



**University of Michigan  
School of Dentistry**

**ADMINISTRATIVE POLICIES AND GUIDELINES**

Subject: ***FACULTY CONFLICTS OF INTEREST (COI) and CONFLICTS OF COMMITMENT (COC)***

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Author: **Dean's Office** UM SPG Refs: **See below**

Comments:

**I. POLICY PURPOSE:**

It is the policy of the University of Michigan School of Dentistry ("UMSD") to address potential or actual Conflicts of Interest or Conflicts of Commitment promptly and fairly in order to ensure that they are reduced, managed or eliminated as appropriate. All UMSD faculty are required to promptly report any potential or actual Conflicts of Interest or Conflicts of Commitment.

The purpose of this Policy is to enable UMSD to identify and manage as appropriate Conflicts of Interest or Conflicts of Commitment.

**II. POLICY STATEMENT**

**III. SCOPE:**

This policy applies to all UMSD faculty. To the extent that a UMSD faculty member also serves as an executive/senior officer of the university, their potential conflicts will be governed by and must be disclosed according to the conflict of interest policy set forth by the University of Michigan Board of Regents in Regent bylaw 1.14.

#### **IV. DEFINITIONS:**

**Adjunct Faculty:** "Adjunct Faculty" means those appointments at UMSD for professorships that are less than 50%, which may be compensated or uncompensated. "Adjunct Faculty" also includes Faculty that hold a "Dean's Faculty" designation for purposes of UMSD Bylaws.

**Conflict of Commitment:** A "Conflict of Commitment" or "COC" exists when a UMSD faculty member's external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with the University's or UMSD's education, research, or service missions, or the faculty member's ability or willingness to perform the full range of responsibilities associated with his or her position.

**Conflict of Interest:** A "Conflict of Interest" or "COI" exists whenever personal, professional, commercial, or financial interests or activities outside of the University or UMSD have the possibility (either in actuality or in appearance) of:

- Compromising a faculty member's judgment,
- Biasing the nature or direction of scholarly research,
- Influencing a faculty member's decision or behavior with respect to teaching and student affairs, appointments and promotions, uses of University or UMSD resources, interactions with patients or human subjects, or other matters of interest to the University or UMSD, or
- Resulting in a personal gain for a faculty member or for their Family Members' gain or advancement at the expense of the University or UMSD.

**Conflict of Interest Board:** "Conflict of Interest Board" or "COI Board" means the governing body that reviews and approves Conflicts of Interest related to research or technology transfer as delegated by the Office of the Vice President for Research and other matters designated by UMSD.

**Faculty:** "Faculty" means those individuals with a primary appointment, either full or part-time, at UMSD excluding Adjunct Faculty and Visiting Faculty.

**Family Members:** "Family Members" are the faculty member's spouse, domestic partner and dependents.

**Outside Interest:** "Outside Interest" is an external activity, relationship or interest, whether paid or unpaid, related to a UMSD faculty member's work or position at UMSD that could result in a benefit to the faculty member or to their Family Members.

#### **V. POLICY STANDARDS**

##### **A. IDENTIFICATION OF POTENTIAL CONFLICTS OF INTEREST AND COMMITMENT**

Potential conflicts of interest and commitment are inevitable where faculty are engaged, as they ought to be, with actors and institutions outside the University. Nor are these

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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.

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. (See Standard Practice Guide (SPG) [201.65-1.](#))

### 1. Potential Conflicts of Interest (COI)

Examples of potential conflicts of interest include, but are not limited to, the following:

- A faculty member may not accept a gift of substantial value (including gifts of services) from a University student or staff member – unless there is a family relationship or the equivalent. The same prohibition (and exception) applies to gifts from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.
- 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.
- 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 where the faculty member participates in decisions concerning that contract.
- A faculty member may not require students or staff to contribute services or money to institutions or activities external to the University, including those instances 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.
- A faculty member may not claim (orally or in writing) that the unit or the University supports or endorses the mission of an external person, institution, or organization.

