



OFFICE OF THE VICE PROVOST --  
ACADEMIC PERSONNEL AND PROGRAMS

OFFICE OF THE PRESIDENT  
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Oakland, California 94607-5200

September 1, 2022

CHANCELLORS  
ACADEMIC COUNCIL CHAIR SUSAN COCHRAN  
LABORATORY DIRECTOR MICHAEL WITHERELL  
ANR VICE PRESIDENT GLENDA HUMISTON

**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](mailto:VP-ACADEMICPERSONNEL@ucop.edu). If you have any questions, please contact Rebecca Woolston at [Rebecca.Woolston@ucop.edu](mailto: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.

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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,<sup>1</sup> reimbursement for reasonable travel expenses, and per diem expenses.<sup>2</sup>

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<sup>1</sup> See [APM - 666](#)

<sup>2</sup> See [Business and Finance Bulletin G-28](#)



Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

**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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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**

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

- (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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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.

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

- (d) Assuming an executive or managerial position outside of the University.<sup>4</sup>
- (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;<sup>5</sup>
- (b) Consulting or testifying as an expert or professional witness;
- (c) Providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship;

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<sup>4</sup> This does not include positions with professional societies.

<sup>5</sup> These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

- (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.<sup>6</sup>

**(3) Category III**

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

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

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

- (a) Serving on government or professional panels or committees or as an officer or board member of a professional or scholarly society;
- (b) Reviewing manuscripts; acting in an editorial capacity;
- (c) Attending and presenting talks at university/academic colloquia and conferences;
- (d) Developing scholarly or creative works;
- (e) Accepting honoraria for scholarly, intellectual, educational, outreach work within the course and scope of employment; and,
- (f) Receiving prizes, defined as gifts in recognition of personal achievements and not for services rendered.

**b. Disclosure Requirements**

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<sup>6</sup> 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.

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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<sup>7</sup> 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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<sup>7</sup> School of Veterinary Medicine faculty participating in the Veterinary Medicine Salary Scale are subject to both APM - 025 and [APM - 675](#).



Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

- (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**

Conflict of Commitment and Outside Activities of Faculty Members 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**

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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.

GENERAL UNIVERSITY POLICY  
REGARDING ACADEMIC APPOINTEES

APM - 025

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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](#)
- [Guidelines for Disclosure and Review of Principal Investigator’s Financial Interest in Private Sponsors of Research – APM - 028](#)
- [University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University](#)
- [Regents Policy 7707, Senior Management Group Outside Professional Activities](#)
- [Conflict of Interest Code – Disqualification Rule](#)
- [Conflict of Interest \(COI\) Policy and Compendium of Specialized University Policies, Guidelines and Regulations Related to COI – BFB-G-39](#)
- [Health Care Vendor Relations Policy](#)
- [Health Sciences Compensation Plan – APM - 670](#)
- [Deans – APM - 240](#)

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

APM - 025  
APPENDIX A

- 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](#)

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

**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



Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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 ~~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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

potential financial value, excluding customary honoraria,<sup>1</sup> reimbursement for reasonable travel expenses, and per diem expenses.<sup>2</sup>

## 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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<sup>1</sup> See [APM - 666](#)

<sup>2</sup> See [Business and Finance Bulletin G-28](#)

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

- 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 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**

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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**

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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:



Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

- (a) Teaching, research, or administration of a grant<sup>3</sup> 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.<sup>4</sup>
- (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

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<sup>3</sup> Grants submitted on behalf of a professional society are exempt from this restriction, *i.e.*, are not considered Category I activities.

<sup>4</sup> This does not include positions with professional societies.



Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

Teaching), other continuing education programs run by the University, and self-supporting UC degree programs;<sup>5</sup>

- (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.<sup>6</sup>

**(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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<sup>5</sup> These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

<sup>6</sup> 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.

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

- (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 Rrequirements**

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 Rrequirements**

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<sup>7</sup> 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

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<sup>7</sup> School of Veterinary Medicine faculty participating in the Veterinary Medicine Salary Scale are subject to both APM - 025 and [APM - 675](#).

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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

Conflict 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 HLeave**

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 Ppay**

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 ~~o~~Other HLeaves with ~~p~~Pay (~~o~~Other than ~~v~~Vacation)**

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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**

Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

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.

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](#).

