

SCHOOL OF INFORMATION

POLICY ON FACULTY CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT

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

Potential conflicts of interest and commitment are inevitable where faculty members are engaged, as they ought to be, with individuals 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. The purpose of this policy is to illuminate circumstances that potentially lead to conflicts and to describe the School's procedures for disclosure, management and resolution of conflicts. Conflict of interest requirements apply to all paid faculty, including visiting faculty, research faculty, part-time faculty, and paid adjunct faculty.

A potential conflict of interest arises when external ties might appear to bias or conflict a faculty member's judgment in performing his or her University obligations. A potential conflict of commitment 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.)

1. Potential Conflicts of Interest

Which situations call for disclosure (and possibly management) as potential conflicts of interest? The following list is meant to be illustrative of situations that require disclosure. In some situations below, management of the potential conflict will require the faculty member to remove himself or herself from the situation or the critical decision. In other situations, disclosure and/or oversight will be a sufficient management choice.

- i. Using University resources in activities that may lead to financial gain for the faculty member (or his or her family or friends) including requesting that staff perform work on behalf of a faculty members personal business.
- ii. Using the name of the University in promoting activities that may lead to financial gain for the faculty member (or his or her family or friends).
- iii. Interacting with School of Information students in external as well as internal roles, e.g., seeing students as clients or patients, employing students for non-University work.
- iv. Engaging in research in which a faculty member (or his or her family or friends) has a financial interest.
- v. Competing with the University for clients, contracts, etc.

- vi. Financial involvement of a faculty member (or his or her family or friends) with a vendor, or holding a position in a vendor's organization.
- vii. Having an external interest that could be implicated in internal University decisions, e.g., contracts, hiring, or research, or in giving advice.
- viii. Political activity in a faculty member's official University role and/or the use of University resources to support such activity. For example, a faculty 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. In addition to being contrary to this policy, such action constitutes a violation of State Law for which there are individual fines and penalties (Michigan Campaign Finance Act section, MCL 169.257).
- ix. Providing gifts to the University with the expectation of being given the authority to control the dispersal of such funds.
- x. Participation in hiring decisions involving relatives.
- xi. Supervision of relatives at any point in the reporting chain.

The following list continues to describe situations that may create potential conflicts but includes descriptions of de minimis situations that do not require disclosure.

- xii. A faculty member may not accept a gift of substantial value, currently defined by the School of Information as greater than \$25.00 (including gifts of services) from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract. The same prohibition (and exception) applies to gifts from a University student or staff member – unless there is a family relationship or the equivalent.
- xiii. 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. This time commitment is viewed as being a part of the total time allowed to faculty for other professional work (see 2 ii below).
- xiv. A faculty member may incur reasonable meal and travel expenses that are reimbursable either by the University or by external organizations. However, the same expense must not be reimbursed by both the external party and the University. Also, 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.
- xv. 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.
- xvi. A faculty member may not claim (orally or in writing) that the School or the University supports or endorses the mission of an external person, institution, or organization.

- xvii. University employees have an obligation to disclose to the Office of Technology Transfer (OTT) any intellectual property developed or discovered as described in Regents Bylaw 3.10. OTT will promptly review disclosures to advise the inventor(s) of appropriate options for commercialization, as well as any other questions relating to intellectual property resulting from University research. Additional information, including the University's current policy on intellectual property, can be found at <www.techtransfer.umich.edu/> or by contacting the central Office at 763-0614 or the College of Engineering Satellite Office at 647-7080.
- xviii. Ownership of scholarly works, textbooks, software and other copyrighted material created by a University employee is defined in the University Policy at <www.copyright.umich.edu/official-policy.html>.
- xix. Faculty employing University staff to work outside the University in a private capacity or staff working for faculty on UM business but doing so as a consultant or private services employee for a fee must be disclosed.

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 faculty member in question.

All faculty members, including visiting and clinical faculty, with at least half-time University appointments 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 School of Information these faculty members are expected to teach an average of nine hours a year; engage in an active and productive research life; fulfill administrative obligations, including participation on assigned department 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 part-time faculty, including adjunct faculty, likewise owe the University time and effort commitments commensurate with their appointments. For these faculty members to meet minimum time and effort commitments within the School, they must teach an agreed upon number of hours each year.

Even where obligations to the University are met, a faculty 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 faculty, without prior approval, to divert to other entities or institutions opportunities for research, education, clinical care or financial support that might otherwise flow to the University.

With these principles in mind, examples of potential conflicts of commitment are listed below, along with descriptions of *de minimis* situations that do not require disclosure. This list is meant to be illustrative and not exhaustive.

