

**Taubman College of Architecture + Urban Planning**  
**POLICY ON STAFF CONFLICTS OF INTEREST AND**  
**CONFLICTS OF COMMITMENT**

**Updated: August 8, 2008**

The Taubman College of Architecture + Urban Planning recognizes that our staff participate in a wide range of outside interests and encourages participation in activities that benefit the individual, their department, the University as a whole and the wider community. At the same time, it is important the staff understand their primary professional responsibilities and obligations to the University of Michigan and ensure that these outside activities do not interfere with the expectations of the institution.

**A. *Identification of Potential Conflicts of Interest and Commitment***

Potential conflicts of interest and commitment are inevitable where staff members are engaged, as they ought to be, with actors and institutions outside the University. These potential conflicts should not be seen as necessarily problematic. Rather, the University allows and encourages staff members to engage in outside activities and relationships that enhance the University's mission. It is nevertheless important that the staff members disclose any potential conflicts of interest or commitment as soon as they arise so that they can be evaluated and, if necessary, managed or eliminated.

A potential **conflict of interest** arises when external ties might appear to bias a staff member's judgment in performing his or her University obligations. A potential **conflict of commitment** arises when a staff member engages in external activities or assumes external commitments that might appear to compromise his or her ability to fulfill the responsibilities of his or her University position (as defined in the Standard Practice Guide (SPG) 201.65-1.).

The existence of a potential conflict of commitment must be evaluated in light of the minimum time and effort requirements applicable to the staff member in question.

The term **staff** shall include members of the college who, for any portion of their appointment, do not hold instructional appointments.

All staff members with at least half-time University appointments owe their primary professional commitment to the University. A commensurate commitment of those staff members' time and intellectual energy must therefore be devoted to activities that further the University's mission.

Even where obligations to the University are met, a staff member may not engage in activities that compete with the University or that otherwise diminish or undermine the University's mission. It is inappropriate for staff members, without prior approval, to divert to other entities or institutions opportunities for research, education, clinical care or financial support which otherwise might flow to the University.

With these principles in mind, examples of potential **conflicts of commitment** include, but are not limited to, the following:

**Any work external to the University potentially raises a question of conflict of commitment. In general, however, any such work that contributes to the scholarly or educational goals of the University is permitted. If there is any question about whether a particular commitment falls within these categories, or if there is any potential for interfering with the minimum expectations above, the matter must be disclosed.**

**Part-time staff members need to disclose commitments that have the potential for interfering with their obligations to the University.**

## **B. *Examples of Potential Conflicts of Interest and Commitment***

Potential conflicts of interest/conflicts of commitment may occur in a number of categories outlined in the examples below. This list is not exhaustive. TCAUP's general approach to managing these examples is also included:

### **1. Time**

- Staff members are expected to spend a majority of their time on their primary professional commitments to the University. Outside commitments are generally allowable when they are part of the staff member's professional commitments or an extension of them. Honoria for such work is permitted. If a substantial time commitment is required a potential conflict of commitment may arise (see section below on Conflict of Commitment). Outside consulting/employment obligations, individually or in sum total, may not conflict with primary commitments to the University and must be disclosed to the College.
- Consistent with conflict of interest and commitment principles, staff members with full-time appointments at the University should not use (or permit others to use) their work in ways that compete with the University's courses, or its educational programs or activities – unless prior written permission is obtained from the appropriate dean, unit director, or executive officer, or their designee(s). This provision applies to works developed for compensation at other institutions. It does not apply to works created in conjunction with professional activities in conformance with University norms such as but not limited to: sharing syllabi or other course materials with colleagues at other non-profit educational institutions; ordinary outside consulting, participation in professional or scholarly organizations, scholarly presentations and publications, pursuit of future employment opportunities and public service. (UM Copyright policy)

### **2. Relationships**

- The University nepotism policy must be followed in the hiring of family members or those with which a staff member has a close personal relationship. This includes hiring for part-time, temporary

positions as well as regular non-instructional and instructional staff positions. Close personal relationships must be disclosed to the Chair/Director and written policies for managing any relationships involving supervision or evaluation must be developed by the unit (SPG 201.23).

- Employees should not purchase goods or services from a firm for which the employee's relative (or other significant individual who would be perceived by others as potential conflict) is employed. Employees should not purchase goods or services from a firm for which they have an affiliation with company, for example Board of Directors, consulting management, etc. Employees should not purchase goods or services from a firm for which they have an ownership interest in the company.
- A staff member may not assign or ask students or staff to contribute services or money to institutions or people external to the University.
- The University Staff Student Relationship policy must be adhered to in all circumstances. Disclosure to the Chair or Director of any relationships covered by the policy is required (SPG 601.22-1).

