

Rackham Staff

Conflicts of Interest/Conflicts of Commitment Policy

If you are a new hire to the Graduate School, please follow the instructions below under **New Hires to Rackham**.

If you are a permanent staff member or a returning student or temporary employee and have previously completed the Rackham Conflicts of Interest/Conflicts of Commitment process, please follow the instructions under **Recertification** below.

<u>New Hires to Rackham</u>	<u>Recertification</u>
<ol style="list-style-type: none"> 1. Click on the following link to go to the <i>University of Michigan's Tutorial on Conflicts of Interest and Conflicts of Commitment</i> (this link will open in another window): http://www.provost.umich.edu/programs/COI_COC/staff/tutorindex.html 2. Complete the Tutorial, which takes approximately 30 minutes. 3. Print and sign the <i>Certificate of Completion</i> form and turn it into the Rackham HR Office. Continue through the rest of the steps on this page. 4. Review the <i>Rackham Policy on Staff Conflicts of Interest and Conflicts of Commitment</i> (below). 5. Go to the link at the end of this document and click it to complete the Conflicts of Interest/Conflicts of Commitment form. 	<ol style="list-style-type: none"> 1. Review the <i>Rackham Policy on Staff Conflicts of Interest and Conflicts of Commitment</i> (below). 2. Go to the link at the end of this document and click it to complete the <i>Conflicts of Interest/Conflicts of Commitment</i> form.

Rackham Graduate School

POLICY ON STAFF CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT

Last Revised:
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Introduction

Standard Practice Guide (SPG) 201.65-1, *Conflicts of Interest and Conflicts of Commitment*, requires the deans of the schools or colleges and the directors of administrative units to articulate and disseminate implementation policies that apply to faculty and/or staff within those units. The implementation policy and procedures for the Rackham Graduate School and its affiliated units are provided below. This policy and its procedures apply to all full-time staff, whether permanent or temporary, and to all permanent part-time staff, including student employees, in Rackham or its affiliated units. The University expects all staff to be familiar with the contents of SPG 201.65-1 and with the applicable set of Rackham implementation procedures.

A. Statement of Principles for the Rackham Graduate School's Policy

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. Outside activities should not interfere with an individual's University obligations. Staff 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. In accordance with its mission, however, the University of Michigan allows and encourages staff to engage in outside activities and relationships that enhance the mission of the University. As a result, potential conflicts of interest and commitment are inevitable, but these potential conflicts are not necessarily problematic. Rather, the essential point is that faculty and staff must disclose these potential conflicts of interest so that they can be evaluated and, if necessary, managed or eliminated.

The specific definitions for a *potential conflict of interest* and *potential conflict of commitment* in Section II.A of SPG 201.65-1 also apply to the procedures described below. Broadly defined, a potential conflict of interest encompasses external ties that may or may appear to improperly bias a staff member's judgment in performing his or her University job responsibilities. A potential conflict of commitment, broadly defined, encompasses situations in which a staff member's external relationships or activities may or may appear to interfere or compete with the University's mission, or with the staff member's ability or willingness to perform his or her job responsibilities.

B. Disclosing, Evaluating, and Managing Potential Conflicts of Interest and Conflicts of Commitment

1. *Disclosing potential conflicts of interest and conflicts of commitment*

Whenever a potential conflict of interest or conflict of commitment exists for a staff member, he or she must promptly disclose it, in writing, to the Rackham Dean's Human Resources Committee. (SPG 201.65-1, Section III.A.3.)

Examples of potential conflicts include (but are not limited to):

