

SCHOOL OF INFORMATION

POLICY ON STAFF CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT

Introduction

This policy and its procedures apply to all full-time staff, whether permanent or temporary, and to all permanent part-time staff in the unit. The University expects all staff to be familiar with the contents of SPG 201.65-1 and with the applicable set of unit implementation procedures.

A. Statement of Principles

The policy section of SPG 201.65-1 outlines a set of key principles relevant to conflicts of interest and conflicts of commitment (COI/COC), including the principles stated below.

All 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 an individual's University obligations. Staff must not use their official University positions or influence to further gain or advancement for themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University. In accordance with its mission, however, the University of Michigan allows and encourages the staff to engage in outside activities and relationships that enhances the mission of the University. As a result, potential conflicts of interest and commitment are inevitable, but these potential conflicts are not necessarily problematic. Rather, the essential point is that faculty and staff must disclose these potential conflicts so that they can be evaluated and, if necessary, managed or eliminated.

Broadly defined, a potential conflict of interest encompasses external ties that may or may not appear to improperly bias a staff member's judgment in performing his or her University job responsibilities. A potential conflict of commitment, broadly defined, encompasses situations in which a staff member's external relationships or activities may or may not appear to interfere or compete with the University's mission, or with the staff member's ability or willingness to perform his or her job responsibilities.

B. Disclosing, Evaluating, and Managing Potential Conflicts of Interest and Conflicts of Commitment

1. Disclosing potential conflicts of interest and conflicts of commitment

Whenever a potential conflict of interest or conflict of commitment exists for a staff member, he or she must promptly disclose it, in writing, to the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services. (SPG 201.65-1, Section III.A.3.) E-mail will suffice, if written from the staff member's university e-mail account to one or both of these directors' university e-mail account.

Potential Conflicts of Interest

Which situations call for disclosure (and possibly management) as potential conflicts of interest? The following list is meant to be illustrative of situations that require disclosure. The following kinds of situations should be disclosed because they could create the appearance of or the potential for a conflict of interest or violate University policy:

- i. Using University resources in activities that may lead to financial gain for the staff member (or his or her family or friends).
- ii. Using the name of the University in promoting activities that may lead to financial gain for the staff member (or his or her family or friends).
- iii. Interacting with School of Information students in external as well as internal roles. E.g., seeing students as clients or patients, employing students for non-University work.
- iv. Competing with the University for clients, contracts, etc.
- v. Financial involvement of a staff member (or his or her family or friends) with a University vendor, or holding a position in a vendor's organization.
- vi. Having an external interest that could be implicated in internal University decisions. E.g., contracts, hiring, or research, or in giving advice.
- vii. Performing work for other University departments or units for additional pay.
- viii. Participating in decisions or deliberations where your own personal financial interests are or could be affected.
- ix. Participating in decisions or deliberations where a family member is or could be affected, financially or otherwise. (Note: As stated in SPG 201.65-1, family members include parents, siblings, a spouse or partner, children, and dependent relatives.)
- x. Performing activities for non-University entities for pay during university scheduled hours.
- xi. Participation in hiring decisions involving relatives.
- xii. Supervision of relatives at any point in the reporting chain.
- xiii. A potential conflict exists when a vendor, current or potential, or other third party gives a gift, entertainment, or other items of value to a staff member. General University policy prohibits employees from accepting any gift, irrespective of a gift's value, from vendors or from students where the intention is to create a *quid pro quo* arrangement with the staff member. (Regents' Bylaw 2.16). Samples given by vendors for the purposes of evaluating a product are acceptable when the value of such a product is minimal (pens, note paper, et cetera).
- xiv. Political activity in a staff member's official University role and/or the use of University resources to support such activity. For example, a staff member may not use University resources (including electronic mail accounts) to support or oppose a political candidate or the qualification, defeat or passage of a ballot initiative. In addition to being contrary to this policy, such action constitutes a violation of State Law for which there are individual fines and penalties (Michigan Campaign Finance Act section, MCL 169.257).

- xv. University employees have an obligation to disclose to the Office of Technology Transfer (OTT) any intellectual property developed or discovered as described in Regents Bylaw 3.10. OTT will promptly review disclosures to advise the inventor(s) of appropriate options for commercialization, as well as any other questions relating to intellectual property resulting from University research. Additional information, including the University's current policy on intellectual property, can be found at <www.techtransfer.umich.edu> or by contacting the central Office at 763-0614 or the College of Engineering Office at 647-7080.
- xvi. Ownership of scholarly works, textbooks, software and other copyrighted material created by a University employee is defined in the University Policy at <www.copyright.umich.edu/official-policy.html>.
- xvii. Employees that run their own business must not use University resources to support their business. They cannot market their business to others while in their official University business role. They cannot use their University position or title to market their business. They must disclose to their supervisor that they own and/or operate a private business.

2. Evaluating disclosures of potential conflicts of interest or conflicts of commitment

The UMSI Administrative Director or the UMSI Director of Human Resources and Support Services shall evaluate all disclosed potential conflicts of interest or conflicts of commitment. The UMSI Administrative Director or the UMSI Director of Human Resources and Support Services may require the staff member to provide additional information or documentation that may be relevant to evaluating the potential conflict of interest or conflict of commitment.

