

University of Michigan
School of Music, Theatre & Dance
Conflicts of Interest and Conflicts of Commitment
Staff Policy

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 School of Music, Theatre & Dance 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. *Statement of Principles*

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 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 to influence for personal gain or advancement for themselves, their parents, siblings, spouse or partner, children, dependent relatives, or other personal associates.

In accordance with its mission, the University of Michigan allows and encourages staff members 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 or commitment as soon as they arise so that the potential conflict may be evaluated and, if necessary, managed or eliminated.

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

- Regent's Bylaw 5.13, related to governmental elective/appointed service <http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#4>;

- 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.

B. *Definitions of Conflicts of Interest and Conflicts of Commitment*

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 this document. Broadly defined:

- A potential conflict of interest (COI) occurs when personal, professional, commercial, or financial interests or activities outside of the staff person's position have the possibility (either in actuality or in appearance) of (1) compromising a staff member's judgment; (2) biasing the nature or direction of scholarly research or administrative decisions; (3) influencing a staff member's decision or behavior with respect to student affairs, appointment 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.

- A potential conflict of commitment (COC) occurs when a staff 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.

C. *Disclosing, Evaluating, and Managing Potential Conflicts of Interest and Conflicts of Commitment*

1. Disclosure of 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 his or her supervisor and/or department manager. (SPG 201.65-1, Section III.A.3.) If possible, disclosure should be made before the activity begins in order to effectively evaluate, and if necessary, manage the potential conflict.

Disclosure need not be made where there is no violation of the general principles outlined above but disclosure should be made whenever there is any question whether the incident falls within the situations described throughout this document.

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

- Performing work for other University departments or units for additional pay;
- Participating in decisions or deliberations where your own personal financial interests are or could be affected;
- Participating in decisions or deliberations where a family member is or could be affected, financially or otherwise (note: As stated in SPG 201.65-1, family members include parents, siblings, a spouse or partner, children, and dependent relatives.);
- Performing activities for non-University entities for pay;
- Accepting gifts, entertainment, services or other items of value from vendors or other third parties that do or will have business with the University (see detail below);
- Accepting an incentive or benefit to gain access to a staff member's supervisor;

Gifts

A potential conflict exists when a vendor, current or potential, gives a gift to a staff member. General University policy prohibits employees from accepting any gift of substantial value from vendors or from students (Regents' Bylaw 2.16.) The School of Music, Theatre & Dance defines a gift of substantial value as being worth more than \$25 US. Irrespective of a gift's value, it is always a conflict of interest for an employee to accept a gift where the external person or organization intends to create a *quid pro quo* arrangement with the employee.

It is important to note that there are no complete rules that can be written to fully describe what does and what does not constitute a COI or COC. This policy document provides examples of some potential COI or COC issues, but cannot provide a complete listing. Any activities that might raise potential questions, whether explicitly listed in these guidelines or not, should be discussed with the employee's supervisor and/or department manager.

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

The employee's supervisor and/or department manager shall review and evaluate all disclosed potential conflicts of interest and conflicts of commitment with the Staff COI/COC Committee (consisting of the SMTD HR Coordinator, Business Administrator, and Chief Administrative Officer). The department manager 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 department manager and the Staff COI/COC Committee will consult with appropriate central administrative offices (e.g., 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, Office of the Vice

President and General Counsel) (See also Section B.4 below.) As needed, they will also consult with the Dean and/or Associate Deans.

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

If the department manager and Staff COI/COC Committee find that a potential conflict of interest or conflict of commitment needs to be managed or eliminated, the manager must develop, in consultation with the employee, a recommended plan for managing or eliminating the potential conflict. The department manager will then provide the plan to the Staff COI/COC Committee for review and approval. The manager will provide the employee and his or her direct supervisor (if applicable) 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: If the department manager and Staff COI/COC Committee find that a potential conflict of interest or conflict of commitment involving the purchase of goods or services needs to be managed or eliminated, the department manager must also disclose the potential conflict to the appropriate staff person in the University's Office of Purchasing Services, as well as the unit staff member responsible for handling unit purchases, and consult with these individuals in developing a plan to manage or eliminate the conflict.

