

DIVISION OF PUBLIC SAFETY AND SECURITY

CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT POLICY FOR ALL STAFF

This document implements and incorporates 201.65-1, "Conflicts of Interest and Conflicts of Commitment." This policy and its procedures apply to all staff, regular or temporary. The University expects all staff to be familiar with the contents of SPG 201.65-1 (<http://spg.umich.edu/policy/201.65-1>) and all accompanying procedures and policies.

Statement of Principles for DPSS

As outlined in the University policy. "The University is committed to basic values of transparency, integrity of scholarship, and independence as it pursues its mission to create, preserve, and disseminate knowledge through teaching, research, and public service. Accordingly, the University of Michigan allows and encourages faculty and staff to engage in outside activities and relationships that enhance the mission of the University. All faculty and 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 or compromise an individual's University obligations.

The specific definitions for a potential conflict of interest and potential conflict of commitment found within SPG 201.65-1 apply to the required disclosures and procedures which are described below. Potential conflicts are inevitable, but are not necessarily problematic. It is essential though that these potential conflicts be disclosed, evaluated and if necessary managed or eliminated. A potential conflict of interest broadly encompasses those external ties that bias or appear to bias the staff member's judgment in performing his or her University job. A potential conflict of commitment broadly encompasses those situations where a staff member's time or commitment in performing his or her job may be perceived as compromised by some non-University activity engaged in by the staff member that is(are) unrelated to the staff member's job duties (such as employment outside the DPSS unit, employment outside the University, etc.). When implementing SPG 201.65-1, there are particular rights and responsibilities that must be articulated and disseminated in accordance with section III, C.

- 1) Procedure for disclosure of potential or actual conflicts of interest and conflicts of commitment
 - a) Although all situations cannot be detailed specifically in this policy, DPSS would like to provide guidance and be as clear as possible in the management of conflicts of interest and conflicts of commitments in order to have consistent application of our standards throughout the organization. Annually and as needed, staff must disclose potential conflicts for approval by their supervisor. We expect that supervisors will be the first line of review for potential conflict of interest and commitment issues. This policy is intended to assist supervisors in managing potential conflicts.
 - b) When situations are identified, the employee should report the potential conflict to their immediate supervisor before they enter into the conflict situation. The supervisor should review the situation to determine if a management plan is required or if the activity should be disallowed. Advice and support related to these disclosures can be found on the University's

Compliance Website at <http://compliance.umich.edu/coi/index.html> and/or by contacting the department director or DPSS Human Resources.

- 2) Expectations and responsibilities
 - a) The DPSS department directors shall review at least annually the conflict disclosures and actions across the division to ensure a consistent approach to potential conflicts within the unit and shall recommend updates annually to the policy based on situations that arise in the last year.
 - b) Conflict of interest or commitment documents which are handled by the employee's supervisor shall be maintained in a secure file as designated by the director for their area, with a copy also sent to the DPSS HR office. Documents will be retained in accordance with all applicable University record retention policies.
 - c) Documentation of the staff member's disclosure and action taken shall be included within the secure file. The documentation may be as simple as identifying the disclosure and, when no further action was required, a notation to that effect on the disclosure description. The unit should purge the documentation from the employee's file three years after the potential conflict no longer exists, except where University record retention policies require the unit to retain the records for a longer period (e.g., as specified in SPG 201.46 <http://spg.umich.edu/policy/201.46>).
 - d) When personal financial or associational documents are provided, the documents shall be placed in a secure file accessible only to the unit supervisor. Where any other staff member has a legitimate business reason for the documentation, then the unit supervisor may authorize access to the file and provide either copies and/or information as may be required for the purpose. The recipient shall be required to maintain the same level of confidentiality as provided for the original information or documents. Failure of the unit supervisor to control access to the documents and information as required by this policy shall be reported to applicable Director for consideration of appropriate personnel action.
 - e) Every employee shall complete the on-line educational tutorial for overall University policy http://www.provost.umich.edu/programs/COI_COC/staff/tutorindex.html. In addition, every employee shall complete this process upon hire or transfer into the unit. A record of successful completion of the tutorial shall be provided to the DPSS HR office and each Department Director. At performance evaluation time, employees certify that they understand and adhere to this policy.
- 3) Evaluation of disclosures and managing conflicts of interest and commitment
 - a) A staff member must promptly disclose, in writing, all actual or potential conflicts of interest or conflict of commitment to their supervisor as actual or potential conflicts arise or are identified. (SPG 201.65-1, Para. III.A.3.)
 - b) DPSS human resources shall evaluate the extent of any disclosed actual or potential conflict and when it clearly aligns with the situations outlined above; work closely with the staff member's supervisor to implement the appropriate management action for the situation. The employee's supervisor shall inform the disclosing employee of the management plan and discuss any ambiguities or issues that may relate to the plan.
 - c) For situations in which the disclosed conflict cannot clearly be determined as needing a plan or not or for which exceptions seem to be necessary, the supervisor will make recommendations

for a management plan and will have it reviewed by the appropriate department director, who will determine whether the situation is acceptable and would not be considered a conflict, can be managed (requires a management plan) or would be disallowed. When necessary, consultation with appropriate central administration offices (Provost, Human Resources, Office of the Vice President for Research, Office of the Vice President and General Counsel) will also be sought. The department director may also require the staff member to provide additional information or documentation that may be relevant to evaluating the conflict and/or developing an appropriate management plan.

