

Academic Senate 95% Rule

Maximum Salary Charge to Extramurally Sponsored Research

Federal regulations require that a faculty member’s compensation be apportioned based on the "period of performance under sponsored agreements." It is recognized that it can be difficult to distinguish between research, teaching, and service. Thus, the Federal Government allows a degree of tolerance. For In-Residence faculty where the majority of salary support comes from non-State funds, and frequently from contracts and grants, a maximum of 95% of salary may be charged to extramurally sponsored projects. Permission may be given by the Vice Chancellor of Academic Affairs to exceed this limit for unusual circumstances on a year-to-year basis. The Department Chair must verify in writing that the faculty member will have other non-research activities reduced for the relevant period of time.

Excerpted from a UCSF memo dated 10/31/96 from D. Bainton

Allowable Effort on Federally Funded Sponsored Projects

This communication superseded the October 31, 1996 memo from Dorothy Bainton, Vice Chancellor Academic Affairs, entitled "UCSF Academic Policy: Maximum Salary Charge to Extramural Sponsored Research?.

The following information clarifies current UCSF campus practices regarding effort commitment on sponsored projects:

Per academic policy APM -110, faculty is responsible for (1) teaching, (2) research and other creative work, (3) other professional activity, and (4) University and public service.

Some sponsor agencies, such as agencies of the federal government (e.g. NIH), prohibit faculty from devoting 100% of their effort to sponsored activities when their academic appointment requires them to be engaged in non-sponsored activities. As such, the following activities must be paid from sources other than sponsor funds unless they are specifically approved activities of a sponsored project:

- teaching
- clinical and professional activities such as seeing patients outside of the context of a sponsored human subject study, patient consultation, patient care, etc.
- university and public service (University service includes institutional governance, service on institutional committees, and department administrative activities)
- preparation of new or competing proposals (unless current funding allows it,
such as a K award)

Please note that some contracts and grants, most notably mentored K awards, allow or require faculty to participate in teaching/mentoring and/or clinical activities as part of the grant objectives.

Faculty and department administrators should regularly review proposed effort to ensure that sponsor terms and conditions are met, with particular attention to the effort spent on sponsored activities in relation to the other activities required of a faculty member. Over the course of a fiscal year, consideration for the amount of time spent preparing competitive proposals or working on institutional and department administrative work must be evaluated to ensure that funds are available to support these activities from non-sponsored sources:

- faculty in the In Residence series must have at least 5% effort from a non-contract or grant source;
- faculty in the Adjunct series must have at least 5% effort from a non-contract or grant source in any quarter, in which he/she prepares a proposal.

*Excerpted from the Communication dated 7/20/2011*

**VAMC Faculty and 95% Rule**

This is to clarify the Academic Policy for In Residence faculty stating: where the majority of funding comes from non state funds, and frequently from contracts and grants, a maximum of 95% of salary may be charged to extramurally funded projects. The remaining 5% of their appointment is meant to be applied towards teaching effort, service and administrative work. The language as noted above simply refers to salary. For UCSF faculty with joint appointments at the VAMC, salary is defined as being their combined income from both UCSF and the VA sources. When new faculty are appointed at the VAMC their offer letter indicates that their total annual compensation is based upon both VA FTE and UCSF funding sources. A breakdown of these joint appointments list teaching effort on the VA side. Teaching effort at the VA is monitored via a Physician Delineation of Time and Certification Form. This form is completed and certified by the Faculty and Medical Service Chief (Vice Chair of Medicine).

David Gardner in his role as Chair of the Academic Senate has confirmed that VAMC faculty are in compliance with the In Residence academic personnel policy and that the way the VA administers the teaching component meets the spirit of the 95% rule.

*Letter from Jenny Schreiber, Director of Human Resources, Department of Medicine, 4/20/11*

**Resources**

- Allowable Effort on Federally Sponsored Projects - From 2011
- Academic Senate - Recommendations of the Allowable Effort Task Force - From January 13, 2017
- Academic Senate - Chancellors Fund Report 2016-2017 - see pages 5&6
- Evaluation of Expresso Rule