

## DAVID HESS

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### FACULTY APPOINTMENTS

#### *Ross School of Business, University of Michigan, Ann Arbor, MI*

2019-            Professor of Business Law & Business Ethics  
2010- 2019    Associate Professor of Business Law & Business Ethics  
2006-2007    Bank One Corporation Assistant Professor of Business Administration  
2003-2010    Assistant Professor of Business Law & Business Ethics

#### *University of Michigan Law School*

2020 & 2022    Adjunct Professor

#### *Rutgers Business School, Newark & New Brunswick, NJ*

2001-2003    Lecturer, Department of International Business & Business Environment

### EDUCATION

The Wharton School, University of Pennsylvania, Philadelphia, PA  
Ph.D. in Management (Major Field: Corporate Strategy), 2003  
M.A. in Applied Economics and Management Science, 2000

University of Iowa College of Law, Iowa City, IA  
J.D. 1995

Grinnell College, Grinnell, IA  
B.A. in Economics, 1992

### PUBLICATIONS

#### *Book*

Goldstock, R. (Chair) & Hess, D. (Reporter). 2020. AMERICAN BAR ASSOCIATION STANDARDS FOR CRIMINAL JUSTICE: MONITORS AND MONITORING. Chicago, IL: American Bar Association Publishing. ISBN: 978-64105-505-5.

### *Journal Articles & Book Chapters*

Hess, D. (Forthcoming). "Fighting Forced Labor: A Business and Human Rights-Based Proposal to Reform the Trafficking Victims Protection Reauthorization Act." *Arizona Law Review*.

Hess, D. (Forthcoming). "Capitalism and Respecting Human Rights," in Inara Scott (ed.), *Sustainable Capitalism*.

Dacin, T., Harrison, J. S., Hess, D., Killian, S. & Roloff, J. 2022. "Business Versus Ethics?" *Journal of Business Ethics*, vol. 180: 863-877.

Hess, D. 2022. "The Challenge of Modern Slavery in Global Supply Chains," *Georgetown Journal of International Affairs* 23(1): 35-42.

Hess, D. 2021. "Modern Slavery in Global Supply Chains: Towards a Legislative Solution," *Cornell International Law Journal*, 54 (2): 245-289.

Hess, D. 2021. "The Management and Oversight of Human Rights Due Diligence," *American Business Law Journal*, 58 (4): 751-798.

Hess, D. 2021. "Ethics and Compliance Training," in D. Daniel Sokol & Benjamin van Rooij (eds.), *Cambridge Handbook on Compliance*. Cambridge University Press.

Hess, D. 2019. "The Transparency Trap: Non-Financial Disclosure and the Responsibility of Business to Respect Human Rights." *American Business Law Journal*, 56(1): 5-53.

Hess, D. 2019. "Chipping Away at Compliance: How Compliance Programs Lose Legitimacy and its Impact on Unethical Behavior," *Brooklyn Journal of Corporate, Financial and Commercial Law*, 14(1): 5-21

Hess, D. 2019. "Corruption and the Multinational Corporation," in Denis G. Arnold, Tom L. Beauchamp & Norman E. Bowie (eds.), *Ethical Theory and Business*, Cambridge University Press.

Hess, D. & Bishara N. 2019. "Beyond Peace Doves: Respecting Human Rights and Combating Corruption in Mega-Sporting Events." *Boston University International Law Journal*, 37(2): 245-79.

- Reprinted in Constance Cook Glen and Timothy L. Fort (eds), *Music, Business and Peacebuilding* (Routledge 2021).

Hess, D. 2019. "Private Sector Corruption," in Cecily Rose, Michael Kubiciel & Oliver Landwehr (eds), *United Nations Convention Against Corruption: A Commentary*, Oxford University Press.

Hess, D. 2019. "Embezzlement of Property in the Private Sector," in Cecily Rose, Michael Kubiciel & Oliver Landwehr (eds), *United Nations Convention Against Corruption: A Commentary*, Oxford University Press.

Hess, D. 2017. "Business, Corruption, and Human Rights: Towards a New Responsibility for Corporations to Combat Corruption." *Wisconsin Law Review*, 2017(4): 641-693.

Hess, D. 2016. "Ethical Infrastructures and Evidence-Based Corporate Compliance and Ethics Programs: Policy Implications from the Empirical Evidence." *New York University Journal of Law & Business*. 12(2): 317-368.

