



UNIVERSITY OF
NOTRE DAME

Conflict of Commitment Policy

POLICY [#]

Responsible Executive:
Vice President and Associate
Provost
Responsible Office:
Office of the Provost
Approved by: Faculty Affairs
Committee October 23, 2012,
Revised: November 14, 2012.
Approved with amendments by
Academic Council on December
11, 2012
Last Reviewed: December 2012

1. PREAMBLE

The University of Notre Dame values the participation of its faculty in a variety of professional, business, government, and community activities. These activities can contribute significantly to the public welfare, offer an opportunity for professional growth, or otherwise enhance a faculty member's effectiveness in fulfilling his or her professional obligations to the University. Consulting, or other advisory relationships, with corporations, governmental organizations, and other entities brings recognition and prestige to the University of Notre Dame. Similarly, serving as an editor or on the editorial boards of prestigious journals brings recognition to the faculty member and to the institution. Another example of activity that can be very beneficial to society and to the University of Notre Dame is participating in technology transfer and translation of research into commercial ventures. These professional activities also bring applications and other concrete examples and case studies of theory into our classroom learning and benefit our students. The University of Notre Dame values highly all of these activities by our faculty.

It is important though that faculty members evaluate and arrange these activities in order to avoid compromising their ability to carry out their primary obligations, including teaching, research, scholarship, and service.

Scholarly and creative works, and service, of university professors involve them in activities that routinely take them outside of the university. That engagement is encouraged by Notre Dame and no policy that devalues work done outside of the university can do justice to the work of our faculty. Accordingly, this policy is framed fundamentally in terms of a need for prudence, transparency, and dialogue in the way that the Notre Dame faculty manage the many, sometimes conflicting, demands that they face in their work life. What follows is intended as a guide to how Notre Dame faculty should exercise the prudence upon which the policy is predicated, and as a guide to the transparency with which the dialogue between individual faculty members and the chair and/or dean to whom they report should be conducted.

While this policy is intended for use by the entire faculty, nothing in it is intended to devalue practices relating to faculty ownership or management of profitable businesses or engagement in professional practice in schools or colleges in which an activity of that

sort is widely recognized as vital to the professional advancement of those individuals or central to the desired impact of Notre Dame's scholarly mission in the world. Prior to the implementation of this policy, chairs and deans within colleges or schools in which ownership or management of profitable businesses or professional practice is important should confer with the provost to determine discipline-appropriate ways in which the provisions of this policy should be implemented.

2. POLICY STATEMENT

University of Notre Dame faculty owe their primary professional commitment to the University and are expected to devote their time and intellectual energies to the instructional, research, scholarship, creative works, and service mission of the University in a manner commensurate with their employment status. During the academic terms, faculty obligations are normally discharged through research, scholarship, creative works, teaching, and service. During the summer, these obligations vary by college and discipline.

A "Conflict of Commitment" occurs when the time devoted to one or more professional activities adversely affects a faculty member's capacity to meet his or her primary University obligations.

Several common professional activities present possibilities for a faculty member not to have adequate time to devote to his or her primary University obligations. These activities include:

2.1. Consulting

The University recognizes that faculty may wish to engage in consulting arrangements and that these arrangements often contribute to the professional experience and development of its faculty. This consulting, however, has the potential to divert faculty from their professional obligations to the University.

2.2. Teaching & Research/Scholarship for Another Organization

A faculty member may choose to teach and/or provide scholarship or research for another organization. Such an endeavor may represent a contribution to the University of Notre Dame, the other educational institution, and to the larger academic community. However, teaching, research, or scholarship for another organization may deprive University students and colleagues of the benefits of a faculty member's intellectual energies.

Research collaborations involving other organizations must contribute to the University's scholarly mission and not detract from the fulfillment of a faculty member's professional obligations to the University. All proposals for research,

including multi-investigator proposals involving other institutions, must be submitted through the University's Office of Research.

2.3. Ownership & Management

Some University faculty members may become involved in management or ownership of a business. When contemplating active ownership and/or managerial involvement in a business or professional enterprise, faculty must be mindful of the impact the activity will have on their professional obligations to the University. In addition, faculty seeking to become involved in management or ownership of a non-University business should review the University's [Conflict of Interest Policy](#) and must comply with its procedures.

This list of potentially compromising activities is not exhaustive; other activities can also present challenges. As mentioned before, the intention of the policy is to facilitate open and transparent communication between faculty members and their Department Chairs and/or Deans.

3. SCOPE

The Policy applies to all regular and visiting University of Notre Dame faculty.

4. DEFINITIONS

CAP Documents	Written documentation describing the policies and procedures of a department's Committee on Appointments and Promotions as reviewed and approved by the relevant dean or academic administrator.
Compromising Obligation	A faculty member's professional or commercial interests that interfere with his or her primary responsibility at the University.
Conflict of Commitment	A conflict of commitment refers to a situation in which a faculty member engages in a professional activity, whether paid or unpaid, that compromises his or her professional obligations to the University.
Conflict of Interest	A conflict of interest arises in a situation in which financial or other personal or professional considerations compromise an individual's objectivity, professional judgment, professional integrity, and/or ability to perform his or her responsibilities to the University.
Consulting	Consulting is an arrangement whereby a faculty member agrees to use his or her professional capabilities to advise an entity or person other than the University or one of its components on how best the interests of that entity or person might be furthered. Serving as an editor of a journal that is relevant to a faculty member's professional interests, whether or not the University owns that journal, is not treated in this policy as

	consulting, neither is holding office in a scholarly or professional organization.
Department Chair	In this policy, “Department” refers to the department in which a faculty member holds his or her primary appointment. “Department Chair” refers either to an actual department chair or, in the absence of an actual department chair, an administrator who plays the role of department chair in the professional life of the faculty member in question.
Faculty	All regular and visiting University of Notre Dame faculty.
Potentially Compromising Activities	Activities not normally defined as a faculty member’s responsibilities to the University. Such activities may include paid or unpaid arrangements as an advisor, advocate, arbitrator, consultant, counselor, expert witness, board member, principal or co-principal investigator, or any other arrangement whereby a faculty member agrees to use his or her professional capabilities primarily for the benefit of an entity or person other than the University
University	The University of Notre Dame du Lac.