- i. Any work external to the School potentially raises a question of conflict of commitment. In general, however, any such work that contributes to the scholarly or educational goals of the School is permitted.
- ii. For full-time faculty, other professional work is permitted, up to a total of thirty-two hours 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.

- iii. A full-time professional faculty member may not establish a business that competes with the University.
- iv. Part-time faculty members need to disclose only commitments that have the potential for interfering with their minimum obligations to the University provided that other professional work does not restrict scholarly inquiry or otherwise interfere with the minimum expectations outlined above.
- v. The University year (U-Yr) appointment for a faculty member covers the period of time from September 1st through May 31st each year during which primary professional commitment to the University is expected (payment for this contract is distributed over 12 months). Faculty who are not receiving compensation for spring/summer term(s) are free to take on outside commitments during the months of June through August provided the professional activity for pay is wholly performed and completed between June 1 and August 31, and does not conflict with this policy statement.
- vi. Outside employment by faculty is not allowed except with approval of proper University authorities, which will be granted only when either or both of the following conditions exist: (1) when the work in question gives promise of enhancing the individual's usefulness as a teacher and scholar in the individual's field to a greater degree than a corresponding amount of work within the walls of the University, (2) when the work is of a distinctly public nature or when for any other reason the University wishes to be actively engaged in its furtherance.
- vii. Faculty members may not hold two active full-time salaried positions (Regent's Bylaws Section 5.12; University of Michigan Faculty Handbook Section 5.G.1).
- viii. Faculty members may not devote effort to preparing course materials exclusively for use at another university or exclusively for use in "internet teaching" outside of the University.
- ix. Consistent with conflict of interest and commitment principles, faculty 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, director, or executive officer, or their designee(s). This provision applies to works developed for compensation at other educational institutions, including for-profit and on-line 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)

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

1. Disclosure of Potential Conflicts

In general, each faculty member must promptly disclose potential conflicts of interest or commitment to the Associate Dean for Academic Affairs in writing as they arise. E-mail will suffice, if written from the faculty member's University e-mail account to the Associate Dean for Academic Affairs' University e-mail account.

Recurring or long-term outside commitments incurred by faculty must also be included in each faculty member's annual faculty activity report that is submitted to the Dean.

Faculty members are expected to use the above illustrative lists of situations when determining whether disclosure is necessary. Disclosure should be made, however, whenever there is any uncertainty whether the matter in question falls within the generally permitted, *de minimis* situations described above.

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the Associate Dean for Academic Affairs will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The Associate Dean 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:

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

In response to disclosure of a potential conflict, the Associate Dean for Academic Affairs may, after consulting with the faculty member determine that no action is necessary. In other cases, the Associate Dean may decide that it is sufficient to document the disclosure and his or her determination that no further management is required. If the Associate Dean 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:

- iv. Disclosing the potential conflict to appropriate sources inside and outside the University;
- v. Modifying or limiting the faculty member's duties to minimize or eliminate the conflict;
- vi. Reducing the faculty member's appointment to accommodate the outside interest or activity;
- vii. 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
- viii. 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 Associate Dean for Academic Affairs 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 Associate Dean will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the Associate Dean will keep all records that include personal information about named individuals in a secure file accessible only to himself or herself and the Dean. Initial disclosure and management plan documents will be held in the faculty member's secure file, while ancillary records will be destroyed three years after the potential conflict has been eliminated or otherwise ceases to exist. Where any other University faculty or staff member has a legitimate educational or business reason to access the documentation, then either the Associate Dean for Academic Affairs 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 the Associate Dean or the Dean 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 Associate Dean for Academic Affairs or the Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the Associate Dean for Academic Affairs or Dean authorizes disclosure 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 Associate Dean for Academic Affairs 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.

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 Dean's Faculty Advisory Committee and then to the Dean.

Following exhaustion of these procedures, 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 School 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 Associate Dean for Academic Affairs, the Director of Budget and Financial Administration or the Director of SI Human Resources will discuss the policy with the new 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 Associate Dean for Academic Affairs, the Director of Budget and Financial Administration or the Director of SI Human Resources 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 School and University procedures governing faculty misconduct will apply.

F. *Policy Review and Revision*

The Associate Dean for Academic Affairs will annually review all actions taken under 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 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. See <http://www.hr.umich.edu/procedures/spg201-65-1.htm>. A current version of this policy should be on file with the Provost's Office at all times.

This policy applies to all faculty of the School, including both full- and part-time faculty, whether classified as regular instructional, research, 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 School 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;

See <http://www.umich.edu/~regents/bylaws/bylaws02.html>

- 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;
- SPG 501.04-1, regarding travel and business hosting.

See <http://spg.umich.edu/>

- Office of Vice President for Research (OVPR) [Policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements](#); 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 and the Associate Dean for Academic Affairs 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.