- Profiting by performing work already performed in the primary employing unit for another University unit for additional pay, e.g., utilizing the expertise or other resources (e.g., time, computer, supplies, facility) of Rackham to consult or present to graduate students, faculty or staff in another University unit for pay;
- Performing work for another University unit that takes an employee away from work that would be performed in the primary employing unit;
- Accepting additional employment with another University unit or a University vendor without prior approval for potential conflicts of interest or conflicts of commitment;
- Participating in decisions or deliberations in which an employee's own personal interests, financial or otherwise, or those of a family member, are or could be affected, (Note: As stated in SPG 201.65-1, family members include parents, siblings, a spouse or partner, children, and dependent relatives.), e.g., student status, funding, hiring, room scheduling, purchasing goods or services, or other resource allocation decisions; directing Rackham business to a family member's company;
- Performing activities for non-University entities, including University vendors with whom an employee may have active involvement in their University job, for pay, e.g., utilizing the expertise or resources (e.g., time, computer, supplies, facility) of Rackham to do consulting for an outside professional organization or other external agency, working for a vendor that caters events in Rackham;
- Performing work for a business which could be competing with the University for business, grants, etc.;
- Using University resources (e.g., time, computer, supplies, facility) for personal use, to personally profit, to avoid personal expenses, or in the course of running an employee's own business;
- Accepting expense reimbursement beyond reasonable expenses incurred for a business purpose for personal gain;
- Using an employee's University position or title in any way to market an employee's own business, or marketing an employee's own business to others while in the employee's University business role;
- Personally receiving stipends, honorariums, or expense reimbursements for speaking on behalf of the University or when in a University role when traveling and speaking on University time and/or expenses;
- Using an employee's University affiliation in order to receive payment for personal speaking engagements;
- Supervising a family member directly at the University;
- Accepting an incentive or benefit to gain access to a staff member's supervisor;
- Accepting gifts, meals, entertainment, or other items of value from vendors or other third parties that do or have business with the University (also see below), e.g., office supplies or other sample items from vendors hoping to do business with Rackham or its affiliated units; and
- Accepting gifts, meals, entertainment or other items of value from students, their families and other visitors.

Gifts

A potential conflict exists when a staff member is offered a gift. General University policy prohibits employees from accepting any gift of substantial value (Regents' Bylaw 2.16). The Rackham Graduate School defines a gift of substantial value as being worth more than \$25 US. Recognizing that gifts may be a culturally appropriate way for some students, particularly international students, to express appreciation for services performed, Rackham and its affiliated unit employees may accept perishable

gifts that are unable to be returned (e.g., flowers, food) or gifts less than \$25 US in estimated value. No gifts over \$25 US in estimated value or of a monetary nature (e.g., cash, checks, gift cards), and no gifts from external vendors doing, or hoping to do, business with Rackham or its units, may be accepted. Gifts exceeding the \$25 limit must be returned if possible or donated to a charitable organization. All gifts shall be reported promptly in writing, including the estimated dollar value of the gift and its status (e.g., accepted, returned, donated).

2. Evaluating disclosures of potential conflicts of interest or conflicts of commitment

The Rackham Dean's Human Resources Committee shall evaluate all disclosed potential conflicts of interest or conflicts of commitment. The Dean's HR Committee may require the staff member to provide additional information or documentation that may be relevant to evaluating the potential conflict of interest or conflict of commitment.

As needed, the Dean's HR Committee will consult with appropriate central administrative offices (e.g., Office of the Provost and Executive Vice President for Academic Affairs, University Human Resources, Office of the Vice President for Research, Office of the Vice President and General Counsel). (See also Section B.4, below.) As needed, the Committee will also consult with the staff member's supervisor.

3. Developing plans to manage potential conflicts of interest and conflicts of commitment

When the Dean's HR Committee has determined that a potential conflict of interest or conflict of commitment exists that must be managed or eliminated, the Committee must develop, in consultation with the employee, a recommended plan for managing the potential conflict. The Dean's HR Committee will then provide the plan to the employee's supervisor, who has authority for approving it. The supervisor will provide the employee with a copy of the approved conflict management plan and will discuss any related ambiguities or issues that arise.

4. Involving other University individuals or offices, as required

Purchasing

When a potential conflict involves a purchase of goods or services, the Dean's HR Committee must also disclose the conflict to the appropriate staff person in the University's Office of Purchasing Services, and also to the Rackham Budget and Accounts Budget Administrator responsible for overseeing Rackham purchases. If the Dean's HR Committee determines that a conflict exists that must be managed or eliminated, the Committee will consult with the Budget Administrator in developing a plan to manage or eliminate the conflict.

Research

When a potential conflict involves work performed for a research project, the Dean's HR Committee must inform the head of the research project. If the Committee determines that a conflict exists that must be managed or eliminated, it is the Committee's responsibility to ensure, in consultation with the head of the research project, that the conflict management plan does not conflict with requirements related to the research or to research funding.

