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## DON'T ASK, DON'T TELL: EVOLUTION OF THE UC CONFLICT OF COMMITMENT POLICY

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### ABSTRACT

On July 1, 2001, the University of California Office of the President instituted a new set of rules designed to curb excessive moonlighting, or in academic parlance, "conflict of commitment" in terms of the time and effort professors devoted to their jobs. This paper examines the background and development of this policy.

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### I. The Background

On July 1, 2001, the University of California approved a new set of rules aimed at assuring that faculty members would not shortchange the students or the institution. The new rules were designed to curb excessive moonlighting, or in academic parlance, "conflict of commitment" in terms of the time and effort professors devoted to their jobs.

To many UC faculty members, the new requirements (a revision to Academic Personnel Manual Article 025) seemed unnecessary and burdensome. APM 025 said if a professor met all his or her duties in teaching, university service and research, the University still was not satisfied. For the first time the APM 025 laid down specific numerical limits on the hours a professor could expend earning money and imposed a mandatory annual reporting responsibility. It appeared to be an effort by the university to exert control over that most precious of all commodities, a faculty member's 'spare time'.

As members of a statewide Academic Senate committee in 2001, several colleagues and I reviewed the proposed new rules. Along with others, I groaned, because my

perception was that nothing was broken, so why fix it? But the administration was resolute in pushing for the measure. The view at the time from UC headquarters on Franklin Street in Oakland was that the administration had to take the initiative in setting new rules, or the Regents, or even the Legislature, would take the lead.<sup>1</sup>

The new rules have not been on the books very long. It's too early to detect any noticeable effect, but questions still remain as to whether they were needed at all. Again, the UC regulations were not written to punish delinquent faculty members. If a faculty member becomes "incompetent," failing to meet with classes or failing to publish or be creative, another section of the APM comes into play. The new 025 rules were written to regulate the time of a professor *who is meeting all of his or her obligations to teaching, research and service*. As one UC administrator put it, "It's a question of how much of you we own."<sup>2</sup>

From the outset, the policy was greeted by skepticism. "It seems a little perverse that we should be adding an extra reporting requirement to the policy when, in fact, the truly serious conflicts of commitment only arise in a very small percentage of the faculty population," said Hal Varian, dean of Berkeley's School of Information Management and Systems. "The vast majority of faculty, who are devoted and hardworking, will probably find the reporting requirements just another burden. And I think department chairs are pretty much aware of who is fulfilling their responsibilities and who isn't."<sup>3</sup>

One year after going into effect, the policy has failed to win over the hearts and minds of faculty unions. "The University has made no case that this (the new APM 025) is necessary for the efficient functioning of the university," said Kevin Roddy, a UC Davis lecturer in medieval studies and president of the University Council-AFT, the collective bargaining unit for many UC lecturers.<sup>4</sup> APM 025 covers all teaching personnel, including lecturers.

Examining the background of the conflict of commitment policy is revealing, because it represented a major redefinition of institutional loyalty. Developing the policy took place over more than five years. The need for change became critically evident in the aftermath of a major controversy on the Berkeley campus. The policy's evolution was a vivid example of governance by headline.

## II. Goodbye Mr. Chips

Journalists nowadays are constantly on the lookout for examples of people "living large" while on the public payroll. Professors on state-supported campuses are slow-moving targets.

"Business professor Alex De Noble teaches three classes a semester at San Diego State University, but outside of the sprawling campus he is an advisor and part-owner of eight fledgling companies," according to a July 16, 2000, article in the *Los Angeles*

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<sup>1</sup> The author's notes and recollections from meeting of Statewide Privilege & Tenure Committee 2001.

<sup>2</sup> Private conversation with UC system-wide official, May, 2002.

<sup>3</sup> The Berkeleyan, August, 2000.

<sup>4</sup> Interview April 11, 2003.

*Times*. "[C]ritics say a growing number of academics are shortchanging students and universities by taking on an overload of outside interests."

