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Office of the Academic Senate
SANTA CRUZ DIVISION
125 CLARK KERR HALL
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January 18, 2022

Robert Horwitz, Chair
Academic Council

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)

Dear Robert,

The Santa Cruz Division has reviewed the proposed revisions to APM Sections 025 and 671 regarding conflict of commitment and outside activities. Our Committees on Academic Freedom (CAF), Academic Personnel (CAP), Faculty Welfare (CFW), and Research (COR) have responded. The Santa Cruz Division notes that the proposed revisions to these policies are in response to recommendations made in the 2021 Systemwide Foreign Audit Influence Report, which expressed concern regarding foreign influence in academia within the federal government and UC's peer institutions, including concerns about efforts by foreign governments to unduly influence and capitalize on U.S.-conducted research. Although Senate faculty and academic appointees should be made aware of the potential of foreign influence to undermine the benefits of research enterprise in the U.S. and guidance regarding appropriate action should be provided, our responding committees raised serious concerns about the potential effects that the increased workload and bureaucracy associated with these proposed revisions could have on research and entrepreneurship, and provided recommendations to help mitigate this issue, and improve the overall clarity of the policies.

The cover letter for this review acknowledges that the proposed revisions will require an increase in administrative workload and recognizes that a "significant amount of time will need to be devoted to partnering with stakeholders on the challenges of implementation".¹ Our committees raised concerns that the excessive bureaucracy and increased workload that will result from all the inquiries,

¹ Carlson to Chancellors, Horwitz, et al., 10/22/21, 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)

applications, approvals, and reporting that are required by the revisions may actually discourage faculty and academic appointees from pursuing international research and entrepreneurship, and therefore greatly hinder the UC's overall mission. Further, the proposed revisions will place chairs and deans into the role of arbiter of appropriate and inappropriate foreign activity, which places extraordinary responsibility on these individuals, and will require significant training and resources. Extension of the policy to other academic appointee titles will additionally increase the need for training, resources, and outreach.

Although it is expected that the implementation of these proposed revisions will greatly increase workload, and presumably the allocation of resources, there is no guidance provided to mitigate these effects, or central support provided to alleviate the associated burden. Our committees noted that a clear statement on the specific problems that the proposed changes to APM 025 and 671 aim to solve and why the revisions are necessary would have greatly assisted reviewers in determining whether the expected negative impacts are worth the potential gains.

In addition to the need for a statement of problems the revisions aim to address in the review packet, the Santa Cruz Division urges that the following should be addressed and clarified in the revised policies:

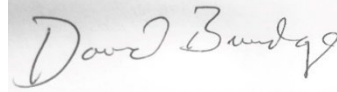
- What is the criteria for approval and how long will approval take? The process and timing of approval should be clarified and standardized in order to ensure equity.
- What constitutes an approval or disapproval for Category II.B?
- The difference between what is acceptable vs. what is not acceptable/transgressive foreign activity should be noted. Multidisciplinary examples are needed.
- The policy should clearly state what constitutes "outside activities" and provide examples.
- Will the reporting requirements for international academic appointees be the same as those of other academic appointees?
- What is the reasoning behind the different reporting requirements for Senate faculty vs. other academic appointees?²
- What constitutes "providing or presenting a workshop for industry" under Category II.B.d.?
- The process of academic appointee training or orientation in APM 025 should be clarified.

In order to decrease the workload and resource burden of these revisions, the Santa Cruz Division recommends that a threshold be included in APM 025 to determine the need for the requirement to report and gain prior approval for Category II.B activity. The threshold could require approval and reporting for any single payment or accumulated total that exceeds a specific dollar amount and has the ability to greatly reduce workload and simplify the overall process.

Due to the concerns expressed above and the need for further clarification and improvements to the proposed revisions to APM 025 and APM 671, the Santa Cruz Division does not support the drafts of these two policies as proposed. Our Division looks forward to participating in a new review with revised proposed revisions that address these concerns and those that may be raised by our sister campuses.

² The Key Policy Revisions section in Vice Provost Carlson's 10/22/21 review cover letter state, "Faculty would be responsible for securing prior approval for participation in Category I.A, I.B, and II.B activities and for submitting annual reports on all Category I and Category II activities. Designated other academic appointees would be responsible for securing prior approval for participation in and submitting annual reports on Category I.B and II.B activities."

Sincerely,

A handwritten signature in cursive script that reads "David Brundage". The signature is written in black ink on a light-colored background.

David Brundage, Chair
Academic Senate
Santa Cruz Division

cc: Minghui Hu, Chair, Committee on Academic Freedom
Stefano Profumo, Chair Committee on Academic Personnel
Nico Orlandi, Chair, Committee on Faculty Welfare
Jarmila Pittermann, Chair, Committee on Research