

**SCHOOL OF NURSING
POLICY ON FACULTY CONFLICTS OF INTEREST AND
CONFLICTS OF COMMITMENT
REVISED – October 2018**

Introduction

Potential conflicts of interest (COI) and commitment (COC) 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.

The School of Nursing (UMSN) policy is to ensure disclosure of possible COIs and COCs and provide a process to discuss and manage possible issues and concerns or for a faculty member to ask a group of colleagues if a situation poses a COI or COC. Obviously, the UMSN policy must be consistent with the University of Michigan conflict of interest and conflict of commitment policy.

A potential COI arises when external ties might appear to bias a faculty member's judgment in performing his or her University obligations. Specifically, a potential conflict of interest exists whenever 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 member's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty member's decision or behavior with respect to teaching and student affairs, appointments 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. For purposes of subsection (4), family members include spouse, domestic partners and/or dependents (SPG, 201.65-1).

A potential COC arises when a faculty member engages in external relationships, activities or assumes external commitments that might appear to compromise his or her ability to fulfill the responsibilities of his or her University position. Such a situation exists when a faculty 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 (SPG, 201.65-1).

Overview and Background

The University Standard Practice Guide (SPG) 201.65-1 on COI and COC was revised July 15, 2005. As part of that revision, each operating unit was asked to draft policies and procedures for educating, managing and mitigating potential conflicts of interest and conflict of commitment situations. To assist in developing a School of Nursing (UMSN) policy, process, and set of practices, the University has provided several resources upon which a framework can be constructed. These include University policy and practice guidelines, University by-laws, and our own School practices. The framework developed is consistent with the University policies, and approved by the governing faculty.

Central to the University's SPG [201.65-1](#) is the University's "commitment to basic values of transparency, integrity of scholarship, and independence as it pursues its mission to create, preserve, and disseminate knowledge through teaching, research, and public service." The University policy also states the following: "Given that the University of Michigan allows and encourages outside activities and relationships that enhance the mission of the University, potential conflicts of interest and commitment

are inevitable. Outside activities should not, however, interfere with an individual's University obligations. Faculty 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." The SPG goes on to say that "All actual and potential conflicts of interest or commitment must be disclosed to a designated University official; evaluated; and if found to be significant, eliminated or managed..." The concept is to have COI/COC situations reviewed and recommendations made by a group of colleagues.

Examples of Potential Conflicts of Interest and Conflicts of Commitment (not meant to be exhaustive)

Situations that create a potential conflict of interest might include:

- A faculty member may accept honoraria and speaker fees. If a substantial time commitment is required, however, a potential conflict of commitment may arise.
- 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.
- A faculty member may not accept a gift of substantial value (including services) from a University student member—unless there is a family relationship or the equivalent. This rule applies to gifts from people or institutions that contract with the University.
- A faculty member may not require students to contribute services or money to institutions or activities external to the University in which the faculty member has an interest, or to himself/herself 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 her/his option.
- A faculty member may not represent that the unit or the University supports the mission of an external person, institution, or organization.

Gifts

A potential conflict exists when a vendor or student, current or potential, gives a gift to a faculty member. General University policy prohibits employees from accepting any gift of substantial value from vendors or from students (Regents' Bylaw 2.16). In line with general University policy and IRS regulations, an employee may not accept any gift from a vendor or from a student. Additionally, it is never appropriate to receive a gift of any value that is given with the expectation of receiving some favor or benefit in return.

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

- Faculty members with 50% or more appointments owe their primary professional commitment to the University. A commensurate commitment of time and intellectual energy must therefore be devoted to activities that further the University's mission as described in the School of Nursing Faculty Handbook.
- Other part-time faculty, including adjunct faculty, similarly owe the University time and effort commitments commensurate with their appointments.
- Even where obligations to the University are met, a faculty member may not engage in business activities that compete with or otherwise undermine the University's mission.

For other examples, see Appendix I.

Disclosure, Evaluation and Management of Potential Conflicts of Interest and Commitment

1. Disclosure of Potential Conflicts

- Each faculty member will promptly disclose all actual or potential COI/COC to their appropriate Dean, Associate Dean, Chair, Supervisor or Designee (SPG, 201.65-1) online via the M-Inform Disclosure System, and will raise the disclosure to the person to whom they report.
- All faculty must make disclosures as part of their annual performance review each year.
- Recurring or long-term commitments incurred by faculty must be included in the annual report of each faculty member to the Dean, Associate Dean, Chair, Supervisor or Designee.
- Disclosure need not be made where there is no conflict of the general nature cited above. However, disclosure should be made whenever there is any question whether the incident falls within the situations described above.