This article's critical, investigative tone reflected the new and prickly attitude in the press and public toward officials, including professors. California's Fair Political Practices Act, aimed mainly at elected officials and lobbyists, has also included University of California faculty and certain senior staff since 1978. Significantly, the act does not cover faculty at the state colleges or community colleges. The Legislature created a higher standard for UC professors, a standard upheld by the California Supreme Court. Under the law UC faculty were required to disclose certain investments, interests in real estate, or sources of income or gifts, but this requirement has never been implemented for faculty system-wide.

The stringency toward college teachers has grown in direct proportion to the escalating tuition costs of higher education over the last two decades, costs that have become acutely uncomfortable for the American middle class. This discomfort has crystallized in media portrayals of academia, where no longer is the professor the shy, devoted Latin teacher of the movie "Goodbye Mr. Chips," but often a campus-based go-go entrepreneur. The most famous and popular university instructor in the country these days is no doubt Indiana Jones. He is an archaeology professor, who seldom meets with his classes. How could he? He keeps busy looting treasures from around the world and bringing them back to his campus, which on film looks a lot like UCLA. (Actually, the campus scenes were shot at the music conservatory on the campus of the University of the Pacific in Stockton.)

The fact that college teachers continue to get high ratings in public esteem (much higher than journalists), according to Gallup polling over the last decade, seems to indicate a certain ambivalence about what professors are portrayed as doing.

The De Noble case cited above epitomizes the ambivalence. His activities would raise conflict of interest issues if he channeled graduate students under his supervision into the companies he managed. It would be a conflict of commitment if his outside responsibilities restricted his presence in his classes or his ability to perform departmental duties. De Noble says he waits until students graduate before involving them in business ventures, but admits that his outside work has left him "stretched to the limit," taking a toll on his academic duties.

The other side of the argument, however, is that the wealth of outside activity makes somebody like De Noble more valuable. Michael Hergert, dean of the San Diego State business school, said De Noble's business activities have made him a better professor by giving him hands-on experience to compliment his theoretical knowledge. De Noble, whose San Diego State annual salary was \$75,000 and who had a wife and three children, worked 19-hour days just to stay even.

But what happens when professors are able to raise their outside earnings into the millions? An article published in October, 1997, in the *San Francisco Chronicle* concerned an IPO for a consulting firm, involving a group of prominent UC Berkeley professors.

"A group of economics professors at the University of California at Berkeley hope to become multimillionaires by selling stock in their Emeryville consulting firm to the public.

LECG, Inc. - formerly known as Law and Economics Consulting Group - announced plans for a \$60 million initial public offering of 5 million shares at \$12 a share. At that price, the firm's 13.4 million outstanding shares would be worth \$160 million."

The story went on to name the principals, UC Berkeley economists Richard Gilbert, Gordon Rausser and David Teech and law professor Thomas Jorde, and Laura Tyson, then-Dean of the Walter A. Haas School of Business at UC Berkeley.

The story noted, "Although academic scientists and engineers often found new companies, it is unusual for professors to remain on university payrolls while also making millions of dollars running large public companies." According to the story, critics charge that "students often get shortchanged by their professors' busy consulting schedules."

According to sources at the UC system-wide headquarters in Oakland, this *Chronicle* story added fuel to President Richard Atkinson's determination to revisit the conflict of commitment rule, but he really had no choice.<sup>5</sup> The issue had already become brilliantly combustible on the Berkeley campus.

### III. The One-Day-Per-Week Rule

Before the most recent revision to APM 025 took effect last year, the prevailing rule in the UC system was that outside work was to be limited to one day per week and it couldn't interfere with university duties. That was the advice that I got when I joined the faculty in 1983, along with the admonition that I should remain as active as possible in my field, which is journalism. That was it. No permission was needed, and no formal accounting of my time was required.

