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## CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT - POLICY FOR FACULTY

### 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 School of Education are provided below. This policy and its procedures apply to all full-time and part-time faculty in the unit. The University expects all faculty to be familiar with the contents of SPG 201.65-1 and with the applicable set of unit implementation procedures.

### A. IDENTIFICATION OF POTENTIAL CONFLICTS OF INTEREST AND COMMITMENT

The University of Michigan and the School of Education allow and encourage faculty to engage in outside activities and relationships that enhance the University's mission. However, where faculty members are engaged with actors and institutions outside the University, potential conflicts of interest and commitment are inevitable. Such conflicts are not necessarily problematic, but it is important that faculty disclose any potential conflicts of interest or commitment as soon as they arise so that they can be evaluated and, if necessary, managed or eliminated.

A potential conflict of interest arises when external ties might appear to bias a faculty member's judgment in performing his or her University obligations. A potential conflict of commitment arises when a faculty 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. (See Standard Practice Guide (SPG) 201.65-1.)

#### 1. Potential Conflicts of Interest

Examples of potential conflicts of interest that must be disclosed include, but are not limited to, the following:

- Using University resources in activities that have the potential to lead to financial gain for the faculty member (or his or her family and/or friends). This does not apply, however, to cases where there is incidental use of university resources for external consulting, reviewing, and/or speaking on topics directly related to a faculty member's area of expertise in which there is no conflict of commitment and where the faculty member's consulting payments, honoraria, and/or speaking fees are less than \$10,000 per engagement.
- Using the name of the University and/or implying university-sponsorship when promoting activities that may lead to financial, personal, or political gain for the faculty member, except insofar as such activity arises incidentally from the listing of a faculty member's university affiliation in publications, artistic performances, biographical sketches, etc.
- Interacting with students under a faculty member's supervision in external in addition to internal roles, for example, seeing students as clients and/or employing students for non-University work of any type, including household 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, grants, and/or contracts by accepting a material role in bids made by an external organization that is in competition with the University and/or

submitting bids for work as a consultant when such work could and should be done through one's university position.

- 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.
- Accepting gifts, paid meals, or paid travel opportunities from individuals or businesses who intend thereby to influence future business arrangements with the University.

## **2. Potential Conflicts of Commitment**

The existence of a potential conflict of commitment must be evaluated in light of the minimum time and effort requirements applicable to the faculty member in question.

All tenure/tenure track, clinical, and research faculty members (including visiting faculty members) who have at least half-time University 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.

To meet minimum time and effort commitments within the School of Education, faculty members are expected to devote 100% effort to their assigned duties in teaching, research, administrative, and/or university service obligations as determined by the FAR submitted for review by September 1 of each academic year to the Dean of the School of Education and revised as needed. Faculty should not spend more than 20% of their time on other activities.

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. For example, it is inappropriate for faculty, without prior approval, to divert to other entities or institutions opportunities for research, education, or financial support which otherwise might flow to the University.

Part-time faculty members, including adjunct faculty, likewise owe the University time and effort commitments commensurate with their appointments. For these faculty members to meet minimum time and effort commitments within the School of Education, they must submit a faculty load statement to the chairperson of their appointing unit at the time of hiring, to be revised as circumstances change. Faculty should not spend more than 20% on non-university business.

With these principles in mind, examples of potential conflicts of commitment include, but are not limited to, the following:

- Any outside professional engagements, including consulting, speaking, reviewing or other service activity in connection with professional organizations, research organizations, or other organizations or associations that has the potential to conflict with a faculty member's scheduled teaching, research, or university service commitments on a regular (i.e., long-term) basis.
- Any outside participation in charitable work or service on boards of not-for-profit organizations that has the potential to conflict with a faculty member's scheduled teaching, research, or university service commitments on a regular (i.e., long-term) basis.
- Any participation in outside entrepreneurial activities or any service on corporate boards that has the potential to conflict with a faculty member's scheduled teaching, research, or university service commitments on a regular (i.e., long-term) basis.
- Any (internal or external) activity that interferes with a faculty member's regularly scheduled teaching schedule, even if on a one-time basis.
- Any (internal or external) activity that interferes with a faculty member's university commitments to external research sponsors as recorded on a PAF or any subsequently amended budgetary agreement.

## **B. DISCLOSURE, EVALUATION, AND MANAGEMENT OF POTENTIAL CONFLICTS OF INTEREST AND COMMITMENT**

### **1. Disclosure of Potential Conflicts**

In general, each faculty member must promptly disclose potential conflicts of interest or commitment to the Senior Associate Dean for Research and Graduate Studies as the need arises. Disclosures must be made in writing, although an initial notification can be made via by e-mail. The disclosure must include a concise statement of the potential conflict and the time period for which the potential conflict is expected to be operative.