C. Administering the Policy

1. Record-Keeping and Issues of Confidentiality and Privacy

When personal financial or associational documents are provided to the Dean's HR Committee, the documents shall be placed in a secure file accessible only to the Dean's HR Committee and the unit supervisor. Documentation of the staff member's disclosure and action taken shall be included within the secure file. The documentation 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.

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 the conflict. Also, the University may be legally required to disclose information in response to requests made under the Michigan Freedom of Information Act (FOIA) <http://www.umich.edu/~urel/foia.html>. In addition to the people listed above, should any other individual have a legitimate educational or business reason to access the confidential records, whether in the context of a federally sponsored project, a FOIA request, or otherwise, the Dean's HR Committee or the unit supervisor may authorize access to the file, provide copies, or provide oral or written summaries of the information in the file as may be required for the stated business purpose. Where possible, the individual to whom the Committee or unit supervisor authorizes disclosure shall be required to maintain at least the same level of confidentiality as applies to the original information or documents.

Administrators of this policy will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating a potential conflict of interest or commitment and, as applicable, in developing a plan to manage the conflict. (See Regents' Bylaw 14.07 *Privacy and Access to Information* and SPG 201.46 *Personnel Records – Collection, Retention and Release*.)

Any faculty or staff member who becomes aware of a Dean's HR Committee member or unit supervisor who has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the relevant supervisor. In the case of the Dean, the relevant supervisor is the Provost and Executive Vice President for Academic Affairs. To follow up, the supervisor will investigate the allegation and take appropriate personnel action.

2. Resolving Disputes

When a staff member disputes any action or decision related 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.

3. Conducting Education and Training

At the time of hiring or transfer into Rackham or one of its affiliated units, and/or the time of implementation of the policy, every staff member shall be provided with the Rackham Conflicts of Interest/Conflicts of Commitment Policy for Staff and asked to disclose potential conflicts of interest or conflicts of commitment in writing. All staff members employed by Rackham and its affiliated units will certify annually, on paper or online, that they have reviewed the policy and are in compliance. Rackham or its affiliated unit will record the fact of giving the Rackham policy to an employee. Disclosure shall also occur on a case-by-case basis throughout the year as potential conflicts arise. In addition, every staff member shall complete the on-line educational tutorial for overall University policy at http://www.provost.umich.edu/programs/COI_COC/staff/tutorindex.html, and a record of successful completion of the tutorial shall be printed, signed, dated and provided to the Dean's HR Committee.

4. Violations

Any violation of SPG 201.65-1 or this policy may be a cause for disciplinary action. There are several different activities that may constitute a violation including: 1) failure to disclose, 2) failure to agree to a plan to manage or eliminate, and 3) failure to comply with a plan to manage or eliminate potential conflicts of interest or conflicts of commitment. Any of the above would be considered a violation of the policy.

In the first instance, the employee's supervisor shall evaluate the violation and take appropriate action, if needed, in accordance with existing University policies and procedures. Consultation with the employee's Human Resources representative may be appropriate. The outcome of the supervisor's review and any actions taken shall be documented and included within the secure file maintained by the Dean's HR Committee. If appropriate, all relevant documentation may also be included within the employee's personnel file maintained as provided under SPG 201.46.

5. Policy Review and Revision

The Dean's HR Committee shall regularly review all potential conflict disclosures and actions taken with Rackham and its affiliated units to ensure a consistent approach to potential conflicts. The Dean shall similarly regularly consult and review potential conflict management issues with the Provost. If the Dean 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 <http://www.umich.edu/%7Ehraa/procedures/spg201-65-1.htm>. In particular, the Dean will submit any materially revised policy to the Provost for further review and approval and then to the President for formal adoption. A current version of the Rackham policy should be on file with the Provost's Office at all times.

D. Other 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 Rackham and its affiliated units 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/%7Eregents/bylaws/bylaws05b.html#4;>
- Regents' Bylaw 5.14, regarding leaves of absence
<http://www.umich.edu/%7Eregents/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 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 on Conflict of Interest in Sponsored Research and Technology Transfer Agreements <http://research.umich.edu/conflict-of-interest/> ; and
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.

To complete this process, please click on the link below and complete the form to certify that you have reviewed this policy and to disclose any potential conflicts of interest or commitment.