Hess, D. 2016. "Transparency and Respect for Human Rights." *Rocky Mountain Mineral Law Foundation Journal*. 53(2): 279-304.

Hess, D. 2015. "Combating Corruption in International Business: The Big Questions." *Ohio Northern Law Review*. 41(3): 679-696.

Bishara, N. & Hess, D. 2014. "Human Rights and a Corporation's Duty to Combat Corruption," in R. Bird, D. Cahoy, and J. Prekert, (eds), *Law, Business and Human Rights: Bridging the Gap*, pp. 71-93. Edward Elgar Publishing

Hess, D. 2014. "The Future of Sustainability Reporting as a Regulatory Mechanism," in D. Cahoy & J. Colburn (eds), *Law and the Transition to Business Sustainability*, pp. 125-40. Springer Publishing.

Hess, D. 2012. "Enhancing the Effectiveness of the Foreign Corrupt Practices Act through Corporate Social Responsibility." *Ohio State Law Journal*, 73(5): 1121-1144.

Hess, D. 2012. "Combating Corruption through Corporate Transparency: Using Enforcement Discretion to Improve Disclosure." *Minnesota Journal of International Law*, vol. 21(1): 42-74.

Ford, C. & Hess, D. 2011. "Corporate Monitorships and New Governance Regulation: In Theory, In Practice, and In Regulatory Context." *Law & Policy*, vol. 33(4): 509-541.

Hess, D. 2011. "Partnering Against Corruption Initiative and the Business Principles for Countering Bribery," in T. Hale and D. Held (eds), *The Handbook of Transnational Governance: Institutions and Innovation*. Polity Press: Cambridge, UK.

Hess, D. 2010. "Attorney Liability for Client Fraud: Lessons From the Conviction of Outside Counsel in the Refco Fraud," in *Corporate Governance 2010*, pp. 741-752. Practising Law Institute: New York, NY.

Hess, D. 2010. "Client Confusion on Corporate Counsel's Role: New Developments in the Ethical and Legal Minefield of Conducting Internal Investigations," in *Corporate Governance 2010*, pp. 753-774. Practising Law Institute: New York, NY.

Hess, D. 2010. "Ethics in Finance: Pension Funds," in John Boatright (ed.), *Finance Ethics: Critical Issues in Financial Theory and Practice*, pp. 359-372. Malden, MA: John Wiley & Sons.

Hess, D. 2009. "Catalyzing Corporate Commitment to Combating Corruption: Understanding the Role of the Public Sector in Private Anti-Corruption Initiatives." *Journal of Business Ethics*, vol. 88(4): 781-790.

Ford, C. & Hess, D. 2009. "Can Corporate Monitorships Improve Corporate Compliance?" *Journal of Corporation Law*, vol. 34(3): 679-737.

Hess, D. 2009. "Corruption Issues in the Value Chain: Private-to-Private & Private-to-Public Corruption," in Transparency International, *Global Corruption Report 2009: Corruption and the Private Sector*. Cambridge University Press.

Hess, D. 2008. "The Three Pillars of Corporate Social Reporting as New Governance Regulation: Disclosure, Dialogue and Development." *Business Ethics Quarterly*, vol. 18(4): 447-482.

Hess, D. & Ford, C. 2008. "Corporate Corruption and Reform Undertakings: A New Approach to an Old Problem." *Cornell International Law Journal*, vol. 41(2): 307-346.

Hess, D. & Warren, D. E. 2008. "The Meaning and Meaningfulness of Corporate Social Initiatives." *Business & Society Review*, vol. 113(2): 163-197.

Hess, D. 2007. "Public Pensions and the Promise of Shareholder Activism for the Next Frontier of Corporate Governance: Sustainable Economic Development." *Virginia Law & Business Review*, 2(2): 221-263.

Hess, D. 2007. "A Business Ethics Perspective on Sarbanes-Oxley and the Organizational Sentencing Guidelines." *Michigan Law Review*, vol. 105(8): 1781-1816.

Hess, D. 2007. "Social Reporting and New Governance Regulation: The Prospects of Achieving Corporate Accountability through Transparency." *Business Ethics Quarterly*, 17(3): 455-478.

