

Gerald R. Ford School of Public Policy

1.12 Guidelines for Faculty Conflict of Interest/Conflict of Commitment

A. Identification of Potential Conflicts of Interest and Commitment

Potential conflicts of interest and commitment are inevitable where faculty are engaged, as they ought to be, with actors and institutions outside the University. Nor are these potential conflicts necessarily problematic. Rather, the University allows and encourages faculty to engage in outside activities and relationships that enhance the University's mission. It is nevertheless important that faculty 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 (COI) arises when external ties might appear to bias a faculty member's judgment in performing his or her University obligations. A potential conflict of commitment (COC) arises when a faculty 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. (See Standard Practice Guide (SPG) 201.65-1.)

It is important to note that there are no complete rules that can be written to fully describe what does and what does not constitute a COI or COC. This policy document provides examples of some potential COI or COC issues, but cannot provide a complete listing. At the end of the day, faculty members are expected to use good judgment and show integrity in their decision-making. Any activities that might raise potential questions about COI or COC – whether explicitly listed in these guidelines or not -- should be discussed with the dean or the dean's designate.

1. Potential Conflicts of Interest

A potential conflict of interest occurs when “personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of (1) compromising a faculty or staff member's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty or staff member's decision or behavior with respect to teaching and student affairs, appointment and promotions, uses of University resources, interactions with human subjects, or other matters of interest to the University; or (4) resulting in a personal or family member's gain or advancement at the expense of the University” (Standard Practice Guide 201.65-1.)

Examples of situations that could create potential conflicts of interest for Ford School faculty are listed below, as well as an indication about how such conflicts should be dealt with. This list is not exhaustive.

- In general, a faculty member may not accept a gift of substantial value (including gifts of services) from a University student or staff member, unless there is a family relationship or the equivalent. The same prohibition (and exception) applies to gifts from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.
- A faculty member may not require students or staff to contribute services or money to institutions or activities external to the University in which the faculty member has an interest, or to the faculty member personally. Where a student is given an opportunity through a faculty member to become associated with an external project, the student should receive compensation or credit – and it must be clear to the student that the association is at his or her option.
- A faculty member should not make more than de minimis use of University resources while engaging in outside non-scholarly activities¹;
- A faculty member should not use his/her UM title or affiliation to imply endorsement of a particular political position by the Ford School or by University of Michigan. (A statement of UM affiliation is permissible if used for identification purposes only.) A faculty member may not claim (orally or in writing) that the unit or the University supports or endorses the mission of an external person, institution, or organization;
- A faculty member who has a financial involvement with an outside business that does business with the University should disclose this as a potential conflict of interest, using the process described below;
- A faculty member who engages in research in which he/she (or his/her family and friends) have a financial interest in the outcomes of the research, should disclose this as a potential conflict of interest, using the process described below;
- A faculty member who establishes a business that competes with the services typically provided by University should disclose this as a potential conflict of interest, using the process described below;
- In general, a faculty member should not hire or advocate University employment of a family member or close friend. An exception might occur if

¹ For example, occasional use of UM e-mail servers, both for personal reasons and related to outside non-scholarly activities, typically does not constitute a COI. Using UM e-mail in a way that implies authorization and approval by the Ford School or by UM for a personal or non-scholarly outside activity is prohibited. Extensive e-mail use (frequent mass mailings or solicitations) that is related to personal or outside non-scholarly activities should occur on a private email account. Similar rules apply to UM-owned equipment, such as computers, where the additional usage comes at essentially zero marginal cost.

the friend is a colleague in the faculty member's field who is under consideration for a job; in this case, the faculty member should fully disclose his/her friendship prior to being actively involved in the hiring.

- A faculty member may generally accept honoraria and speaker fees. If a substantial time commitment is required, however, a potential conflict of commitment may arise and should be disclosed.
- A faculty member may incur reasonable meal and travel expenses that are reimbursable either by the University or by external organizations. However, a faculty member may not accept reimbursement that amounts to a gift of substantial value from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.

2. Potential Conflicts of Commitment

A potential conflict of commitment occurs when “a faculty or staff member’s external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with the University’s educational, research, or service missions, or with that individual’s ability or willingness to perform the full range of responsibilities associated with his or her position.” (Standard Practice Guide 201.65-1.) All faculty members with at least half-time University appointments, including visiting faculty, research faculty, clinical faculty and lecturers, owe their primary professional commitment to the University. A commensurate commitment of those faculty members’ time and intellectual energy must therefore be devoted to activities that further the University’s mission. To meet minimum time and effort commitments within the Ford School, tenured and tenure-track faculty members are expected to teach their full course load; participate in student advising; engage in an active and productive research life; fulfill administrative obligations, including participation on assigned school committees and in the hiring and tenure processes; regularly attend faculty meetings; and participate actively and regularly in student and faculty educational and collegial functions. Other faculty, researchers, and lecturers likewise owe the University time and effort commitments commensurate with their appointments.

Yet, involvement in research projects and professional activities outside UM is often an important part of scholarly activities. Some outside activities enhance one’s scholarly and disciplinary reputation and might be validly counted as part of one’s expected professional work as a research faculty member. Within the Ford School, some policy-related activities are expected of tenured faculty and are part of the salary review process. Other outside activities are less clearly related to one’s University appointment. In general, the sort of outside activities that might be part of expected activities for research faculty at the Ford School include such items as:

- Involvement with professional disciplinary associations, including involvement with their conferences or their decision-making bodies;

- Involvement with scholarly research projects that are organized by colleagues outside UM;
- Involvement as a reviewer or editor of scholarly work through peer-reviewed journals or academic presses;
- Involvement with research-related advisory groups, such as NSF or NAS sponsored panels and committees.
- Involvement with policy advising and analysis that fulfills the expectation that tenured faculty in the Ford School have some active involvement in policy-related activities.