The one-day-per-week rule was the standard not just in the UC system, but apparently throughout much of higher education.

As far back as 1965, the American Council on Education/Association of American University Professors stated "[A] system of precise time accounting is incompatible with the inherent character of the work of a faculty member since the various functions he (!) performs are closely interrelated and do not conform to any meaningful division of a standard workweek."<sup>6</sup>

Many institutions chose instead a general guideline of one-day-per-week. Various professional associations, including the Association of American Medical Colleges, affirmed this practice. The AAMC noted in a Feb. 22, 1990, document that permissible levels varied, but among its members "most institutions afford their faculty one day per work week for scholarly pursuits that relate to and advance professional growth and public service."<sup>7</sup>

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<sup>5</sup> Private conversation with UC system-wide official, May, 2002.

<sup>6</sup> Guidelines for Dealing with Conflicts of Commitment and Conflicts of Interest in Research, AAMC, Feb. 22, 1990 (<http://www.aamc.org/research/dbr/coi.htm>), pp. 4.

<sup>7</sup> Loc. Cit.

At UC Berkeley the one-day-per-week rule was observed with a wink and a nod, until a story broke in 1995 concerning a research group named the Western Consortium for Public Health.

"Ten University of California at Berkeley professors affiliated with an off-campus research group apparently broke government rules by improperly supplementing their salaries with some \$300,000 a year in federal funds, according to a recently completed audit," said a *San Francisco Chronicle* article, dated Jan. 24, 1995. The headline read, "Audit Says Professors Cheated; 10 researchers were paid twice, UC says."

The story summarized the findings of a 29-page report done by the Berkeley administration, culminating a two-year investigation. The report accused the faculty members of engaging in "financial irregularities and apparent violations of university and governmental policies and regulations." The report also said UC officials failed to exercise proper oversight. The story went on to quote Berkeley Chancellor Chang-Lin Tien, who wrote a letter to all faculty members a few days before the charges became public: "I believe it is wrong for faculty to use federal and state funds to pay themselves more than 100 percent of their salary." Tien added that any "ambiguities or loopholes" in campus or governing rules "must be eliminated." Lawyers for the accused faculty members (who were not named in the article) said the audit was based on incorrect assumptions about faculty work hours and a misinterpretation of federal rules. "Faculty implicated by the report have not violated any university or federal policies," the lawyers were quoted as saying.

As a result of the audit, eight of the accused professors filed a grievance with the Academic Senate's Committee on Privilege & Tenure, claiming that their rights had been violated.<sup>8</sup>

The ensuing investigation by P & T examined closely the campus rules governing how much time professors were permitted to spend on "outside" work.

The outcome of the P & T investigation was reported in the *San Francisco Chronicle*, May 2, 1999. "[T]he campus is paying \$120,000 in financial reimbursements and, perhaps most important in a realm where careers are made and broken on reputations, giving the professors official apologies."

Even after the settlement, the newspaper did not name the professors, but it did quote one, who said, "It was insane, yet they pursued it in the face of its untenability. It's hard to convey the enormous debacle this caused the faculty, the lives that were shattered. It made it very difficult to function."

UC attorney Chris Patti did not put up much of a fight after the settlement was reached. "What the university really wants to do here is just move forward," the attorney said.

#### **IV. Managing Academic Capitalism**

The University was forced to retreat from the one-day-per-week rule because it had no legal standing. Academic Senate investigators had searched and could find no

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<sup>8</sup> Annual Report of Committee on Privilege and Tenure, Academic Senate, UC Berkeley, 1999.

justification for the University's assertion that one day per calendar week (on average, about 40 days per academic year) was the University guideline regulating outside professional activities. This rule was the basis for the University's charge that the accused faculty members were guilty of excessive outside work.

Furthermore, Academic Senate investigators conducted six days of hearings and searched 3,000 pages of documents but could find no agreement on what "one day per week" meant. How long is a day, eight hours or 24? For that matter, how long is a week - five days or seven?

