

GENERAL UNIVERSITY POLICY
REGARDING ACADEMIC APPOINTEES
Conflict of Commitment and Outside Activities of Faculty Members

APM - 025

025-0 **Policy**

The University of California policy on conflict of commitment and outside activities of faculty members provides guidance for the identification and management of outside professional activities in order to avoid conflicts of commitment, while assuring that faculty (see APM - 025-14-a for a list of faculty 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. 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 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**

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

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

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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.

b. Related University Policy

In addition to this policy on conflict of commitment and outside activities, faculty 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.

025-4 Definitions

a. Outside Professional Activities

Outside Professional Activities, compensated or uncompensated and regardless of financial interest, are defined as those activities that are within a faculty member's area of professional, academic expertise and that advance or communicate that expertise through interaction with industry, the community, or the public. Outside additional teaching as described in APM - 025-10-a- (2)-(a) is included in this definition. Outside professional activities are distinct from non-professional activities, i.e., activities that are part of the faculty member's private life and are not expressly governed by University regulations or by the guidelines on outside professional activities. Outside professional activities must not interfere with a faculty member's obligations 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 services related to the faculty member's field or discipline, whether compensated or uncompensated, that furthers the interests of an entity outside of the University of California.

e. **A Day**

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

f. **Compensation**

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

025-6 **Responsibility**

a. **Chancellor**

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

- (1) Communicating policy requirements;
- (2) Developing implementing procedures and administrative mechanisms for disclosure, 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

¹ See APM - 666

² See Business and Finance Bulletin G-28

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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 his or her outside professional activities; and
- (4) Establishing a deadline for submission of annual reports based on a fiscal-year calendar.

b. Faculty

Faculty are responsible for complying with this policy, including:

- (1) 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);
- (2) 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);
- (3) Attesting to adherence with the requirements of this policy in the annual report;
- (4) Disclosing any current or prospective outside professional activity to the Department Chair if in doubt as to whether there is a conflict of commitment; and,
- (5) Obtaining prior approval from the Department Chair before involving a student in an outside professional activity (see APM - 025-8-d).

025-8 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,

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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 his or her 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.

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 receives additional University compensation for the summer. If an academic-year faculty member receives additional University summer compensation, the limit on compensated outside professional activities is the equivalent of one day per week during the period in which such compensation is received. 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 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.

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

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

e. **Use of University Resources**

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

f. **Liability Coverage**

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

025-10 **Guidelines**

Professional activities are separated into three categories in the management of this policy. Categories I and II include activities that must be reported and -- in the case of Category I -- must receive prior approval before the faculty member engages in the activity. Category III activities are those that are within the course and scope of employment at the University and need not be approved or reported. 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, count toward the faculty member's maximum 39/48 days of outside professional activities (see APM - 025-8-b and Appendix C for definition of time limits), and require disclosure in annual reporting. Approvals are generally for one fiscal year but may be granted for a longer term, not to exceed five years.

Category I activities include, but are not limited to:

- (a) Teaching, research, or administration of a grant³ at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University;
- (b) Employment outside of the University;
- (c) Assuming a founding or a co-founding role of a company;

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

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

(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 Teaching), other continuing education programs run by the University, and self-supporting UC degree programs;⁵
- (b) Consulting or testifying as an expert or professional witness;
- (c) Providing outside consulting services or referrals or engaging in professional practice as an individual or through a single-member professional corporation or sole proprietorship;
- (d) Serving on a board of directors outside of the University;
- (e) Providing or presenting a workshop for industry;

⁴ This does not include positions with professional societies.

