

University of Michigan - Flint
POLICY ON FACULTY CONFLICTS OF INTEREST AND
CONFLICTS OF COMMITMENT

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 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

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

- Using University resources in activities that may lead to financial gain for the faculty member (or his or her family or friends).
- Using the name of the University in promoting activities that may lead to financial gain for the faculty member (or his or her family or friends).
- Interacting with students in external as well as internal roles. e.g., seeing students as clients or patients, employing students for non-University work.
- Engaging in research in which a faculty member (or his or her family or friends) has a financial interest.
- Competing with the University for clients, contracts, etc.
- Financial involvement of a faculty member (or his or her family or friends) with a vendor, or holding a position in a vendor's organization.
- Having an external interest that could be implicated in internal University decisions. e.g., contracts, hiring, or research, or in giving advice.
- Accepting any gift of substantial value from vendors or from students (Regents' Bylaw 2.16) or acceptance of any gift *quid pro quo*.
- Honoraria or speakers fees greater than \$1,000.

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, 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 minimum time and effort commitments on the University of Michigan – Flint campus faculty members are expected to meet the minimum expectations for on-campus and on-line teaching, research, service, and faculty governance commitments within their appointing academic unit as specified in their respective initial offer or re-appointment letter.

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 faculty, including lecturers, clinical and 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 on the University of Michigan – Flint campus, they are expected to meet the minimum expectations for teaching as specified in their respective offer or re-appointment letter.

A faculty member's outside employment must not detract from the performance of University duties or responsibilities and must not create a conflict of commitment. (See section 9E of the Faculty Handbook, <http://www.provost.umich.edu/faculty/handbook/9/9.E.html>).

With these principles in mind, additional examples of potential conflicts of commitment include, but are not limited to: Uncompensated consulting, entrepreneurial or charitable work, service on outside for-profit or non-profit boards or in connection with professional or other associations, and participation in conferences or conventions.

At no time should any outside activity, with or without compensation, exceed the four (4) days per month standard, for full-time faculty. Exceptions to this policy may be granted by the dean, director or designee where conditions such as reduced effort allow for increased outside activity without creating a conflict of commitment. The University of Michigan - Flint has established four days per month as the outer limit for faculty members' outside activity under the auspices of Regents' Bylaw 5.12.

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 Dean, Director or designee as they arise.

If a third part alleges conflict of interest or commitment, the dean, director or designee will meet with the faculty member to evaluate the alleged conflict to determine whether or not it is necessary to manage or eliminate.

In both circumstances, the potential conflict and resulting review outcome must be made in writing, on the COI/COC Disclosure form.

In those instances where there exists dispute over the existence of a conflict or the appropriateness of a conflict management plan, the faculty member may appeal the finding through established dispute resolution procedures for their respective academic unit.

Disclosure will not be required under the following circumstances:

- Honoraria or speaker fees of \$1,000 or less.
- Book Royalties

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the dean, director or designee will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The dean, director or designee 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 dean, director or designee may, after consulting with the faculty member, determine that no action is necessary and that it is sufficient to document, on the COI/COC Disclosure form, that no further management is required. If the dean, director or designee 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;
- 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 dean, director or designee 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 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 dean, director or designee will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the dean, director or designee will keep all records that include personal information about named individuals in a secure file accessible only to the dean, director or designee and the Provost of the University of Michigan – Flint campus. Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then either the dean, director or designee or the Provost 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, director or designee 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 may be 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 dean, director or designee or the Provost may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the dean, director or designee or Provost 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 dean, director or designee or Provost 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. Any attempt at dispute resolution should adhere to established procedures set forth in respective academic units for dispute resolution. 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 re: sponsored research/tech transfer must be reported to the UM – Flint Office of Research through identification on the Proposal Approval Form (PAF) prior to submission to OVPR and 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.

E. Education and Training

Initial implementation of this policy will include informing all faculty of on-line resources available, to orientate individuals to the policy. In addition each faculty member will be referred to an on-line copy of the campus policy and will be required to submit the COI/COC Disclosure form acknowledging receipt of the policy and listing potential conflicts or specifying that none exist at that time.

On an ongoing basis new faculty, hired or transferred, will be provided the same orientation and asked to complete the COI/COC Disclosure form.

Annually, the Provost will send a faculty reminder of the COI/COC 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. An assessment of any potential violation will be conducted by the dean, director or designee, taking into consideration any mitigating circumstances. (Violations specific to Sponsored Research must be handled by the OVPR Conflict of Interest Review Committee). Any actions taken as a result of this assessment will be consistent with University policy. Faculty that dispute the outcome of this assessment will have conflict resolution procedures available to them. 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.

G. Policy Review and Revision

The dean, director or designee will annually review all actions taken under this policy and make recommendations to the Provost 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 Provost determines that any of the changes he or she would like to adopt will materially change the policy, the Provost will follow the procedures used to adopt the original policy. In particular, the Provost 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. URL: <http://www.umich.edu/%7Ehraa/procedures/spg201-65-1.htm> A current version of the University of Michigan - Flint's policy should be on file with the Provost's Office at all times.

This policy applies to all faculty of the University of Michigan - Flint, 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 UM – Flint Campus 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;
- 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;
- 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 Provost and the dean, director or designee 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.