4) Solicitation and acceptance of gifts

- a) It is a conflict of interest for a staff member to accept a gift, regardless of value, where the external person or organization intends to create a quid pro quo arrangement. Employees may not accept vendor and other gifts. In the event that gifts are received that cannot realistically be refused or returned, they should be donated to a charitable cause.
- b) Employees may not provide gifts to the University with the expectation that they will then be given the authority to control the dispersal of these funds.

5) Violations

- a) Any violation of SPG 201.65-1 or this implementing policy may be a cause for disciplinary action. In the first instance, the employee's supervisor shall evaluate the violation and take appropriate action, if needed, all in accordance with existing University policies and procedures. Consultation with the DPSS Human Resources may be appropriate. The outcome of the supervisor's review and any actions taken shall be documented and included with the secure file maintained by the DPSS HR office. If appropriate, all relevant documentation may also be included within the employee's personnel file maintained as provided under SPG 201.46.

6) Evaluation Process

- a) A staff member must promptly disclose, in writing, all actual or potential conflicts of interest or conflict of commitment to their supervisor as actual or potential conflicts arise or are identified. (SPG 201.65-1, Para. III.A.3.)
- b) DPSS human resources shall evaluate the extent of any disclosed actual or potential conflict and when it clearly aligns with the situations outlined above; work closely with the staff member's supervisor to implement the appropriate management action for the situation. The employee's supervisor shall inform the disclosing employee of the management plan and discuss any ambiguities or issues that may relate to the plan.
- c) For situations in which the disclosed conflict does not clearly align with the situations outlined in this document or for which exceptions seem to be necessary, the supervisor will make recommendations for a management plan and will have it reviewed by the appropriate Department Director, who will determine whether the situation is acceptable and would not be considered a conflict, can be managed (requires a management plan) or would be disallowed. When necessary, consultation with appropriate central administration offices (Provost, Human Resources, Office of the Vice President for Research, Office of the Vice President and General Counsel) will also be sought. The Department Director may also require the staff member to provide additional information or documentation that may be relevant to evaluating the conflict and/or developing an appropriate management plan.

7) Appeal Process

- a) Should the staff member remain unsatisfied with the action or decision, the staff member may initiate existing University policies and procedures for appealing the decisions and/or submit an appeal to the Division Administrative Director.

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 Division of Public Safety and Security requires compliance with DPSS Division and Departmental Policies and Procedures (insert websites that are still in development), 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 3.10 <http://www.regents.umich.edu/bylaws/bylaws03.html#10>;
- Regents Bylaw 5.13 related to governmental elective/appointed service
<http://www.regents.umich.edu/bylaws/bylaws05b.html>;
- Regents' Bylaw 5.14, regarding leaves of absence
<http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#5>;
- SPG 201.12 Discipline <http://spg.umich.edu/policy/201.12>;
- SPG 201.23 Appointment of Relative or Others with Close Personal or External Business Relationships; Procedures to assure Equal Opportunity and to Avoid the Possibility of Favoritism (Nepotism) <http://spg.umich.edu/policy/201.23>;
- SPG 201.85 Non-Appointment Related University Compensation
<http://spg.umich.edu/policy/201.85>;
- SPG 303.04: University of Michigan Technology Transfer Policy <http://spg.umich.edu/policy/303.04>;
- SPG 500.01, 601.03, 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 <http://spg.umich.edu/policy/500.01>, <http://spg.umich.edu/policy/601.03> and <http://spg.umich.edu/policy/601.11>;
- SPG 507.10-1 Travel and Business Hosting Expense Policies and Procedures
<http://spg.umich.edu/policy/507.10-1>;
- SPG 507.1 General Policies and Procedures for Procurement <http://spg.umich.edu/policy/507.01>
- SPG 601.03: Ownership of Computer Software <http://spg.umich.edu/policy/601.03>; and
- SPG 601.22-1, regarding Employee-Student Relationships <http://spg.umich.edu/policy/601.22-1>
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.
- Where applicable, the current collective bargaining agreement for the staff

APPENDIX

(The following are examples of expected solutions but are not all inclusive)

- If an employee were to be join the board for their local library, a management plan may be needed to explain that time spent working on the board will be coded as vacation. (*Potential Conflict of Commitment*)
- Employee owns their own business that happens to provide similar products and services as UM vendors or employee's relative/spouse/significant other works for owns a supplier to UM (uniforms, sign shops, etc.) a management plan should be developed stating that the employee will not have any decision making ability on suppliers and/or products along with who this task will be reassigned to in these instances. (*Potential Conflict of Interest and Procurement issue*)
- Hiring, supervising or disciplining family members, close friends; employees should recuse themselves from any of these processes where there is a perceived or real potential conflict (*Potential Conflict of Interest*)
- Outside employment – working another security or police position; department policies will dictate if this is allowable and if so, what procedures must be followed (*Potential Conflict of Commitment*)
- Gifts/perks – absolutely not acceptable; DPSS policies should be followed and no gifts accepted (*Potential Conflict of Interest*)
- Use of UM resources or name for personal gain; employees are not to UM resources , name or property for their own businesses or to gain an advantage over others (*potential Conflict of Interest*)
- Political activities – political activities are allowed as long as the employee is using their own time for activities and offices; a management plan stating that vacation time will be used for these activities can be developed. These activities cannot interfere with an employee's commitment to their primary job (*potential Conflict of Commitment*)