

VICE PRESIDENT FOR GOVERNMENT RELATIONS

CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT POLICY

September 30, 2007

Introduction

SPG 201.65-1 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 Office of the Vice President for Government Relations 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. 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 for School/College/Administrative Unit's Policy

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 stated 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 will not use their official University positions or influence to further gain or advancement for themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University. In accordance with its mission, however, the University of Michigan allows and encourages staff 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 will disclose these potential conflicts of interest so that they can be evaluated and, if necessary, managed or eliminated.

* Other rules of conduct within the University and rules that govern outside activities applicable to the staff of the Office of the Vice President for Government Relations include:

- Regents' 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.

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 the procedures described

below. Broadly defined, a potential conflict of interest encompasses external ties that may or may appear to improperly bias a staff member's judgment in performing his or her University job responsibilities. A potential conflict of commitment, broadly defined, encompasses situations in which a staff member's external relationships or activities may or may appear to interfere or compete with the University's mission, or with the staff member's ability or willingness to perform his or her job responsibilities.

B. Disclosing, Evaluating, and Managing Potential Conflicts of Interest and Conflicts of Commitment

1. Disclosing 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 will promptly disclose it, in writing, to the Vice President for Government Relations. (SPG 201.65-1, Section III.A.3.)

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, or other items of value from vendors or other third parties that do or have business with the University (also see 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). If a staff member in the Office of the Vice President for Government Relations is offered a gift of substantial value by anyone else that he or she knows primarily through his or her position at the University, then the offer should be disclosed to the Vice President for Government Relations so a determination can be made as to the propriety of accepting the gift. In no instance shall such a gift be accepted if it would influence the staff member's ability and commitment to act at all times with the University's best interest in mind.

On occasion, a staff member in the Office of the Vice President for Government Relations may be invited to participate in activities to a ticketed event or outing as a courtesy. These events or activities may provide the staff member and opportunity to

interact with others in support of the University's interests. In those cases, the ability to attend the event or activity shall not constitute a "gift" provided that such participation does not compromise the University's interest. Such exceptions should be disclosed to the Vice President for Government Relations in advance.

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

The Vice President for Government Relations will evaluate all disclosed potential conflicts of interest or conflicts of commitment. The Vice President for Government Relations 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 Vice President for Government Relations 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, he or she will also consult with the President.

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

When the Vice President for Government Relations has determined that a potential conflict of interest or conflict of commitment exists that will be managed or eliminated, he or she will develop, in consultation with the employee, a conflict management plan for managing the potential conflict. The Vice President for Government Relations will provide the employee 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

When a potential conflict involves a purchase of goods or services, the Vice President for Government Relations will also disclose the conflict to the appropriate staff person in the University's Office of Purchasing Services, and also to the unit staff member responsible for handling unit purchases. If the Vice President for Government Relations determines that a conflict exists that will be managed or eliminated, he or she will consult with these individuals in developing a plan to manage the conflict.

Research

When a potential conflict involves work performed for a research project, the Vice President for Government Relations will inform the head of the research project. If the Vice President for Government Relations determines that a conflict exists that will be managed or eliminated, it is his or her responsibility to ensure, in consultation with the

head of the research project, that the conflict management plan does not conflict with requirements related to the research or to research funding.

C. Administering the Policy

1. Record-Keeping and Issues of Confidentiality and Privacy

When personal financial or associational documents are provided to the Vice President for Government Relations, the documents will be placed in a secure file accessible only to the Vice President for Government Relations. When any other staff member has a legitimate business reason to access the documentation, the Vice President for Government Relations may authorize access to the file and provide either copies and/or information, as may be required for the stated business purpose. If the Vice President for Government Relations provides copies of information in the files to a staff member, he or she will also ask that staff member to maintain the same level of confidentiality for the copied information as applies to the original information or documents.

Documentation of the staff member's disclosure and action taken will be included within the secure file. The documentation 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.

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 the 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>. In addition to the people listed above, should any other individual have a legitimate educational or business reason to access the confidential records, whether in the context of a federally sponsored project, a FOIA request, or otherwise, the Vice President and Secretary may authorize access to the file, provide copies, or provide oral or written summaries of the information in the file. Where possible, the individual to whom the Vice President and Secretary authorizes disclosure will be required to maintain at least the same level of confidentiality as applies to the original information.

Administrators of this policy will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating a potential conflict of interest or commitment and, as applicable, in developing a plan to manage the conflict. (See Regents' Bylaw 14.07 *Privacy and Access to Information* and SPG 201.46 *Personnel Records – Collection, Retention and Release*.)

Any faculty or staff member who becomes aware that the Vice President for Government Relations has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the President. To

follow up, the President or his or her designee will investigate the allegation and, where appropriate, take personnel action. Alternatively, the staff member may notify the University's hotline for disclosures and make a complaint.

2. Resolving Disputes

When a staff member disputes any action or decision related to a potential conflict of interest or conflict of commitment, the staff member should first ask that the action or decision be reviewed by the Vice President for Government Relations.

If, following the above review, the staff member remains unsatisfied with the action or decision, the staff member may initiate existing University policies and procedures for handling disputes, when available.

3. Conducting Education and Training

Upon hiring into or transfer into the office, every staff member will be provided with the Office of the Vice President for Government Relations implementation policy. Once a year, the policy will be discussed with all employees to review the requirements that are to be met.

4. Violations

Any violation of SPG 201.65-1 or this implementing policy may be a cause for disciplinary action. The Vice President for Government Relations will evaluate the violation and take appropriate action, if needed, all in accordance with existing University policies and procedures. Consultation with the applicable Human Resources representative may be appropriate. The outcome of the review and any actions taken will be documented and included within the secure file maintained by the Vice President for Government Relations. 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 Vice President for Government Relations will regularly review all potential conflict disclosures and actions to ensure a consistent approach to potential conflicts within the unit. If the Vice President and Secretary determines that any of the changes he or she would like to adopt will materially change the policy, then he or she will follow the procedures used to adopt the original policy found at <http://www.umich.edu/%7Ehraa/procedures/spg201-65-1.htm>. In particular, the Vice President for Government Relations will submit any materially revised policy to the President for formal adoption. A current version of the Office of the Vice President for Government Relations' policy will be on file with the Vice President for Government Relations at all times.

D. 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 Office of the Vice President for Government Relations 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/%7Eregents/bylaws/bylaws02.html#16>;
- Regents' Bylaw 5.13, regarding governmental elected or appointed service
<http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#4>;
- Regents' Bylaw 5.14, regarding leaves of absence
<http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#5>;
- 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
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.