

**ANR Administrative Handbook Section 345
CONSULTING AND OTHER OUTSIDE PROFESSIONAL ACTIVITIES**

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RESPONSIBLE DEPARTMENT:

[Office of the Controller and Business Services \(OCBS\)](#)

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I. POLICY

The policy on conflict of commitment and outside professional activities of academic appointees for the University of California (UC), Agriculture and Natural Resources (ANR) is set forth in the following pages. The basic authority for the Division's procedures is The Regents' Standing Order 103, the pertinent section of which reads as follows:

103.1 Service Obligations:

- A. No compensation shall be paid to any Officer, faculty member, or other appointee of the University unless actively engaged in the service of the University, in accordance with such regulations as the President may establish.
- B. No one in the service of the University shall devote to private purposes any portion of time due to the University nor shall any outside employment interfere with the performance of University duties. Arrangements for private employment by Officers, faculty members, or other appointees of the University shall be subject to such regulations as the President may establish.

The Regents' Standing Order is interpreted as permitting outside consulting by University appointees when it will benefit the individual and the University by expanding knowledge and experience in ways beneficial to teaching, research, and public service.

As it applies to ANR, The Regents' Standing Order must be interpreted in relation to such special circumstances as the full-year work obligation involved in the eleven-month appointment, the close working relationships with outside agencies that are frequently associated with field research, and ANR's extensive public service activities. These circumstances have made it advisable for ANR academic appointees to take the appropriate precautions in connection with outside consulting. These precautions are outlined in Section V.

II. CONFLICT OF COMMITMENT

The policy of the University is that none of its faculty, staff, managers, or officials shall engage in any activities that place them in a conflict of commitment between their official activities and any other interest obligation.

The University has a long-standing policy with respect to consulting by academic appointees. There are two aspects to this policy. The first concerns consulting within the University on activities not within the individual's regularly assigned duties. The second concerns consulting on behalf of individuals, organizations, or agencies outside the University. For Division personnel, administration of both aspects of the policy rests with the Associate Vice President (as delegated by the Vice President and in accordance with procedures established by the President).

This policy affirms the responsibilities of ANR academic appointees as members of the University of California and provides mechanisms to ensure that activities outside the University do not interfere with fulfillment of these responsibilities or create a real or apparent conflict of interest. This policy addresses compensated and uncompensated outside professional and non-professional activities. It provides specific guidelines designed to address potential conflicts of commitment arising when an academic appointee wishes to undertake compensated outside professional activities.

The possibility of improprieties with regard to consulting activities is easily apparent, as are the difficulties inherent in strict administration of ANR's policies. The primary safeguard is the integrity of the appointees themselves. Division procedures are designed to support that principle, and to protect the legitimate exercise of the

individual privilege to consult. Conflict of interest is also discussed in Section 403 of the ANR Administrative Handbook.

III. APPLICATION

This section sets forth the ANR implementation of the Universitywide policy described in Academic Personnel Manual Section 025 and reaffirms that the University encourages outside activities that contribute to the respective professions of academic appointees and to the community. At the same time, the obligations of academic appointees to the University and ANR require that compensated and uncompensated activities must not interfere with an academic appointee's full-time commitment to the University. Because some outside activities may raise the appearance of a conflict of commitment, Section V establishes specific guidelines for managing such activity. Appendix I summarizes potential conflict of commitments and procedures to ensure that potential conflicts of commitment that might arise from such outside activities are identified and managed appropriately. This policy covers compensated professional, uncompensated professional, compensated non-professional, and uncompensated non-professional activities in an effort to clarify the academic appointee's commitment to the University and to ANR to set reporting guidelines.

The Office of the Associate Vice President will perform audits periodically to determine that ANR is in compliance with this policy.

IV. CATEGORIES OF COMPENSATED OUTSIDE PROFESSIONAL ACTIVITIES

Compensated outside professional activities are divided into three categories in terms of the extent to which they may raise conflict of commitment issues. For each category, there are different requirements as to prior approval, inclusion in the time limit, and annual reporting. See Appendix I for a summary of outside professional activities in each category.

- A. Category I activities are likely on their face to raise issues of conflict of commitment. In order to engage in such activities, the academic appointee must make a written request to the appropriate administrator and receive written approval. Requests must be submitted and approved annually, unless approved for a longer term, which may not exceed five years. Prior approval does not affect the scope of annual reports of professional activities. If permitted, Category I activities are counted within the 48 day limit for 11-month appointees and must be reported annually.

- B. Category II activities are unlikely to raise issues of conflict of commitment and are ordinarily accepted as regularly performed compensated outside professional activities. However, they are not ordinarily allowable without prior approval for academic appointees in ANR. Category II activities are counted within the 48-day limit and must be reported annually.
- C. Category III activities are integral to all disciplines and ordinarily do not present issues of conflict of commitment. They are accepted as part of the academic appointee's scholarly and creative work. Even if compensated, they are allowable and not counted within the 48 day limit. Category III activities do not require prior approval or need to be reported annually.

