave with pay. All earnings derived from these activities must be reported as well. The requirement for annual reporting begins on the date of hire.

671-14 Eligibility

a. Faculty subject to APM - 671

All participants in the Health Sciences Compensation Plan are subject to the provisions of this policy.

b. Recalled Faculty

Faculty who have retired and are recalled to active service for appointments at or less than 43 percent time and who are participants in the Health Sciences Compensation Plan are subject to the provisions of this policy.

c. Faculty on Leave

Faculty who engage in professional activities while on approved leaves with pay such as sabbatical and vacation must comply with requirements for disclosure, prior approval, and annual reporting for outside professional activities. These activities, as well as professional activities performed during the evenings and weekends, count toward the annual time limits and earnings approval threshold. School Implementing Procedures must describe the requirements for disclosure, prior approval, and annual reporting for outside professional activities and earnings during periods of leave without pay.

d. Faculty Administrators

Faculty administrators are covered under 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).
671-16 Restrictions

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

b. Patient care (clinical) activities must be provided within the University setting, or as part of an approved affiliation agreement or professional service agreement. All clinical income is due to the Plan. In no case will Plan participants be allowed to retain income from patient care (clinical) activities.

671-24 Authority

a. President

This policy may be amended or repealed by the President, following consultation with the Health Sciences Chancellors, Deans, and the appropriate Academic Senate Committee(s).

b. Chancellor

The Chancellor shall issue campus or School Implementing Procedures that further refine APM - 671 and has the authority to approve Category I.A, I.B, and II.B requests and individual exceptions under this policy. In accordance with APM - 100-6-d, the Chancellor may redelegate authority to a designee for implementing APM - 671.

c. Deans

Deans have authority to determine whether faculty are meeting established standards and requirements.

671-26 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. Consequences for Non-compliance

School Implementing Procedures shall clearly state that the University reserves the right to impose administrative remedies and/or to take corrective action and disciplinary measures toward any faculty member who fails to comply with Implementing Procedures on outside professional activities.
Situations where faculty will be considered out of compliance include, but are not limited to, the following:

1. Failure to remit income due to the Plan as required by School Implementing Procedures;
2. Failure to obtain prior written approval for to engage in Category I (including I.A and I.B) and Category II.B activities or to for involving a student in outside professional activities (see APM - 671-8-f);
3. Failure to comply with time limits for Category I (including I.A and I.B) and Category II (including II.A and II.B) activities; and
4. Failure to disclose and describe accurately the nature and scope of Category I (including I.A and I.B) and Category II (including II.A and II.B) outside professional activities and earnings derived from those activities as required by School Implementing Procedures.

If the Department Chair or the Dean has reason to believe that a faculty member has not complied with the School Implementing Procedures, the Dean may take appropriate corrective action. A procedure for hearing and resolving disputes about corrective action shall be provided in the School Implementing Procedures. Corrective action refers to the discontinuation of certain privileges available only to Plan participants, in particular the opportunity to earn and receive compensation above the fiscal-year salary scale through the Plan.

Corrective actions may include, but are not limited to, the following:

1. Incentive or bonus compensation (Z compensation) may be suspended until such time as the faculty member complies with the provisions of the Plan and the provisions of the Implementing Procedures;
2. Additional negotiated compensation (Y compensation) may be set with consideration of the faculty member’s prior performance, including compliance with Implementing Procedures.

Compensation established in accordance with the Health Sciences Compensation Salary Scales (X, X’ compensation) shall not be reduced as a corrective action unless the faculty member is placed, by Chancellorial exception, on the fiscal-year salary scale (Scale 0).