Hess, D. & Dunfee, T.W. 2007. "The Kasky-Nike Threat to Corporate Social Reporting: Implementing a Standard of Optimal Truthful Disclosure as a Solution." *Business Ethics Quarterly*, 17(1): 5-32.

Hess, D., McWhorter, R. & Fort, T. 2006. "The 2004 Amendments to the Federal Sentencing Guidelines and Their Implicit Call for a Symbiotic Integration of Business Ethics." *Fordham Journal of Corporate & Financial Law*, vol. 11(4): 725-764.

Hess, D. 2006. "Corporate Social Responsibility and the Law," in José Allouche (ed.), *Corporate Social Responsibility*, pp. 154-180. Hampshire, UK: Palgrave Macmillan.

Hess, D. 2005. "Protecting and Politicizing Public Pension Fund Assets: Empirical Evidence on the Effects of Governance Structures and Practices." *University of California-Davis Law Review*, vol. 39(1): 187-224.

Hess, D. & Impavido, G. 2004. "Governance of Public Pension Funds: Lessons from Corporate Governance and International Evidence," in A. R. Musalem & R. Palacios (eds.) *Public Pension Fund Management*, pp. 49-89. Washington D.C.: The World Bank.

Hess, D. & Dunfee, T.W. 2003. "Taking Responsibility for Bribery: The Multinational Corporation's Role in Combating Corruption," in Sullivan, R. (ed.) *Business and Human Rights: Dilemmas and Solutions*, pp. 260-271. Sheffield, UK: Greanleaf Publishing.

- Reprinted in Tom Beauchamp, Norman E. Bowie and Denis G. Arnold (eds.), *Ethical Theory and Business* (Prentice-Hall, 8th ed., 2008).

Hess, D., Rogovsky, N., & Dunfee, T.W. 2002. "The Next Wave of Corporate Community Involvement: Corporate Social Initiatives." *California Management Review*, vol. 44(2): 110-125.

- Reprinted in Jeremy Moon & Jean-Pascal Gond (eds.), *Corporate Social Responsibility* (Routledge: Taylor & Francis, 2011).
- Reprinted in Andrew Crane, Dirk Matten & Laura Spence (eds.), *Corporate Social Responsibility: Readings and Cases in a Global Context* (Routledge, 2007).

Dunfee, T.W. & Hess, D. 2001. "Getting From Salbu to the 'Tipping Point': The Role of Corporate Action Within a Portfolio of Anti-Corruption Strategies." *Northwestern Journal of International Law & Business*, vol. 21(2): 471-490.

Hess, D. 2001. "Regulating Corporate Social Performance: A New Look at Corporate Social Accounting, Auditing, and Reporting." *Business Ethics Quarterly*, vol. 11(2): 307-330.

Useem, M. & Hess, D. 2001. "Governance and Investments of Public Pensions," in Olivia S. Mitchell & Edwin C. Hustead (eds.), *Pensions in the Public Sector*: pp. 132-152. Philadelphia: University of Pennsylvania Press.

Hess, D. & Dunfee, T.W. 2000. "Fighting Corruption: A Principled Approach." *Cornell International Law Journal*, vol. 33(3): 593-626.

Dunfee, T. W. & Hess, D. 2000. "The Legitimacy of Direct Corporate Humanitarian Investment." *Business Ethics Quarterly*, vol. 10(1): 95-109.

Hess, D. 1999. "Social Reporting: A Reflexive Law Approach to Corporate Social Responsiveness." *Journal of Corporation Law*, vol. 25(1): 41-84.

Hess, D. 1995. "Note, The Iowa Franchise Act: Towards Protecting the Reasonable Expectations of Franchisees and Franchisors." *Iowa Law Review*, vol. 80(2): 333-62.

### **Book Reviews**

Hess, D. 2019. "Research Handbook on Corporate Crime and Financial Misdealing." *Business Ethics Quarterly*, vol. 29(1): 151-54.

Hess, D. 2010. "Pension Fund Governance: A Global Perspective on Financial Regulation." *Journal of Pension Economics & Finance*, vol. 9 (1): 158-59.

Hess, D. 2006. "Business Ethics and the Natural Environment." *Business Ethics Quarterly*, vol. 16 (4): 631.