The University's argument for sanctions against the accused principals of the Western Consortium came unglued a month after the administration made the allegations of abuses against the faculty members (allegations publicized in the *Chronicle* article cited above). Then Provost and Senior Vice President Walter Massey distributed a circular Feb. 23, 1995. "At present, there are no guidelines regarding what is a fair balance between outside activities and regular faculty duties within the University other than the general statement that outside employment should not interfere with University duties," Massey said. The circular, which discussed a proposed revision of APM-025, pulled the rug from under the University's disciplinary case and gave P & T additional grounds for its finding that the rights of the accused had been violated.

UC President Richard Atkinson's interest in revising the conflict of commitment rule was, according to sources, already underway before the Western Consortium case came to its conclusion. He was worried about the burgeoning area of industry-university collaborations and the advent of so-called "academic capitalism," which had raised red flags across the country.<sup>9</sup>

Robert Killoran, director of the Sponsored Programs and Contracts Office at Penn State University, wrote: "The most basic question is: What role does society wish universities to play? If society wants to keep academic research beyond all outside influences, then it must keep universities in the 'ivory tower.' If it wants academe to play an important role in the real world, then society must be willing to take some chances and, to a certain extent, suffer some abuses."<sup>10</sup>

Universities are eager to commercialize research in faculty labs. Industry sees an attractive way of obtaining new product ideas by tapping into campus expertise.

Killoran noted that academic capitalism "presents its own unique portfolio of potential conflict-of-interest situations."<sup>11</sup>

An example of academic capitalism comes from the *UC Davis Magazine*:

Vegetable crops professor and former department chair Kent Bradford organized his own consortium of about a dozen companies – sort of a small-scale commodity board – that each agreed to donate \$3,500 every year for three years to support his seed research. Named the Western

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<sup>9</sup> Private conversation with UC system-wide official, May, 2002.

<sup>10</sup> Killoran, Robert, *Research Management Review, The Journal of the National Council of University Research Administrators*, Vol.3, No. 2, Fall 1989, pp. 1.

<sup>11</sup> *Ibid.* pp. 5.

Regional Seed Physiology Research Group, it provides about \$40,000 annually, enough to support one postdoctoral researcher in Bradford's lab. In return, those firms receive educational workshops and reports on Bradford's research findings and updates on other projects in the laboratory.

Of course, many other players are involved in the interaction between business and academia than a dozen growers in the Central Valley, and the time allocation of faculty is just one small part of a much larger challenge of maintaining the University's integrity amid a ferociously commercialized climate.

According to a recent issue of the *Berkeley Science Review*, Cherisa Yarkin, director of economic research and assessment at the Industry-University Cooperative Research Program, did a study of biotech firms founded by UC scientists.<sup>12</sup> "Yarkin's research shows that the number of UC Berkeley faculty founding biotech companies has increased by nearly a factor of five since 1980," the article said, adding:

Yarkin says that out of 228 California biotech firms studied, 68% have UC founders. UC Berkeley makes a particularly strong contribution to California biotech research staff, providing 30% of all PhDs employed in the state's biotech industry.

Furthermore, the article said, the commercial biotech community in the Bay Area "can be a draw to prospective faculty, who know they will have consulting opportunities available to them."

In tweaking the conflict-of-commitment rules, the UC administration was balancing a big tub of nasty bath water and a very valuable baby.

Atkinson moved with caution. "UC plays a critical role in research as it affects the economic vitality of California. UC will not become a 'job shop' for industry and will not compromise the quality, independence or breadth of its research enterprise. What we will do is explore new forms of collaboration with industry to bring UC's tremendous intellectual resources to bear on stimulating productivity and economic growth," he wrote.<sup>13</sup>

Atkinson appointed a task force charged with bringing the university's rules up to date. The task force spent months researching the policies at other institutions and finally produced a core of recommendations. After months of revisions by system-wide and campus Academic Senate committees the revised APM-025 went into effect last year.