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment online via the M-Inform Disclosure System, the Office of Human Resources will forward the disclosure to the appropriate Dean, Associate Dean, Chair, Supervisor or Designee for review. The Dean, Associate Dean, Chair, Supervisor or Designee will evaluate the extent of the potential conflict to determine whether it is a conflict that needs to be managed or eliminated. The Dean, Associate Dean, Chair, Supervisor or Designee may ask the faculty member to provide additional information or documentation if necessary (see Appendix II for guide). The Dean, Associate Dean, Chair, Supervisor or Designee may determine that further consultation with the Director of Human Resources is necessary before a determination is made. In all cases, the Dean, Associate Dean, Chair, Supervisor or Designee will provide the manner in which the conflicts were resolved to the Director of Human Resources.

In response to a disclosure, and after consultation with the faculty member, the Dean, Associate Dean, Chair, Supervisor or Designee may determine that no action is necessary. In this case, this would be communicated to the Director of Human Resources. If the Dean, Associate Dean, Chair, Supervisor or Designee determines that management of the potential conflict is necessary, the Dean, Associate Dean, Chair, Supervisor or Designee will develop a conflict management plan in consultation with the faculty member and the Director of Human Resources for the School of Nursing. The 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.

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

- Where 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 or potential liability may be involved, with the Office of Vice President and General Counsel, and
- Where the disclosure involves a purchase of goods or services, by Purchasing.

3. Record-Keeping and Issues of Confidentiality and Privacy

The Director of Human Resources will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process. The Office of Human Resources will keep a record of action on disclosures made under this policy, in part to develop a consistent practice of treating similar cases alike. All records will be kept in a secure electronic file (on the shared drive for the Office of Human Resources and in M-Inform) accessible only to the Director of Human Resources, Assistant Dean for Administration, and/or Dean. In some circumstances, the University is required to disclose potential conflicts to people within or outside the University (e.g., federally funded research project, disclosure to the federal government is required). The University may be legally required to disclose information in response to the requests made under the Michigan Freedom of Information Act (FOIA) (<https://foia.vpcomm.umich.edu/>). Should any other individual have a legitimate educational or business reason to access the confidential records, only the Director of Human Resources, Assistant Dean for Administration and/or Dean may authorize access to the electronic file, provide copies, or provide oral or written summaries. Where possible, the individual to whom information is disclosed is required to maintain at least the same level of confidentiality as provided for the original information.

Any employee who becomes aware that the Director of Human Resources, Assistant Dean for Administration 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.

4. Dispute Resolution

When a faculty member disputes any decision made in response to the disclosure of a potential conflict of interest or commitment, s/he should first request that the action or decision be re-reviewed by the appropriate Dean, Associate Dean, Chair, Supervisor or Designee and the Director of Human Resources. A faculty member may then dispute any decision by first going to the Executive Committee and 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 (SPG, 201.65-1). Sponsored research/technology transfer must be handled in accordance with processes adopted by the University of Michigan Office of Research (UMOR) Conflict of Interest Committees. Other disputes between a faculty member and the unit should be resolved through normal grievance procedures as outlined in the School of Nursing Faculty Handbook.

The School of Nursing COI/COC Dispute Resolution Committee shall consist of three members from the Executive Committee, selected among themselves and approved by the Dean. They shall have two year staggered terms.

5. 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 (SPG, 201.65-1). 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. In addition, employees covered by collective bargaining agreements shall be subject to the provisions of this policy to the extent that they do not conflict with the relevant collective bargaining agreement. School of Nursing and University procedures governing faculty misconduct shall apply.

If the Dispute Resolution Committee and Dean report that the faculty member has engaged in a conflict of interest/commitment and the situation has not been resolved, the Dean will work with the Provost's Office, the University of Michigan Office of Research (UMOR), and the Office of the Vice President and General Counsel to determine appropriate responses.

Policy Review and Revisions

The Director of Human Resources will review all actions taken under this policy and will make recommendations to the Dean and the Assistant Dean for Administration regarding any needed revisions to the policy or any need for increased education, as needed. Any changes or revisions to the policy will be recommended to the Dean and discussed with faculty. Final changes will be submitted to the Office of the Provost and Executive VP for Academic Affairs for further review and approval and to the President for final adoption. This policy will be on file in the Provost's office.

Education and Training

Upon hiring into the School of Nursing, every faculty member shall receive a copy of the School of Nursing's Conflict of Interest/Conflict of Commitment Policy. Upon receipt, each faculty member must sign a statement that s/he has received a copy of the policy. A hard copy of this signed statement is maintained as part of the employee's personnel file. Annually, all faculty members are required to address COI/COC in their annual review with their Dean, Associate Dean, Chair, Supervisor or Designee and as they arise online via the M-Inform Disclosure system. The School of Nursing's COC/COI policy will be included in the new faculty orientation each year at both the School and department/unit levels and faculty will receive reminders from their Dean, Associate Dean, Chair, Supervisor or Designee annually at the first department/unit faculty meetings of the academic year.