It should be emphasized that any excessive involvement in outside activities can constitute a conflict of commitment, even for the examples listed above. Faculty who are taking on exceptional duties, say at a journal or on a policy advisory group, should consult with the dean about these activities. Extensive involvement in particular outside activities should be undertaken only with approval of the dean, and will require a mutual agreement about the time commitments involved and how these responsibilities will (or will not) affect a faculty member's teaching, research, and service obligations at the Ford School.

Many faculty regularly undertake outside activities, such as consulting or service on organizational boards that do not greatly enhance their scholarly reputation and professional standing. We refer to these as 'non-scholarly outside activities'. Some of these activities may be remunerated and some may not. Non-scholarly activities should be managed in a way that prevents them from interfering with one's paid job at the University. Examples of non-scholarly outside activities that might generate potential conflicts of commitment are listed below. This list is not exhaustive.

- Consulting for pay for other organizations and individuals;
- Service with non-for-profit, governmental, or for-profit organizations (local, national, or international) that are not scholarly organizations. This might include such things as membership on a board of directors or involvement with an organization's planning or fundraising committee;
- Involvement with political campaigns or policy advocacy groups;
- Teaching or preparing teaching materials for another school or organization;
- Establishing a business.

For full-time faculty, non-scholarly outside activities are permitted, up to a total of four days a month, if that other professional work does not interfere with the minimum expectations outlined above. 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 should be disclosed as described in Section B of this policy, below.

A primary basis for judging conflicts of commitment will be whether or not a faculty member is fulfilling his or her faculty responsibilities as a good teacher, an active researcher and an involved colleague. When these responsibilities are fulfilled and a

faculty member is available to students and colleagues when needed, it is unlikely that a conflict of commitment exists with other activities.

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

1. Disclosure of Potential Conflicts

Once each year, all faculty will be sent a copy of these COI/COC procedures and asked to complete their annual disclosure on the M-Inform system. Recurring or long-term commitments incurred by faculty must also be included in this disclosure.

In general, each faculty member must promptly disclose potential conflicts of interest or commitment to the dean or dean's designate (hereafter referred to as the 'designated individual') as they arise during the year by modifying their M-Inform disclosure.

The M-Inform system is accessible via the Wolverine Access gateway, via the faculty/staff tab. See <https://wolverineaccess.umich.edu>.

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the designated individual will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The designated individual may ask the faculty 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; 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. Examples of potentially appropriate consultation might include the following: 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.

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

- Disclosing the potential conflict to appropriate sources inside and outside the University;
- Modifying or limiting the faculty member's duties to minimize or eliminate the conflict;
- Reducing the faculty member's appointment to accommodate the outside interest or activity;
- Securing the faculty 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 faculty member's obligations to the University.

3. Record-Keeping and Issues of Confidentiality and Privacy

The designated individual will keep a record of action on disclosures made under this policy, in part to help develop a consistent practice of treating like cases alike. 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 kept in the individual faculty member's personnel file.

The designated individual will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the designated individual will keep all records that include personal information about named individuals in a secure file accessible only to the Chief Administrator and himself/herself. Where any other University faculty or staff member has a legitimate educational or business reason to access the documentation, then 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 Dean or the Chief Administrator provides copies of information in the files to a faculty or staff member, he or she must also ask that individual 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 designated individual may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the designated individual authorizes disclosure will be required to maintain at least the same level of confidentiality as applicable to the original information or documents. When records are released to others, the designated individual will inform the faculty member that this has occurred, as soon as such notification is appropriate.

C. *Dispute Resolution*

A faculty member may dispute any decision made in response to the disclosure or non-disclosure of a potential conflict of interest or commitment by appeal to the Ford School's Executive Committee.

If the faculty member is not satisfied with the decision of the Executive Committee, the faculty 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 the OVPR Conflict of Interest Review Committee. Other disputes between a faculty member and the Unit should be resolved through the normal grievance procedures.

D. *Education and Training*

This policy will be provided to new faculty at the time they are hired, and when they begin work at the University. At that time, the Dean will discuss the policy with the faculty member.

This policy will be circulated each fall to all returning faculty members, including visiting, clinical, and adjunct faculty. Faculty will be reminded of the policy and its requirements at the first faculty meeting of the year.

Whenever there is a reason to think it necessary, the Dean will remind the faculty as a whole, or individual faculty members, of the requirements of the policy.

E. *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 Unit and University procedures governing faculty misconduct will apply.

F. *Policy Review and Revision*

The Dean will annually review all actions taken under this policy and make recommendations regarding any needed revisions to the policy or any need for increased education. Any revisions in policy or practices will be discussed with the faculty. If the Dean determines that any of the changes he or she would like to adopt will materially change the policy, the modification will be adopted by the same procedures that were followed in adopting 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 to the President for final adoption.

This policy applies to all faculty of the Gerald R. Ford School of Public Policy, including both full- and part-time faculty, whether classified as regular instructional, clinical, adjunct, or visiting faculty.

G. *Governing Policies*

This policy implements Standard Practice Guide (“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 Unit 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 appropriate use of University resources, such as the libraries, office space, computers, secretarial and administrative support staff, and supplies;
- Office of Research and Sponsored Programs (ORSP) policies related to external funding agencies <https://orsp.umich.edu/glossary/conflict-interest-coi>; and
- 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 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.

Approved by the governing faculty April 18, 2006.

Approved by the Provost August 18, 2006

Approved by the President January 29, 2007

Procedural modification (M-Inform) draft September 7, 2018

- *Approved by EC September 17, 2018*

- *Approved by governing faculty October 2, 2018*