

**SCHOOL OF ART & DESIGN
IMPLEMENTATION OF POLICY ON
FACULTY CONFLICTS OF INTEREST AND
CONFLICTS OF COMMITMENT
August 2007**

The School of Art & Design recognizes that our faculty participate in a wide range of outside scholarly activities and encourages participation in sponsored research, commissioned art work, consultation, and other activities that benefit the individual, his or her department, the University as a whole, and the wider community. At the same time, the School regards it as important that faculty members understand that their primary professional responsibilities and obligations are to the University of Michigan and that they know what they may do to ensure that these outside activities do not interfere with the expectations of the institution.

The foundation of our intellectual community is a shared commitment to honesty, integrity, and work in the best interest of the University.

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

The term **faculty**, as used in this policy, includes all tenured and tenure-track faculty (i.e. professors, associate professors, and assistant professors) and clinical track or visiting faculty with a 50% or greater appointment in the School of Art & Design. Lecturers and other teaching faculty with less than 50% appointments in the School are expected to adhere to the commitments outlined in their appointment letters or to practices and guidelines outlined in collective bargaining agreements.

Potential conflicts of interest and commitment can arise when faculty are engaged with individuals and institutions outside the University. These potential conflicts are not necessarily problematic, and the University allows and indeed encourages faculty to engage in such outside activities and relationships that enhance the University's mission. Nevertheless, it is important that faculty disclose any potential conflicts of interest or commitment as soon as they arise so that these conflicts can be evaluated and managed.

A potential **conflict of interest** 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** 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 (as defined in the Standard Practice Guide (SPG) 201.65-1.).

Faculty, as defined above, owe their primary professional commitment to the University, and therefore 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 commitments of time and effort within Art & Design, faculty members are expected to engage in teaching, creative work/research, administrative activities, and the overall educational

and collegial functions of the School in a manner commensurate with their appointment within the School.

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 otherwise might flow to the University.

B. *Examples of Potential Conflicts of Interest and Commitment*

With the above principles in mind, examples of situations where potential conflicts of interest or commitment may arise include, but are not limited to, the following:

- Engaging in outside professional activities including management, consulting, research, entrepreneurial, political, or charitable work (see **“Outside Professional Activities”** below).
- Using (or permitting the use) of creative work/research to further the mission and goals of other educational institutions or entities with whom the University competes.
- Hiring (or participating in the hiring decision) of a family member or an individual with whom the faculty member has a close personal relationship.
- 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).
- Using University resources, such as facilities, personnel (including students), equipment, and information as part of outside consulting activities or for other non-University purposes.
- Accepting gifts, entertainment, or other items of value (see **“Gifts”** below).
- Assigning as required material for a course a textbook in which the faculty member shares a financial interest.
- Obtaining/maintaining significant interest (financial or managerial) in an outside entity with which the University maintains a contractual interest or with whom the University competes for provided services.
- Performing service on outside for- or non-profit boards or in connection with professional or other associations.
- Providing educational contributions for which honoraria, speaker fees or travel expenses are provided (see **“Honoraria and Awards”** below).

1. Outside Professional Activities

Faculty in the School of Art & Design are encouraged to engage in creative/scholarly/outreach activities that enhance professional and instructional capabilities, that are distinctly public in nature, and/or that further the goals of the School and the University. Faculty schedules are configured to allow, on average, four (4) working days per month for these types of outside professional activities. When remuneration is received for these activities or in cases where the activities may be considered nonprofessional employment, general University

policy (Regents Bylaw 5.12) requires that faculty seek prior approval. In the School of Art & Design, such requests for approval are to be submitted in writing to the Executive Assistant to the Dean.

2. Gifts

General University policy (Regents Bylaw 2.16) prohibits employees from accepting gifts of substantial value from students, persons doing business or hoping to do business with the University, or anyone else based upon the employee's position at the University. Recognizing that gift giving may be a culturally appropriate way for individuals to express appreciation, particularly international students and visitors, A&D employees may accept perishable gifts (ex. food, flowers) that cannot be returned or gifts with an estimated value of \$25 US or less. A&D employees may not accept gifts of a monetary nature (ex. cash, gift cards) regardless of the value nor accept gifts of any value from vendors doing or hoping to do business with the University. Gifts with an estimated value exceeding \$25 US must be returned, or donated to a charitable organization if the employee will not benefit personally from the donation. The receipt and disposition of the gift must be reported in writing to the Executive Assistant to the Dean.

