

DIVISION OF KINESIOLOGY

CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT

Staff Policy: July 13, 2006

Introduction

SPG 201.65-1 requires the deans of the schools or colleges and the directors of administrative units to articulate and disseminate implementation policies that apply to faculty and/or staff within those units. The implementation policy and procedures for Kinesiology staff are provided below. This policy and its procedures apply to all full-time staff, whether permanent or temporary, and to all permanent part-time staff in the unit. The University expects all staff to be familiar with the contents of SPG 201.65-1 and with the applicable set of unit implementation procedures.

A. Statement of Principles

The policy section of SPG 201.65-1 outlines a set of key principles relevant to conflicts of interest and conflicts of commitment, including the principles stated below.

All staff members are to act with honesty, integrity, and in the best interest of the University when performing their duties, and to abide by the highest standards of research, educational, professional, and fiscal conduct. Outside activities should not interfere with an individual's University obligations. Staff must not use their official University positions or influence to further gain or advancement for themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University. In accordance with its mission, however, the University of Michigan allows and encourages staff to engage in outside activities and relationships that enhance the mission of the University. As a result, potential conflicts of interest and commitment are inevitable, but these potential conflicts are not necessarily problematic. Rather, the essential point is that faculty and staff must disclose these potential conflicts of interest so that they can be evaluated and, if necessary, managed or eliminated.

The specific definitions for a *potential conflict of interest* and *potential conflict of commitment* in Section II.A of SPG 201.65-1 also apply to the procedures described below. Broadly defined, a potential conflict of interest encompasses external ties that may or may appear to improperly bias a staff member's judgment in performing his or her University job responsibilities. A potential conflict of commitment, broadly defined, encompasses situations in which a staff member's external relationships or activities may or may appear to interfere or compete with the University's mission, or with the staff member's ability or willingness to perform his or her job responsibilities.

B. Disclosing, Evaluating, and Managing Potential Conflicts of Interest and Conflicts of Commitment

1. Disclosing potential conflicts of interest and conflicts of commitment

Whenever a potential conflict of interest or conflict of commitment exists for a staff member, he or she must promptly disclose it, in writing, to the Administrative Manager. (SPG 201.65-1, Section III.A.3.)

Examples of potential conflicts include (but are not limited to):

- Performing work for other University departments or units for additional pay
- Participating in decisions or deliberations where your own personal financial interests are or could be affected
- Participating in decisions or deliberations where a family member is or could be affected, financially or otherwise (Note: As stated in SPG 201.65-1, family members include parents, siblings, a spouse or partner, children, and dependent relatives.)
- Performing activities for non-University entities for pay
- Accepting gifts, entertainment, or other items of value from vendors or other third parties that do or have business with the University. General University policy prohibits employees from accepting any gift of substantial value from vendors or from students (Regents' Bylaw 2.16).
- Accepting an incentive or benefit to gain access to a staff member's supervisor.

2. Evaluating disclosures of potential conflicts of interest or conflicts of commitment

The Administrative Manager shall evaluate all disclosed potential conflicts of interest or conflicts of commitment. The Administrative Manager may require the staff member to provide additional information or documentation that may be relevant to evaluating the potential conflict of interest or conflict of commitment.

As needed, the Administrative Manager will consult with appropriate central administrative offices (e.g., Office of the Provost and Executive Vice President for Academic Affairs, Office of Human Resources and Affirmative Action, Office of the Vice President for Research, Office of the Vice President and General Counsel). (See also Section B.4, below.)

3. Developing plans to manage potential conflicts of interest and conflicts of commitment

When the Administrative Manager has determined that a potential conflict of interest or conflict of commitment exists that must be managed or eliminated, he or she must develop, in consultation with the employee, a recommended plan for managing the potential conflict. The Administrative Manager will then provide the plan to the employee's supervisor, who has authority for approving it. The supervisor will provide

the employee with a copy of the approved conflict management plan and will discuss any related ambiguities or issues that arise.

4. Involving other University individuals or offices, as required

Purchasing

When a potential conflict involves a purchase of goods or services, the Administrative Manager must also disclose the conflict to the appropriate staff person in the University's Office of Purchasing Services, and also to the unit staff member responsible for handling unit purchases. If the Administrative Manager determines that a conflict exists that must be managed or eliminated, he or she will consult with these individuals in developing a plan to manage the conflict.

Research

When a potential conflict involves work performed for a research project, Administrative Manager must inform the head of the research project. If the Administrative Manager determines that a conflict exists that must be managed or eliminated, it is his or her responsibility to ensure, in consultation with the head of the research project, that the conflict management plan does not conflict with requirements related to the research or to research funding.

C. Administering the Policy

1. Record-Keeping and Issues of Confidentiality and Privacy

When personal financial or associated documents are provided to the Administrative Manager, the documents shall be placed in a secure file accessible only to the Administrative Manager.

Documentation of the staff member's disclosure and action taken shall be included within the secure file. The documentation will be purged from the file three years after the potential conflict no longer exists, except where University record retention policies require the unit to retain the records for a longer period.

The Administrative Manager and the employee's supervisor will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating a potential conflict of interest or commitment and, as applicable, in developing a plan to manage the conflict.

2. Conducting Education and Training

Upon hiring into or transfer into the unit, every staff member shall be provided with the implementation policy for the Division of Kinesiology. In addition, the Administrative Manager will review the policy annually at a regular staff meeting.

3. Resolving Disputes

When a staff member disputes any action or decision related to a potential conflict of interest or conflict of commitment, the staff member should first ask that the action or decision be reviewed by the Dean of Kinesiology.

If, following the above review, the staff member remains unsatisfied with the action or decision, the staff member may initiate existing University policies and procedures for handling disputes, when available, including, where applicable, collective bargaining agreement grievance procedures.

4. Violations

Any violation of SPG 201.65-1 or this implementing policy may be a cause for disciplinary action. The Administrative Manager shall evaluate the violation and take appropriate action, if needed, in accordance with existing University policies and procedures. Appropriate steps could range from working with the staff member to remedy the situation, to the decision that the staff member's appointment will be terminated.

D. Other Governing Policies

This policy implements SPG 201.65-1, *Conflicts of Interest and Conflicts of Commitment*, incorporates SPG 201.65-1 in its entirety, and includes all elements required under that SPG. Implementation of SPG 201.65-1 within the Division of Kinesiology requires compliance with other University policies and procedures, including all Regents' Bylaws and SPGs, as well as with any relevant external rules of professional conduct and applicable law. Relevant policies, procedures, rules, and law include (but are not limited to) the following:

- Regents' Bylaw 2.16, regarding gifts to University employees
<http://www.umich.edu/%7Eregents/bylaws/bylaws02.html#16>;
- Regents' Bylaw 5.13, regarding governmental elected or appointed service
<http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#4>;
- Regents' Bylaw 5.14, regarding leaves of absence
<http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#5>;
- SPG 201.12, regarding misconduct and discipline;
- SPG 201.23, regarding appointment of individuals with close personal or external business relationships;
- SPG 201.65, regarding employment outside the University;
- SPG 201.85, regarding special stipends for work performed for other University units, the payment of honoraria, and the payment of travel expenses;

- SPG 500.01, 601.03-2, and 601.11, in particular to the extent that they address appropriate use of University resources, such as the libraries, office space, computers, secretarial and administrative support staff, and supplies;
- Office of Vice President for Research (OVPR) Policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements
http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html;
- Division of Kinesiology Faculty Policy regarding Conflict of Commitment and Conflict of Interest (finalized March 1, 2006)
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.
- Where applicable, the current collective bargaining agreement for the staff member.