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- The University nepotism policy must be followed in the hiring of family members or those with which a faculty member has a close personal relationship. This includes hiring for part-time, temporary positions as well as regular non-instructional and instructional staff positions. Close personal relationships must be disclosed to the Chair/Director and written policies for managing any relationships involving supervision or evaluation must be developed by the unit ([SPG 201.23](#)).
- The University Faculty-Student Relationship policy must be adhered to in all circumstances. Disclosure to the Chair of any relationships covered by the policy is required ([SGP 601.22](#)).
- At the University of Michigan, students often have the opportunity to take courses from leading authors in a discipline. A faculty member may assign his/her own textbook to students according to the guidelines of the American Association of University Professors [policy statement](http://www.aaup.org/report/professors-assigning-their-own-texts-students) (<http://www.aaup.org/report/professors-assigning-their-own-texts-students>): Excerpting from this policy: “The right of individual professors to select their own instructional materials, a right protected under principles of academic freedom, should be limited only by such considerations as quality, cost, availability, and the need for coordination with other instructors or courses. Professors should assign readings that best meet the instructional goals of their courses, and they may well conclude that what they themselves have written on a subject best realizes that purpose. In some cases, indeed, students enroll in courses because of what they know about the professor from his or her writings, and because they hope to engage in discussion with the professor about those writings in the classroom. Because professors are encouraged to publish the results of their research, they should certainly be free to require their own students to read what they have written. At the same time, however, students in a classroom can be a captive audience if they must purchase an assigned text that is not available either on library reserve or on a restricted Web site. Because professors sometimes realize profits from sales to their students (although, more often than not, the profits are trivial or nonexistent), professors may seem to be inappropriately enriching themselves at the expense of their students.” Therefore, faculty members intending to assign their own textbooks should disclose this to their Chair/Director for review.”
- Faculty may not have direct dealings with students in the sale of books, instruments, lectures, notes or similar materials.

### 2. Potential Conflicts of Commitment (COC)

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, 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

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minimum time and effort commitments within the School of Dentistry, these faculty members are expected to fulfill all teaching obligations associated with their appointment; 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. For faculty employed under the terms of a collective bargaining agreement, the applicable agreement describes the expected professional commitments.

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 which otherwise might flow to the University.

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 of Dentistry, they must teach an agreed upon number of hours each year.

With these principles in mind, examples of potential conflicts of commitment include, but are not limited to, the following:

- Any work external to the department potentially raises a question of conflict of commitment. In general, however, any such work that contributes to the scholarly or educational goals of the department is permitted.
- 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 C of this policy, below.
- A full-time faculty member may not establish a business that competes with the University.
- Part-time faculty members need disclose only commitments that have the potential for interfering with their minimum obligations to the University if that other professional work does not restrict scholarly inquiry or otherwise interfere with the minimum expectations outlined above.
- A faculty member who accepts a tenure track or tenured position at the University of Michigan must resign from any tenure track or tenured position held at another institution of higher education prior to the start date of the UM appointment(s) ([Regent's Bylaws Section 5.12](#); University of Michigan Faculty Handbook Section [5.G.1](#)).

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- Faculty members may not devote effort to preparing course materials for use exclusively at another university or exclusively for use in “internet teaching” outside of the University.
- 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, unit 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 Outside Interests and Potential Conflicts

When to disclose? In general, each faculty member must promptly disclose potential conflicts of interest or commitment to the Chair of the faculty member’s academic department, or head of the administrative or functional unit in the School of Dentistry, should their primary appointments reside outside of an academic department. All full-time faculty must make disclosures of their Outside Interests as part of their annual performance reviews, or no later than August 1<sup>st</sup> of each year. In addition, all faculty (full-time and part-time) must make disclosures within one week if a previously unreported actual or potential COI/COC occurs or may occur. Recurring or long-term commitments incurred by faculty must also be included in the annual report of each faculty member to the Dean. Part-time faculty may be required to disclose their outside interests because of their inclusion on certain research projects, as determined by the Office of the Vice President for Research.

How to disclose? The School of Dentistry employs an online, secure disclosure process for faculty and staff. The system can be accessed from the School of Dentistry MiTools intranet site or directly at the following URL: <https://maislinc.umich.edu/>. This is the only acceptable method of making a disclosure. Disclosures made by email, verbally or in writing will not be accepted. Any problems accessing the disclosure system should be addressed by contacting the School of Dentistry Compliance Officer or by email at: [Dental.Disclosure@umich.edu](mailto:Dental.Disclosure@umich.edu).

#### 2. Management of Potential Conflicts

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Upon disclosure of a potential conflict of interest or commitment, the Chair will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The Chair may ask the faculty member to provide additional information or documentation if necessary. The Chair may determine that further consultation with the Associate Dean for Faculty Affairs or the Dean for the School of Dentistry is necessary before a determination is made. In all cases, the Chair will provide copies of all disclosures of actual or potential conflicts and the manner in which the conflicts were resolved to the Associate Dean for Faculty Affairs of the School of Dentistry.

