

UNIVERSITY OF MICHIGAN
OFFICE OF THE VICE PRESIDENT FOR RESEARCH

**Faculty and Staff Policy for Reporting and Management of
Conflicts of Interest and Conflicts of Commitment**

Approved 8/25/2020

The mission of the University of Michigan's Office of Research (UMOR) is to nurture excellence in research, scholarship, and creative activity by faculty, staff, and students, and promote the integration of the research, education, and service missions of the University. To facilitate the sharing of knowledge and expertise with society, the Office of the Vice President for Research (OVPR) encourages its faculty and staff to engage in outside professional activities that enhance these missions and goals.

The University of Michigan allows and encourages entrepreneurship and cooperative activities with companies and organizations external to the University, as well as other outside interests and relationships that enhance the missions of the University (Regents Bylaw [5.12](#) and U-M Faculty Handbook section [9.E](#)). This includes, among other things, financial interests/investments and management positions acquired and retained by University employees, provided that those external obligations and commitments do not interfere with the University employee's respective duties or adversely affect their judgment in carrying out University responsibilities. The overarching University policy on Conflicts of Interest (COIs) and Conflicts of Commitment (COCs) is SPG [201.65-1](#) (noted in U-M Faculty Handbook section [9.G](#)), which requires employees to provide appropriate disclosure of their outside activities, relationships, and interests.

This policy provides implementation of SPG [201.65-1](#) for all UMOR units and utilizes the following definitions per the SPG:

A potential **conflict of interest** (COI) arises when external ties might appear to bias a faculty or staff member's judgment in performing his or her University obligations. A potential **conflict of commitment** (COC) arises when a faculty or staff 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.

For the purposes of this policy, the term **UMOR faculty** includes all ranks of research professors, research scientists and fellows, and directors of UMOR units, with an appointment greater than 0% in UMOR. The term includes visiting and adjunct faculty appointments. Many

UMOR faculty members have their primary faculty appointments in schools or colleges. Such faculty members should be aware of and also abide by the COI/COC policies of those units.

All faculty with 50% or more 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.

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.

For the purposes of this policy, the term **UMOR staff** includes full or part-time staff with an appointment greater than 0%.

Staff members with 50% or more appointments owe their primary professional commitment to the University of Michigan. Accordingly, a commensurate commitment of time and intellectual energy should be used to support and enhance the mission of the University. Other part-time staff members owe time and effort commitments to the University commensurate with their appointments.

A U-M staff 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 staff, 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.

A. Disclosure

1. Disclosure Requirements

To help identify and review potential conflicts of interest and commitment, U-M has established the M-Inform outside activity reporting system. All UMOR faculty and staff are required to complete an outside activity report in M-Inform at least annually and within 30 days of a change to an existing outside activity, relationship, or interest; or engagement in new reportable outside activities, relationships, or interests. The M-Inform disclosure must be completed and submitted even if the faculty or staff member reports no outside activities.

The M-Inform system training includes examples and exceptions of reportable outside activities, relationships, and interests, which can also be found in the [Outside Activity Disclosure Guidance](#) document.

The Vice President for Research (VPR) will distribute this policy to the relevant UMOR unit representative prior to the beginning of each fiscal year. The M-Inform disclosure cycle will begin July 1 and a system generated email will be sent with instructions on the disclosure process. UMOR units will conduct a review of each disclosure and report relevant information to the VPR or designee.

2. Additional Guidance on Time Away for Faculty

Authorization for time away within the generally allowed four days per month for full-time faculty members is the responsibility of the relevant Director of the UMOR unit. (Note that if the faculty member has joint appointments, the time away must be coordinated among all appointments.) Academic unit policy and practice is guided by Regents' Bylaw [5.12](#), Outside Employment, which states that outside remunerated professional activity may be approved when:

- The work in question gives promise of enhancing the faculty member's usefulness as a teacher and scholar to a greater degree than a corresponding amount of work within the University, and/or
- The work is of a distinctly public nature or when for other reasons the University wishes to be actively engaged in its furtherance.

