



OFFICE OF THE PROVOST AND
EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

OFFICE OF THE PRESIDENT
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

September 15, 2016

CHANCELLORS
LBNL DIRECTOR WITHERELL
ACADEMIC COUNCIL CHAIR CHALFANT
ANR VICE PRESIDENT HUMISTON

Re: Draft Presidential Policy on International Activities – Systemwide Review

Dear Colleagues:

Enclosed for your review is a draft Presidential Policy on International Activities.

Because of a marked increase in global activities by UC campuses, UC's current foreign activities policy, the [2005 Guidelines for the Establishment of Foreign Affiliate Organizations and Foreign Operations](#), has become out of date. The 2005 Guidelines cover only the establishment of UC-controlled entities in foreign countries but do not address broad issues of ethics, risk, compliance, and campus autonomy. For these reasons a new policy has been drafted and is submitted for your review. When it is finalized, the Presidential Policy on International Activities (Policy) will supersede the 2005 Guidelines and will cover the full breadth of activities that come under the umbrella of global engagement.

A draft of the Policy underwent preliminary review earlier this year when it was distributed for Management Consultation. In response to comments received, the statement of purpose was expanded upon and language was added that emphasized that the proposed Policy does not impose any new or alter any current approval or authorization requirements for international activities. Also approval authority levels were further clarified. These changes emphasize campus autonomy to determine approval and oversight procedures.

The purpose of the Policy is to support and facilitate international activities undertaken by UC campuses and locations. By offering a policy framework and by clarifying legal and compliance issues, the Policy will aid the expeditious establishment of international activities and their effective operation. The International Activities Policy provides essential information to undertake such activities and to succeed at them.

The Policy sets forth the issues that proposers should consider in advance of embarking on an international activity. Such activities can and do present risk. By alerting project proposers to issues of compliance and risk, the Policy protects participants and the University, and maintains UC's fiduciary responsibility as a public institution.

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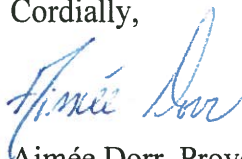
The Policy covers all international activities, not just those memorialized in an agreement, MOU, or other writing, and the Policy's principles apply to all UC faculty, students, and staff. The Policy also covers all clinical and health care operations conducted at foreign sites as part of UC's mission of teaching, research, and public service.

The Policy's single appendix, the International Activity Checklist, is for proposals that require Regents or UC Provost approval. It lists the information that proposers should include in or consider when drafting a proposal for an international activity. The Checklist directs proposers to list those campus departments that reviewed the proposal before submission to UCOP so that the Regents and the UC Provost can be assured that all relevant legal and compliance matters have been addressed. Campuses are encouraged to apply the Checklist or a similar tool to international activities that do not require Regents or UC Provost approval, i.e., proposals that require campus-level approval only. This will assist faculty and investigators when seeking campus-level approval, and will alert them to the compliance and risk issues they should consider when undertaking an international activity. Implementation and guidance will be drafted after the Policy is issued.

Systemwide Review is a public review distributed to the Chancellors, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources, requesting that they inform affected employees and the general University community about policy proposals. Systemwide Review includes full Academic Senate review. Employees should be afforded the opportunity to review and comment on the draft policy, available online at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/index.html>. Attached is a Model Communication which may be used to inform non-exclusively represented employees about the draft Policy. The Labor Relations Office at the Office of the President is responsible for informing bargaining units representing union membership about policy proposals.

Thank you in advance for reviewing the draft International Activities Policy. All constructive comments are welcome and will be considered. The systemwide review period is 90 days; please submit your comments by December 14, 2016 to Rebecca Landes at rebecca.landes@ucop.edu. If you have questions about the review process or other matters please contact Rebecca at (510) 987-9556.

Cordially,



Aimée Dorr, Provost

Executive Vice President for Academic Affairs

Enclosures: Draft Presidential Policy on International Activities
Model Communication for Review by Non-Exclusively Represented Employees

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cc: President Napolitano
Executive Vice Chancellors/Provosts
President's Advisory Group
Vice Chancellors for Research
Vice Chancellors/Vice Provosts of Academic Personnel/Academic Affairs
Graduate Deans
Undergraduate Deans
Academic Planning Council
Senior Vice President Gulbranson
Senior Vice President Henderson
Senior Vice President Vacca
Vice President Ellis
Vice Provost Carlson
Associate Vice Provost Nyitray
Vice Chancellor Michaels
Assistant Vice Chancellor Schlesinger
Associate Chancellor Giorgio
Vice Provost Atchison
Deputy General Counsel Gibbs
Chief of Staff Grossman
Executive Director Baxter
Interim Executive Director Lee
Chief Risk Officer Lloyd
Academic Personnel Directors
Senior International Directors
Directors of Services for International Scholars and Students
Deputy/Compliance Officer Lane
Director Chester
Director Greenspan
Director Jennings
Director Lockwood
Director Nolan
Director Stewart
Chief of Staff Henderson
Manager Donnelly
Manager Goldblatt
International Activities Policy Working Group



