

April 1, 2024

ACADEMIC SENATE
DEANS
DEPARTMENT AND PROGRAM CHAIRS
POLICY-COVERED APPOINTEES IN THE FOLLOWING GROUPS:
ADJUNCT PROFESSORS
ASTRONOMER
PROFESSIONAL RESEARCHERS
PROJECT SCIENTISTS
SENATE FACULTY
SPECIALISTS

Re: Updated Guidelines for APM 025 - Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees

Dear Colleagues:

As I have previously communicated, changes to APM 025, Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees, will be effective on July 1, 2024. The full text of the revised policy can be found on the [Academic Personnel and Programs website](#).

To assist with the changes, and to provide clarification of existing provisions, the UC Office of the President has provided the following guidance documents (attached). I encourage you to review the attached documents, as well as a brief summary of the changes/clarifications to APM 025, below:

1. Clarifications that expand the list of Category I activities.
Professors and Adjunct Professors with appointments greater than 50% must seek prior approval:
 - before accepting an honorary, visiting, adjunct, or other institutional appointment (either compensated or uncompensated) at an 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; and
 - before applying to or participating in talent recruitment programs specifically designed to recruit science and technology professionals or students.
2. The definition of Compensation has been expanded to include in-kind contributions.
3. Regardless of appointment percentage, all faculty and designated other academic appointees covered by the policy must comply with federal funding agency laws and policies governing research grant disclosures if participating in a federally funded research project.
 - Funding-agency disclosures should be sent to the Office of Research.
4. The revised policy extends the new requirement noted in #3 (above) to designated other academic appointees that include the following academic titles: Agronomist, Astronomer, Professional Researcher, Project Scientist, Specialist, and Specialist in Cooperative Extension.

These title series are not subject to APM 025's prior approval, disclosure, and annual reporting requirements.

Questions about the revised systemwide policy may be directed to the Academic Personnel Office at apo@ucsc.edu.

Sincerely,



Grace McClintock
Assistant Vice Provost
Academic Personnel

cc: CP/EVC Kletzer
Chancellor Larive
VPAA Lee
VCR MacMillan
Academic Senate Office
Administrative Records
Department and Program Managers
Divisional Academic Personnel Coordinators

New Clarifications and Policy Revisions: Academic Conflict of Commitment & Outside Activities



OVERVIEW

- Policy changes take effect on **July 1, 2024** for:
 - APM - 025: Conflict of Commitment and Outside Activities of Faculty Members and Designated Other Academic Appointees
 - APM - Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants
- Outside Activities Tracking System (OATS) ¹ changes live March 1, 2024.
- Clarifications and revisions made through systemwide policy process in response to Ethics, Compliance and Audit Services 2021 systemwide audit on undue foreign influence²



CLARIFICATION AND KEY POLICY CHANGES

- **Category I Activities that Require Prior Approval (Clarified by policy update)**
 1. **Current or pending acceptance of honorary, visiting, or other appointment (*compensated or uncompensated*) at an outside institution program is a Category I activity that requires prior approval when there is not a campus agreement with the outside institution for the activity**

Includes higher education, research institute, or medical center affiliated with an outside institution of higher education, non-U.S. government, or other outside entity.
 2. **Application to or participation in a non-U.S. talent recruitment program is a Category I activity that requires prior approval**

Faculty members are required to receive prior approval to apply or participate in talent recruitment programs specifically designed to recruit science and technology professionals or students.
- **Clarification that in-kind contributions in support of research are consider forms of outside professional compensation (NEW)**
 - Includes such things as office/laboratory space and equipment, supplies, and employees or students supported by an outside source.
- **Policy requirement to comply with federal funding agency laws and policies (NEW)**
 - Faculty and Designated Other Academic Appointees are required to follow federal funding agency laws and policies governing grant disclosures if participating in a federally funded research project.

Contacts for assistance: [Campus Academic Personnel Offices](#); [Campus Research Compliance Offices](#)

¹ <https://info.ucoats.org/pages/training-faculty-025>

² https://auditreports.ucop.edu/?project_filter%5B%5D=62&fiscal_year_id=41&action=public_search&project_id=&type=update_search&submit=Search

How to Identify a Non – U.S. Talent Recruitment Program



WHAT IS A NON – U.S. TALENT RECRUITMENT PROGRAM?

An initiative aimed at recruiting experts in academia and other sectors to cultivate a non-U.S. nation's domestic talent pool in support of that nation's strategic civil and military goals. The arrangement will typically include a non-U.S. university and a UC researcher but will not ordinarily include UC.

Current or pending participation in, or application to, a non-U.S. talent recruitment program is a Category I activity that requires prior approval under [APM - 025](#) and [APM - 671](#).

Participation in Malign Foreign Talent Recruitment Programs as defined by the federal government (see [here](#) for federal definition) may be prohibited by federal funding agencies (or soon will be as required by law).



INDICATORS OF A NON – U.S. TALENT RECRUITMENT PROGRAM

- A written or verbal agreement such as an employment agreement or memorandum of understanding.
- Promised compensation that might include such things as cash or in-kind compensation, research support, complimentary travel, and honorific titles.
- An arrangement that typically includes a non-U.S. university and UC researcher, but doesn't always include the UC researcher's institution.
- Support that might be from a non-U.S. government national, provincial, or local sector or include a private entity.
- Requirement that the researcher comply with the laws of the non-U.S. nation.
- Requirement that the researcher commit effort/time in the talent program resulting in conflict of commitment or interest in excess of the standard UC and/or U.S. federal agency requirements.



TYPICAL PARTICIPATION REQUIREMENTS

- Performance of major non-U.S. national major or key projects.
- Publication of high-level articles in important international academic journals, in the name of non-U.S. institutions.
- Declaration of any national or international invention patents.
- Introduction and cultivation of non-U.S. nation's domestic scholars or graduation students including assistance in publications, inclusion in exchanges and sponsorship or recruitment of such scholars or students to work or study at UC.
- Inclusion of the name of the UC researcher and primary affiliation with the non-U.S. institution in any publications, award applications, patent applications and research project applications.



TYPES OF SUPPORT OFFERED IN EXCHANGE

- Funding for scientific research including the establishment of a laboratory in the non-U.S. institution.
- Provision at no cost for academic team construction, such as payment, accommodation, and travel expense for team members.
- Living allowance for researcher including lodging, travel expenses, and bonuses.

Contacts for assistance: [Campus Academic Personnel Offices](#); [Campus Research Compliance Offices](#)