

*** DISCLAIMER ***

- This presentation does not cover the entire APM 025 policy. For more details, please review the following:
- Systemwide:
https://www.ucop.edu/academic-personnel-programs/_files/apm/apm-025-07-01.pdf
- Local:
<https://aadocs.ucdavis.edu/policies/apm/ucd-025/ucd-025.pdf>

APM 025

Conflict of Commitment and Outside Activities of Faculty Members

Policy Highlights
October 22, 2018

Why? 025-2 Purpose:

- a. “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...Outside professional activities that interfere with a faculty member’s professional obligations to the University represent a conflict of commitment....”
- b. “...faculty must comply with all University policies involving University intellectual property, conflict of interest, and restrictions on compensation....”

More of the why...

- Regent's Standing Order 103.1(b) states that faculty members shall not allow outside employment to interfere with primary University duties.
- APM 025-4-b states that a conflict of commitment occurs when a faculty member's outside professional activities, whether compensated or uncompensated, interfere with the faculty member's professional obligations to the University of California.
- APM-020-1 states that members of the faculty may render professional or scholarly services for compensation, unless they are prohibited by the terms of their appointment from accepting such compensation, but in no case may such employment be solicited or interfere with regular University duties.

025-4 Definitions

- a. “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...must not interfere with a faculty member’s obligations to the University.”

- e. For purposes of this policy, OATS will be tracking hours instead of days, systemwide colleagues agreed that a day = 8 hours, except when teaching is involved, and then the definition for teaching is that every 6 contact or “podium” hours spent with students is the equivalent of one day (see APM 662-17-b-(1)).

025-6 Responsibility

b. Faculty

- (1) Obtain prior written approval for engagement in Category I activities;
- (2) Submitting annual reports of all Category I and Category II activities (or lack thereof);
- (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

“...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) AY faculty = 39 days per year; FY faculty = 48 days per year

“It is expected that the use of days will be allocated evenly across the service periods.”

(2) faculty appointed less than 100 percent time = their number of days are “...prorated based on the percentage of appointment, provided the faculty member had otherwise fulfilled his or her obligations to the University...”

025-8 General Principles (continued)

c. Summer months

No restrictions on number of days for Category I and II activity during the summer months UNLESS AY faculty member receives additional University compensation for the summer.

Summer Compensation = time limits for Category I and II activities are the equivalent of one day per week during the period in which compensation is received.

NO Summer Compensation = no time limits!

025-8 General Principles (continued)

d. Students

Faculty member is responsible for ensuring that the activity does not interfere with student's academic obligations.

If a 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 regardless of whether the faculty member is compensated or has a financial interest in the activity.

025-10 Guidelines - Types of Categories

- **Category I - most likely to create a conflict because...**
 - 1) related to the training and expertise which is the faculty member's expertise and qualification for University appointment, but performed for a third party; and/or
 - 2) Require significant professional commitment

Requirements:

- ✓ Prior Approval
- ✓ Time Limits
- ✓ Annual Reporting

A few examples:

- *Teaching *Research
- *Employment outside of the Univ.
- *Founding or co-founding a company

025-10 Guidelines - Types of Categories (continued)

- **Category II - less potential for conflict of commitment because...**
 - 1) generally shorter-term
 - 2) outside the course and scope of University employment

Requirements:

- ~~✓ Prior Approval~~
- ✓ Time Limits
- ✓ Annual Reporting

A few examples:

- *Additional University-compensated teaching (UNEX, etc.)
- *Consulting or testifying as an expert witness
- *Providing or presenting a workshop for industry

025-10 Guidelines - Types of Categories (continued)

- **Category III - unlikely to raise conflict of commitment because...**
 - 1) within the course and scope of University employment

Requirements:

~~✓ Prior Approval~~

~~✓ Time Limits~~

~~✓ Annual Reporting~~

A few examples:

- *Reviewing manuscripts; acting in an editorial capacity;
- *Attending and presenting talks at university/academic colloquia and conferences;

025-10 Guidelines (continued)

b. Disclosure requirements

(1) Prior approval requirements

Faculty are required to obtain prior approval for all Category I requests in advance of performing the activity

(2) Reporting requirements

Faculty are required to file an annual report - even if they did not engage in outside professional activities during the year. They must report all Category I and II activities during the prior 12 months, including during normal service periods, periods of leave with and without University pay, and during summer months when receiving University compensation.

Who? 025-14 Eligibility

Titles/Series include:

- ✓ Professor, including Acting titles
- ✓ Adjunct Professor *
- ✓ Potential/Lecturer or Senior Lecturer with Security of Employment (SOE)
- ✓ Professor in Residence *
- ✓ Professor of Clinical ___ *
- ✓ Health Sciences Clinical Professor *

* faculty in these titles who do not participate in the Health Sciences Compensation Plan

“All faculty holding appointments...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.”

Who? 025-14 Eligibility (continued)

c. Faculty on leave

- (1) Leave without pay = disclosure, prior approval and annual reporting but not subject to time limits in APM 025-8-b
- (2) Sabbatical or other leaves with pay (other than vacation) = disclosure, prior approval, annual reporting and time limits regardless of the funding source.
- (3) Vacation = not subject to disclosure, prior approval, annual reporting, or time limits described in APM 025-8-b for activities performed during the vacation period.
- (4) Faculty Administrators = covered by 025 + their administrator policy (e.g., APM 240 Deans, APM 241 Faculty Administrators (<100%) or APM 246 Faculty Administrators (100%)).

025-26 Non-compliance

a. Monitoring

- Department Chairs are expected to monitor compliance, collect and review annual reports; consult with the Dean about concerns.
- Deans review Department Chairs' annual reports.

b. Consequences for Non-compliance

- May be subject to discipline, corrective action or administrative remedies (APM 016, APM 150)

Scenario

Dr. Mustard's research leads to an innovative idea that turns into a start-up company. Dr. Mustard is the founder of the company. The company is in the initial stages of creation, so there is no compensation yet. Dr. Mustard will be a stockholder though. Dr. Mustard is an academic year faculty member and estimates that she will spend 10-15 days focused on the company over the coming year.

What does Dr. Mustard need to do, if anything?

Dr. Mustard needs to...

1. Contact Innovation Access Office to discuss IP questions.
2. Submit a Category I Activity Request for Prior Approval.
(final approval rests with the Provost)
3. Ensure that the number of days fall within the time limits during the academic year.
4. Report the activity in her Annual Certification of Engagement in outside professional activities.

When in doubt...

For questions about policy, consult with resources...

- MSO/CAO
- Department Chair
- Innovation Access Office
- Dean's Office Analyst
- Dean

For questions about how to use the OATS program, please send an email to:

oats-help@ucdavis.edu

Thank you!