International Activities

Academic Officer:	UC Provost and Executive Vice President for Academic Affairs
Responsible Office:	Academic Personnel and Programs
Issuance Date:	[Issuance Date]
Effective Date:	[Effective Date]
Scope:	This Presidential policy applies to faculty, other academic appointees, students, and staff at the Office of the President, the Division of Agriculture and Natural Resources, the Lawrence Berkeley National Laboratory, and University of California campuses.

Contact:	
Email:	
Phone #:	

- I. POLICY PURPOSE AND PRINCIPLES
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I. POLICY PURPOSE AND PRINCIPLES

A. Purpose

As a public research university, UC's mission includes the creation, dissemination, preservation, and application of knowledge for the betterment of global society. The University's academic community of faculty, students, and staff is characterized by a culture of interdisciplinary collaboration that is responsive to the needs of the larger multicultural and global community. The University is committed to academic freedom, which includes open access to information, free and lively debate conducted with mutual respect for individuals, and freedom from intolerance. These values extend to UC's international activities, which serve to enhance its international engagement in research, teaching, and service in an interconnected world.

The purpose of this Presidential Policy on International Activities (Policy) is to: support the academic mission by encouraging and supporting international collaboration, education, exploration, service, and research; protect the reputation of the University; provide a policy framework for international activities so that they can be established expeditiously and operate effectively; anticipate and manage the risks of international engagement; and guard the interests of faculty, students, and staff while engaged in international activities.

This Policy applies to all international activities at UC and clarifies which activities must be approved by the Regents or the UC Provost. The Policy does not impose any new approval or authorization requirements for international activities nor does it alter current approval or authorization requirements.

Barriers to international engagement should be low, and any UC faculty member, academic appointee, student, or staff member may initiate an international activity. Nevertheless, any international activity, typically conducted with the involvement of non-U.S. parties, presents the possibility of risk. While adherence to this Policy and to other University policies will mitigate the possibility of risk, the concepts listed below should be considered when conducting international activities, including by agreement with another institution, and when determining the approval level for such activity, including entering into formal agreements.

B. Principles

International activities at the University of California:

1. Advance the University's mission;
2. Uphold academic freedom and the dissemination of research and scholarship;
and
3. Contribute to the betterment of humankind.

C. Legality

All activities covered by this Policy must be in compliance with all applicable state and federal laws and regulations, University of California policies, and the laws and regulations of the foreign sites where they are conducted.

D. Covered activities

International activities, collaborations, and agreements between UC and international partner institutions can range widely in size and scope, from individual peer-to-peer collaborations to contractually-binding agreements that obligate UC and its partners to perform specific actions requiring substantial resources and long-term commitments. This Policy governs all such activities and sets forth the approval levels for the range of international activities conducted by UC faculty, students, and staff.

E. Autonomy and collaboration

UC should:

1. Sustain campus and UC location autonomy to develop international partnerships consistent with the focus and needs of the campus; and
2. Foster collaboration between and among University of California campuses and locations to leverage University resources.

II. DEFINITIONS

- A. **Administrative Unit** – The UC location's department or office that handles specific administrative matters (e.g., Sponsored Research Offices handle research administration; International Activities Offices handle global engagement; Academic Personnel handles employment matters pertaining to faculty and other academic appointees; Academic Senate handles issues pertaining to student admissions, curricula, and degree requirements; etc.).
- B. **ANR** – Division of Agriculture and Natural Resources at the University of California Office of the President.
- C. **Executive Officer** – The person at UCOP, ANR, LBNL, or a UC campus with the highest authority (i.e., President, Chancellor, ANR Vice President, LBNL Director).
- D. **Intellectual property** – Property, such as an idea or invention, science, literary and artistic work that derives from the intellect. Intellectual property is protected in law through patents, copyright, and trademarks.
- E. **International activity** – An activity involving teaching, research, creative activity, or public service conducted outside the boundaries of the United States or involving foreign institutions. International activities include, without limitation, the establishment and operation of projects and programs for educational, instructional, training, clinical care, artistic, fundraising, and public service purposes, as well as the establishment of International Operations and International Subsidiaries to enable or facilitate such activities.
- F. **International activities office** – The unit at UC locations that handles international activities (e.g., Office of Global Engagement, Office of International Activities, International Partnerships & Affiliations, International Institute, International Education Office, etc.).
- G. **International agreement** – Defined broadly for the purposes of the Policy to encompass written documents executed to establish an international activity.
- H. **International Operation** - A unit established by UC outside the United States whose sole purpose is to support the University's teaching, research, and public service mission, and which is required to be registered in a foreign jurisdiction by reason of the scope, scale, or duration of the activities being conducted in the jurisdiction but is **not** required by the foreign jurisdiction to hold the status of a separate legal foreign organization or corporation.

