



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
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October 22, 2021

CHANCELLORS
ACADEMIC COUNCIL CHAIR ROBERT HORWITZ
LABORATORY DIRECTOR MICHAEL WITHERELL
ANR VICE PRESIDENT GLENDA HUMISTON

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

Dear Colleagues:

Enclosed for 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. The proposed revisions to APM - 025 and APM - 671 are responsive to recommendations from the systemwide Office of Ethics, Compliance and Audit Services (ECAS) described in more detail below.¹

Background

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 and increased compliance enforcement. The report, which recognizes the critical importance of preserving federal funding for research within UC, contained two systemwide recommendations related to policies on conflict of commitment and

¹ In 2020, a UC Health Working Group on Conflicts of Interest and Commitment and Reporting on Outside Professional Activities was convened to examine related issues in addressing conflicts of interest and commitment for the UC Health workforce. Issues identified by the Working Group are being pursued in a revision of the Healthcare Vendor Relations Policy.

established a 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. Summarized below are the proposed key revisions that are now being distributed for systemwide review; the revisions are based on the recommendations from the two stakeholder groups convened over the summer and early fall.

Key Policy Revisions

- **Expand applicability of APM - 025 to cover designated other academic appointee titles.** Ten designated other academic appointee titles have been identified that would be newly subject to prior approval and annual reporting requirements of APM - 025 if engaging in foreign activities, as described below. Designated other academic appointee titles that would be newly subject to the proposed policy revisions, if engaging in foreign activities, include:

Academic Administrator Series
Academic Coordinator Series
Agronomist Series
Astronomer Series
Coordinator of Public Programs Series
Professional Research Series
Project Scientist Series
Specialist Series
Specialist in Cooperative Extension Series
Postdoctoral Scholars

Draft policy revisions to add these titles has been recommended for APM - 025; similar revisions are not needed for APM - 671 since it only covers faculty who are participating in the Health Sciences Compensation Plan.

Reporting requirements that impact represented academic titles will be subject to the meet and confer process with the appropriate union(s).

- **Expand applicability of APM - 025 to cover appointments above 0%.** The revised policy proposes to require faculty and designated other academic appointees appointed above 0%, including recall appointees, to secure prior approval for and submit annual reports on participation in foreign activities, as described in the draft revised policy.
- **Establish subcategories in APM - 025 and APM - 671 for domestic and foreign activities within Category I and Category II Outside Activities.** The revised policies propose the establishment of new subcategories I.A and II.A for domestic activities and new subcategories I.B and II.B for foreign activities. Faculty would be responsible for securing prior approval for participation in Category I.A, I.B, and II.B activities and for submitting annual reports on all Category I and Category II activities. Designated other academic appointees would be responsible for securing prior approval for participation in and submitting annual reports on Category I.B and II.B activities.
- **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 stakeholder groups that convened over the summer and early fall recognized that the proposed policy revisions would result in increased workloads for campuses and necessitate changes to the Outside Activity Tracking System (OATS), all of which have financial implications. If the proposed revised policy should be issued, a significant amount of time will need to be devoted to partnering with stakeholders on the challenges of implementation.

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. Systemwide review also includes a mandatory, 90-day full Academic 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 **February 10, 2022**. Please submit your comments to ADV-VPCARLSON-SA@ucop.edu. If you have any questions, please contact Associate Director Rebecca Woolston at Rebecca.Woolston@ucop.edu.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel and Programs

Enclosures:

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

cc: President Drake
Provost and Executive Vice President Brown
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
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Vice Provosts/Vice Chancellors for Academic Affairs/Personnel
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Chief of Staff Peterson
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October 22, 2021

Page 5

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