Faculty members are also required to complete the online tutorial to ensure that they understand the topic of conflicts of interest and conflicts of commitment and the basic elements of what the University expects of them in this regard. Note that the tutorial is a University overview and does not cover the details of the School of Nursing's specific policy. Faculty should fully read this document to ensure compliance with School of Nursing policies. Additional information from the University of Michigan Tutorial on COI/COC can be found at https://www.provost.umich.edu/programs/COI_COC/faculty/index.html.

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 School of Nursing 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 [5.12](#), regarding outside employment of University faculty
<http://www.regents.umich.edu/bylaws/bylaws05b.html#3>;

- Regents' Bylaw [5.13](http://www.umich.edu/~regents/bylaws/bylaws05b.html#4), regarding governmental elected or appointed service <http://www.umich.edu/~regents/bylaws/bylaws05b.html#4>;
- Regents' Bylaw [5.14](http://www.umich.edu/~regents/bylaws/bylaws05b.html#5), regarding leaves of absence <http://www.umich.edu/~regents/bylaws/bylaws05b.html#5>;
- 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;
- University of Michigan Office of Research (UMOR) [Policy](http://research-compliance.umich.edu/conflict-interest-coi) on Conflict of Interest (COI) <http://research-compliance.umich.edu/conflict-interest-coi>;
- Michigan Compiled Laws [§ 15.321](#) et seq., regarding contracts of public employees with their employers; and
- 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 Dean, the Assistant Dean for Administration and the Director of Human Resources 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.

References

- Conflicts of interest and conflicts of commitment.* (2005). Retrieved from <http://spg.umich.edu/policy/201.65-1>
- Policy statement on the integrity of scholarship and procedures for investigating allegations of misconduct in the pursuit of scholarship and research.* (1994). Retrieved from <http://spg.umich.edu/policy/303.03>
- Outside employment.* Retrieved from <http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#3>

Appendix I

Additional Examples of Potential Conflicts of Commitment

- Any work external to the department potentially raises a question of conflict of commitment. However, any such work that contributes to the scholarly or educational goals of the department is permitted or is not a conflict.
- For full-time faculty, other professional work is permitted to a total of thirty-two hours a month if it does not interfere with the minimum expectations outlined above. If there is any question about whether a commitment falls within these categories, or if there is any potential for interfering with the minimum expectations above, the matter should be disclosed.
- A full-time faculty member may not establish a business that competes with the University.
- Part-time faculty need only disclose commitments that have the potential for interfering with their minimum obligations to the University.

Other examples of Conflicts of Interest

- Benefit by an investigator from the financial outcome of their research.
- Referrals to a business in which the faculty member or a member of his or her immediate family has an interest.
- Interest in a business that competes with the U-M.
- Publishing or presentation of research without disclosure of the investigator's related financial interest.
- Allowing University responsibilities to influence or benefit a company in which the investigator or a member of the investigator's immediate family has an interest.
- Participation in technology development in a company where the investigator or a member of the investigator's immediate family has an interest.
- Executive participation in a start-up company.

Appendix II

Because the University specifically requires that all potential conflicts of interest and commitment be disclosed to appropriate University authorities and that efforts to mitigate possible conflicts are in place, the subgroup investigating disclosures should be sure to include in its review this disclosure element. The following are **suggested questions** that could be addressed in the resolution process:

1. Did the faculty member engage in actions that constitute a potential COI/COC?
2. Did the faculty member properly disclose the potential for a COI/COC situation prior to engaging in the activity?
3. If the faculty member did disclose the potential conflict of interest, were the proper precautions put in place in advance to mitigate any possible COI/COC?
4. If the faculty member did not disclose the potential COI/COC and did participate in activities in which there may have been a COI/COC, was there evidence of any harm to any individuals, the school or the University?
5. If there was harm what are the recommended remedies?
6. If there was harm what are the recommended sanctions for the faculty member?
7. Has this faculty member been made aware of the policy and its possible consequences?
8. When was the last major review of the COI and COC policy with the entire school faculty?
9. Has the school taken proper precautions to ensure that all faculty are aware of their responsibilities relevant to the conflict of interest policy?
10. What is the recommendation of the committee to the school regarding education on the conflict of interest policy for faculty?

School of Nursing
Conflicts of Interest and Conflicts of Commitment
Policies for Faculty Certification Statement

I acknowledge that I have been given of a copy of the School of Nursing's Conflicts of Interest and Conflicts of Commitment Policies for Faculty. I understand that if I engage in an activity, which presents, or may appear to present, a conflict of interest or conflict of commitment, that I will promptly disclose it, online via M-Inform, and to my Dean, Associate Dean, Chair, Supervisor or Designee.

Please make sure you have completed the following items before signing and returning this form.

- I have thoroughly read the Conflicts of Interest/Conflicts of Commitment document.
- I have completed the required University website tutorial:
http://www.provost.umich.edu/programs/COI_COC/faculty/index.html

Signature _____ Date _____

Name (printed) _____