- I. **International Subsidiary** – A unit established by UC outside the United States whose sole purpose is to support the University’s teaching, research, and public service mission, and which is required to be registered in a foreign jurisdiction by reason of the scope, scale, or duration of the activities being conducted in the jurisdiction and **is** required by the foreign jurisdiction to hold the status of a separate legal foreign organization or corporation.
- J. **LBNL** – Lawrence Berkeley National Laboratory.
- K. **Location** – Defined for the purposes of the Policy as the Office of the President (UCOP), the Division of Agriculture and Natural Resources (ANR), the Lawrence Berkeley National Laboratory (LBNL), and the UC campuses.
- L. **Long-term project** – Defined for the purposes of the Policy as those projects that involve multi-year commitments from locations outside the United States to engage University of California faculty for teaching, research, creative or professional activity, and/or public service on a recurring or multi-year basis.
- M. **Partnership** – An organization in which two or more individuals or businesses pool resources and share in the management of an enterprise in accordance with the terms of a partnership agreement.
- N. **Risk** – The possibility of harm or loss; a probability of threat, damage, injury, liability, loss, or other negative occurrence that may be mitigated by forethought and preparation.
- O. **Site** – Defined for the purposes of the Policy as the place outside of the United States where UC employees or students are conducting an international activity, including at a physical space loaned or donated to or leased, rented, or purchased on behalf of the UC Regents.
- P. **UCEAP** – UC Education Abroad Program.

III. POLICY TEXT

A. Academic Purpose

All international activities conducted by UC faculty, students, and staff must be consistent with and in support of the University's mission of teaching, research, and public service. The activity must address an academic interest or goal at the University of California and must be conducted in a manner consistent with the University of California's academic standards.

B. Ethics

All international activities must be conducted consistent with the prevailing ethics of the disciplines and professions involved, including the principles of conduct generally shared by members of academic institutions.

C. Private Gain

No UC international activity may be operated for the private inurement or gain of an individual or organization.

D. Risk

Proponents of international activities must consider the risks of such activities and plan in advance to mitigate or minimize them.

E. Organization and Operation of International Subsidiaries and International Operations

1. Compliance - International Subsidiaries and International Operations must be organized and operated in conformity with all applicable laws of the foreign site and must operate in accordance with this Policy and such other terms and conditions as may be established by the President or his or her designee, or by the Executive Officer or his or her designee.
2. Political Activity – As a Section 501(c)(3) organization, the University is legally prohibited from participating or intervening in any U.S. or non-U.S. political campaign on behalf of or in opposition to any candidate for public office. This prohibition applies both to making financial contributions in support of a candidate, and also to the publication or distribution of written or oral statements on behalf of or in opposition to a particular candidate. [University policy](#) prohibits all individuals and groups within the University community from using University resources or the University's name in connection with any political activity, whether conducted domestically or internationally. Faculty, academic appointees, students, and staff, in their individual capacities and without using University resources, may participate in campaigns of candidates for public office or other political activity as long as such activities neither overtly nor implicitly

involve or implicate the University.

3. Annual Report - In accordance with the [July 17, 2002 Regents Action](#), the Executive Officer of each UC location will provide an annual status report to the President on each International Subsidiary and International Operation under their direction.

IV. COMPLIANCE AND RESPONSIBILITIES

A. Approval of Policy

The President of the University is the Approver for this Policy and has the authority to approve any Policy revisions upon recommendation of the UC Provost.

B. Policy Implementation

The UC Provost and Executive Vice President for Academic Affairs (UC Provost) is the Academic Officer for this Policy and has the authority to implement the Policy and to develop procedures or other measures to effect implementation. The UC Provost has the authority to initiate a review of this Policy and to initiate revisions to this Policy.