## V. The New Framework

Full-time faculty members are limited to 39 days of compensated employment, if they hold a nine-month appointment. Full-time faculty on a fiscal year appointment may have up to 48 days for the entire year. (No effort was made to define a day.)

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<sup>12</sup> Emily Singer, *Berkeley Science Review*, Issue 2, Spring 2002 (<http://sciencereview.Berkeley.edu>)

<sup>13</sup> Wright, Sylvia, *Dateline: UC Davis, Faculty and Staff Newspaper of UC Davis*, Jan. 14, 2000, "The faculty tests out new business partnership models,"

The policy bans certain outside activities, without permission, even if they fall within the hourly quota. These activities include holding an executive or managerial position, administering a grant outside the University (the ghost of the Western Consortium), serving as a salaried employee outside the University and certain other salaried positions that “common sense” would dictate would constitute a conflict of commitment.

The activities cited above are termed “ordinarily not permitted” and in order to get a waiver, a faculty member would have to obtain permission from a dean.

Consulting in one’s specialty for pay is allowed, as long as it remains within the hourly limitations, but must be reported annually. This category includes serving on a board of directors.

A third category describes activities “integral to all disciplines” and not presenting conflict of commitment issues. Even if compensated, these activities do not need to be reported nor are they restricted to the 39/48-day rule. One may edit a professional journal, for example, write a book, do a television documentary or accept a commission for an artistic work.

If Indiana Jones were on the UC faculty, would he be out of business? No, his academic career would be entirely sustainable under the new rules. He need not discard the fedora and bullwhip just yet. The issue is whether he can keep his exploits within a yearly limit of 48 days. Since a day is not defined, he would have no trouble squeezing in as much international travel as he wanted. Consulting for the US government, as he did in the movie *Raiders of the Lost Ark*, certainly falls within allowable activities. Government consulting is even encouraged. But if he’s running a business importing ancient antiquities, he would need to get permission from his dean. He could make as much money from looting the antiquities as he cared to. The amount of outside earnings is unlimited. The policy notes, “The focus of University policy is on the level of commitment or time required for outside activity,” not on the amount of revenue. Jones would be required to file a document annually outlining his “outside professional activities.”

Jones might try and argue that his outside activities actually fall under Category III, “part of a faculty member’s scholarly and creative work.” If this were the case, these activities would not fall under the 39/48-day limitation, and furthermore, he need not detail them in his annual filing. Category III is defined so broadly that it might be applied to nearly any outside activity not involving an actual outside salary. A physics instructor might repair bicycles on the side. A linguistics professor might dream up greeting card inscriptions for Hallmark.

The real issue for the credibility of the new APM 025 is how thoroughly these disclosures from faculty members will be scrutinized and how actively the policy will be enforced.

On the Berkeley campus, the first filings were done on a paper form. This means more than 3,000 pieces of paper were collected. Stanford has a similar requirement for disclosure. The Stanford disclosure filings are done electronically. This method means that the data could be scrutinized much more efficiently. The 3,000 filled-out forms somewhere on the Berkeley campus are almost useless from a management point of view. The costs of culling and coding them right now would be huge.



Eventually the campus will get its act together, and the filings will be done on the web, and then the annual disclosures could become a management tool. Questionable items would be red-flagged electronically. However, as these filings become more useful for the administration, they also have the potential to become a source of embarrassment. The disclosure information is most likely discoverable under California's Freedom of Information laws.<sup>14</sup> This issue has yet to be tested in court. Enterprising reporters could have a field day.

## VI. Unintended Consequences

On the face of it, the new policy appears generous and represents, from a faculty member's viewpoint, an improvement over the uncertainty that got the Western Consortium principals into trouble.