Regents' Bylaw further states that outside remunerated non-professional activity may be authorized "only when it appears that such activity will not interfere with the performance of University duties or impair the usefulness of the individual as a teacher or a scholar".

B. Review and Management of Potential Conflicts

Upon disclosure of outside activities, relationships, and interests, the designated unit COI/COC reviewer will review the disclosures for potential conflicts of interest or commitment. If a COI/COC has been identified, the reviewer will evaluate the nature and extent of the potential conflict to determine whether it is necessary to manage, minimize, or eliminate it. The reviewer may ask the faculty or staff member to provide additional information or documentation if necessary.

In some circumstances, management will require coordination with and processing by central administration offices. For example, centralized processing is necessary in the following circumstances:

- Where the disclosure involves research, sponsored projects, or technology transfer, processing is by the UMOR Conflict of Interest Review Committee appointed by the VPR;
- Where there may be a conflict between two academic units, resolution may be sought through the Provost's Office; or
- Where the disclosure involves a purchase of goods or services, processing is by Procurement Services.

In response to a disclosure of a potential conflict, the COI/COC reviewer may, after consulting with the faculty or staff member, determine that no action is necessary. In other cases, the COI/COC reviewer may decide that it is sufficient to document the disclosure and his or her determination that no further corrective action is required. If the COI/COC reviewer determines that management of the potential conflict is necessary, a conflict management plan will be developed by unit representatives in consultation with the faculty or staff member and OVPR, as appropriate. 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 or staff member's duties to minimize or eliminate the conflict;
- Reducing the faculty or staff member's appointment to accommodate the outside activity;
- Securing the faculty or staff 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 or staff member's obligations to OVPR.

C. **Record-Keeping, Reporting, and Issues of Confidentiality and Privacy**

The designated unit COI/COC reviewer, or the VPR designee for reviewing the Unit Directors' reports, will record actions on disclosures made under this policy in M-Form.

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 sponsored research project, a FOIA request, or otherwise, the unit COI/COC reviewer may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the COI/COC reviewer 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 COI/COC reviewer has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the VPR for appropriate action.

D. Appeal

A faculty or staff member may appeal a COI/COC reviewer's decision in writing to the COI/COC reviewer within 30 days of the date of the notification of the decision. If the reconsideration determination is not acceptable to the faculty or staff member, he or she may send a written appeal to the VPR who will decide the appeal.

E. Training

The University provides training for the disclosure of outside activities, relationships, and interests through the M-Inform disclosure system.

F. Noncompliance

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

This policy is owned and maintained by the VPR. It will be reviewed and updated, as necessary, on a regular basis. The VPR will approve the final policy and revisions.

H. Other 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 OVPR and UMOR units 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 items listed on Table 1.

Table 1.

Issue	Policy and link
U-M Policy for Identification and Management of Financial Conflicts of Interest	UMOR Ethics and Compliance Website
Contracts of public servants [U-M Employees] with public entities [U-M]	Michigan Compiled Laws § 15.321 et seq
Gifts to U-M employees	Regents' Bylaw 2.16
Outside employment	Regents' Bylaw 5.12
Governmental elected or appointed service	Regents' Bylaw 5.13
Leaves of absence	Regents' Bylaw 5.14
Appointment of individuals with close personal or external business relationships	SPG 201.23
Employment outside the University	SPG 201.65-0
Special stipends for work performed for other University units, the payment of honoraria, and the payment of travel expenses	SPG 201.85
Copyright and other appropriate use of University resources, such as the libraries, office space, computers, secretarial and administrative support staff, and supplies	SPG 500.01 and 601.11
Working outside the University	Faculty Handbook 9.E
Conflicts of Interest and Conflicts of Commitment	SPG 201.65-1 & Faculty Handbook 9.G