C. Approval of Actions Governed by the Policy

1. Approvals and Exceptions - All actions governed by this Policy must be approved in accordance with the requirements described below. Exceptions to the Policy must be approved by the Regents for matters requiring Regents' approval, and by the UC Provost for matters requiring UC Provost approval. Unless otherwise expressly stated, the approval authorities described below may not be redelegated.
2. Application of General University Approval Authorities - All current approval authorities, delegations of authority, and restrictions on authority apply equally to both domestic and international activities unless expressly noted otherwise in the University's governing documents. Applicable approval authorities can be found in Regent's Bylaws, Standing Orders, and policies; in delegations of authority and specific authorities approved by the Regents pursuant to action items; in Executive Officer delegations at UC locations; and in all other delegations of authority and University policies approved by the President and by the UC Provost.

3. Regents

The Regents have approval authority over:

- i. Agreements that share with another entity governance control of an International Subsidiary or International Operation.
- ii. University participation in corporations, companies, and partnerships. (Standing Order 100.4(oo)).
- iii. Exceptions to approved University programs and policies or to University obligations to expenditures or costs for which there is no established fund source or which require the construction of facilities not previously approved. (Standing Order 100.4(dd)(1))
- iv. Affiliation agreements with other institutions or hospitals involving direct financial obligations or commitments to programs not previously approved. (Standing Order 100.4(dd)(5))
- v. Agreements by which the University assumes liability for conduct of persons other than University officers, agents, employees, students, invitees, and guests. (Standing Order 100.4(dd)(9))

Other than the matters listed above and those matters not otherwise delegated, the Regents have delegated to the President the authority to execute contracts and other documents on behalf of UC.

4. President

- i. The President has approval authority as outlined in [Regents' Standing Order 100.4](#), as well as authority delegated by the Regents in Bylaws, other Standing Orders, Regents' action items, and UC policies.
- ii. The President hereby further delegates to the UC Provost the authority to establish international entities, as delegated and specified in [Regents' Action Item, July 18, 2002](#).

5. UC Provost

- i. The UC Provost has approval authority as described in the position's roles and responsibilities, and as delegated by the Regents and by the President in various Bylaws, Standing Orders, Regents action items, and UC policies.
- ii. The UC Provost has the authority to approve the establishment of International Subsidiaries and International Operations except for those entities that fall within the bounds of authority that the Regents have retained.
- iii. The UC Provost has the authority to negotiate and execute agreements for UCEAP.

6. UC Vice Provost of Academic Personnel and Programs

The UC Vice Provost of Academic Personnel and Programs is the Responsible Officer for this Policy and has the authority to implement the Policy and to develop procedures or other supplementary information to support implementation of the Policy. The Responsible Officer may apply appropriate interpretations to clarify the Policy provided that interpretations do not result in substantive changes to the Policy.

7. Executive Officer

- i. The Executive Officer has approval authority as outlined in Regents' Standing Orders, as well as other authority that has been delegated by the Regents, the President, or the UC Provost in various Bylaws, Standing Orders, policies, delegations of authority, or specific Regents action items.
- ii. The Executive Officer assures that the Policy is implemented and enforced at his or her respective location.

V. PROCEDURES

A. Academic Oversight

The international activity must be consistent with the University's mission. The UC location should consider the quality, reputation, resources, business practices, and academic standing, if relevant, of the potential partner. The general scope and specific areas or fields of cooperation should be defined, e.g., is the activity focused on teaching, research, creative work, clinical care, training, public service, or a combination of areas. A proposal for an international activity presented for approval to the Regents, UC Provost, or Executive Officer must be supported by the individual with administrative authority over the proposal, e.g., Department Chair, Dean, ORU Director, etc. The proposal must include a commitment of responsibility for the activity from a member of the UC faculty.

Academic oversight, anticipated outcomes, and activity review and evaluation should be planned in advance of finalization of an agreement. The potential interest of, and the level of involvement and responsibilities of, faculty, students, and staff, should be specified, as should compliance with current departmental and other UC location procedures for approval of credit and time away from the UC location. Sabbatical and/or leave requests must be approved in advance, in accordance with existing policies and procedures. The parties responsible for admissions decisions, academic supervision, curriculum, degree requirements, student registration, permits, licenses, and fee payments must be designated in advance.

All partners must work with faculty, students, and staff to ensure compliance with all applicable UC and partnering site policies, and all applicable statutes, regulations, standards, and guidelines in the U.S. and in the site country. The international activities offices at UC locations should be consulted in advance in order to assure quality, transparency, and adherence to all applicable policies, statutes, and regulations.

B. Clinical Enterprises

The University of California is involved in a variety of clinical projects and partnerships around the world which are opportunities for faculty, staff, and students to improve health worldwide through public service. Agreements, partnerships, and collaborations for clinical services take many forms including professional services agreements, training affiliations, and teaming agreements.

All clinical service activities, regardless of size or nature, must comply with all applicable state and federal laws, UC policies, and site country laws, policies, standards, and guidelines.

