

POLICY:

**SCHOOL OF PUBLIC HEALTH
POLICY ON FACULTY CONFLICTS OF INTEREST AND
CONFLICTS OF COMMITMENT**

Background: In 2003, the Vice President for Research named a faculty/staff committee to review existing conflict of interest and conflict of commitment policies and to recommend any changes deemed necessary to update those policies. The committee prepared a draft conflict of interest/conflict of commitment policy containing definitions of both concepts, articulating the principles underlying them, and proposing a succinct policy statement.

Action April 24, 2006: The Ad hoc Committee submitted the attached conflict interest/conflict of commitment implementation policy to the SPH Executive Committee, which approved it April 19, 2006, and the SPH Governing Faculty, which approved it April 24, 2006.

The School of Public Health now submits it to the University for its comment and/or acceptance, understanding that there be requests for changes.

Action February 5, 2007: The Provost's Office Conflicts of Interest and Conflicts of Commitment Policy Review Group (PRG) reviewed the SPH policy of April 24 and found that it "... meets all the requirements..." (December 14, 2006) The PRG asked that the Consulting Activities Form be submitted (2006 version, p.10). This form will be modified in 2007 to reflect the new policy. The PRG provided two additional suggestions: (1) that the policy specify the length of time that records be kept – 3 year (p.6), and (2) that the language of "Two days a month are considered to be freely available." be modified to read "Two days a month are considered to be freely available, only if there is no conflict of interest." (p.3)

The policy has been modified by accepting the above suggestions and submitted to the PRG. The PRG will submit the policy to the President, who will communicate a decision to the Provost who will communicate a decision to SPH. Following final approval, the policy will be included on the UM website.

Action April 28, 2008: It was also noted that Regents Bylaw 5.12 provides that outside employment for remuneration must be approved and that approval may be granted only when certain conditions are met. <http://www.regents.umich.edu/bylaws/bylaws05b.html#3.> SPH has a practice of blanket prior approval, thus the policy now reads 'not subject to formal approval,' rather than 'freely available.'" Further, the annual consulting form has been modified to include Summer months and a draft disclosure form has been appended.

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April 28, 2008

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 individuals and institutions outside the University. These potential conflicts are not 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

Examples of situations that create potential conflicts of interest and the School of Public Health's general approach are listed below. This list is not exhaustive.

- A faculty member may not accept a gift of substantial value (in excess of \$100, including holiday gifts or 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 or seeks to contract with the University (a vendor) where the faculty member participates in decisions concerning that contract.
- A faculty member may generally accept honoraria and speaker fees associated with presentations, workshops and on-site programs. 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 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.
- A faculty member may use a book or textbook in class on which they or a colleague are an author and receive royalties. As an issue of academic integrity, the book should be appropriate to the material covered in the class.

2. Potential Conflicts of Commitment

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 members, 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.

Consistent with University policy (SPG 201.85) the School of Public Health permits each faculty member holding a full-time appointment four days a month for consulting activities, provided this does not interfere with University obligations. Two days a month are considered to be not subject to formal approval, only if there is no conflict of interest, and two additional days are available subject to prior approval of the department chair. Such activity can be a very important facet of professional development and contribution, and each faculty member is free to utilize this opportunity.

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 may be appropriate for a University faculty member to engage in activities, such as education at other institutions, just as faculty members from other institutions participate in the Graduate Summer Session in Epidemiology and other programs. Without prior approval of the department chair, it is inappropriate for faculty 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 Public Health, faculty members are expected to fulfill teaching, research and services obligations consistent with the percent effort of their appointment.

With these principles in mind, examples of potential conflicts of commitment and our general approach are listed below. This list is not exhaustive.