3. Honoraria and Awards

Acceptance of honoraria and speakers fees and/or awards and prizes in recognition of professional excellence need not be disclosed when the remuneration comes from professional societies, non-profit institutions, or public organizations. When remuneration comes from other sources (ex. an information technology company doing business with the University), disclosure is required.

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

1. Disclosure of Potential Conflicts

All faculty members must promptly disclose potential conflicts of interest or commitment, in writing or via email, to the Executive Assistant to the Dean. In addition to notification of immediate conflicts, faculty will be asked to certify annually, through the annual report process, that all conflicts of interest or commitment have been disclosed. Once a potential conflict has been disclosed, there is no need to re-report the conflict.

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the Executive Assistant to the Dean shall, in consultation with the Dean and Associate Deans as appropriate, evaluate the extent of the potential conflict and determine whether it is necessary to manage or to eliminate the potential conflict. The faculty member may be asked to provide additional information or documentation to assist in the evaluation.

In some circumstances, evaluation may require consultation with central administration offices. For example, consultation is necessary in the following circumstances:

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

Following evaluation, the Executive Assistant to the Dean will develop, in consultation with the Dean and Associate Deans as appropriate, a plan to address the conflict. That plan may include, but is not limited to:

- A determination that no action or documentation is necessary.
- Documenting the disclosure and evaluation and determination that no further action is required.
- 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.
- 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 Dean's Office will keep records of action on disclosures made under this policy, in part to develop consistent practices in the treatment of like cases. The record may be as simple as identifying the disclosure and including a notation that no further action was required. Appropriate records may also be maintained in the individual faculty member's personnel file.

All reasonable efforts will be made to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, all records that include personal information about named individuals will be kept in a secure file accessible only to the current Executive Assistant to the Dean, Associate Deans, and the Dean of School of Art & Design.

Records documenting initial disclosures and subsequent management plans will be retained for seven (7) years after the potential conflict has been eliminated or otherwise ceased to exist. Ancillary records related to the disclosure will be returned no later than three (3) years after the potential conflict has been eliminated or otherwise ceased to exist.

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 and how 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 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 appropriate Assistant to the Dean, Associate Dean, or the Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom disclosure has been authorized 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 Executive Assistant to the Dean, Associate Deans, or the Dean has provided or may have provided unwarranted access to conflict documentation or information, as defined in this implementation, should inform the relevant superior for appropriate action.

D. *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 following the Faculty Grievance Procedure outlined in Section XIV of the Faculty By-Laws of the School of Art & Design. 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.

E. *Education and Training*

University policy information – including tutorials – can be found on the Provost's website at http://www.provost.umich.edu/programs/COI_COC/index.html

The School of Art & Design will provide access to the full text of the Art & Design Implementation Policy on Faculty Conflicts of Interest and Conflicts of Commitment on the School's website and/or public file server. The policy will be referenced in all offer letters, and faculty will be asked re-certify annually their compliance with the policy. Discussion and instruction on management of the policy will be included in training for the Executive Assistant to the Dean and Associate Deans.

F. *Violations*

Any failure by faculty to comply with SPG 201.65-1, its procedures, or this implementation 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. 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.

Violations should be reported in writing to the Executive Assistant to the Dean, or to the Dean when violations involve the actions of the Executive Assistant. Resolution of the violation will be developed by the Executive Assistant to the Dean or the Dean, in consultation with the Associate Deans and central administration offices as appropriate, and in accordance with existing University procedures governing faculty misconduct.

G. *Policy Review and Revision*

The Dean, Associate Deans, and Executive Assistant to the Dean will annually review all conflicts under management within this policy and make recommendations regarding necessary revisions to the policy or the need for increased education. Any revisions in policy or practices will be discussed with the faculty prior to implementation. If recommended changes will materially change the policy, the Dean will follow the procedures used to adopt 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 then to the President for formal adoption. A current version of the School of Art & Design's policy should be on file with the Provost's Office at all times.

H. *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 Art & Design 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 copyright and other appropriate use of University resources, such as the libraries, office space, computers, secretarial and administrative support staff, and supplies
- Office of Vice President for Research
OVPR(<http://www.research.umich.edu/policies/um/coi/>)
- The School of Art & Design Faculty By-Laws
- American Association of University Professors Statement on Professional Ethics (as well as other discipline-specific professional ethics codes and statements)
- The Provost's Office August 2005 "Policy Statement on the Use of Faculty Research and Discretionary Accounts"
- 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 Deans as Unit COI/COC Managers should be attentive to preserving 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