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

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

(3) Category III

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

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

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

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

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

b. Disclosure requirements

Faculty 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; however, faculty holding appointments of less than 50 percent time are not subject to the annual reporting and prior approval requirements:

- (1) Professor, including Acting titles
- (2) Professor in Residence
- (3) Adjunct Professor
- (4) Professor of Clinical (e.g., *Medicine*)*
- (5) Health Sciences Clinical Professor*

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- (6) Clinical Professor of Dentistry*
- (7) Lecturer or Senior Lecturer with Security of Employment
- (8) Lecturer with Potential Security of Employment

*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. Recalled faculty

Faculty who have retired and are recalled to active service for appointments at or less than 43 percent time are not subject to this policy. Faculty members recalled to the Health Sciences Compensation Plan are subject to the provisions of APM - 671.

c. Faculty on leave

(1) Leave without pay

Faculty 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 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 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. Consequences for Non-compliance

Situations where faculty will be considered out of compliance include, but are not limited to, failure to obtain prior written approval to engage in Category I 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.

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Failure to comply with this policy may subject a faculty member 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 may grieve pursuant to APM - 140, Non-Senate Academic Appointees/Grievances.

RELATED UNIVERSITY POLICIES

- Standing Order of The Regents 103.1(b)
- University Regulation No. 3 – APM – 005
- University Regulation No. 4 – APM – 020
- The Faculty Code of Conduct – APM - 015 Standards of Ethical Conduct
- University Policy on The Faculty Code of Conduct and the Administration of Discipline – APM – 016
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest Related to Sponsored Projects
- University of California Policy on Disclosure of Financial Interests and Management of Conflicts of Interest, Public Health Service Research Awards
- Policy on Disclosure of Financial Interest in Private Sponsors of Research and Guidelines – APM – 028
- University of California Policy on the Requirement to Submit Proposals and to Receive Awards for Grants and Contracts through the University
- University Policy and Guidelines on Outside Professional Activities for Officers and Designated Staff
- Conflict of Interest Code – Disqualification Requirement
- Conflict of Interest Policy and Compendium of Specialized University Policies – BFB-G-39
- Health Care Vendor Relations Policy
- Health Sciences Compensation Plan – APM – 670
- Deans – APM – 240
- Faculty Administrators (Positions Less Than 100%) – APM – 241
- Faculty Administrators (100% Time) – APM – 246
- Cooperative Extension Administrative Handbook Section 356

**PRIOR APPROVAL FORM
FOR OUTSIDE ACTIVITIES (CATEGORY I)**

Name: _____ Faculty Title: _____
Last First M.I. Academic- or Fiscal-Year Appointment: _____

Department: _____ College/School: _____

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

Type of activity in which you will be involved:

Category I Activities

Executive/managerial role: _____

Salaried employee: _____

Outside teaching or research activity: _____

Other potential conflict of commitment: _____

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

Activities/products/services of entity described above: _____

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

Founder/co-founder: _____

Owner: _____

Consultant: _____

Board member: _____

Salaried employee: _____

Stockholder/partnership interest: _____

Equity/royalty interest: _____ Other, please explain: _____

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

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

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

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

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

Approval granted through fiscal year
ending June 30, _____

Request denied: _____

Department Chair Date

Dean Date

Faculty Member Signature Date

Chancellor or Chancellor's Designee Date

**REPORT OF CATEGORY I AND II OUTSIDE ACTIVITIES
AND ADDITIONAL TEACHING ACTIVITIES
FOR THE FISCAL YEAR ENDING JUNE 30, _____
EXPLANATIONS FOR INFORMATION REQUESTED**

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

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

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

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

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

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

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

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

**ANNUAL REPORTING FORM
 FOR CATEGORY I & II OUTSIDE ACTIVITIES AND ADDITIONAL TEACHING ACTIVITIES
 REPORTING PERIOD: _____ THROUGH _____**

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

Name (Print):	Academic Title:	Department:
Appointment: _____ Academic-year or _____ Fiscal-year	Terms of leave, if any: _____	College/School: _____

Category I or II	Number of Days	Leave Without Pay Y/N (When?)	Description of Activity	Nature of Relationship	General Description of Business/Agency/Organization/Group/Person
<i>Total # Days</i>					

_____ I did not engage in Category I or II activities during the reporting period.	
I certify that I have complied with the provisions of APM - 025 and have reported all Category I and II activities as required by policy.	
Faculty Member Signature	Date

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

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