As needed, the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services will consult with the staff person's supervisor or appropriate central administrative offices (e.g., Office of the Provost and Executive Vice President for Academic Affairs, Office of Human Resources and Affirmative Action, Office of the Vice President for Research, Office of the Vice President and General Counsel). As needed, he or she will also consult with the Dean or Associate Deans.

3. Developing plans to manage potential conflicts of interest and conflicts of commitment

When the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services has determined that a potential conflict of interest or conflict of commitment exists that must be managed or eliminated, he or she must develop, in consultation with the employee, a recommended plan for managing the potential conflict. The UMSI Administrative Director or the UMSI Director of Human Resources and Support Services will then provide the plan to the employee's supervisor, who has authority for approving it. The supervisor will provide the employee with a copy of the approved conflict management plan and will discuss any related ambiguities or issues that arise.

4. Involving other University individuals or offices, as required

Purchasing:

When a potential conflict involves a purchase of goods or services, the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services must also disclose the conflict to the appropriate staff person in the University's Office of Purchasing Services, and also to the unit staff member responsible for handling unit purchases. If the UMSI Administrative Director or the UMSI Director of Human

Resources and Support Services determines that a conflict exists that must be managed or eliminated, he or she will consult with these individuals in developing a plan to manage the conflict.

Research:

When a potential conflict involves work performed for a research project, the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services must inform the head of the research project. If the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services determines that a conflict exists that must be managed or eliminated, it is his or her responsibility to ensure, in consultation with the head of the research project, that the conflict management plan does not conflict with requirements related to the research or to research funding.

C. Administering the Policy

1. Record-Keeping and Issues of Confidentiality and Privacy

When personal financial or associational documents are provided to the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services, the documents shall be placed in a secure file accessible only to the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services and the Deans. Where any other staff member has a legitimate business reason to access the documentation, then either the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services or the Deans may authorize access to the file and provide either copies and/or information, as may be required for the stated business purpose. If the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services or the Deans provides copies of information in the files to a staff member, he or she must also ask that staff member to maintain the same level of confidentiality for the copied information as applies to the original information or documents.

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, including a notation to that effect on the disclosure description. Initial disclosure and management plan documents will be held in the staff member's secure file, while ancillary records will be destroyed three years after the potential conflict has been eliminated or otherwise ceases to exist.

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 the conflict. Also, the University may be legally required to disclose information in response to requests made under the Michigan Freedom of Information Act (FOIA). In addition to the people listed above, should any other individual have a legitimate educational or business reason to access the confidential records, whether in the context of a federally sponsored project, a FOIA request, or otherwise, the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services or the Deans may authorize access to the file, provide copies, or provide oral or written summaries of the information in the file. Where possible, the individual to whom the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services or the Deans authorizes disclosure shall be required to maintain at least the same level of confidentiality as applies to the original

information.

Administrators of this policy will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating a potential conflict of interest or commitment and, as applicable, in developing a plan to manage the conflict. (See Regents' Bylaw 14.07 Privacy and Access to Information and SPG 201.46 Personnel Records – Collection, Retention and Release.)

Any faculty or staff member who becomes aware of the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services or Dean providing unwarranted access to conflict documentation or information, as defined in this policy, should inform the Provost's Office. To follow up, the Provost's Office will investigate the allegation and, where appropriate, take personnel action.

2. Resolving Disputes

When a staff member disputes any action or decision related to a potential conflict of interest or conflict of commitment, the staff member should first ask that the action or decision to be reviewed by his or her supervisor.

If, following the above review, the staff member remains unsatisfied with the action or decision; the staff member may initiate existing University policies and procedures for handling disputes, when available.

3. Conducting Education and Training

Upon hiring into or transfer into the School of Information, every staff member shall be provided this policy.

Additionally each staff person will be required to:

1. Certify having reviewed this policy at performance evaluation time
2. Complete the on-line educational tutorial for overall University policy. A record of successful completion of the tutorial shall be provided to the School's Director of Human Resources and Support Services.

4. Violations

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 employee's Human Resources representative may be appropriate. The outcome of the supervisor's review and any actions taken shall be documented and included within the secure file maintained by the UMSI Administrative Director or the UMSI Director of Human Resources and Support Services. If appropriate, all relevant documentation may also be included within the employee's personnel file maintained as provided under SPG 201.46.

5. Policy Review and Revision

The UMSI Administrative Director or the UMSI Director of Human Resources and Support Services shall regularly review all potential conflict disclosures and actions taken with the Dean to ensure a consistent approach to potential conflicts within the unit. The Dean shall similarly regularly consult and review potential conflict management issues with the applicable executive officer for the unit. 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 Provost and Executive Vice President for Academic Affairs for further review and approval and then to the President for formal adoption. A current version of the School of Information's policy will be on file with the Provost and Executive Vice President for Academic Affairs at all times.

D. 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 School of Information 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 5.13, regarding governmental elected or appointed service;
- Regents' Bylaw 5.14, regarding leaves of absence;
- SPG 201.12, related to misconduct and discipline;
- SPG 201.85, related to work performed for other University units;
- 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 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;
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.