

February 19, 2009

RE: CAMPUS POLICY ON SUMMER NINTHS FROM FEDERAL SOURCES

To: Campus Faculty, Deans, Directors, Department Chairs

From: George W. Breslauer
Executive Vice Chancellor and Provost

Dear Colleagues:

Federal auditors have been auditing research compliance at universities for several years, and have focused, among other things, on the usage of summer ninths. Specifically, they have found that many Principal Investigators (PIs) who receive a total of three summer ninths from federal sources were nonetheless not devoting a full three months of effort to the project(s) for which they received the three ninths. The auditors treat this as a breach of federal regulations and have levied, or threatened to levy, very large fines against institutions that were not in compliance. In response to this issue, Yale, MIT, Michigan, and other leading research universities are limiting faculty to 2 – 2.5 summer ninths from federal sources. Exceptions are being approved by the provost's office if the researcher is willing to sign a statement that he or she will not take any personal time, i.e., summer vacation, that would overlap with the number of days' effort required to be eligible for the summer ninths.

You may be aware that the National Science Foundation already limits to two-ninths the amount of summer salary that may be charged to its grants.

We have decided that Berkeley's level of institutional exposure is not tolerable. Effective with summer 2009 earnings, faculty may not receive more than 2.5 summer ninths (48 weekdays) from federal sources. UC policy defines a month to be 19 weekdays, with a limit of 57 days for the summer. There are more than 57 weekdays available for summer compensation between the last day of the spring semester and the first day of the fall semester, thus allowing faculty to take some personal time off even if they work a full three months. Generally, this ranges from 4-7 weekdays, depending on the calendar.

PIs who wish to take more than 2.5 ninths may do so by indicating in writing, by April 30 of the given year, the precise number of additional days of compensation they anticipate being paid from federal funds and the congruence between days of effort for this compensation and personal days. The PI will be responsible, in the event of an audit by external or internal sources, for demonstrating congruence between effort and compensation. Such attestation shall be filed with the Office of the Executive Vice Chancellor and Provost and retained in the appropriate contract and grant files. The attestation form may be downloaded from the [Academic Personnel Office's website](#). Alternatively, the attestation may be integrated into any existing form that a department

uses to solicit information regarding summer compensation. In either case, a copy of the form must be filed with the Executive Vice Chancellor and Provost's office.

This policy does not apply to faculty who receive all of their summer ninths from Lawrence Berkeley National Laboratory.

Please ensure that all individuals involved in the summer faculty research appointment process and or contract and grant administration are advised of this new policy.

Please address questions to the Academic Personnel Office at APpolicy@berkeley.edu.