### **3. Resources**

- University resources are generally to be used for university business. These resources include University equipment including copying and fax machines, office and computer supplies, and electronic mail. University policy allows for limited use of electronic mail resources for personal business. Employees shall not use the resources of the University to either personally profit or to avoid personal expenses.
- A staff member may incur reasonable meal and travel expenses that are reimbursed either by the University or by external organizations. However, a staff member may not accept reimbursement that amounts to a gift of substantial value from people or institutions that contract with the University where the staff member participates in decisions concerning that contract.
- Patents and copyrights issued or acquired as the result of or in connection with administration, research, and other educational activities conducted by members of the University staff and supported directly or indirectly (e.g. through the use of University resources or facilities) by funds administered by the University, regardless of the source of such funds, and all royalties or other revenues derived there from shall be the property of the University. Computer software created by members of the University staff in connection with administration, research, and other educational activities supported directly or indirectly by funds administered by the University, regardless of the source of such funds, shall be the property of the University. Such computer software may be made available for use on a nonexclusive basis by those who pay appropriate charges to reimburse the University for the costs of development, distribution and reproduction. Patents, copyrights and property rights in computer

software resulting from activities which have received no support, direct or indirect, from the University shall be the property of the inventor, author, or creator thereof, free of any limitation which might otherwise arise by virtue of University employment

- A staff member may not direct business to his/her spouse's company or use University resources to promote outside business interests.

#### **4. Gifts**

- A staff member may not accept a gift of substantial value (including gifts of service) from a University student or employee – unless there is a family relationship or the equivalent. The same rule applies to gifts from people or institutions that contract with the University where the staff member participates in decisions concerning that contract.
- Staff members may not provide gifts to the University with the expectation that they will then be given the authority to control the dispersal of these funds.

#### **5. Political Endorsement or Outside Affiliation**

- There are circumstances in which a staff member's experience is relevant to expression of a public opinion. In these cases (except where not appropriate, illegal, or when it misrepresents the individual's authority) a staff member may indicate their affiliation with the university in written correspondence to public entities as long as the correspondence includes a statement indicating that they are not speaking on behalf of the University but only as an individual.
- A staff member may not use University resources (including electronic mail accounts) to support or oppose a political candidate or the qualification, defeat or passage of a ballot initiative. This is a violation of State Law for which there are individual fines and penalties (Michigan Campaign Finance Act section, MCL 169.257).

### ***C. Disclosure, Evaluation, and Management of Potential Conflicts of Interest and Commitment***

#### **1. Disclosure of Potential Conflicts**

In general, each staff member must promptly disclose potential conflicts of interest or commitment to their supervisor in writing as they arise. Email will suffice. Issues that indicate a conflict of interest concern to the supervisor must be brought to the attention of the appropriate Associate Dean. Recurring or long-term commitments incurred by staff must be included in the annual report of each staff member to their supervisor. The supervisor reports at the end of each year on all COI issues and the department/program procedure for managing them to the appropriate Associate Dean.

Disclosure need not be made where there is no violation of the general approaches outlined above but disclosure should be made whenever there is any question whether the incident falls within the generally permitted, *de minimus* situations described above.

## **2. Management of Potential Conflicts**

Upon disclosure of a potential conflict of interest or commitment, the supervisor (in consultation as needed with the appropriate Associate Dean – who serve as “Unit COI Manager”) shall evaluate the extent of the potential conflict. The purpose of this evaluation is to determine whether it is necessary to manage or eliminate the potential conflict. The supervisor may require the staff member to provide additional information or documentation if necessary.

In some circumstances, evaluation of the potential conflict will require consultation with central administration offices. For example, consultation is necessary in the following circumstances:

- Where the disclosure involves sponsored research or technology transfer, with the Office of the Vice President for Research;
- Where there may be a conflict between two academic units, with the Provost’s Office;
- Where legal obligations or potential liability may be involved, with the General Counsel’s Office, and
- Where the disclosure involves a purchase of goods or services, with Purchasing.

If the supervisor (in consultation with the Associate Dean as needed) determines that management of the potential conflict is necessary, he or she shall develop a conflict management plan in consultation with the staff member. Management options include, but are not limited to:

- A determination that no action is necessary.
- Documenting the disclosure and supervisor’s evaluation and determination that no further management is required.
- Disclosing the potential conflict to appropriate sources inside and outside the University;
- Modifying or limiting the staff member’s duties to minimize or eliminate the conflict;
- Securing the staff member’s agreement to modify or suspend outside activity, use of University resources, or other activities that create the potential conflict; and
- Prohibiting certain outside activity as inconsistent with the staff member’s obligations to the University.

## **3. Record-Keeping and Issues of Confidentiality and Privacy**

The Associate Dean will keep records of action on disclosures made to the Dean's Office under this policy, in part to develop a consistent practice of treating like cases in similar fashion. Supervisors will also keep records of disclosures and related actions at the department/program level. The record may be as simple as identifying the disclosure and, when no further action was required, including a notation to that effect on the disclosure description. Appropriate records may also be maintained in the individual staff member's personnel file.

