

A Guide to Discussions in the Schools, Colleges, and Research Institutes

The newly revised Standard Practice Guide on Conflict of Interest and Conflict of Commitment ([SPG 201.65-1](#)) provides an overall framework for faculty and staff to address and manage potential conflicts of interest or commitment. It requires each academic and business unit to develop a unit-level implementation specific to the work or academic discipline of the unit. For faculty especially, the implementation requires engaging in discussions on the expectations the various governing faculties have for their educational and research professionals. To assist academic personnel in identifying important questions for discussion, a discussion guide has been developed. The guide identifies what we believe are the most common areas for discussion. Not all discussion areas will apply to everyone, although most will.

We suggest each school, college, or academic unit begin the process by assigning a small group of faculty to gather the background material and propose topics or draft a suggested policy. This approach will facilitate more focused discussion among the governing faculty of each academic unit. The discussion should lead to a policy that satisfies the minimum elements found in the procedures for implementation of SPG 201.65-1. See <http://spg.umich.edu/policy/201.65-1>

Information and Issues to Guide Discussion for Academic Personnel

A. Gather Background Principles for School/College/Administrative Unit

1. [SPG 201.65-1](#) – Serves as a base requirement. It covers all faculty and staff, including paid adjunct faculty and temporary staff.
2. Does the school or college have any existing written conflict policies that could serve to address or supplement the SPG 201.65-1 base requirements? E.g., Medical School, Plant Operations, Sponsored Research.
3. Does the school or college have any unwritten but widely used conflict policies that could serve to address or supplement the SPG 201.65-1 base requirements?
4. Are there any applicable, specialized professional or external conflict policies? E.g., Rules of Professional Conduct for attorneys.
5. Academic freedom and confidentiality constraints

B. Identify Potential Conflicts of Interest and Conflicts of Commitment among Faculty

1. Which situations call for disclosure (and possibly management) as potential conflicts of interest? Note that this list of situations should be illustrative, rather than exhaustive. It does not require a determination that there is an actual conflict of interest in any particular situation, but only the unit's thoughts about the kinds of situations that should be disclosed because they could create the appearance of or the potential for a conflict of interest. An example of what such a list may include:

- 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.

Conflict of interest requirements apply to all paid faculty, including visiting faculty, part-time faculty, and paid adjunct faculty. In determining the circumstances when disclosure is required, the school, college, or academic unit may identify special circumstances where non-paid adjunct faculty that are not employees encounter situations raising unique conflict problems. Non-paid non-employee adjunct professors are often seen in the health care professions and serve as practical placement opportunities for our students. For example, the Dental School could view it to be a conflict for a non-paid adjunct to be paid to be a student recruiter for a competing dental school. If so, the Dental School could require as a matter of contract that the non-paid adjunct reveal certain matters before being given the title of adjunct.

2. For purposes of evaluating potential conflicts of commitment, it is important to define the department's minimum expectations of faculty. These include:

- Teaching obligations
- Research obligations
- Administrative and collegial obligations
- Clinical or other professional obligations
- Other?
- How should these expectations be adjusted for part-time, visiting, and adjunct faculty?

3. Are there unit-specific situations that raise both conflict of commitment and conflict of interest issues?

- For academic disciplines with commonly available outside professional employment, is it acceptable to work as a paid consultant? Or actively conduct the business of the profession? E.g., lawyers, doctors, dentists, nurses, engineers.
- Is there a time limit to the degree of paid/entrepreneurial activity?
- Is this different for non-paid/charitable activity?
- Are there any limitations on the nature of the consultations or nature of the market for the business/entrepreneurial activity that should be considered?

4. What are the unit's understandings about how to handle common potential conflict situations?

- Lunches – Under what circumstances may a faculty or staff member accept payment of lunch from a person seeking or doing business with the University, or from a student? E.g., Purchasing prohibits its employees from accepting any lunch from any existing or potential vendor.
- Holiday gifts – Under what circumstances may a faculty or staff member accept a holiday gift from a person seeking or doing business with the University, or a

student? E.g., Office of General Counsel sends a letter to all outside retained attorneys telling them no holiday gifts are to be sent.

- Honorarium/Speaker Fees – When may speaking fees be accepted? Dependent upon source of funding, could be viewed by some as simply another form of consulting fee.
- Gifts from students/vendors to staff – Is there a danger that gifts will be given to staff for the improper purpose of cultivating extra access to a particular faculty member?

5. Do faculty have unit-specific expectations of staff as related to faculty work?

- Written job descriptions and written general work rules generally will define expectations on the job.
- Activities occurring outside of scheduled work time less likely to be conflicts of commitment.
- Where the work activity of a faculty member could raise a conflict for the staff member assigned to assist, what steps are expected of the faculty member and the staff member? E.g. Spouse/dependent of staff member is a test subject or has a personal interest in a faculty research project.

C. Adopt procedures to follow to disclose potential conflicts

Should the faculty be required to annually identify **all** outside activity, only certain types of outside activity, or to disclose outside activity on a case-by-case basis? E.g., The Medical School adopts an annual disclosure plus an “as arises” approach.

What should faculty do when they become aware of a potential conflict?

- Disclose to whom? The Dean or Director? An Associate Dean or Director? A person designated for this specific task? A peer committee? If so, how appointed?
- When should disclosure be made? Annually? As potential conflict arises? In deciding to assume the outside commitment? All of the above?
- How should the disclosure be made? Form? Email?
- What records will be maintained, and where?
- Are there de minimus situations where no disclosure required?

D. Adopt procedures that the responsible person (dean, director, or unit head) will follow in evaluating disclosures and managing conflicts.

- Who handles initially?
- Who makes ultimate decision?
- What kind of records will be maintained?
- Where are records kept of reports and responses? Personnel file? Dean’s Office?
- How will compliance be confirmed?

E. Adopt procedures that will be followed when a faculty or staff member disagrees with management plan.

- Use existing procedures or create new ones. E.g., a standing committee?
- Consultation with faculty committee, executive committee, or faculty as a whole?

- Appeals beyond unit through existing University procedures.

F. Consider mechanisms for ongoing education of all faculty.

- Occasions
 - Upon hiring or transfer into the specific academic unit?
 - At contract renewal, tenure or promotion?
 - Current faculty and staff?
 - At time of disclosure?
 - At time of violations?
- Methods
 - Read and sign acknowledgment?
 - Individual explanation or training?
 - Training seminar or course (on web? in person?)
- Who is responsible?
- Content
 - Supervisor/Administrator training includes emphasis on response.
 - Faculty/Staff training includes emphasis on disclosure.