

Date: August 12, 2024

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

From: Leesa Beck, Assistant Vice Chancellor
Office of Academic Personnel

Jean Jones, Assistant Vice Chancellor
Office of Research

Re: APM 025 Policy Revisions and Category I Reviews

This message is to inform you of updates to review protocols for certain Category I prior approval requests submitted in OATS. As [previously communicated](#), updates to APM 025 Conflict of Commitment and Outside Professional Activity policy went into effect on July 1, 2024.

In conjunction with this update, UCOP has implemented a process to notify the Office of Research (OR) about certain Category I prior approval requests. Such Category I requests involve either participation in foreign talent recruitment programs or engagement in activities that may require reporting to federal research sponsors. In these cases, OR is asked to review these requests more closely before they can be approved, and may need to contact faculty for additional information.

Federal sponsors expect Principal Investigators and Key Personnel to report all forms of research support in proposals and progress reports. Funding agencies have imposed significant penalties on institutions that have submitted proposals containing inaccurate information. Several of these cases involved the reporting of outside support through institutional outside activity reporting requirements, but a failure to report the research support to the sponsor. This new process is intended to identify these situations and provide guidance on sponsor reporting requirements. The Office of Research will provide relevant guidance on federal sponsor reporting requirements, which may involve listing the activity on Current and Pending (Other) Support disclosures and/or on the individual's Biosketch.

The following new Category I activities will trigger UCOP notification to the Conflict of Interest office within OR:

- Current or pending acceptance of an honorary, visiting, adjunct, or other appointment (either compensated or uncompensated) at an outside institution¹
- Current or pending participation in, or application to, talent recruitment programs²

Additionally, certain Category I requests will require information about in-kind contributions (non-monetary types of remuneration), if applicable. Requests by faculty to receive in-kind contributions associated with research outside the university, administration of a grant outside the university, or as part of a non-US talent recruitment program will also be reviewed by the Office of Research.

Questions regarding APM 025 policy and Category I prior approvals may be addressed to AP Associate Director Helly Kwee, helly.kwee@ucsb.edu, or to Academic Affairs Policy Compliance Director June Betancourt, june.betancourt@ucsb.edu.

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

Questions regarding the new Office of Research review process may be directed to Barry Rowan or Nicole Foley at coi@research.ucsb.edu.

Footnotes:

[1] Prior approval is required when there is not a campus agreement with the outside institution for the activity.

[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](#)