

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

SPG 201.65-1 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 staff in the School of Art & Design 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 in the unit. The University expects all staff to be familiar with the contents of SPG 201.65-1 and with the applicable set of unit implementation procedures.

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

The term **staff**, as used in this policy, includes all full-time staff, whether permanent or temporary, and all permanent part-time staff in the School of Art & Design.

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 can occur, and these potential conflicts are not necessarily problematic. Rather, the essential point is that staff must disclose these potential conflicts of interest so that these conflicts can be evaluated and, if necessary, managed.

When implementing SPG 201.65-1, academic and administrative units must also consider existing rules of conduct applicable to the staff, including rules that relate to activities within the University and rules that govern outside activities. These include:

- Regents' Bylaw 5.13, related to governmental elective/appointed service;
- SPG 201.12, related to misconduct and discipline;
- SPG 201.23, related to hiring of relatives or those with a close personal relationship;
- and
- SPG 201.85, related to work performed for other University units.

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 or when an employee uses state resources to influence a political campaign. 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. *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.
- Hiring (or participating in the hiring decision) of a family member or an individual with whom the staff member has a close personal relationship.
- Participating in decisions or deliberations where the staff member's own personal financial interests or those of family or close personal friends are or could be affected.
- Using the name of the University in promoting activities that may lead to financial gain for the staff 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 from vendors or other third parties who have business with the University or from students, their families and other visitors (**see "Gifts" below**).
- 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.

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.

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

1. Disclosure of Potential Conflicts

Whenever a potential conflict of interest or conflict of commitment exists for a staff member, he or she must promptly disclose it, in writing or via email, to his or her supervisor and the Executive Assistant to the Dean. (SPG 201.65-1, Section III.A.3.) In addition to notification of immediate conflicts, staff 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 supervisor shall, in consultation with the Executive Assistant to the Dean, evaluate the extent of the potential conflict and determine whether it is necessary to manage or eliminate the potential conflict. The staff member may be asked to provide additional information or documentation to assist in the evaluation. The Dean or Associate Deans may be asked to assist in the evaluation as well.

In some circumstances, evaluation may require consultation with central administration offices, including the Office of the Provost and Executive Vice President for Academic Affairs, Office of Human Resources and Affirmative Action, Office of the Vice President for Research, and the Office of the Vice President and General Counsel. Specific requirements related to Purchasing and Research are noted below.

- **Purchasing** – When a potential conflict involves a purchase of goods or services, the supervisor or Executive Assistant to the Dean must disclose the conflict to the appropriate staff person in the University’s Office of Purchasing Services, and also to the unit staff member responsible for handling unit purchases. If the supervisor determines that a conflict exists that must be managed or eliminated, he or she will consult with these individuals in developing a plan to manage the conflict.
- **Research** – When a potential conflict involves work performed for a research project, the supervisor must inform the head of the research project. If the supervisor determines that a conflict exists that must be managed or eliminated, it is his or her 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. The head of the research project may have an obligation to report the situation to the Office of the Vice President for Research.

Following evaluation, the supervisor and 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 staff member's duties to minimize or eliminate the conflict.
- Securing the staff 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 staff member's obligations to the University.

3. Record-Keeping and Issues of Confidentiality and Privacy

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. (See Regents' Bylaw 14.07 *Privacy and Access to Information* and SPG 201.46 *Personnel Records – Collection, Retention and Release*.) 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 including a notation that no further action was required.

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 supervisor, 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 staff member may dispute any decision made in response to the disclosure or non-disclosure of a potential conflict of interest or commitment by first asking that the decision or action be reviewed by his or her supervisor. If, following that review, the staff member is not satisfied with the action or decision, the staff member may initiate existing University policies and procedures for handling disputes.

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. Upon hiring into or transferring into the School, every staff member will be provided with the policy, and staff will be asked to re-certify annually their compliance with the policy through the annual report process. Discussion and instruction on management of the policy will be included in training for the supervisors, the Executive Assistant to the Dean, and Associate Deans.

F. *Violations*

Any failure by staff 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 supervisor, who will, in consultation with the Executive Assistant to the Dean (or the Dean, in violations that involve the Executive Assistant), will evaluate the violation and take appropriate action in accordance with University policies and procedures. Consultation with the employment unit'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 Executive Assistant to the Dean. If appropriate, all relevant documentation may also be included within the employee's personnel file maintained as provided under SPG 201.46.

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. Policy changes and revisions will be communicated to the staff via email, with updated policies made available on the School's website.

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 5.13, regarding governmental elected or appointed service
- Regents' Bylaw 5.14, regarding leaves of absence
- 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 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 policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements.
(<http://www.research.umich.edu/policies/um/coi/>)
- 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