

School for Environment and Sustainability
(formerly School of Natural Resources and Environment)
Policy on Faculty Conflicts of Interest and Conflicts of Commitment

A. Identification of Potential Conflicts of Interest and Commitment

Potential conflicts of interest and commitment are inevitable where faculty are engaged, as they ought to be, with actors and institutions outside the University. These potential conflicts are not necessarily problematic. Rather, the University allows and encourages faculty to engage in outside activities and relationships that enhance the University's mission. It is nevertheless 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 situations that create potential conflicts of interest and the Unit's general approach are listed below. This list is not exhaustive.

- A faculty member may not accept a gift of substantial value (\$25 or more) (including gifts of services) from a University student or staff member – unless there is a family relationship or the equivalent. The same prohibition (and exception) applies to gifts from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract. Irrespective of a gift's value, it is always a conflict of interest for an employee to accept a gift where the external person or organization intends to create a *quid pro quo* arrangement with the employee.
- A faculty member may generally accept honoraria and speaker fees. If a substantial time commitment is required, however, a potential conflict of commitment may arise.
- A faculty member may incur reasonable meal and travel expenses that are reimbursable either by the University or by external organizations. However, a

faculty member may not accept reimbursement that amounts to a gift of substantial value from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.

- A faculty member may not require students or staff to contribute services or money to institutions or activities external to the University in which the faculty member has an interest, or to the faculty member personally (assigning materials for a course, where the faculty member may receive royalties, is not included under this example). Where a student is given an opportunity through a faculty member to become associated with an external project, the student should receive compensation or credit – and it must be clear to the student that the association is at his or her option.
- A faculty member may not claim (orally or in writing) that the unit or the University supports or endorses the mission of an external person, institution, or organization.

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 faculty, including visiting and adjunct faculty, with at least a 50% funded University appointment 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 Natural Resources and Environment, these faculty members are expected to teach the specified course load for the School; engage in an active and productive research life; fulfill administrative obligations, including participation on assigned School and University committees and in the hiring and tenure processes; regularly attend faculty meetings; and participate actively and regularly in student and faculty educational and collegial functions. Other part-time faculty, including adjunct faculty, likewise owe the University time and effort commitments commensurate with the fraction of their funded appointment.

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

With these principles in mind, examples of potential conflicts of commitment and our general approach are listed below. This list is not exhaustive.

- During the term of a regular appointment¹, any work external to the School or University potentially raises a question of conflict of commitment. Regent's Bylaw 5.12 states that full-time members of the faculty shall not, during the academic year, be employed for remuneration by other agencies than the University except with approval of the proper University authorities. Such approval may be granted in the case of professional employment only when either or both of the following conditions exist:
 - When the work in question gives promise of enhancing the individual's usefulness as a teacher and scholar in the individual's field to a greater degree than a corresponding amount of work within the walls of the University,
 - When the work is of a distinctly public nature or when for any other reason the University wishes to be actively engaged in its furtherance.

In the case of nonprofessional employment, such approval may be granted only when it appears that such activity will not interfere with the performance of University duties or impair the usefulness of the individual as a teacher and a scholar.

- For full-time faculty, other professional work is permitted, up to a total of four days per month, if that other professional work does not interfere with the minimum expectations outlined above. If there is any question about whether a particular commitment falls within these categories, or if there is any potential for interfering with the minimum expectations above, the matter should be disclosed as described in Section B of this policy, below.
- A full-time professional faculty member may not establish a business that competes with the University.
- Part-time faculty members need disclose only commitments that have the potential for interfering with their minimum obligations to the University if that other professional work does not restrict scholarly inquiry or otherwise interfere with the minimum expectations outlined above.

¹ September through May for a University-Year appointment, any summer months (May, June, July, August) in which an appointment is held, any month included on a 12MO appointment, September through December and/or January through May for a U-Yr Term appointment, September through December and/or January through April for a term appointment.

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 Associate Dean for Academic Affairs in writing as they arise. E-mail will suffice, if written from the faculty member's University e-mail account to the Associate Dean for Academic Affairs University e-mail account.