## 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
- Guidelines for Disclosure and Review of Principal Investigator's Financial Interest in Private Sponsors of Research – APM - 028
- University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University
- Regents Policy 7707, Senior Management Group Outside Professional Activities
- Conflict of Interest Code – Disqualification Rule 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

APM - 025  
APPENDIX A

- 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:

\_\_\_\_\_  
\_\_\_\_\_

~~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, 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 \_\_\_\_\_

Faculty Member Name (Print)	Academic Title	Department
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Category I or II	# of Days	Name of Outside Entity	Description of Services Provided	Role (e.g., consultant, speaker, employee, shareholder)	Compensation Dollars in Thousands <i>Check left column if income earned did not exceed the threshold of \$_. If income earned exceeded threshold, enter amount earned in right column.</i>	
					Income earned did not exceed the threshold	Income earned exceeded threshold
					\$	\$
					\$	\$
					\$	\$
					\$	\$
					\$	\$
					\$	\$
<i>Total # Days</i>				<i>Total income earned</i>	\$	\$

\_\_\_\_ 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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## **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
- (3) The Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University.

#### **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,<sup>1</sup> reimbursement for reasonable travel expenses, and per diem expenses.<sup>2</sup>

**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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<sup>1</sup> See [APM - 666](#)

<sup>2</sup> 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.<sup>3</sup> 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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<sup>3</sup> 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,<sup>4</sup> 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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<sup>4</sup> 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<sup>5</sup> at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University;

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<sup>5</sup> 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.<sup>6</sup>
- (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;<sup>7</sup>
- (b) Consulting under the auspices of the University of California;
- (c) Consulting or testifying as an expert or professional witness;

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<sup>6</sup> This does not include positions with professional societies.

<sup>7</sup> 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;<sup>8</sup>
- (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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<sup>8</sup> 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.



- (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.

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 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

- [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](#)
- [Guidelines for Disclosure and Review of Principal Investigator’s Financial Interest in Private Sponsors of Research – APM - 028](#)
- [University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University](#)
- [Regents Policy 7707, Senior Management Group Outside Professional Activities](#)
- [Conflict of Interest Code – Disqualification Rule](#)
- [Conflict of Interest \(COI\) Policy and Compendium of Specialized University Policies, Guidelines and Regulations Related to COI – BFB-G-39](#)
- [Health Care Vendor Relations Policy](#)
- [Health Sciences Compensation Plan – APM - 670](#)
- [Deans – APM - 240](#)

- 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
- (3) The Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University.

#### 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,<sup>1</sup> reimbursement for reasonable travel expenses, and per diem expenses.<sup>2</sup>

**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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<sup>1</sup> See [APM - 666](#)

<sup>2</sup> See [Business and Finance Bulletin G-28](#)

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

- (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.<sup>3</sup> 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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<sup>3</sup> 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,<sup>4</sup> 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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<sup>4</sup> 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 ~~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:



- (a) Teaching, research, or administration of a grant<sup>5</sup> 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.<sup>6</sup>
- (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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<sup>5</sup> Grants submitted on behalf of a professional society are exempt from this restriction, i.e., are not considered Category I activities.

<sup>6</sup> 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;<sup>7</sup>

- (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;<sup>8</sup>
- (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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<sup>7</sup> These are teaching activities outside of the assigned teaching load. If the department assigns the teaching activity, it is not considered an outside activity.

<sup>8</sup> 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.
- ~~b.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; ~~and~~
- (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 Chancery 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 103.1(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~~
- 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
- Guidelines for Disclosure and Review of Principal Investigator’s Financial Interest in Private Sponsors of Research – APM - 028
- University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University
- Regents Policy 7707, Senior Management Group Outside Professional Activities
- Conflict of Interest Code – Disqualification Rule 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= 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
_____	_____	Chancellor or Chancellor's Designee	_____	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, 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.

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

**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 \_\_\_\_\_

Faculty Member Name (Print)	Academic Title	Department
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Category I or II	# of Days	Name of Outside Entity	Description of Services Provided	Role (e.g., consultant, speaker, employee, shareholder)	Compensation Dollars in Thousands	
					Income earned did not exceed the threshold	Income earned exceeded threshold
					\$	\$
					\$	\$
					\$	\$
					\$	\$
					\$	\$
					\$	\$
<i>Total # Days</i>				<i>Total income earned</i>	\$	\$

\_\_\_\_\_ 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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## MODEL COMMUNICATION

The University invites comments on proposed revisions to the following policies on conflict of commitment:

- 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.

Summarized below are the proposed key policy revisions that are being distributed for systemwide review.

### **Key Policy Revisions**

- 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.

- 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 Series
  - 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.

The above proposed revisions to the conflict-of-commitment policies of APM - 025 and APM - 671 are posted to the [Academic Personnel and Programs website](#) under the “Systemwide Review” tab. It may also be viewed at \_\_\_\_\_ [e.g., *the campus Academic Personnel Office or Human Resources Office*].

If you have any questions or if you wish to comment, please contact \_\_\_\_\_ at \_\_\_\_\_, no later than \_\_\_\_\_, 2022.