5. RESPONSIBILITIES & PROCEDURES

5.1. Disclosure and Approval Thresholds

Whenever an activity is deemed to compromise a faculty member’s ability to carry out his or her University obligations, the faculty member’s chair and/or dean has the authority to intervene. Some activities, however, are more likely than others to generate compromises of this sort. This section arranges activities into groups and assigns different levels of disclosure and approval to each. The grouping is admittedly somewhat procrustean. It exists in order to guide faculty members as they juggle the many activities in which they might be engaged. Please note that this policy does not specifically exclude any activities; instead it defines those activities that require disclosure and leaves the judgment of potential conflict of commitment to the Department Chair and/or the Dean, subject to the Appeal provisions of this policy.

Group One

Group One activities require neither disclosure in the annual report nor prior approval.

Group One activities include:

- Teaching in a faculty member’s home department
- Serving on departmental, college, or university committees
- Attending professional meetings
- Writing books or articles

- Creating works of art and architecture
- Refereeing manuscripts in one's area of expertise

In many Departments, Colleges, and Schools, Chairs and CAPs may prefer that faculty members disclose some of these activities in annual reports to demonstrate their service to the profession and community.

Group Two

Group Two activities do not require prior approval but must be reported in a faculty member's annual report. Even though Group Two activities tend to require significant time commitments, those time commitments are not as great as are those that characterize Group Three and Group Four activities. Group Two activities include:

- Teaching at the University outside of a faculty member's home department
- Consulting and any other potentially compromising external activities for fewer than one workday per month (on average)
- Holding office in a scholarly or professional organization when doing so does not involve a commitment of more than one workday per month (on average)
- Serving on the editorial board of a learned journal

Faculty members must take care that these activities do not compromise their ability to fulfill their University obligations.

Group Three

Group Three activities must be approved prior to engaging in these activities and must be reported in the faculty member's annual report. Authority to approve these activities normally resides with the faculty member's department chair and dean. For faculty members serving in senior administrative positions, approval authority resides in the individual who organizationally oversees his or her position. Approval will be given after it has been decided that the activity in question will not compromise the faculty member's ability to carry out his or her University obligations and that the activity in question will not involve the faculty member in competition with the University. Group Three activities include:

- Consulting, teaching outside of the University, holding office in a scholarly or professional organization, editing a learned journal, and any other potentially compromising professional activities for more than one workday per month, but for less than seven workdays per month (on average).
- Additional activities as described in a department's CAP documents that the CAP documents deem to require disclosure.

Even with the approval of one's department chair or dean, faculty members who engage in Group Three activities must take care that these activities do not compromise their ability to fulfill their University obligations.

Group Four

Group Four activities must be approved by the Provost. An approval of this sort can typically have a life-span of no more than three years, and each such approval must be reviewed annually in order to make sure that the faculty member who has received such an approval has been able to fulfill his or her University obligations. Group Four activities must be reported in the faculty member's annual report. Group Four activities include:

- Consulting, holding office in a scholarly or professional organization, or editing a learned journal and any other potentially compromising activities for seven or more workdays per month (on average).
- Working full-time outside of the University during any semester in which the faculty member is under contract to work for the University.

5.2. Appeal

If a faculty member disagrees with his or her Department Chair's or Dean's determination regarding a compromising activity, the faculty member may appeal the decision in writing to a three-person peer review *ad hoc* "Conflict of Commitment Committee," made up of one tenured faculty member selected by the appellant or, if the appellant is a member of the Special Professional, Research or Library faculties, one faculty member of their choice, one tenured faculty member selected by the dean of the appellant's college or school, and one tenured faculty member selected by the provost from outside the appellant's college or school. One basis for the appeal might be expected to be an adjudication on the basis of discipline specific criteria. This committee's determination shall be final. The timing and management of the appeal process will be as articulated in the "severe sanctions" appeal process: Section III, The Faculty, Article 8.

6. RELATED DOCUMENTS

Policy or Document	Web Address
Academic Articles	http://facultyhandbook.nd.edu/governance/
Conflict of Interest Policy	http://policy.nd.edu/policy_files/ConflictofInterestPolicy.pdf

Responsible Use of Information Technology Resources http://policy.nd.edu/policy_files/ResponsibleUseITResourcesPolicy.pdf

Time & Effort Reporting http://controller.nd.edu/policies-and-procedures/rspa/effort_reporting.pdf

7. CONTACTS

Subject	Office or Position	Telephone Number	Office E-mail or URL
Policy Clarification	Office of the Provost	(574) 631-3802	provost@nd.edu
Web Address for this Policy			http://policy.nd.edu/policy_files/ConflictofCommitmentPolicy.pdf