Research: When a potential conflict involves work performed for a research project, the employee's manager must inform the Principal Investigator of the research project and the Associate Dean for Research & Planning. If the department manager and the Staff COI/COC Committee determine that a conflict exists, which must be managed or eliminated, it is the manager's responsibility to ensure, in consultation with the Principal Investigator of the research project and the Associate Dean for Research & Planning, that the conflict management plan does not conflict with requirements related to the research or to the research funding.

D. Administering the Policy

1. Record-Keeping and Issues of Confidentiality and Privacy

The Business Administrator will keep a record of action on disclosures made under this policy, in part to help develop a consistent practice across cases. The record may be as simple as identifying the disclosure and, when no further action is required, including a notation to that effect on the disclosure description. Appropriate records may also be kept in the individual staff member's personnel file.

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 to the federal government (without providing identifying information) and to indicate whether, and how, the University 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) <http://www.umich.edu/~urel/foia.html>. Should any other individual have a legitimate reason for access to confidential records, whether in the context of a federally sponsored project, a FOIA request, or otherwise, the Business Administrator may authorize access to the file, provide copies, or provide oral or written summaries. When a staff member's records are released to others, the Business Administrator will inform the staff member as soon as such notification is appropriate.

All reasonable efforts will be made to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the Business Administrator will keep all records that include personal information about named individuals in a secure file accessible only to the Dean's designated staff. Where any other University faculty or staff member has a legitimate educational or business reason to access the records, then 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 Dean approves the release of records for a faculty or staff member, the Dean will request that the individual requesting the records to maintain the same level of confidentiality as applicable to the original information or documents.

Any faculty or staff member who becomes aware that the Business Administrator has provided or may have provided unwarranted access to conflict documentation, as defined in this policy, should inform the Dean of the School of Music, Theatre & Dance. The Dean will investigate the allegation and, where appropriate, take necessary action.

The Staff COI/COC Committee shall ensure that the unit purges the documentation from the staff member's file three years after a 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.)

2. *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 appeal to the Dean of SMTD. If the staff member is not satisfied with the decision of the Dean, the staff 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 COI/COC Review Committee. Other disputes between a staff member and SMTD should be resolved through the normal Human Resources' grievance procedures.

3. Conducting Education and Training

Upon hiring into or transfer into the unit, and/or at the time of implementation of the policy, every staff member shall be provided with the School of Music, Theatre & Dance Conflicts of Interest / Conflicts of Commitment (COI/COC) Staff Policy and have an opportunity discuss the policy with the department manager or a member of the Staff COI/COC Committee. Staff shall also be directed to utilize the educational tutorial provided by the University located on the office of the Provost website at http://www.provost.umich.edu/programs/COI_COC/tutorindex.html.

In addition, staff will review the SMTD COI/COC requirements with their department manager and/or supervisor at their annual performance reviews to address any questions and confirm compliance with the policy and disclosure requirements. The Dean will also remind the staff of the requirements of the policy as warranted.

4. Violations

Failure to comply with SPG [201.65-1](#), its procedures, or this implementing policy may lead to disciplinary action 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. Existing University procedures governing staff misconduct will apply.

In the first instance, the employee's supervisor and/or department manager 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 Business Administrator. 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 and Staff COI/COC Committee will annually review all actions taken under this policy and make recommendations regarding any needed revisions to the policy or any need for increased education. If it is determined that changes need to be made to this policy, the proposed modifications will be discussed with the Senior Administrators Meeting (SAM) group and other key stakeholders. The proposed changed policy will be forwarded to the Office of the Provost and Executive Vice President for Academic Affairs for further review and approval and to the President for final adoption. Upon approval, the modified policy will be communicated to all staff. A current version

of the SMTD's policy will be on file with the Provost's Office at all times, and made available on the School's website.

6. *Governing Policies*

This policy implements Standard Practice Guide ("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 Music, Theatre & Dance 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 201.12, 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;
- Office of Vice President for Research (OVPR) Policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements;
- 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 staff member.

In the event of any inconsistency between this policy and other University or external requirements, the University or external requirements will prevail. In interpreting this policy the Dean and Staff COI/COC Committee should be attentive to preserve the principle of academic freedom. 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.