### *News Media, Blogs & Other*

Hess, D. 2022. "The Management and Oversight of Human Rights Due Diligence." *Columbia Law School Blue Sky Blog*, Jan. 4, 2022.

Hess, D. 2017. "Corporation's Duty to Promote Human Rights Includes Fighting Corruption." *Columbia Law School Blue Sky Blog*, Oct. 11, 2017.

Hess, D. 2015. "Business Ethics in the United States." *Encyclopedia of Management* (3<sup>rd</sup> edition). John Wiley & Sons.

Hess, D. 2008. "Responsible Investing Requires Full Disclosure." *Pensions and Investments*, June 9, 2008, at 12.

Hess, D. 2008. "If Kilpatrick were a CEO, he'd be fired: Ethical errors end corporate careers quicker than any other mistake." *Detroit News*, February 5, 2008, at 7A.

Hess, D. 2007 (revised for 2<sup>nd</sup> edition 2018). "Blue Sky Laws," "CAFE Regulations," "Chicago School of Economics," "Compensatory Damages," "Market for Lemons," "Negligence," and "Unfair Competition," in Robert W. Kolb (ed.), *Encyclopedia of Business Ethics and Society*. Thousand Oaks, CA: Sage Publications.

Hess, D., Fort, T., McWhorter, R. Krehmeyer, D. 2006. "Fostering a Culture of Trust: Implications of the Federal Sentencing Guidelines." *Business Roundtable Institute for Corporate Ethics Bridge Paper*.

Hess, D. & Dunfee, T.W. 2002. "The Private Sector Role in Alleviating Human Misery," in Daniele Giovannucci (ed.) *A Guide to Developing Agricultural Markets and Agro-enterprises*, World Bank (online book).

Hess, D. 2001. "Leadership" and "Leverage and Leveraged Buy-outs," in Jonathan Michie (ed.), *Reader's Guide to the Social Sciences*. London: Fitzroy Dearborn.

Dunfee, T. W. & Hess, D. 2000. "Bankruptcy," in *Grolier Multimedia Encyclopedia*. Bethel, CT: Grolier.

Hess, D., Dunfee, T. W. & Taka, I. 1998. *Nomura II: Japanese Business Ethics*. CaseNet, South-Western College Publishing.

## TEACHING

### *The Ross School of Business, University of Michigan*

- *Business and Human Rights* (MBA)
- *Business and the Public Policy Process* (undergraduate thesis course).
- *Business Ethics* (Executive MBA)
- *Business Ethics and Accountability* (undergraduate)
- *Business and Leaders: The Positive Difference* (undergraduate)
- *Business Law and Ethics* (MBA)
- *Corporate Governance* (MBA)
- *Corporate Social Responsibility and Business Ethics* (undergraduate and graduate)
- *Cultural Norms in Global Business* (MBA)
- *Ethics and Negotiations for Accountants* (MAcc)
- *Ethics of Corporate Management* (MBA)
- *Foundations of Business Law* (MBA)
- *Information Security, Privacy, and Ethics* (graduate)
- *Law of Enterprise Organization* (undergraduate)
- *Legal and Ethical Environment of Business* (MBA)
- *Legal Aspects of Management and Finance* (undergraduate)
- *Legal Environment of Business* (undergraduate)

### *University of Michigan Law School*

- *Human Rights, Mineral Extraction, and the Global Supply Chain* (graduate)
- *Environmental, Social, and Governance Policies: Pathways to Impact?* (graduate)

### *Rutgers Business School, Rutgers, The State University of New Jersey*

- *Business, Government & Society* (undergraduate)
- *Legal Environment of Business* (MBA)

### *The Wharton School, University of Pennsylvania*

- *Corporate Social Responsibility and Ethics* (undergraduate)
- *Introduction to Management* (undergraduate)

## EDITORIAL RELATED EXPERIENCE

### *Editor Positions:*

- Section Editor, Law, Public Policy & Business Ethics, *Journal of Business Ethics*, 2021-
- Section Editor, Business Law, *Journal of Business Ethics*, 2012-2015

### *Editorial Boards:*

- *American Business Law Journal*, Staff Editor, 2009-
- *Business and Human Rights Journal*, Board Member, 2019-
- *Business Ethics Quarterly*, Board Member, 2011-

