**UNIVERSITY LIBRARY
POLICY ON CONFLICTS OF INTEREST AND
CONFLICTS OF COMMITMENT**

STAFF

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The University and University Library allow and encourage staff to engage in outside activities and relationships that benefit the individual, the Library, the University as a whole, and the wider community. At the same time, it is important that 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.

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.;
- Staff must not use their official University positions or influence to further gain or advancement of themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University.

When implementing SPG 201.65-1, academic and administrative units must also consider particular rules of conduct within the University. These include:

- Regents' Bylaw 5.13, related to governmental elective/appointed service http:/www.umich.edu/%7Eregents/bylaws/bylaws05b.html#4;
- SPG 201.12, related to misconduct and discipline;
- SPG 201.23, related to hiring of relatives or those with a close personal relationship; and
- SPG 201.85, related to work performed for other University units.

A.   Identification of Potential Conflicts of Interest and Commitment

Potential conflicts of interest and commitment are inevitable but these potential conflicts are not necessarily problematic. Rather, the essential point is that staff must 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, or 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, or appear to, interfere or compete with the University's mission, or with the staff members' ability or willingness to perform his or her job responsibilities. (See Standard Practice Guide (SPG) 201.65-1.)

1.   Potential Conflicts of Interest

Examples of potential conflicts of interest include, but are not limited to, the following:

- Accepting gifts, entertainment, meal or travel arrangements, or other items of value from vendors or other third parties that do or have business with the University (Cash and cash equivalents, of any amount, should be avoided, as well as any gift or arrangement which may cause the appearance of influence or be perceived as an attempt at influence);
- It is never appropriate to receive a gift that is given with the expectation of receiving some favor or benefit in return;
- Obtaining/maintaining significant interest (financial or managerial) in an outside entity with which the University maintains a contractual relationship, or with whom the University competes for provided services;
- Using the name of the University in promoting activities that may lead to personal financial gain or that of his or her family or friends;
- Using University resources, such as facilities, personnel, equipment, or information as part of outside consulting activities or for other non-University purposes;
- Participating in decisions or deliberations where your own personal, or that of a friend or relative, financial interests are or could be affected;
- Hiring a family member or person with whom a staff member has a personal relationship;
- Performing work for other University departments or units, or non-University entities for additional pay while being employed by the Library;

2.   Potential Conflicts of Commitment

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.

All staff, including those on term assignments, with at least half-time University appointments, owe their primary professional commitment to the University. A commensurate commitment of those staff member's time and energy must therefore be devoted to activities that further the University's mission. To meet minimum time and effort commitments within the University Library, staff are expected to adhere to the standard work schedule as described in the Library Staff Manual.

Even where obligations to the University are met, staff may not engage in activities that compete with the University or that otherwise diminish or undermine the University's mission.

Part-time staff likewise owe the University time and effort commitments commensurate with their appointments. For these staff to meet minimum time and effort commitments within the University Library, they must adhere to their commitment as set forth in their offer of appointment letter.

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

- Engaging in outside professional activities including management, consulting, research, entrepreneurial or charitable work when the effort interferes with the primary Library employment;
- Performing services for other University departments or non-University entities for additional pay when the effort interferes with the primary Library employment.

B.   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 in writing to the Library's Chief Operating Officer (COO) or designee. In addition to prompt disclosure, staff members will be required to sign a certification of review at performance evaluation time. Disclosures may be made either by email or memo and at the time they occur.

2.   Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the COO will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The COO may ask the staff member to provide additional information or documentation if necessary.

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

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

- Where the disclosure involves a purchase of goods or services, by Purchasing.

In many cases, consultation with central administration offices, even when processing by those offices is not required, may help determine how to respond to a given disclosure. Whenever a potential conflict requires consultation or processing by central administration offices, the contact will be made by the COO.

In response to a disclosure of a potential conflict, the COO may, after consulting with the staff member, determine that no action is necessary. In other cases, the COO may decide that it is sufficient to document the disclosure and his or her determination that no further management is required. If the COO determines that management of the potential conflict is necessary, however, he/she will develop a conflict management plan in consultation with the University Librarian and the staff member in question. That plan may include, but is not limited to:

- Disclosing the potential conflict to appropriate sources inside and/or outside the University;
- Modifying or limiting the staff member's duties to minimize or eliminate the conflict;
- Reducing the staff member's appointment to accommodate the outside interest or activity;
- Securing the staff member's agreement to modify or suspend outside activity, use of University resources, or other activities that create the potential conflict; or
- Prohibiting certain outside activity as inconsistent with the staff member's obligations to the University.

All such disclosures will receive a preliminary recommendation from the COO and will be reviewed by the Library Executive Council for final approval.

The COO will provide a copy of the conflict disclosure and management plan to the appropriate Associate University Librarian for purposes of record keeping.

C.   Administering the Policy

1.   Record-Keeping and Issues of Confidentiality and Privacy

The COO will keep records of actions on disclosures made under this policy, in part to help develop a consistent practice of treating like cases in similar fashion. 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.

The COO, AULs, Senior Managers, and Supervisors 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 in a secure file accessible only to the Senior Manger, Associate University Librarian, and the University Librarian respectively. Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then one of the appropriate authorities listed above 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 COO, in consultation with either the Associate University Librarian or University Librarian may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the COO or University Librarian authorizes disclosure will be required to maintain at least the same level of confidentiality as applicable to the original information or documents. The staff member involved will also be notified that their information was requested.

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

The COO should ensure that the unit purges the documentation from the staff member's 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 (e.g., as specified in SPG 201.46).

2.   Dispute Resolution

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

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.

3.   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; and others as appropriate to the situation.

Violations should be reported in writing to the COO. The COO will substantiate the violation and, if appropriate, forward the violation to the University Librarian. Resolution of the violation will be developed by the University Librarian in consultation with the COO, and the appropriate central administration office in accordance with existing Library and University procedures governing staff misconduct.

4.   Education and Training

This policy will be provided to staff at the time they are hired and when they begin work at the University; and they will be required to certify that they have reviewed the policy. Reminders of this policy with appropriate reference points will be distributed each fall to all staff. Discussion and instruction on management of the policy will be included in new Supervisor training each fall. The Office of Business Operations and Staff Services will develop a website including University Library 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.

D.   Policy Review and Revision

The COO will annually review all actions taken under this policy and make recommendations to the University Librarian regarding any needed revisions to the policy or any need for increased education.   If the University Librarian determines that any of the changes he or she would like to adopt will materially change the policy, the University Librarian will follow the procedures used to adopt the original policy. In particular, the University Librarian 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. http://www.umich.edu/%7Ehraa/procedures/spg201-65-1.htm]   A current version of the University Library's policy should be on file with the Provost's Office at all times.

This policy applies to all faculty and staff of the University Library**,** including both full- and part-time.

E.   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 University Library 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/~regents/bylaws/bylaws02.html#16;
- Regents' Bylaw 5.13, regarding governmental elected or appointed service http://www.umich.edu/~regents/bylaws/bylaws05b.html#4;
- Regents' Bylaw 5.14, regarding leaves of absence http://www.umich.edu/~regents/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 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 http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html;
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.
- Where applicable, the current collective bargaining agreement for the graduate student employee or faculty member.

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 University Librarian and the COO 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.