V. PROCEDURES FOR MANAGING COMPENSATED OUTSIDE ACTIVITIES

ANR is responsible for implementing procedures necessary to properly manage compensated outside professional activities. Integral to these procedures are mechanisms for requesting and receiving approval for Category I and II activities and for reporting Category I and II activities.

A. Time Limits on Compensated Outside Professional Activities

A full-time academic appointee on a fiscal-year (11-month) appointment may engage in compensated outside professional activities for up to 48 days during the months of active service. There are no restrictions on the number of days of compensated outside professional activity during the periods of vacation leave (unless the academic appointee is earning additional University compensation during the vacation leave).

For compensated outside professional activities, *Day* is defined on a case-by-case basis, using common sense and customary practice. The University recognizes and supports the diverse hours and schedules devised by academic appointees to accommodate research and creative work activity, University service, and University-related public service. Appropriate administrators should exercise sound professional judgment, taking into account reasonable work schedules, when determining what constitutes a day of outside activity.

B. Prior Approval

- 1. Each Category I and II commitment for outside compensated professional activity by an ANR appointee shall require prior approval by the appropriate County Director and Regional Director for county-

based staff, by the appropriate Statewide Director and Program Leader for Statewide Program staff, or by the Director of the Research and Extension Centers and the Assistant Vice President – Programs and Academic Personnel (P&AP) for Research and Extension Center System staff. A request for prior approval must be submitted at least 30 days prior to the beginning of the activity. See Appendix I for an approval authority summary and Appendix III for approval request form.

Academic staff should seek approval in advance of soliciting the contemplated consulting activity, or performing any other such preparatory work. This includes (but is not limited to) soliciting consulting opportunities; advertising services; and preparing and submitting a proposal, plan, and/or bid.

2. Approval shall be based on demonstration that the proposed consultation (a) is consistent with the time limits outlined in Section V., subsection A. above; (b) will not overcommit the appointee to such an extent as to impede his or her progression in rank and step; (c) will not create a conflict of interest with the appointee's commitment and responsibilities to the University or ANR; and (d) will not make significant use of University facilities, unless the University is reimbursed on a cost-recovery basis.
3. The approving administrator retains for 5 years copies of all requests and approvals (or denials) of Category I and II activities (see Appendix III).

C. Location of Outside Activity

1. If proposed outside professional activity is within the home county of the county-based staff or home unit of other academic staff, the activities must be beyond the course and scope of activities performed as regularly assigned duties.
2. If proposed outside professional activity is in a different county, region, or ANR unit, prior approval is required from appropriate administrators in all involved county, region, and/or other ANR units.

Input of other county personnel may be sought by the Regional Director, and/or other appropriate administrator if they deem it advisable.

D. Annual Reports

1. Annual reports for Categories I and II compensated outside professional activities must be submitted to the appropriate County Director for county-based staff, the appropriate Statewide Program Director for Statewide Program staff or the Director of Research and Extension Centers for Research and Extension Center staff. See Appendix IV for annual report form and Appendix II for approval authority.
2. The appropriate administrator approves the report and forwards it to the appropriate Regional Director, the appropriate Program Leader, or the Assistant Vice President – P&AP for approval according to the established deadline. See Appendix II for appropriate approval authority.

VI. RESPONSIBILITIES

A. Academic Appointees

1. Request and receive prior written approval (Appendix III) from appropriate administrator when activities are likely to raise issues of conflict of commitment (Categories I and II). See Section IV and Appendix I for definitions of categories.
2. Ensure that outside employment or professional activities do not interfere with primary University responsibilities.
3. Submit an annual report (Appendix IV) of Categories I and II compensated outside professional activities to the appropriate administrator by November 1 of the following fiscal year. These reports must include compensated activities during the previous fiscal year. All academic appointees must file this report whether or not they engage in Category I or II activities.

B. Appropriate Administrator

1. Remind academic appointees annually of requirement to request and receive prior approval for Category I and II activities.
2. Seek additional relevant information if there is concern regarding an academic appointee meeting the standards of this policy.
3. Seek advice from the Assistant Vice President – P&AP or other appropriate next-level administrator if satisfactory resolution cannot be reached.

C. Coordinator – Academic Personnel

1. Communicate annual reminder for Category I and II activities requests and for report deadlines to appropriate administrators.
2. Communicate details and dates of any audits to Office of the Associate Vice President.

D. Office of Controller and Business Services (OCBS)

1. Provide resource to appropriate administrator for resolution of conflict of commitment issues.

VII. GRIEVANCES

Academic appointees may grieve a decision made under this policy, including the decision to deny a request to engage in an outside activity (See APM 140 and ANR Administrative Handbook Section 350 for academic personnel grievance policies).

ADDITIONAL RESOURCES:

- [Academic Personnel Manual Section 025, *Conflict of Commitment and Outside Activities of Faculty Members*](#)
- [Academic Personnel Manual Section 140, *Non-Senate Academic Appointees/Grievances*](#)
- [ANR Administrative Handbook Section 350, *Appeals*](#)
- [ANR Administrative Handbook Section 403, *Conflict of Interest*](#)