Supervisor's and Associate Deans will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, all records that include personal information about named individuals will be kept in a secure file accessible only to the Administrative Director, Associate Dean and the Dean of TCAUP respectively.

Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then either the appropriate authority listed above or the Dean may authorize access to the file and provide either copies and/or information, as may be required for the stated educational or business purpose. If copies of information in the files are provided to a faculty or staff member, he or she must also be asked to maintain the same level of confidentiality as applicable to the original information or documents.

In some circumstances, the University is required to disclose potential conflicts to people within or outside the University. For example, if a conflict exists within the context of a federally sponsored project, the University *is required* both to disclose the existence of that conflict (without providing identifying information) to the federal government and to indicate whether it has managed that conflict. Also, the University may be legally required to disclose information in response to requests made under the Michigan Freedom of Information Act (FOIA). Should any other individual have a legitimate reason to access the confidential records, whether in the context of a federally sponsored project, a FOIA request, or otherwise, the appropriate Chair, Director, Associate Dean or the Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom disclosure has been authorized will be required to maintain at least the same level of confidentiality as applicable to the original information or documents.

Any faculty or staff member who becomes aware that the Chair, Director, Associate Dean or Dean has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the relevant superior for appropriate action.

#### **D. *Dispute Resolution***

A staff member may dispute any decision made in response to the disclosure or non-disclosure of a potential conflict of interest or commitment by an appeal to the appropriate Associate Dean. Following exhaustion of these procedures, the staff member may dispute any action or decision under this policy in accordance with applicable

University procedures. Sponsored research/tech transfer must be handled in accordance with processes adopted by OVPR Conflict of Interest Review Committee.

**E. *Education and Training***

This policy will be provided to new employees at the time they are hired and when they begin work at the University. The policy will be circulated each fall to all returning employees members, including visiting and adjunct faculty, and staff. Discussion and instruction on management of the policy will be included in new employee orientation training. TCAUP will develop a website including the TCAUP Policy, links to relevant University policies, examples of potential COI issues, Frequently Asked Questions, and other appropriate links. Training will also be provided to departmental administrators on a yearly basis.

**F. *Violations***

Any failure to comply with SPG 201.65-1, its procedures, or this implementing policy may lead to disciplinary action, up to and including termination of appointment in accordance with applicable disciplinary procedures. Possible violations that may lead to disciplinary action include, but are not limited to, the following: failure to disclose fully a potential conflict; failure to comply fully with a required conflict management plan; failure to maintain the confidentiality of conflict documentation and information; and failure to complete any required training or education regarding the policy. Existing TCAUP and University procedures governing staff misconduct shall apply.

**G. *Policy Review and Revision***

The Associate Dean will annually review all conflicts under management within this policy and make recommendations to the Dean regarding any needed revisions to the policy or any need for increased education. Any revisions in policy or practices will be discussed with the staff. If the Dean in consultation with the TCAUP Executive Committee determines that any of the changes he or she would like to adopt will materially change the policy, the Dean will follow the procedures used to adopt the original policy. In particular, the Dean will submit any materially revised policy to the Office of the Provost and Executive Vice President for Academic Affairs for further review and approval and then to the President for formal adoption. A current version of TCAUP's policy should be on file with the Provost's Office at all times.

This policy applies to all TCAUP employees.

**H. *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 TCAUP 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;
- Regents' Bylaw [5.12](#), regarding outside employment of University faculty;
- Regents' Bylaw [5.13](#), regarding governmental elected or appointed service;
- Regents' Bylaw [5.14](#), regarding leaves of absence;
- 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 copyright and other 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](#);
- Michigan Compiled Laws [§ 15.321](#) et seq., regarding contracts of public employees with their employers.

In the event of any inconsistency between this policy and other University or external requirements, those other requirements will prevail. In interpreting this policy the Dean and the Associate Dean as Unit COI/COC Managers should be attentive to preserve the principle of academic freedom of speech and thought. In addition, policy administrators will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating and managing a potential conflict of interest or commitment.



# Conflict of Interest & Commitment Disclosure

TCAUP

## Employee Information

Employee Name:

Date:

Employee ID:

Job Title:

Supervisor:

Department:

## Type of Disclosure

Conflict of Interest

Conflict of Commitment

Preliminary Discussion

## Type of Conflict

Staffing/Service of Others

Admissions

Gifts from others

Purchasing

Services of Others

Outside Employment/Time

Other:

Resources

## Details

Description of Potential Conflict:

Plan for Mitigation:

## Acknowledgement of Receipt of Plan

*By signing this form, you confirm that you understand the information in this document. You also confirm that you and your supervisor have discussed the mitigation plan and that you will follow the mitigation plan. See TCAUP COI/COC and SPG for specific guidance*

Employee Signature

Date

Manager Signature

Date

Witness Signature

Date