But the old policy, based on the one-day-per week notion, had one important characteristic. It was not enforced, except for the single case of the Western Consortium. Even then, the University's interest appeared to many to be pecuniary rather than academic. As long as federal grant money was administered off-campus, UC Berkeley was not collecting tens of thousands of dollars in overhead charges. As far as individual faculty members and how they spent their off hours, the *de facto* policy was one of "don't ask, don't tell" about outside consulting and moonlighting.

The revised policy put in place broad reporting and disclosure requirements, which faculty may ignore at their peril. The policy has become "we ask and you must tell." Enforcement has become practicable. This fact alone increases the chances of conflict between faculty and administration.

Because the previous policy was so nebulous, chairs and deans were either unable or unwilling to curb any faculty member's outside activities. The climate has now changed and could become much more problematic.

1. The policy would open the way for a free flow of information from informants or would-be whistle-blowers. Who would these people be? Unhappy graduate students, jealous colleagues, ex-spouses – the list is long. If the intent were to defuse negative headlines in the newspapers, the outcome is likely to be the opposite.
2. If rejected for approval, a faculty member has the right to file a grievance claiming his or her rights were abridged. For example, written permission is required (under Category II) to accept a salaried job outside the University. But other than a reference to "common sense and good judgment," the guidelines are mute on what constitute grounds for approval of a request, or for rejection. Such written permission is required even if the outside activity does not violate the 39/48-day limit. Chairs and deans, enjoying wide discretion, would be open to criticisms of favoritism.

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<sup>14</sup> Conversations with UC system-wide attorneys May, 2002.

3. Because of the long-standing policy of benign neglect in some departments and schools towards specific time commitments, the practice of free rein to entrepreneurial activities is deeply ingrained. Some faculty members are likely to assume they are grand-fathered in and therefore exempt. The revised policy, to be credible, would have to be enforced with equal diligence throughout the campus. Selective discipline would create equity issues within departments as well as between departments.
4. Important issues of academic freedom and simple privacy are bound to emerge. The annual disclosure requirements of Category II activities are particularly volatile. If a chair were perceived to have an economic or business interest, would a faculty member still be required to name his or her business clients? This is not a far-fetched possibility. For example, Edward E. Penhoet serves as dean of the UC School of Public Health and simultaneously chairman of the board of Renovis bio-pharmaceutical company.

## **VII. The Herd Instinct**

Was the revision to APM-025 really needed? My own conclusion is that it did nothing to enhance a faculty member's commitment to the University. All the revisions do is attempt to impose compliance with a set of guidelines. On the other hand, the viewpoint of many UC officials that the Regents, the Legislature and public opinion wanted some kind of policy is not easy to dismiss. A new policy was almost inevitable once the Western Consortium case had exposed the old one-day-per-week rule as unworkable.

UC was certainly not alone in making rules to govern outside work by faculty members. Robert Killoran of Penn State stays up to date on these kinds of rules and compiled a summation of rules from dozens of leading institutions.<sup>15</sup> Killoran's list of the common elements of a conflict of commitment policy has a familiar ring:

- Primary allegiance to institution - fulfill all university obligations in regard to teaching, advising, research, service.
- No other academic appointments at other institutions.
- Must run their grants activity through University.
- Limit on compensated consulting to one day per week.
- Must maintain academic freedom and ownership on their University-research-related work.
- Cannot use university facilities, resources, or name for outside consulting.
- Must disclose some activities and get prior approval on others.

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<sup>15</sup> Robert Killoran, unpublished document, dated January 2003, given to the author.

Killoran's list included such different institutions as Harvard and North Carolina State. Below are some highlights from the policies of prominent institutions:

Harvard: Full-time faculty should devote their teaching efforts primarily to the education of Harvard students. They may not hold regular faculty appointments at another institution. Should not teach elsewhere without prior approval... applies to electronic communication as well. Research appointments at another institution require prior approval. Research projects on which Harvard faculty are PI's should run through Harvard. Consulting limited to 20% of total professional effort and must not create a conflict with University responsibilities. Academic appointees cannot consult for other academic institutions without prior approval. Harvard employees cannot mislead others into thinking that consulting work is being performed by Harvard.