Recurring or long-term commitments incurred by faculty must *also* be included in the annual report of each faculty member to the Dean.

Disclosure generally need not be made where there is no violation of our general approaches outlined above. Disclosure should be made, however, whenever there is any question whether the matter falls within the generally permitted, *de minimis* situations described above.

2. Management of Potential Conflicts

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

In some circumstances, evaluation of the potential conflict will require consultation with and processing by central administration offices. For example, centralized processing is necessary in the following circumstances:

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

In many cases, consultation with central administration offices, even when processing by those offices is not required, may help determine how to respond to a given disclosure. The General Counsel's Office may be consulted in cases where legal obligations or potential liability may be involved, as an additional resource to those listed above.

In response to disclosure of a potential conflict, the Associate Dean for Academic Affairs will advise the faculty member, in writing and within a three week period, of the outcome of the review. There are three potential outcomes resulting from a review of a conflict of interest/conflict of commitment disclosure:

1. determine that no action is necessary;
2. documentation of the disclosure is sufficient and no further management is required;
3. management of the potential conflict is necessary and the Associate Dean for Academic Affairs will consult with the faculty member to develop a management plan. That plan may include, but is not limited to:
 - Disclosing the potential conflict to appropriate sources inside and outside the University;
 - Modifying or limiting the faculty member's duties to minimize or eliminate the conflict;
 - 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.

3. Record-Keeping and Issues of Confidentiality and Privacy

The Associate Dean for Academic Affairs will keep a record of action on disclosures made under this policy, in part to help develop a consistent practice of treating like cases alike. The record 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. Appropriate records may also be kept in the individual faculty member's personnel file.

The Associate Dean for Academic Affairs will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the Associate Dean for Academic Affairs will keep all records that include personal information about named individuals in a secure file accessible only to himself or herself and the Dean. Where any other University faculty or staff member has a legitimate educational or business reason to access the documentation, then either the Associate Dean for Academic Affairs 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 Associate Dean for Academic Affairs 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. It is the commitment of the School of Natural Resources and Environment to destroy personal written records purged from our files by shredding or other appropriate means, at such a time when expectations for retaining personal documents have expired.

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 Associate Dean for Academic Affairs or the Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the Associate Dean for Academic Affairs 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 Associate Dean for Academic Affairs 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.

C. 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 by appeal to the Dean. Such an appeal should be made in writing, and within three weeks of receiving the Associate Dean for Academic Affairs' decision. Should the Dean and faculty member be unable to resolve the dispute, they may bring the matter to the SNRE Executive Committee.

Following exhaustion of these procedures, the faculty member may dispute any action or decision under this policy in accordance with applicable University procedures. Sponsored research/tech transfer must be handled in accordance with processes adopted by the OVPR Conflict of Interest Review Committee. Other disputes between a faculty member and the School should be resolved through the normal grievance procedures.

D. Education and Training

This policy will be provided to new faculty at the time they are hired, and when they begin work at the University. At that time, the SNRE COI/COC Manager will discuss the policy with the faculty member.

This policy will be circulated each fall to all returning faculty members, including visiting, clinical, and adjunct faculty. Faculty will be reminded of the policy and its requirements at the first faculty meeting of the year.

Whenever there is a reason to think it necessary, the SNRE COI/COC Manager will remind the faculty as a whole, or individual faculty members, of the requirements of the policy.

E. 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 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. Existing School and University procedures governing faculty misconduct will apply.

F. Policy Review and Revision

The Associate Dean for Academic Affairs 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 modification will be adopted by the same procedures that were followed in adopting 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 to the President for final adoption, as outlined in SPG 201.65. A current version of this policy will be on file with the Provost's Office at all times.

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

G. Governing Policies

This policy implements Standard Practice Guide (“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 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;
- Regents’ Bylaw 5.12, regarding outside employment of University faculty;
- Regents’ Bylaw 5.13, regarding governmental elected or appointed service;
- Regents’ Bylaw 5.14, regarding leaves of absence;
- 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 500.1, 601.3-2, 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 (OVPR) Policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements; and
- 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 Associate Dean for Academic Affairs should 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.