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Office of the Academic Senate  
SANTA CRUZ DIVISION  
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October 19, 2022

Susan D. Cochran, Chair  
Academic Council

**RE: Second Systemwide Review of Proposed Revisions to Academic Personnel Manual Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM - 025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM - 671)**

Dear Susan,

The Santa Cruz Division of the Academic Senate has completed its review of the proposed revisions to APM 025 – Conflict of Commitment and Outside Activities for Faculty Members, and APM 671 – Conflict of Commitment and Outside Activities of Health Sciences Compensation Participants.

The Committees on Academic Personnel (CAP), Faculty Welfare (CFW), and Research (COR) have provided comments. If there is one overarching concern voiced by the reviewing committees it is that the proposed policy lacks guidance on how the policy would be implemented and by whom. Further, it's unclear to whom the responsibility of enforcement should fall. The Divisional committees also provided specific recommendations, included below.

### **General Concerns**

As reference above, the committees had general misgivings regarding the lack of guidance provided by the drafters pertaining to the implementation of this policy. COR states that it has “concerns regarding the absence of any guidance related to the implementation of this policy. Specifically, which administrative units are expected to supervise the implementation and enforcement of the policy...” CFW echoes this concern, stating: “A revised policy such as this... requires that the policy definitions, requirements and implementation process must be clearly detailed and defined.”

CFW notes the policy’s lack of specific definitions would make their application difficult. COR notes that given the vagueness of the policy language, it would be difficult for those units charged with enforcement to “go about characterizing foreign relationships to determine if those relationships are in violation of the policy.” CFW comments that the “Senate shared concerns about the lack of guidance provided for implementation of the new approval and reporting requirements” in its

previous review,<sup>1</sup> and that the second iteration does little to provide clarity on what the review process will be. CAP suggested that to improve clarity and manage expectations, communication regarding these requirements should be enhanced and should “include a link to the associated APM policy on all forms that faculty complete to report associated compensation.”

### Specific Recommendations

The following are specific recommendations provided by CAP:

- Clarify how expanding Category I prior-approval and annual reporting requirements (as outlined in the first bullet point under “Key Policy Revisions” as referenced in the review cover letter) will prevent sharing with foreign entities.
- Clarify what the terms “pending acceptance” and “pending participation” mean under the Category 1 Guidelines in draft APM 025-10.a.1. e. and f. Clarify how these hypothetical situations would constitute an *actual* conflict of commitment.
- Clarify whether this policy requires compliance from all non-faculty academic employees by specifying to which titles this policy applies.

The following are specific recommendations made by CFW:

- 025-10.a.1: The word “or” should be removed from Category 1 (page 8 of the tracked document) and should read “Category I activities are outside professional activities that are most likely to create a conflict of commitment because: 1) they are activities performed for a third party, **and** 2) they require significant professional commitment.”
- 025-10.1.(b): The phrase “Employment outside of the University” is overbroad since as CFW observes, “that employment at 2% of time during the summer is much more minor than 100% employment.”
- Clarify why there are different reporting requirements for Senate faculty vs. other academic appointees.

On behalf of the Santa Cruz Division, I thank you for the opportunity to provide comment on this evolving policy and hope that the comments prove helpful.

Sincerely,



Patty Gallagher, Chair  
Academic Senate, Santa Cruz Division

cc: Melissa Caldwell, Vice Chair Academic Senate  
Roger Schoenman, Chair, Committee on Academic Freedom

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<sup>1</sup> Senate Chair Brundage to Council Chair Horwitz, 1/18/22, Re: Systemwide Review of Proposed Revisions to Academic Personnel Manual (APM) Section 025, Conflict of Commitment and Outside Activities of Faculty Members (APM-025) and Section 671, Conflict of Commitment and Outside Activities of Health Sciences Compensation Plan Participants (APM-671)

Stefano Profumo, Chair, Committee on Academic Personnel  
Alexander Sher, Chair, Committee on Faculty Welfare  
Michael Hance, Chair, Committee on Research  
Onuttom Narayan, Chair, Privilege and Tenure  
Matthew Mednick, Executive Director, Academic Senate