Reductions in compensation are not always the result of corrective action and may also occur for other reasons such as insufficiency of current year income and contingency reserves. Whenever there are reductions in compensation, faculty shall be notified in writing by the Department Chair. In addition, corrective action will not preclude administrative remedies, sanctions or disciplinary measures in accordance with APM - 016,
University Policy on Faculty Conduct and the Administration of Discipline and APM - 150, Non-Senate Academic Appointees/Corrective Action and Dismissal. Violations by faculty members of either the time limits or earnings approval thresholds for outside professional activities represent an unauthorized use of University resources and/or retention of funds that belong to the University.

c. Complaints and Appeals

A faculty member who has a complaint about an issue related to outside professional activities should first try to resolve the issue at the departmental level. If the complaint cannot be resolved through discussions at the department level, the faculty member’s complaint and the Department Chair’s response should be documented in writing. If a faculty member disagrees with the Department Chair’s decision, the faculty member should file a formal complaint with the Dean. The Dean will charge the School Advisory Committee with fact-finding. Both the Chair or the Chair’s designee and the faculty member will have the right to be heard by the Committee. The Committee will issue a formal recommendation for resolution to the Dean. The Dean makes the decision based on this recommendation.

d. Grievance Rights

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

Revision History

Month XX, 2021:
- Substantive revisions to address recommendations in the University of California Ethics, Compliance, and Audit Services Systemwide Foreign Influences Audit Report (February 2021): (1) Establish subcategories I.A and II.A for domestic activities and I.B and II.B for foreign activities; (2) remove Appendices B, C, and D.

September 23, 2020:
- Technical revisions to remove gendered language.

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

- Regents Policy 7303: Policy On Service Obligations and Leaves of Absence
- Standing Order of The Regents 103.1(b)
- University Regulation No. 3 – APM - 005
- University Regulation No. 4 – APM - 020
- Faculty Code of Conduct – APM - 015
- University Policy on Faculty Conduct and the Administration of Discipline – APM - 016
- Standards of Ethical Conduct
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest Related to Sponsored Projects
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest, Public Health Service Research Awards
- University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts Through the University Policy and Guidelines on Outside Professional Activities for Officers and Designated Staff
- Conflict of Interest Code – Disqualification Requirement
- Conflict of Interest Policy and Compendium of Specialized University Policies – BFB-G-39
- Health Care Vendor Relations Policy
- Health Sciences Compensation Plan – APM - 670
- Deans – APM - 240
- Faculty Administrators (Positions Less Than 100%) – APM - 241
- Faculty Administrators (100% Time) – APM - 246
Prior Approval Form

For Outside Activities (Category I)

Name________________________Department________________________

Please print

For each Category I compensated outside professional activity in which you wish to engage in outside professional activities answer the following questions. Attach separate sheets, if necessary.

Type of activity in which you will be involved:

Category I Activities

Executive/managerial role:_____

Outside teaching or research activity:_____

Salaried employee:_____

Other potential conflict of commitment:_____

General description of the business/agency/organization/group/individual:

__________________________________________________________________________

Activities/products/services of entity described above:_________________________________

Nature of your relationship to entity named above (check all that apply):

Founder/co-founder:_____ Owner:_____ Consultant:_____ 

Board member:_____ Salaried employee:_____ Stockholder/partnership interest:_____ 

Equity/royalty interest:_____ Other, please explain:______________________________

__________________________________________________________________________

Description of the nature of your participation in this activity, including, if you wish, possible beneficial outcomes to areas of research, industry, and public service:

__________________________________________________________________________

__________________________________________________________________________
Beginning/ending month/year you could be involved in this activity: ______________________

Fiscal year(s) for which seeking approval: _____________________ (Approvals are generally for one fiscal year, but may be granted for a longer term not to exceed five years. Outside income reports must be submitted annually.)

Estimated number of days of involvement during fiscal-year appointment: ________________

Do you wish to take a full- or part-time leave while engaged in this activity? ________________

Approval granted through fiscal year ending June 30, ______

Request denied: ______

___________________________________________________________________________
Department Chair ___________________________ Date

___________________________________________________________________________
Dean ___________________________ Date

___________________________________________________________________________
Faculty Member Signature ___________________________ Date

___________________________________________________________________________
Chancellor or Chancellor’s Designee ___________________________ Date
REPORT OF CATEGORY I AND II COMPENSATED OUTSIDE PROFESSIONAL ACTIVITIES

FOR THE FISCAL YEAR ENDING JUNE 30, ______

EXPLANATIONS FOR INFORMATION REQUESTED

Compensated Outside Activities: Compensation is defined broadly as all types of remuneration (including stock options) realized or having the potential to become realized for outside activity, excluding customary honoraria and reimbursement for reasonable travel expenses and per diem.