Cornell: Cornell faculty with full-time appointments have a primary commitment to Cornell for teaching, being available to students and colleagues, serving on university committees, conducting research, publishing scholarly works, and meeting the changing needs of the University. A conflict of commitment arises when a member undertakes external commitments which burden or interfere with the member's primary obligation to Cornell. Problems: commitments that involve frequent or prolonged absence from the University on non-University business; commitments that engage a substantial portion of the time a member is expected to spend in University-related activities and thereby dilutes amount or quality of participation in instruction, scholarship, or administration for Cornell. Faculty must inform department head of consulting. Limit to one day per week while under contract.

North Carolina State: Is faculty member meeting full-time responsibilities to the university? Must disclose consulting in advance.

Johns Hopkins: Full-time faculty recognize that their primary responsibility is to Johns Hopkins, thus must devote their energies to activities that further the academic objectives of the school. Participation in government, professional associations, industry, and other private institutions may serve the academic interests of the University. Faculty should avoid commitments that could compromise their basic scholarly independence and freedom of action. Potential conflicts must be reported in writing to department head. Disclosure required when aggregate time on outside commitments exceeds 26 days per year, whenever outside activity requires a written agreement, whenever name of University might be used by other party, whenever university facilities or resources are to be used, whenever outside commitment affects IP ownership or restricts publication rights, whenever relationship with outside party might appear to influence the conduct of University business, whenever there is additional remuneration for clinical practice.

University of Illinois at Urbana-Champaign: A conflict of commitment exists when the external activities of an academic staff member are so substantial or demanding of the staff member's time and attention as to interfere with the individual's responsibilities to... the University. Consulting limited to one day per week (40 days for AY appointments, 52 for calendar year appointments), but

requires prior written approval of department head. Outside activities should not impede or conflict with University duties and responsibilities.

Northwestern: University faculty members owe their primary professional allegiance to the University; their primary commitment of time and intellectual energies to education, research, and scholarship programs of the University. A conflict occurs when external activities adversely affect a faculty member's capacity to meet University responsibilities. Full-time faculty may not hold full-time appointments elsewhere; nor any faculty appointment elsewhere without written approval. Must meet classes, be available to students, share in committee responsibilities, meet clinical obligations, remain involved in research and other scholarly and artistic pursuits. Consulting limited to one day per calendar week while on duty.

Stanford: University faculty members owe their primary professional allegiance to Stanford, and their primary commitment of time and intellectual energies should be to the education, research and scholarship programs of the University. Faculty must maintain significant presence on campus; other professional activities cannot detract from primary allegiance; faculty must foster academic freedom; faculty may not use University resources for outside consulting; faculty must disclose all potentially patentable inventions; must disclose consulting arrangements before the following transactions with the same entity are consummated: gifts, sponsored projects, licensing arrangements, or procurements; annual disclosure.

Yale: A conflict of commitment occurs when the commitment to external activities of a faculty member adversely affects his or her capacity to meet University responsibilities. This form of conflict is easily defined and recognized since it involves a perceptible reduction of the individual's time and energy devoted to University activities. Full-time faculty may not accept salaried employment at another institution; one day in seven for consulting; and faculty ownership or management of private enterprises is subject to review and limitations. Faculty shall meet classes, be available to students outside of class, remain productively involved in research and scholarly pursuits.

Killoran said that all of the schools in the Big Ten were working on a unified policy on conflict of commitment. He said the goal of the Big Ten schools was to write a draft policy by the end of the summer of 2003.

Clearly UC Berkeley's action placed it in the mainstream. To fail to promulgate a policy would have been hard to justify, given the perceived political climate. Now the UC administration must prepare to cope with the consequences of opening the books on the moonlighting activities of professors.