### *Ad hoc Reviewer:*

- *Academy of Management Review*
- *Academy of Management Perspectives*
- *American Business Law Journal*
- *Business and Human Rights Journal*
- *Business Ethics European Review*
- *Business Ethics Quarterly*
- *California Management Review*
- *Crime, Law & Social Change*
- *Criminology & Public Policy*
- *Harvard Law Review*
- *Journal of Asian Business*
- *Journal of Business Ethics*
- *Journal of Management and Governance*
- *Journal of Management Inquiry*
- *Journal of Management Studies*
- *Journal of Policy Analysis and Management*
- *McGill Law Journal*
- *Nordic Journal of Human Rights*
- *Osgoode Hall Law Journal*
- *Oxford University Press*
- *Regulation and Governance*
- *Routledge (book publishers)*
- *Socio-Economic Review*
- *Strategic Management Journal*
- *Thunderbird International Business Review*

## SERVICE

### *The Ross School of Business & the University of Michigan*

#### **Faculty Director**

- Faculty Director, Center for Social Impact, 2014-2015
- Faculty Director, Nonprofit and Public Management Center, 2011-2014

#### **Committees & Other**

- Faculty Ombudsperson, 2022-present
- Faculty Council for MBA Programs, 2021-present
- Faculty Council for Undergraduate Programs, 2020-2021
- Chair, Business Law Hiring Committee, 2018-19.
- Diversity, Equity, and Inclusion Committee, 2017-20.
- Community Values Committee, 2013-14, 2017-18
- Curriculum Committee, 2010-2017 (except 2011-12 academic year)
- Social Impact Task Force Member, 2012.
- Faculty reviewer for William G. McGowan Fellows Program Scholarship Application 2010-2016.
- Walter V. Shipley Business Leadership Case Competition Judge for University of Michigan Entrants, 2008
- Business Law & Business Ethics Hiring Committee, 2005-2006

### *University of Michigan*

- Search Committee, Chief Ethics, Integrity, and Compliance Officer, 2023
- Henry Russel Awards Committee, 2023-
- Faculty Judge for Dow Sustainability Fellows Program, 2012-18; 2020-present
- Committee on Course Evaluations Release Policy, 2015-16
- Hiring Committee for Sports Management Faculty, School of Kinesiology, 2012-13.



- Steering Committee, President's Initiative on Ethics in Public Life, University of Michigan 2005-2008
- Faculty Sponsor for Undergraduate Research Opportunity Program, 2004-2005

### *Academic Associations & Other*

#### **Leadership Roles**

- *Co-President*, Global Business & Human Rights Scholars Association, 2023-
- *Board Member*, Teaching Business & Human Rights Forum, 2021-
- *Board Member*, Global Business & Human Rights Scholars Association, 2018-present.
- *Reporter*, American Bar Association, Criminal Justice Section, Task Force on Standards for Monitors, 2013-2019
- *Officer Rotation (Secretary, Program Chair, and President)*, Tri-State Academy of Legal Studies in Business, 2007-2010

#### **Committees & Other Roles**

- Academy of Legal Studies in Business Annual Meeting Mauer Ethics Paper Award Judge, 2017-
- Mentor, Society for Business Ethics Mentorship Program, 2016-17
- Academy of Legal Studies in Business Faculty Awards Committee, 2009-2013.
- Mentor, Academy of Legal Studies in Business Mentorship Program, 2009-11.
- Society for Business Ethics, Annual Meeting Best Paper Award Committee, 2009-2010
- Faculty Judge, Aspen Institute Dissertation Proposal Award, 2009

### **AWARDS**

- *Annual Reviewer Prize*, Business & Human Rights Journal, 2022.
- *Virginia Maurer Outstanding Ethics Paper Award*, Academy of Legal Studies in Business, 2013
- *Rising Star of Corporate Governance*, Millstein Center for Corporate Governance & Performance, Yale University, 2009
- *Faculty Pioneer Award - Rising Star*, The Aspen Institute, 2008
- *Outstanding Paper*, Tri-State Academy of Legal Studies in Business Annual Meeting, 2008
- *Faculty Award of Excellence - Early Career Achievement*, Academy of Legal Studies in Business, 2008
- *Outstanding Paper*, Tri-State Academy of Legal Studies in Business Annual Meeting, 2007
- *Best Paper*, Society for Business Ethics Annual Meeting, 2005