

## **Faculty Senate response to the draft Conflict of Commitment policy**

March 25, 2010

The Senate appreciates that faculty owe their principal professional loyalty to the University. Outside activities that compromise this loyalty are rare, but their potential harms to the University are significant enough to merit a uniform policy to address these conflicts. However, the feedback from faculty on the current proposal has been overwhelmingly negative. It is overly broad in scope and micromanaging in tone, and many faculty find it insulting. It appears to encompass numerous routine activities (attendance at conferences, participation in review boards, etc.) which are standard professional practice. Literal adherence to such a policy would result in a deluge of unneeded disclosures to chairs and deans, and might inhibit faculty from undertaking desirable outside activities (such as conference chairmanship). More likely, an overbroad policy would be disregarded in actual practice (as the current policy has been). We question the necessity of changing the current Outside Activities policy. If changes are made, a more concrete and focused policy is preferred in order to highlight true cases of potential conflicts of commitment.

In order to make the proposed policy less objectionable, we propose the following changes:

- (1) *The definition of conflict of commitment should focus on professional allegiance to the University.* The term is defined several times in the proposed document (in Section 1, Section 2, and Section 4), each time somewhat differently. A preferred definition is “A conflict of commitment is a situation where a University faculty member engages in non-University activities, whether paid or unpaid, that compromises his or her primary professional obligation to the University.” The University already expects its faculty to carry out their jobs in a professional manner. For example, Art. III, Section 8 of the Academic Articles defines serious cause for severe sanctions to include “professional incompetence” and “continued neglect of academic duties, regulations, or responsibilities.” The Conflict of Commitment policy should deal with cases where faculty may be able to carry out their professional responsibilities in a narrow sense, but may not be truly a full-time employee of the University because of their outside duties.

(2) *A time threshold should be reintroduced into the policy.* It was agreed that a sufficiently low time commitment is a strong indication that no conflict of commitment is likely to arise. It is also a useful filter that will remove most of the unobjectionable activities from consideration. Using the current policy as a guide, we suggest saying that “In general, activities that average less than 8 hours/week during the semester, and do not exceed 20 hours/week for more than two consecutive weeks, will not constitute a conflict of commitment and need not be disclosed. Time spent on such outside activities must be in addition to, rather than a part of, the normal full-time effort expected of members of the faculty for University work.”

With time restrictions as a filter, the enumerations in Section 2.1-2.5 can be drastically curtailed or even eliminated. The only things that should be retained are those activities that are felt to pose a serious risk of conflict of commitment even if the time commitment is only modest. The only two items that we consider as falling in this category are (1) teaching at another university, since that might compete directly with Notre Dame; and (2) any activity from which a faculty member derives a large (>50%) fraction of his or her income, if that brings into question who the primary employer is. In any event, the Conflict of Commitment policy is not an appropriate venue for other policy statements, such as defining the nature of faculty’s responsibilities (e.g., what constitutes accessibility to students) or how the University’s name and resources ought to be used.

(3) *The application of the policy to summer activities should be clarified.* Faculty members on nine-month salaries are employed by the University in the summer but (unless separately compensated) have fewer duties to the University. It is thus hard to see how activities undertaken during the summer, even time-consuming ones, compromise one’s professional obligations to the University. This could be addressed by adding to the sentence regarding time limits, “These time limits do not apply to work undertaken during the summer, unless the faculty member is compensated by the University for his or her work during the summer term.”

(4) *Enforcement of the policy should be clarified.* The proposal suggests that violations be reported to the Provost but investigated by the Faculty Affairs committee of Academic Council, who should recommend disciplinary actions (to an unnamed party). We

recommend that violations be treated as described for Severe Sanctions in the Academic Articles.

- (5) *The definition of “Non-University Activities” should be amended to include “other service to the profession” in addition to “scholarship, research, or seminars”.*