- Any work external to the University potentially raises a question of conflict of commitment. In general, however, any such work that contributes to the scholarly or educational goals of the University is permitted.
- For full-time faculty, other professional work is permitted, up to four days a month, provided this does not interfere with the minimum expectations outlined above. Two days a month are considered to be freely available and two additional days are available subject to prior approval of the department chair. 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 professional 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.
- Teaching, research or service at other colleges or universities require prior approval of the department chair.
- Charitable activities associated with professional associations (e.g., American Public Health Association), government agencies or foundations may be classified as service activities. Activities with other non-profit organizations not directly related to a faculty member's professional interests (e.g. Salvation Army) may be consulting or personal activities.

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

1. Disclosure of Potential Conflicts

In general, each faculty member must promptly disclose potential conflicts of interest or commitment to the SPH Conflict of Interest Committee. For research projects, faculty members are expected to complete the University of Michigan Disclosure Form: Potential Conflict of Interest in a Sponsored Project and/or Technology Transfer Agreement at the University of Michigan. The purpose of this document is to assist in the determination of whether additional restrictions, oversight, or other conditions might be advisable prior to the University's acceptance or disbursement of funds of a sponsored award or the completion of a technology transfer agreement.

The OVPR Conflict of Interest Review Committee reviews financial interest disclosures submitted to them and renders reasonable judgments as to whether the financial or management interests could directly and significantly affect the design, conduct, or reporting of research. If a

conflict risk related to research or technology transfer is deemed to exist, this faculty committee works with faculty and staff to eliminate, minimize, or manage any actual or potential conflict of interest.

In addition to disclosures related to sponsored research, faculty members should provide disclosures as situations arise with updates as needed. Disclosures should be made in writing to the Senior Associate Dean for Administration/SPH Conflict of Interest Committee or via e-mail, provided that the message is sent to the Senior Associate Dean for Administration's University e-mail account. The SPH Conflict of Interest Committee will consider the creation of a standard disclosure form. (Draft appended.)

Disclosure will not be required under the following circumstances:

- Meal or travel expenses paid by government agencies (e.g. NIH study sections) or foundations.
- Seminars at other universities where there is no fee.
- Speaker fees or Honoraria for presentations, key note addresses and the like of less than \$1,501. (No disclosure of a dollar amount is required, only an indication of a payment in excess of \$1,500)
- Disclosure generally need not be made where there is no violation of our general approaches outlined above. Disclosure should be made, however, whenever there is any question whether the matter in question falls within the generally permitted, de minimis situations described above.

In addition to any conflicts of interest/conflicts of commitment disclosures, each faculty member is asked to complete an annual Consulting Activities Form by June 1 that lists the total number of consulting days from June 1 of the prior year to May 31 of the current year. Consulting activities are defined on this form as those professional services for which one receives compensation. Consulting activities during the summer months need only be reported for the months during which the faculty member is receiving compensation (so-called summer salary). Similarly, faculty on sabbatical are expected to complete a Consulting Activities Form. Recurring or long-term commitments incurred by faculty must also be included in the annual report of each faculty member.

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the SPH Conflict of Interest Committee will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The Senior Associate Dean for Administration, as chair of the Committee, may provide expedited review, with reporting to the Committee. The SPH Conflict of Interest Committee may ask the faculty member to provide additional information or documentation if necessary.

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.
- 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 SPH Conflict of Interest Committee may, after consulting with the faculty member, determine that no action is necessary. In other cases, the SPH Conflict of Interest Committee may decide that it is sufficient to document the disclosure and his or her determination that no further management is required. However, if the SPH Conflict of Interest Committee determines that management of the potential conflict is necessary, it 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.
- 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 SPH Conflict of Interest Committee will keep a record of action on disclosures made under this policy for a period of three (3) years, in part to help develop a consistent practice of treating like cases alike. The record 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. Appropriate records may also be maintained in the individual faculty member's personnel file.