Fiscal-Year Faculty Appointment: A Fiscal-Year Appointment is an appointment in which the faculty member renders service to the University throughout the calendar year as opposed to the academic year (APM – 600-4-f). Fiscal-year faculty accrue vacation time in accordance with APM – 710.

Terms of Leave, if any: A faculty member may be permitted to go on full- or part-time leave in order to pursue certain compensated outside professional activities. If you were on such leave during any part of the pertinent fiscal year, provide information here about the percentage of time and inclusive months.

Category: For each activity, enter I or II.

Category I activities include: teaching, research, or administering a grant at an educational institution, trust, organization, government agency, or foundation outside of the University; employment outside the University; assuming a founding/co-founding role of a company; assuming an executive or managerial position outside of the University. You must receive prior approval to engage in Category I activities, which always count toward the 21-48 day limit and must be reported annually.

Category II activities include: additional University-compensated teaching, including teaching pursuant to APM – 662, Additional Compensation: Additional Teaching, for UNEX courses and programs, other continuing education programs run by the University, and self-supporting UC degree programs; consulting under the auspices of the University of California; consulting or testifying as an expert or professional witness; consulting for for-profit entities; consulting for non-profit entities; consulting for non-profit health or education-related organizations; consulting for government agencies; serving on a board of directors outside of the University whether compensated or uncompensated; providing or performing a workshop for Industry; providing outside consulting or compensated professional activities performed for entities such as the Los Alamos and Lawrence Livermore National Laboratories; other income generating activities specified in approved Implementing Procedures. Category II activities are counted within the 21-48 day limit and must be reported annually.

Number of Days: A full-time faculty member may engage in outside professional activities 21-48 days depending on the terms of the Department/School Implementing Procedures.

Enter the approximate number of days you worked on this activity during your period of active service to the University. For compensated outside professional activities a Day is defined using common sense and customary practice. This definition may vary by campus and or discipline. A School or Departmental Implementing Procedure may include a more specific definition of a day. For additional teaching activities, the general rule is that every six contact or “podium” hours spent with students equals one day. See APM – 662 for further information.

Role: Use one or more of the following terms to describe your relationship to the entity identified in the last column: Founder/co-founder, owner, board member, consultant, recipient of equity or royalty interest, stockholder or partnership interest, salaried employee, or other (explain).

Compensation Dollars in Thousands: If income earned for the activity did not exceed the annual threshold, check the box in the left column. If income earned exceeded the annual threshold, enter the amount earned in the right column.
ANNUAL HEALTH SCIENCES COMPENSATION PLAN REPORTING FORM 
FOR CATEGORY I & II UNCOMPENSATED AND COMPENSATED OUTSIDE PROFESSIONAL ACTIVITIES
Fiscal Year Ending June 30, ________

In accordance with APM–671, all Compensation Plan participants are required to complete this form not later than ________

<table>
<thead>
<tr>
<th>Category I or II</th>
<th># of Days</th>
<th>Name of Outside Entity</th>
<th>Description of Services Provided</th>
<th>Role (e.g., consultant, speaker, employee, shareholder)</th>
<th>Compensation—Dollars in Thousands</th>
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<td>Income earned did not exceed threshold</td>
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</tbody>
</table>

Total # Days: __________  Total income earned: $ __________

I did not engage in Category I or II activities during the reporting period.
Total income earned did not exceed the earnings threshold.

I certify that I have complied with the provisions of the University of California Health Sciences Compensation Plan, the School of ________ Health Sciences Compensation Plan Implementation Procedures, and my departmental guidelines for the Plan regarding limitations on the retention of earnings, and time spent in Outside Professional Activities.

Faculty Member Signature: ___________________________ Date: __________

Department Chair Signature: ___________________________ Date: __________

N.B.: Information disclosed herein is a public record under the California Public Records Act.