Faculty, staff, and students must obtain site licensure or certification well in advance of arrival at the site if the intent is to practice licensed professions abroad, such as medicine, nursing, pharmacy, dentistry, laboratory science, and law. Failure to obtain local licensure or certification can be grounds for prosecution, and for liability for malpractice.

C. Risk

Risk can take many forms, and can range from personal to institutional. Risk can include: illness, injury, accident, natural disaster, breaches of data, damage to reputation, challenges to physical security, financial loss or mismanagement, and political unrest.

Risk factors must be considered when undertaking international activities. Depending on the nature of the activity, proposers of the activity should conduct a risk analysis and craft a plan to minimize, mitigate, and/or respond to specific risks prior to proceeding with the activity. The individual with administrative authority for the proposal should ensure that risk factors have been considered and that, if applicable, a risk analysis has been conducted.

D. Remedies

If a formal allegation is made that the University or a partnering institution engaged in unethical, unprofessional, or illegal conduct, or has contravened the principles of an agreement or of University policy by entering into a collaborative relationship, or by the conduct of any collaborative activity, then such allegation shall be reviewed by the Executive Officer or designee of the UC location that entered into the agreement. The Executive Officer or designee, in consultation with counsel and other experts, shall determine whether remedial steps, if any, are required.

E. Agreements

International activity agreements should indicate how the activity advances the UC mission, and describe institutional support for the activity at the UC location. Areas of responsibility at UC and at partnering institutions should be identified with regard to relevant matters (e.g., admissions decisions, academic supervision, collaborative research, funding sources, governance, fee structures, agreement sunseting or termination, etc.). Issues such as health; safety; intellectual property; export control; data security; insurance and indemnification; use of names, logos, and trademarks;

employment; visas and travel; and housing should be anticipated and investigated with relevant UC administrative units.

F. Approval Authority

1. Applicability of Other Policies and Approval Processes - Approval authority for international activities does not replace other approval processes or routine consultations that may be required under other current UC policies and procedures, such as review by counsel, compliance approvals, Academic Senate review, and other relevant processes.

2. Approval Levels – There are three approval levels for international activities at UC:
 - a. Regents;
 - b. UC Provost; or
 - c. the Executive Officer or his or her designee at the UC location.Approval levels are based on risk, governance, resource commitment, already-existing Standing Orders and policies, and other factors.

3. Determining Approval Authority
 - i. UC Regents - Approval authority lies with the Regents for activities that:
 1. Involve facilities construction and/or the acquisition of real property by UC;
 2. Establish International Subsidiaries or Operations over which UC shares governance authority with another entity;
 3. Involve systemwide planning and assumption of obligations, with the potential for long-term involvement; and/or
 4. Present very high levels of financial or other risk.

 - ii. UC Provost - Approval authority lies with the UC Provost for activities that:
 1. Are in connection with UCEAP;
 2. Establish International Subsidiaries or Operations over which UC has majority governance authority; and/or
 3. Involve systemwide planning and/or assumption of obligations due to the scope of the academic and administrative activity.

 - iii. Executive Officer - Approval authority lies with the Executive Officer at the UC location or his or her designee for international activities conducted by UC locations that do not require Regents or UC Provost approval. These activities are part of the course and scope of the employment, education, and training of faculty, students, and staff, and include: collaborations between faculty and peers overseas; attendance at and participation in

meetings and conferences; cooperative study programs; student exchanges; training development programs; faculty research and fieldwork; undergraduate and graduate student research and fieldwork; artistic, cultural, and scholarly exchanges; MOUs; and activities subject to binding legal agreements that are not within the approval purview of the UC Provost or Regents.

- iv. In those cases in which it is unclear which approval authority applies, project proposers are directed to consult the location's international activities office, campus or location counsel, the location's Risk Management office, and the Office of General Counsel.

G. Process

When proposing an international activity that requires approval by the Regents or the UC Provost, the Executive Officer of the UC location or his or her designee shall submit to the UC Provost:

- v. A proposed agreement with supporting documents;
- vi. A completed Checklist for Regents or UC Provost Approval of International Activities (Appendix A); and
- vii. Documentation that all relevant reviews have been obtained. Relevant reviews include academic review and legal review, and may also include review by campus or location offices of: Sponsored Research, International Activities, Risk Management, Divisional Senate, and Budget.

The Office of the UC Provost will review the submission and consult with the Office of General Counsel and the UC location if necessary.

VI. RELATED INFORMATION

A. Policy Guidance on _____ Website

Policy Implementation and Guidance will be posted on the _____ website, which is a systemwide resource designed to serve as a navigation tool and portal to access information on the conduct of international activities.