### **2. Management of Potential Conflicts**

Upon disclosure of a potential conflict of interest or commitment, the Senior Associate Dean for Research and Graduate Studies will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The Senior Associate Dean for Research and Graduate Studies may ask the faculty member to provide additional information or documentation in writing if necessary.

In some circumstances, evaluation of the potential conflict will require consultation with and processing by School of Education administrators such as Deans, Associate Deans, or Chairpersons. In other cases, evaluation will require consultation with central administration offices. In particular, centralized processing will be required in the following circumstances:

- Where the disclosure involves sponsored research or technology transfer the conflict will be processed by the Office of the Vice President for Research;
- Where there may be a conflict between two academic units, the conflict will be processed by the Provost's Office; and
- Where the disclosure involves a purchase of goods or services, the conflict will be processed by Purchasing.

In all cases, the Senior Associate Dean for Research and Graduate Studies reserves the right to consult with central administration offices, even when processing by those offices is not required, in order to help determine how to respond to a given disclosure.

In response to disclosure of a potential conflict, the Senior Associate Dean for Research and Graduate Studies may, after consulting with the faculty member, determine that it is sufficient to document the disclosure and his or her determination that no further management is required. If the Senior Associate Dean for Research and Graduate Studies determines that management of the potential conflict is necessary, however, he/she will develop a conflict management plan in consultation with the faculty member. That plan may include, but is not limited to:

- Disclosing the potential conflict to appropriate sources inside and/or outside the University;
- With permission of the Dean and Chairperson, modifying or limiting the faculty member's duties to minimize or eliminate the conflict;
- With permission of the Dean, reducing the faculty member's appointment to accommodate the outside interest or activity;
- Securing the faculty 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 member's obligations to the University.

When a conflict management plan is developed, it will be signed by both the faculty member and the Senior Associate Dean for Research and Graduate Studies, forwarded to the Dean, placed in a faculty member's personnel file, and kept in the Senior Associate Dean for Research and Graduate Studies conflict management files.

### **3. Record-Keeping and Issues of Confidentiality and Privacy**

The Senior Associate Dean for Research and Graduate Studies will keep a record of all actions on disclosures made under this policy, in part to help develop a consistent practice of treating like cases alike. The record will not only include all written records associated with the development of conflict management plans, but also cases where a disclosure was made but no further action was required, including a notation to that effect on the disclosure description.

In keeping records and dealing with conflict disclosures, the Senior Associate Dean for Research and Graduate Studies will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process. To that end, the Senior Associate Dean for Research and Graduate Studies will keep all records that include personal information about named individuals in a secure file accessible only to the Senior Associate Dean for Research and Graduate Studies and the Dean of the School of Education. Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then either the Senior Associate Dean for Research and Graduate Studies or the Dean may authorize access to the file and provide either copies and/or information, as may be required for the stated educational or business purpose. If the Senior Associate Dean for Research and Graduate Studies or the Dean provides copies of information in the files to a faculty or staff member, he or she must also ask that individual to maintain the same level of confidentiality as applicable to the original information or documents.

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 that conflict. Also, 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 federally sponsored project, a FOIA request, or otherwise, the Senior Associate Dean for Research and Graduate Studies may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the Senior Associate Dean for Research and Graduate Studies or Dean 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 Senior Associate Dean for Research and Graduate Studies or Dean has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the relevant superior for appropriate action.

### **D. DISPUTE RESOLUTION**

A faculty member may dispute any decision made in response to the disclosure or non-disclosure of a potential conflict of interest or commitment. At the School of Education, dispute resolution will occur through review by the School of Education Executive Committee. This review must be handled with 20 working days of request by the faculty member.

Following exhaustion of these unit-specific procedures, the faculty member may dispute any action or decision under this policy in accordance with applicable University procedures. For example, disputes regarding sponsored research/technology transfer must be handled in accordance with processes adopted by OVPR Conflict of Interest Review Committee (<http://www.research.umich.edu/policies/um/coi/>). Other disputes between a faculty member and the unit will be resolved through the normal grievance procedures.

### **E. EDUCATION AND TRAINING**

There shall be ongoing education and training of faculty and unit administrators regarding this policy and its requirements:

Upon adoption and revision of the policy: All faculty shall be given a copy of this policy by the Dean upon its approval by the University and after any subsequent revisions. Faculty shall acknowledge receipt of this policy and attest to their understanding of it in writing within 5 working days of receipt.

