

Date: March 25, 2024

To: Department Chairs, Deans, Senate Faculty, Business Officers and Staff

From: Helly Kwee, Interim Director
Academic Personnel

Re: New Clarifications on APM 025 Revisions

This message is to inform you of policy updates in APM 025 Conflict of Commitment and Outside Professional Activities which will go into effect on July 1, 2024. Systemwide and Campus academic personnel policies require prior approval for Senate Faculty to engage in certain types of outside professional activities, but key parts of the policy will be changing. We are notifying you in advance of the policy revision effective date in order to allow for appropriate planning and consultation for prior approval. As before, prior approval will be required to: (1) engage in Category I activities, or (2) involve a graduate student in outside professional activity.

As of July 1, 2024, Category I activities requiring prior approval will include, but are not limited to:

- Teaching, research, or administration of a grant at an educational institution, trust, organization, government agency, foundation, or other entity outside of the University
- Employment outside of the University
- Assuming an executive or managerial position in a for-profit or not for profit business
- Assuming a founding or co-founding role of a company
- [NEW] Current or pending acceptance of an honorary, visiting, adjunct, or other appointment (either compensated or uncompensated) at an outside institution¹
- [NEW] Current or pending participation in, or application to, talent recruitment programs²

Additionally, as part of the revised policy, certain Category I types will require information about In-Kind Contributions (non-monetary types of remuneration), if applicable. If faculty state that they are receiving In-kind contributions as part of research outside the university, administration of a grant outside the university, or as part of a non-US talent recruitment program, they will be required to describe the contribution.

Prior approval of Category I activity is required even if the activity will take place while on an approved leave or over the summer period.

All prior approval requests will be processed via [UC OATS](#). Requests must be approved prior to engaging in any of the above listed activity. Please refer to the [Category I completion instructions](#) for assistance. The request will be automatically routed for review and approval in OATS. You will receive an e-mail notification once the request has been approved.

Please note: Faculty will be able to submit their Annual Report on Outside Professional Activities for academic year 2023-24 **after July 1, 2024**. A reminder of the reporting requirement, along with instructions for reporting, will be sent to all Senate Faculty after July 1.

The relevant policies are available as follows:

- [APM 025; Conflict of Commitment and Outside Activities of Faculty Members](#)
- [Red Binder I-29: Conflict of Commitment and Outside Professional Activities](#)

Questions regarding prior approval may be addressed to Mira Lázaro msslaza@ucsb.edu, Lia Cabello lia.cabello@ucsb.edu or Helly Kwee helly.kwee@ucsb.edu

Technical questions may be submitted to help@ait.ucsb.edu

Footnotes:

[1] Prior approval is required 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] 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. Please see attachment.

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](#)