B. Resources at UC Locations

1. International Activities Offices – Every UC location has an administrative unit that handles international activities; these should be consulted in advance of initiating such an activity. Below are links to campus international activities offices and to

relevant administrative units at UCOP, ANR, and LBNL:

- a. [UCB: Global Engagement Office](#)
 - b. [UCD: Global Affairs](#)
 - c. [UCI: Office of Global Engagement](#)
 - d. [UCLA: International Institute](#)
 - e. [UCM: Office of International Affairs](#)
 - f. [UCR: International Affairs](#)
 - g. [UCSD: Office of International Affairs](#)
 - h. [UCSF: International Partnerships & Affiliations](#)
 - i. [UCSB: Global Engagement](#)
 - j. [UCSC: International Education Office](#)
 - k. [UCOP: Office of General Counsel](#)
 - l. [ANR: Administration, Division of Agriculture and Natural Resources](#)
 - m. LBNL: _____
2. Subject Area Expertise - Some agreements will present issues whose resolution will benefit from consultation with, or the participation of, additional administrative units. The following is a list of subject areas and the administrative units at UC locations and UCOP that can provide guidance:
- a. Data transfer, privacy, and security: Information Technology Services, UC location and UCOP
 - b. Employment: Human Resources, UC location; Academic Personnel, UCOP
 - c. Establishing legal presence: Office of General Counsel
 - d. Export Control: Office of Ethics, Compliance, and Audit Services, UCOP
 - e. Fundraising: Development offices, UC location
 - f. Health and Safety: Risk Services, UC location and UCOP
 - g. Health Insurance: Benefits offices, UC location
 - h. Human Subjects Research: Human subject protection offices, UC locations; Office of Research and Graduate Studies, UCOP
 - i. Intellectual Property: Office of Research and Graduate Studies, UCOP

- j. Leasing Space and Equipment: Procurement, UC location and UCOP
- k. Payments, banking and fund transfers: Controller, UCOP
- l. Professional Licensure/Clinical Care Research: UC Health, UCOP
- m. Purchasing Goods and Equipment: Procurement, UC location and UCOP
- n. Risk Management: Risk Services, UC location and UCOP
- o. Signature Authority: Chancellor's Office
- p. Sponsored (Research) Programs: Office of Research and Graduate Studies, UCOP
- q. Student Exchange: UCEAP
- r. Taxes: Accounting, UC location and UCOP
- s. Trademark/Use of Name: Office of General Counsel
- t. Travel: Risk Services, UC location and UCOP
- u. Use of Vehicles: Risk Services, UC location and UCOP

C. Policy references

1. [Regents Standing Order 100.4 Duties of the President of the University](#)
2. [Regents Standing Order 100.6 Duties of the Chancellors](#)
3. [Regents Action](#), July 17, 2002, authorizing the President to approve the establishment of foreign nonprofit, University-affiliated corporations, foundations, associations and/or trusts, exclusively to support the teaching, research and public service mission of the University.
4. [Academic Senate Bylaws and Regulations](#)
5. [Academic Personnel Manual \(and relevant campus or location procedures, if applicable\)](#)
6. [Presidential Policies](#)
7. [Research Policies & Guidance](#)

8. [Student Affairs Policies and Guidelines](#)
9. [Business and Finance Bulletins](#)

VII. FREQUENTLY ASKED QUESTIONS

1. **Does every international activity require formal approval under this Policy?**

No. The Policy does not impose any new approval or authorization requirements for international activities nor does it alter current approval or authorization requirements. Routine low-risk international activities that are part of the normal course and scope of faculty employment or a student's education that did not formerly require formal approval do not now require formal approval under this Policy. Examples of such activities include: collaborations between faculty and peers in foreign locations; attendance at and participation in meetings and conferences in foreign locations; and faculty and student research and fieldwork. Except for activities requiring Regents or UC Provost approval, each campus and UC location determines which international activities require formal approval under this Policy. To determine whether an international activity requires formal approval, consult the international activities office at your campus or UC location. Section VI.B lists administrative units for international activities at campuses and UC locations with hyperlinks to websites.
2. **Whom can I consult concerning approval requirements for international activities?**

You should consult the administrative unit that handles international activities at your campus or UC location concerning approval requirements for international activities. Links to international activities offices are listed in Section IV.B.1. In cases where approval authority is unclear, campus counsel and the Office of General Counsel at UCOP should be consulted.
3. **What is an example of an international activity that requires Regents' approval?**

A UC location affiliates with a foreign university to establish an International Subsidiary that is a research institute at the foreign university's site. The institute is incorporated and registered in the foreign jurisdiction as a nonprofit research and education institution, and governance of the institute is equally shared with the foreign university. Because UC shares governance of the research institute with the foreign university, Regents' approval is required.