Upon appointment as faculty in the School of Education: Faculty shall be given a written copy of this policy at the time of hiring or transfer into the School of Education, at contract renewal, and at time of violation (should such occur). Faculty shall acknowledge receipt of this policy and attest to their understanding of said policy in writing within 5 working days of receipt.

Upon appointment to an administrative role: All unit administrators shall be given a copy of this policy by the Dean at the time of appointment and/or appointment renewal. Unit administrators shall acknowledge receipt of this policy and attest to their understanding of it in writing within 5 working days of receipt.

Faculty members and/or administrative appointees who do not acknowledge receipt of the policy and/or do not attest to their understanding of it must meet with the Senior Associate Dean for Research and Graduate Studies of the School of Education for detailed discussion of this policy. Should a faculty member or administrative appointee not acknowledge understanding the policy after 15 working days from initial receipt of the policy, he or she will be deemed in violation of this policy and subject disciplinary procedures.

Ongoing education: The Senior Associate Dean for Research and Graduate Studies shall conduct a one-hour workshop annually in order to acquaint faculty with this policy and receive feedback from faculty about its implementation. Faculty and academic administrators must attend at least one of these workshops every three years. Faculty members and/or academic administrators who do not attend a workshop at least once every three years shall be deemed in violation of this policy and subject disciplinary procedures.

## **F. VIOLATIONS**

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 acknowledge receipt or attest to understanding of this policy; 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.

In determining whether or not a violation has occurred, the Senior Associate Dean for Research and Graduate Studies will: (a) interview the affected faculty member or administrator to ascertain the material circumstances of the violation; and (b) make a prudent and reasoned effort to ascertain and verify any material facts in the situation. During the course of any investigation into the material facts of the situation, the Senior Associate Dean for Research and Graduate Studies will seek to determine whether any violation was intentional or not, and if unintentional, whether or not such a violation was unreasonable given the faculty member's presumed knowledge of relevant University policies and practices.

The Associate Dean's role is a fact-finding one only, and undertaken only when he or she is not in a conflict of interest. The Associate Dean's finding of fact shall be forwarded to the Dean. Disciplinary action, if any, is the responsibility of the Dean.

## **G. POLICY REVIEW AND REVISION**

The Senior Associate Dean for Research and Graduate Studies will annually review all actions taken under this policy and make recommendations to the Dean regarding any needed revisions to the policy or any need for increased education. Any revisions in policy or practices will be discussed with the faculty. If the Dean determines that any of the changes he or she would like to adopt will materially change the policy, the Dean will follow the procedures used to adopt the original policy. In particular, the Dean will submit any materially revised policy to the Office of the Provost and Executive Vice President for Academic Affairs for further review and approval and then to the President for formal adoption. This policy

applies to all faculty of the School of Education, including both full- and part-time faculty, whether classified as regular instructional, clinical, adjunct, or visiting faculty.

## H. 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 School of Education 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](http://www.umich.edu/~regents/bylaws/bylaws02.html#16), regarding gifts to University employees  
<http://www.umich.edu/~regents/bylaws/bylaws02.html#16>;
- Regents' Bylaw [5.12](http://www.umich.edu/~regents/bylaws/bylaws05b.html#3), regarding outside employment of University faculty  
<http://www.umich.edu/~regents/bylaws/bylaws05b.html#3>;
- Regents' Bylaw [5.13](http://www.umich.edu/~regents/bylaws/bylaws05b.html#4), regarding governmental elected or appointed service  
<http://www.umich.edu/~regents/bylaws/bylaws05b.html#4>;
- Regents' Bylaw [5.14](http://www.umich.edu/~regents/bylaws/bylaws05b.html#5), regarding leaves of absence  
<http://www.umich.edu/~regents/bylaws/bylaws05b.html#5>;
- 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 copyright and other 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 (OVRP) [Policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements](http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html)  
[http://www.research.umich.edu/policies/um/conflict\\_ovpr\\_drda\\_tmo.html](http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html);
- Michigan Compiled Laws [§ 15.321](#) et seq., regarding contracts of public employees with their employers.

In the event of any inconsistency between this policy and other University or external requirements, those other requirements will prevail. In interpreting this policy the Dean and the Senior Associate Dean for Research and Graduate Studies should be attentive to preserve the principle of academic freedom of speech and thought. In addition, policy administrators will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating and managing a potential conflict of interest or commitment.