

*Senate Response to 1/14/2011 Conflict of Commitment Policy*

Conflicts of commitment, where the press of a faculty member's outside activities significantly degrade the performance of his or her duties to the University, are rare, but their potential harm to the University is significant enough to merit a uniform policy to address these conflicts. The Senate strongly supports the general approach of the proposed policy. It begins by noting the importance and value of outside activities in supporting the University's mission of research and teaching. It appropriately relies principally on the professional judgment of the individual faculty member about what activities will create a conflict of commitment. If the faculty member or department chair have concerns about a future or continuing activity, that concern is addressed by discussions between the faculty member and the department chair, ensuring that decisions can be made appropriately based on disciplinary standards for professional activities. In case of disagreement, the faculty member is protected by the possibility of an appeal to an independent faculty board.

However, the definition of what constitutes a conflict of commitment remains maddeningly vague. This is particularly problematic for the function of the appeals panel, since it is unclear what criteria such a panel should be using to rule on the alleged conflict of commitment. We suggest the following changes to clarify the definition.

- (1) *Clarification of the definition of conflict of commitment.* The sense of the document seems to be that a conflict of commitment requires (a) inadequate job performance, and (b) a causal link between this inadequate performance and an outside activity. We therefore propose that the definition of Conflict of Commitment (Section 4) read: "A conflict of commitment is an outside activity that prevents a faculty member from performing his or her professional duties to the University in a satisfactory manner." The present language involving "compromising duties" or "diluting an expected contribution" is unenforceable because it involves comparison to a hypothetical ideal. Satisfactory performance can be assessed based on agreed-upon departmental standards.
- (2) *A minimum time threshold should be reintroduced into the policy.* A sufficiently low time commitment is a strong indication that no conflict of commitment would arise. It is also a useful filter that will remove most of the unobjectionable activities from consideration, thereby decreasing the workload on the department chair. Using the current policy as a guide, we suggest saying that "In general, activities that average less

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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." This statement can be added at the end of the second paragraph of section 2.

- (3) *The basis for judgment of the appeals panel should be clarified.* For example, "The appeals panel shall uphold the judgment of the chair only if it finds that the professional performance of the faculty member has been unsatisfactory, and that the impairment in performance was caused by the outside activity. The faculty member may continue to participate in the disputed outside activity while an appeal is pending."

Additional points of clarification include:

- (4) *Removal of definition of "Conflicting Obligation."* This term is defined in section 4 but used nowhere else in the document.
- (5) *Clarification of surrogate for department chair for faculty outside of departments.* Some faculty (particularly special professional faculty) may not have department chairs. In section 5.1, paragraph 2, a sentence should be added, "For faculty who are not appointed in an academic department, the Institute Director, Dean, or other direct supervisor shall serve in the role of Department Chair." In Section 5.2, the phrase "Department Chair's or Dean's" should be replaced by "Department Chair's (or analogous supervisor's, for faculty not in departments)".