4. What is an example of an international activity that requires UC Provost approval?

A UC location establishes an International Operation at a foreign site that is a research and education institute. The UC location collaborates with a local independent nonprofit organization to achieve the Operation's mission. Because UC has sole governance over the institute, Regents' approval is not required, but the UC location is establishing an International Operation and therefore UC Provost's approval is required.

5. What if laws in another country are more strict than U.S. law (e.g., regulations governing human subjects research, EU data directive, etc.)?

UC employees and students should comply with the stricter laws of the non-U.S. country in which they are conducting the activity. For choice of law questions, consult the international activities office at your campus or location and, if needed, legal counsel.

6. What if the country where the activity will take place does not have laws governing the activity but the activity is regulated in the U.S? Which jurisdiction's standards apply?

This will depend on the particular activity and on the particular U.S. laws. For legal jurisdiction questions, consult the international activities office at your campus or location and, if needed, legal counsel.

7. What if UC policy or U.S. laws conflict with the laws of the country where the activity will take place?

It depends on the specific laws and the nature of the conflict. For conflict of law questions, consult the international activities office at your campus or location and, if needed, legal counsel.

8. What are the rules governing the provision of clinical services?

When providing clinical services abroad, the paramount requirement for UC employees, trainees, and students is to cause no harm to patients, particularly due to inappropriate preparation and training. When engaged in providing clinical services abroad, UC employees, trainees, and students must not practice: 1) outside their scope of expertise; and 2) without the license required by the U.S. and the foreign site. For students, guidance on the practice of clinical care abroad can be found at the Association of American Medical Colleges "[Guidelines for Premedical and Medical Students Providing Patient Care During Clinical Experiences Abroad](#)" and the Forum on Education Abroad [Guidelines for Undergraduate Health-Related Programs Abroad](#).

VIII. REVISION HISTORY

This is a new policy issued by the UC President on XXXXX, 2017.

DRAFT

APPENDIX A

CHECKLIST for REGENTS or UC PROVOST’S APPROVAL of INTERNATIONAL ACTIVITY

CHECKLIST – This **Checklist for Regents or UC Provost’s Approval of International Activity** is to be used by campuses and UC locations when preparing a proposal for approval of an international activity, as defined in the University of California’s International Activities Policy, adopted _____, 2017. This Checklist should accompany all proposals requiring Regents or UC Provost’s approval. Proposals requiring Regents or UC Provost’s approval should be submitted to the UC Provost’s office.

PROCESS for obtaining Regents or UC Provost’s approval for an international activity:

- 1) Review the Checklist in advance of developing the project proposal. All topics on the checklist should be **considered** when developing a proposal; some topics may be **inapplicable** and should be so noted (N/A = not applicable).
- 2) Write the proposal.
- 3) Mark the Checklist if the topic is addressed in the proposal or is inapplicable.
- 4) Obtain campus or UC location signatures.
- 5) Submit the Checklist with the proposal to the UC Provost.

DEFINITIONS – Terms in the Checklist are those used in the International Activities Policy. “Location” is the UC entity seeking approval, i.e., UC campus, Office of the President, Division of Agriculture and Natural Resources, or Lawrence Berkeley National Lab. “Site” is the foreign location where the activity will take place. “Executive Officer” is the President, Chancellor, ANR Vice President, or LBNL Director.

SECTION 1 – PROJECT INFORMATION and MISSION. Make sure the project proposal includes the following information if relevant:

General information

- Project title
- Location (UCOP, campus, ANR, or LBNL) proposing the project
- Other UC locations or units involved
- Project status (new or existing)
- Brief summary of the project
- Type and number of individuals involved, e.g., faculty, graduate students, undergraduates, staff, non-UC participants
- Start and end dates (tentative or confirmed)
- Responsible project leaders (names and titles) and their affiliation (e.g., school, department, ORU, Center, etc.)
- Unit at the UC location where the project will be administratively managed (e.g., school, department, ORU, Center, etc.)
- Site partners, e.g., foreign universities, foreign governments, non-governmental organizations.

Mission

- Academic justification and alignment with the UC mission
- Anticipated benefits to UC and to project partners
- Services to be provided or activities to be conducted
- Planned or possible collaborations, and type of cooperation with project partners
- Description of project governance and organization chart
- Anticipated duration of the program
- Expected outcomes

SECTION 2 – PROJECT PLAN. For each topic below, check which planning matters have been addressed in the proposal.

