

Basic Steps to Take After an Employee Discloses a Potential Conflict of Interest or Conflict of Commitment: A Tool for Supervisors and Managers

Note: An employee may disclose a potential conflict of interest or conflict of commitment to a supervisor or manager who is not the person the head of the unit has designated as the COI/COC "manager." When this situation occurs, the supervisor or manager should take Step 1 below.

1. Report the potential COI/COC to others, as needed or appropriate.

Questions:

- Does your unit have an approved unit implementation policy in place?
 - If YES, report the potential COI/COC to others as the policy specifies.
 - If NO, report the potential COI/COC to the dean, chair, or director, at a minimum.

Note: Typically, a unit's designated COI/COC "manager" would take the actions described below. In units, however, that have not yet designated this management authority, the head of the unit must select the person (or persons) who will take the actions described below, consulting with the head of the unit and with other UM offices, as needed.

2. Discuss the potential COI/COC with the employee to determine the scope and severity of the conflict.

Questions:

Does it appear that the employee may be compromising the University's interests while carrying out his or her University responsibilities?

3. Collect more information, as needed.

Questions:

What additional information do you need (from the employee or others) to decide the scope and severity of the potential COI/COC?

What is the scope and severity of the potential COI/COC?

4. Seek consultation and guidance, as needed.

Questions:

- Is the potential COI/COC related to a contract for *purchasing products or services* that involves the employee, directly or indirectly?
 - If YES, contact the Procurement staff member assigned to your unit. (The Procurement area of the University's Business & Finance operations includes Purchasing, Stores, and Business Services.) If you do not know the name of this staff member, call the general Procurement number at (734) 647-0304 to get this information.
- Is the potential COI/COC related to a *sponsored project*?

- If YES, visit the [Conflict of Interest page](#) on the [Research Ethics and Compliance website](#).
- Is the employee covered by a *collective bargaining agreement*?
 - If YES and the employee is represented by the Graduate Employees Organization (GEO) or the Lecturers' Employee Organization (LEO) bargaining agreements, contact Jeff Frumkin, Assistant Provost and Senior Director of Academic Human Resources (jfrumkin@umich.edu or 763-4551).
 - If YES and the employee is represented by another bargaining agreement, contact Kathleen Donohoe, Associate Director of Policy, University Human Resources, at kdonohoe@umich.edu or (734) 763-2387.
- Does the potential COI or COC raise questions that appear to be of a *legal* nature?
 - If YES, attorneys in the Office of the General Counsel can provide legal advice and counsel to University administrators and management. Contact ovpgc@umich.edu or call 764-0304. *Note: The OGC can assist individual faculty or staff members in disclosing conflicts to appropriate supervisors or in understanding University policies. But the OGC can't provide legal advice to individual faculty and staff members on their individual rights.*

5. Decide what action, if any, is necessary.

Questions:

- Is the potential conflict one that can be *managed* (e.g., can the unit shift the responsibility that is creating the potential conflict to another UM employee)?
 - If YES, see guidelines below.

OR
- Is the conflict so severe and difficult to manage that the employee must *eliminate* it?
 - If YES, see guidelines below.

Guidelines for Managing a Potential Conflict of Interest or Conflict of Commitment

What are the key elements of a plan to manage the potential conflict?

Are there sample conflict management plans available?

Who must approve of the conflict management plan?

Who else should be informed about the potential conflict?

Inside the University

Does the conflict involve a direct or indirect contract with a current UM employee for purchasing products or services?

If YES, the contract must be approved by the Board of Regents (see FAQ)

External to the University

Guidelines for Eliminating a Potential Conflict of Interest or Conflict of Commitment, When Necessary

Is the employee willing to discontinue his or her external activities that are creating the potential conflict?

- If NO, the employee must choose between UM employment and his or her external activities that are creating the potential conflict.

Sample Techniques for Managing or Eliminating COIs and COCs

Below is a sample list of techniques that have been used to manage or eliminate conflicts of interest and conflicts of commitment. The various management techniques described are not endorsed for any particular purpose. Rather, they are provided to give supervisors and managers ideas to draw upon when managing a potential conflict to best serve the University's long-term educational mission and business operations.

Units may take one or more of the actions described below:

- Reduce the faculty/employee effort level percentage to a lower percentage to adjust for his/her reduced UM effort due to outside activities.
- Adjust the work schedule for the faculty/employee so that the outside activity/employment does not cause a time conflict with UM activities.
- Prohibit the faculty/employee from participating in the outside activity/employment.
- Require faculty/employee to divest financial interest in an outside entity.
- Switch the supplier/vendor/consultant to avoid business with entity where the faculty member or staff member has a financial interest.
- Request competitive bids for a service/product provided by an entity where the faculty member or staff member has a financial interest.
- Proceed with contract but only after obtaining Regents' approval where the faculty member or staff member has special interest (including financial) in the outside supplier/vendor/consultant.
- Prohibit the faculty member or staff member from being involved in decision-making related to the outside activity/employment. Examples: no involvement in drafting a Request for Qualifications (RFQ), no involvement in selecting consultants, no oversight of outside entity when that entity is doing work for UM, etc.

- Require the faculty member or staff member to clearly identify on whose behalf he/she is speaking or writing when he or she must issue communications that involve, affect or are related to the outside entity.
- Where the potential conflict involves publication as part of the substantive work, such publications disclose the potential conflict prominently.
- Disclose the situation to appropriate personnel within the University.
- Disclose the situation to appropriate persons or organizations not part of the University.
- Remove the faculty member or staff member's duties with regard to managing, supervising, evaluating, or mentoring other persons where those activities contribute to the potential COI/COC.