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:

- Where the 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; and
- 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. Examples of potentially appropriate consultation might include the following: where the disclosure involves sponsored research or technology transfer, with the Office of the Vice President for Research; where there may be a conflict between two academic units, with the Provost's Office; where legal obligations or potential liability may be involved, with the General Counsel's Office; and where the disclosure involves a purchase of goods or services, with Purchasing.

In response to a disclosure of a potential conflict, the Chair may, after consulting with the faculty member, determine that no action is necessary. In other cases, the Chair may decide that it is sufficient to document the disclosure and his or her determination that no further management is required. If the Chair determines that management of the potential conflict is necessary, however, he/she will develop a conflict management plan in consultation with the faculty member. That plan may include, but is not limited to:

- Disclosing the potential conflict to appropriate sources inside and/or 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;

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- 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.

### 3. Record-Keeping and Issues of Confidentiality and Privacy

The School of Dentistry Associate Dean for Faculty 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. When no further action is required, a notation to that effect should be entered on the disclosure description. Appropriate records will also be maintained in the individual faculty member's personnel file.

The Associate Dean for Faculty Affairs 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 for Faculty Affairs will keep all records that include personal information about named individuals in a secure file accessible only to the School of Dentistry Associate Dean for Faculty Affairs, the Chair and the Dean of the School of Dentistry (and his/her designee (s)). Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then either the School of Dentistry Associate Dean for Faculty 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 for Faculty Affairs 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. In addition, 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 Faculty 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 Faculty 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 Faculty 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.

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The Associate Dean for Faculty Affairs should ensure that the unit purges the documentation from the faculty member's file three years after the potential conflict no longer exists, except where University record retention policies require the unit to retain the records for a longer period (e.g., as specified in [SPG 201.46](#)).

### **C. Dispute Resolution**

When a faculty member disputes any action or decision related to a potential conflict of interest or conflict of commitment, the faculty member should first request that the action or decision be re-reviewed by his or her Chair and the Associate Dean for Faculty Affairs. 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, first to the School of Dentistry Executive Committee and then to the Dean. Following exhaustion of these unit-specific procedures, the faculty member may dispute any action or decision under this policy in accordance with applicable University procedures. Disputes regarding sponsored research/tech transfer must be handled in accordance with processes adopted by OVPR Conflict of Interest Review Committee <http://www.research.umich.edu/policies/um/coi/>. Other disputes between a faculty member and the unit should be resolved through the normal grievance procedures, including, where applicable, collective bargaining agreement grievance procedures.

### **D. Education and Training**

Information about this policy's requirements is included in the Compliance Agreement, which is provided to all faculty and staff upon hire and annually. This Policy is also available on the School's website, and will be referenced in annual messages regarding Conflict of Interest, Conflict of Commitment, and employee disclosure requirements.

### **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. Should it appear that a violation of this policy has occurred; the Associate Dean for Faculty Affairs will investigate the potential violation in cooperation with the School of Dentistry Compliance Officer and make a judgment and recommendation for action to the Chair. Should the faculty member dispute the findings and recommendation, s/he may appeal to the Executive Committee.

### **F. Policy Review and Revision**

The School of Dentistry Associate Dean for Faculty 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 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. <<http://www.umich.edu/%7Ehraa/procedures/spg201-65-1.htm>> A current version of the School of Dentistry's policy should be on file with the Provost's Office at all times.

This policy applies to all faculty of the School of Dentistry, including both full- and part-time faculty, whether classified as regular instructional, clinical, research, adjunct, or visiting faculty.

### G. 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 Dentistry 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.umich.edu/~regents/bylaws/bylaws05b.html#3>;
- Regents' Bylaw [5.13](#), regarding governmental elected or appointed service  
<http://www.umich.edu/~regents/bylaws/bylaws05b.html#4>;
- Regents' Bylaw [5.14](#), 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;

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- 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/conflict_ovpr_drda_tmo.html) [http://www.research.umich.edu/policies/um/conflict\\_ovpr\\_drda\\_tmo.html](http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html); and
- Michigan Compiled Laws [§ 15.321](#) et seq., regarding contracts of public employees with their employers.
- 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 and the School of Dentistry Associate Dean for Faculty 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.

**VI. REFERENCES/RESOURCES**

EXHIBIT A COMMON CONTRACT TERMS AND TYPES –OVERVIEW

EXHIBIT B FREQUENTLY ASKED QUESTIONS REGARDING COI/COC