- | Yes | N/A | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Implementation description and timeline |
| <input type="checkbox"/> | <input type="checkbox"/> | Materials and facilities including real estate leasing or acquisition |
| <input type="checkbox"/> | <input type="checkbox"/> | Structure for day-to-day management and governance, e.g., site advisory committee |
| <input type="checkbox"/> | <input type="checkbox"/> | High level budget and planned funding sources |
| <input type="checkbox"/> | <input type="checkbox"/> | Roles and responsibilities of UC faculty and staff |
| <input type="checkbox"/> | <input type="checkbox"/> | Faculty commitment of time |
| <input type="checkbox"/> | <input type="checkbox"/> | Involvement of students |
| <input type="checkbox"/> | <input type="checkbox"/> | Site staffing sources |
| <input type="checkbox"/> | <input type="checkbox"/> | Dispute resolution process |
| <input type="checkbox"/> | <input type="checkbox"/> | Project review and evaluation |
| <input type="checkbox"/> | <input type="checkbox"/> | Project renewal, sunseting, and/or termination due to unforeseen circumstances, e.g., natural disaster, politics |
| <input type="checkbox"/> | | Other _____ |

SECTION 3 – COMPLIANCE and RISK. For each topic below, check which compliance and risk matters have been addressed in the proposal.

- | Yes | N/A | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Research compliance, including animal and human subject protection |
| <input type="checkbox"/> | <input type="checkbox"/> | Data security |
| <input type="checkbox"/> | <input type="checkbox"/> | Intellectual property |
| <input type="checkbox"/> | <input type="checkbox"/> | Health, safety, and security considerations |
| <input type="checkbox"/> | <input type="checkbox"/> | Risk, e.g., illness, injury, accident, natural disaster, damage to reputation, etc. |
| <input type="checkbox"/> | <input type="checkbox"/> | Insurance and indemnification |
| <input type="checkbox"/> | <input type="checkbox"/> | Intellectual property |
| <input type="checkbox"/> | <input type="checkbox"/> | Technology transfer |
| <input type="checkbox"/> | <input type="checkbox"/> | Export/import controls |
| <input type="checkbox"/> | <input type="checkbox"/> | Use of the UC name and logo |
| <input type="checkbox"/> | <input type="checkbox"/> | Conflict of interest or commitment |
| <input type="checkbox"/> | <input type="checkbox"/> | Visa and travel issues |
| <input type="checkbox"/> | <input type="checkbox"/> | Social, cultural, and political considerations |

- Foreign location registration requirements
- Tax implications for UC and for faculty
- Professional licensure or certification
- Site staffing rules and regulations
- Other _____

SECTION 4 – PROPOSAL REVIEW. Indicate which offices at the campus or UC location have reviewed the proposal prior to submission to UCOP:

- Other units involved in the project _____
- Department Chair and/or Dean
- International activities office
- Sponsored Projects
- Graduate Division
- Counsel
- Budget office
- Academic Personnel
- Risk Management
- Executive Officer (Chancellor, President, ANR Vice President, or LBNL Director)
- Divisional Senate or Senate Committee _____
- Other _____

Some proposals require additional review at the Office of the President prior to submitting the proposal to the UC Provost. Please indicate which of the following UCOP offices have reviewed the proposal:

- Office of General Counsel
- Office of Research and Graduate Studies
- Academic Personnel and Programs
- Academic Senate or Systemwide Senate Committee _____
- Other _____

Acknowledgement of Responsible Parties

Provide the name(s), title(s), and signature(s) of the individual(s) with administrative authority over the proposal (e.g., Department Chair, Dean, ORU Director, Center Director, etc.), and the signature of the Executive Officer of the campus or UC location.

Administrative Authority

Name (print)

Title

Signature

Date

Administrative Authority

Name (print)

Title

Signature

Date

Executive Officer (Chancellor, President, ANR Vice President, or LBNL Director)

Signature

Date

MODEL COMMUNICATION

The Office of the President invites comments on a proposed International Activities Policy. The Policy is new and supersedes the [2005 Guidelines for the Establishment of Foreign Affiliate Organizations and Foreign Operations](#). The Policy sets forth the underlying principles that should govern activities conducted by UC faculty, students, and staff at foreign sites and in furtherance of UC's global engagement. It also outlines the issues to consider when engaging in such activities and the approval authority levels for international activity proposals.

The draft proposed Policy is located on the UCOP Academic Personnel and Programs website, "Policies under review", under the "Systemwide Review" tab at <http://www.ucop.edu/academic-personnel-programs/academic-personnel-policy/policies-under-review/index.html>. It also may be viewed at (*e.g., the campus Academic Personnel Office*).

If you have any questions or if you wish to comment, please contact Rebecca Landes at rebecca.landes@ucop.edu no later than December 14, 2016.