The SPH Conflict of Interest Committee will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the Committee will keep all records that include personal information about named individuals in a secure file accessible only to SPH Conflict of Interest Committee and the Dean of the School of Public Health. Where any other faculty or staff member has a legitimate educational or

business reason to access the documentation, then either the SPH Conflict of Interest Committee 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 SPH Conflict of Interest Committee 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. 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 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 SPH Conflict of Interest Committee or the Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the SPH Conflict of Interest Committee 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 SPH Conflict of Interest Committee 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.

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 by appeal to the SPH Conflict of Interest Committee, the School of Public Health Executive Committee and then to the Dean.

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. Other disputes between a faculty member and the Unit should be resolved through the normal grievance procedures.

E. *Education and Training*

This policy will be provided to new faculty at the time they are hired, and when they begin work at the University. At that time, the Senior Associate Dean for Administration will discuss the policy with the faculty member during the new faculty orientation.

This policy will be circulated each fall to all returning faculty members, including visiting, clinical, and adjunct faculty. Faculty will be reminded of the policy and its requirements at the time of completion of the annual Consulting Activities Form.

Whenever there is a reason to think it necessary, the Senior Associate Dean for Administration / SPH Conflict of Interest Committee will remind the faculty as a whole, or individual faculty members, of the requirements of the policy.

F. *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.

G. *Policy Review and Revision*

The SPH Conflict of Interest Committee 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. SPG [201.65](#). A current version of the School of Public Health's policy should be on file with the Provost's Office at all times.

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

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 the School of Public Health 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) [Policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements](#); and
- 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 SPH Conflict of Interest Committee 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.

THE UNIVERSITY OF MICHIGAN
SCHOOL OF PUBLIC HEALTH

Consulting Activities Form 2008

The policy of the School of Public Health permits each faculty member holding a full-time appointment four days a month for consulting activities, provided this does not interfere with University obligations. Two days a month are considered to be not subject to prior approval only if there is no conflict of interest, and two additional days are available subject to prior approval of the department chair. Such activity can be a very important facet of professional development and contribution, and each faculty member is free to utilize this opportunity.

In order to have an overall review of this activity in the School of Public Health, each faculty member is asked to complete the form below. Consulting activities are here defined as those professional services for which one received compensation.

As part of the School's conflict of interest/conflict of commitment policy, the policy on consulting activities now applies to all months for which the faculty member is being paid, including summer months. If you elect no summer months of salary, the relevant time period for this report is 9/1/07 - 5/31/08. With one month of summer salary it extends to 6/30/08, with two months it extends to 7/31/08 and with three months it extends to 8/31/08.

Please return this form to the Dean's Office, Room 1827 SPH-I by September 1, 2008. **Please return the form even if the total is zero.**

Thank you.

Name _____ Department _____

Date _____

During the current University year (9/1/07 - 8/31/08) my consulting activities were as follows:

TOTAL CONSULTING DAYS _____

Signature

CONFIDENTIAL

**School of Public Health
Faculty Disclosure Form for Potential
Conflicts of Interest/Conflicts of Commitment**

Name: _____
Office/Department: _____
Email address: _____

I have read the School of Public Health Faculty Policy on Conflicts of Interest/Conflicts of Commitment (version April 28, 2008), and I am filing this form in accordance with the Policy to disclose a possible conflict of interest or conflict of commitment.

(Please describe the potential conflict below).

Signature of Faculty Member: _____ Date: _____

Once completed this form should be submitted to your Department Chair for transmittal to the Senior Associate Dean for Administration.

Name and Signature of Department Chair: _____ Date: _____

Review of Disclosure by Senior Associate Dean for Administration:

1. Does a conflict exist? ___ No ___ Yes (*if yes, proceed to question 2*)
2. If conflict exists, is it manageable? ___ No ___ Yes (*if yes, proceed to question 3*)
3. If conflict is manageable describe the management plan in the space provided below.

Name and Signature of Senior Associate Dean for

Administration _____ Date: _____

After review of the disclosure a copy of this form should be returned to faculty member for signature (below) to confirm acknowledgement of the decision that was reached.

Signature of Faculty Member: _____ Date: _____