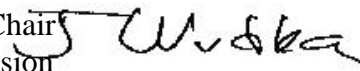




October 31, 2013

To: Kenneth Barish, Chair, Committee on Planning & Budget
 George Haggerty, Chair, Committee on Academic Personnel
 Kathleen Montgomery, Chair, Committee on Academic Freedom
 Georgia Warnke, Chair, Committee on Faculty Welfare
 Committee on Research

From: Jose Wudka, Chair 
 Riverside Division

Re: Systemwide Review of Proposed Revisions to APM 025, 670 and 671

On behalf of Academic Council Chair Bill Jacob, I am transmitting for your formal review proposed revisions to Sections 025, 670, and 671 of the Academic Personnel Manual. Please see Vice Provost Carlson's letter for a description of the proposed changes.

Please review with your committee and submit your comments by January 17, 2014. Thank you for your participation in this important review process.

Enclosure



OFFICE OF THE VICE PROVOST --
ACADEMIC PERSONNEL

OFFICE OF THE PRESIDENT
1111 Franklin Street, 11th Floor
Oakland, California 94607-5200

October 25, 2013

COUNCIL OF VICE CHANCELLORS
LABORATORY DIRECTOR ALIVISATOS
ACADEMIC COUNCIL CHAIR JACOB
ANR VICE PRESIDENT ALLEN-DIAZ

**Re: Systemwide Review of Proposed Revised Academic Personnel Manual (APM)
Section 025, Conflict of Commitment and Outside Activities of Faculty Members,
Proposed Revised APM - 670, Health Sciences Compensation Plan, and Proposed New
APM Section 671, Conflict of Commitment and Outside Professional Activities of Health
Sciences Compensation Plan Participants**

Dear Colleagues:

Enclosed for Systemwide Review are proposed revisions to APM - 025, Conflict of Commitment and Outside Activities of Faculty Members, proposed revised APM - 670, Health Sciences Compensation Plan, and proposed new policy APM - 671, Conflict of Commitment and Outside Professional Activities of Health Sciences Compensation Plan Members (APM - 671 would replace Appendix B in current APM - 670). The enclosed Rationale for Proposed Revisions to APM - 025 and New Policy APM - 671 provides additional context and specific information that is, I hope, helpful during review.

Overview

The proposal is responsive to campus administrator and faculty requests to clarify the purpose, scope, and compliance requirements concerning conflict of commitment policy for general campus faculty and for Health Sciences Compensation Plan (HSCP or the Plan) faculty. The fundamental difference underlying conflict of commitment policy for general campus faculty and HSCP faculty relates to the treatment of compensation earned via outside professional activities. Central to the proposed draft APM - 025 is the concept that faculty owe their primary professional allegiance to the University in terms of time and effort, a concept that pertains to HSCP faculty as well. However, APM - 025 de-emphasizes compensation as an element of policy since there are no restrictions or limits on the types and amounts of compensation that may be earned by general campus faculty. For HSCP participants, given the operations of the Plan, the University is concerned about time, effort, *and* earnings (types, amounts, and disposition). Thus, a separate policy, contained in APM - 671, is required to provide guidance as to how all earnings are treated under the Plan.

To enhance clarity and to foster consistent interpretation, APM - 671 will house all concepts and policy related to conflict of commitment and outside professional activities of HSCP participants. APM - 025 will no longer apply to HSCP participants; however, all relevant language for APM - 025 will appear in APM - 671 as well. This means HSCP faculty will no longer have to shift back and forth between two policies. Eligibility for governance under APM - 025 or APM - 671 will be mutually exclusive: HSCP

October 25, 2013

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participants will be subject to APM - 671 and all other faculty, including health sciences faculty who are *not* members of the Plan, will be subject to APM - 025.

Management Consultation

The Office of Academic Personnel circulated drafts of APM - 025 and APM - 671 during the late fall and winter 2012-2013 for Management Consultation. Reviewers generally conveyed support and several offered recommendations. Here are some of the recommendations that have been incorporated in the Systemwide Review drafts:

Policy and Purpose. New language is added to establish a normative structure at the beginning of the two policies. Initial draft language has been edited to reflect one standard to describe a faculty member's obligation to the University stated in the definition of Conflict of Commitment: "A conflict of commitment occurs when a faculty member's outside activities interfere with the faculty member's full-time professional obligations to the University of California."

Definitions. Proposed language returns to the definition of Outside Professional Activities in current APM - 025 which reads: "...Outside Professional Activities 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 Consulting is identified as a subset of Outside Professional Activities. The definition of Conflict of Interest is omitted in favor of a brief reference to conflict of interest policies.

Categories I, II, and III. Internal references are added to assist the reader in interpreting and understanding the policy. Category I activities are described as those most likely to create a conflict of commitment because they: 1) are similar in nature to core University duties but are performed for third parties, and 2) require significant professional commitment. Subsections on student involvement and the use of University resources are returned to the General Principles section rather than included as Category I activities so that all faculty are subject to these provisions. Category II activities are described clearly as outside the course and scope of the faculty member's regular University appointment. The description of Category III activities is modified to state that they are within the course and scope of employment.

Eligibility. New language makes clear that all faculty holding appointments in the specified title series are subject to the policy; however, faculty holding appointments of less than 50 percent time are not subject to the prior approval and annual reporting requirements.

Systemwide Review

Systemwide Review is a public review distributed to the Executive Vice Chancellors, the Director, Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, affected employees and union membership about policy proposals. Systemwide Review also includes a mandatory, three-month full Senate review.

Employees should be afforded the opportunity to review and comment on the draft new policy, available online at: <http://www.ucop.edu/academic-personnel/academic-personnel-policy/policies-under-review/index.html>. Attached is a Model Communication which may be used to inform non-exclusively represented employees affected by these proposals.

This letter and enclosures anticipate that you will begin Systemwide Review of the proposed draft and submit comments no later than February 1, 2014. Please send comments on the proposed policy to ADV-VPCARLSON-SA@ucop.edu. Questions may be directed to Janet Lockwood at Janet.Lockwood@ucop.edu or (510) 987-9499.

Sincerely,



Susan Carlson
Vice Provost
Academic Personnel

Enclosures: Proposed Revised APM - 025 (redline and clean copy)
Proposed Revised APM - 670 (redline)
Proposed New APM - 671 (redline comparing APM - 671 to Appendix B, APM - 670 and clean copy)
Rationale for Proposed Revisions to APM - 025 and New Policy APM - 671
Model Communication

cc: President Napolitano
Chancellors
Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Senior Vice President Stobo
Senior Vice President Vacca
Vice President Beckwith
Vice President Duckett
Vice Provosts – Academic Personnel
Associate Vice President Nation
Interim Chief Risk Officer Lloyd
Academic Personnel Directors
Health Sciences Deans
Health Sciences Working Group
Executive Director Fox
Executive Director Rodrigues
Executive Director Tanaka
Executive Director Winnacker
Deputy General Counsel Drown
Deputy General Counsel Nosowsky
Senior Counsel Van Houten
Senior Counsel Auriti
Deputy Compliance Officer Hilliard
Director Chester
Manager Lockwood
Human Resources Policy Analyst Bello
Senior Administrative Analyst Rupert