

Conflicts of Interest and Conflicts of Commitment

Last updated 10/25/2018

Kinesiology faculty members must promptly disclose to the Dean potential conflicts of interest or conflicts of commitment, as outlined in the school's Faculty Handbook and in the Standard Practice Guide, Section 201.65-1.

The Dean will then review the situation with the faculty member and may:

- agree that there is no conflict of interest or commitment;
- work with the faculty member to remedy the situation;
- reduce or terminate the faculty member's appointment.

If the decision is to reduce or terminate the appointment, the faculty member can request further review by a five-member group, consisting of the four Executive Committee members plus the faculty member receiving the next highest number of votes for selection to the Executive Committee. This review group will convene a meeting in which the faculty member under review and the Dean present relevant information. Subsequently, the review group will prepare a written decision that may concur with, revise, or eliminate the Dean's sanction regarding the faculty member's appointment. Copies of the document will be provided to the Dean and the faculty member.

To help faculty understand which issues can lead to conflict of interest and conflict of commitment, the following examples are provided. This list is not exhaustive.

1. Time

- a. Faculty members are expected to spend a majority of their working time on their primary professional commitments to the University. However, a faculty member may accept appropriate outside commitments that advance scholarship and University priorities. If a substantial time commitment is required, a potential conflict of commitment may arise. Significant outside consulting obligations, individually or collectively, may not conflict with primary commitments to the University but must be disclosed to the Dean.
- b. The University year (U-year) appointment for a faculty member covers the period of time from September 1 through May 31 each year during which a primary professional commitment to the University is expected (payment for this contract is distributed over 12 months). Faculty who do not receive compensation for spring/summer term(s) may accept outside commitments during the months of June through August, provided the professional activity for pay is wholly performed and completed between June 1 and August 31, and does not conflict with this policy statement.
- c. Outside employment during the University year by faculty is not allowed except with prior approval of the Dean, which will be granted only when either or both of the following conditions exist: i) 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; and ii) 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.

- d. Faculty members may not hold two active tenure track/tenured positions ([Regents' Bylaws Section 5.12](#); [University of Michigan Faculty Handbook Section 5.G.1](#)).
- e. Consistent with principles of avoiding conflict of interest and commitment, faculty members with full-time appointments at the University should not use (or permit others to use) their work in ways that compete with the University's courses, or its educational programs or activities unless prior written permission is obtained from the Dean. This provision applies to works developed exclusively for compensation at other educational institutions, including for-profit and on-line institutions. It does not apply to works created in conjunction with professional activities in conformance with University norms such as but not limited to: sharing syllabi or other course materials with colleagues at other non-profit educational institutions; ordinary outside consulting; participation in professional or scholarly organizations; scholarly presentations and publications; pursuit of future employment opportunities; and public service. (U-M Copyright policy).
- f. Start-up ventures in which the faculty member has an outside interest must be disclosed and are regulated by [U-M Office of Research](#) (UMOR): <https://research-compliance.umich.edu/coi-policies>.

2. Relationships

- a. Close personal relationships that could affect the outcome of hiring or evaluation decisions must be disclosed to the Dean and written policies for managing any relationships involving supervision or evaluation must be developed by the Dean or Dean's designees.
- b. A faculty member may not assign or ask students or staff to contribute services or money to institutions or people external to the University with whom the faculty member has a financial interest. A faculty member may not use the services of an employee during University Time to advance her or his personal or externally paid professional activities.
- c. The University Faculty Student Relationship policy must be adhered to in all circumstances. Disclosure is required to the Dean or Dean's designees (Associate Dean for Faculty and Undergraduate Affairs, Associate Dean for Research, Associate Dean for Graduate Affairs) of any relationships covered by the policy ([SPG 601.22](#)).

3. Resources

- a. University resources are normally to be used for University business. These resources include University equipment including copy and fax machines, office and computer supplies, and electronic mail. University policy allows for limited use of electronic resources (computers, e-mail, and Internet connections) for personal business that does not conflict with the primary business use. Use of office and laboratory space for a venture in which the faculty member has an outside interest must be disclosed and is regulated by UMOR policy (<https://research-compliance.umich.edu/coi-policies>).

- b. A faculty member may incur reasonable meal and travel expenses that are reimbursed either by the University or by external organizations. However, a faculty member may not accept reimbursement that amounts to a gift valued at more than \$25 from people or institutions that contract with the University when the faculty member participates in decisions concerning that contract.
- c. At the University of Michigan, students often have the opportunity to take courses from leading authors in a discipline. Faculty members may assign their own textbooks to their students according to the guidelines of the American Association of University Professors policy statement: <http://www.aaup.org/AAUP/comm/rep/owntexts.htm>.
- d. Faculty members may not have direct dealings with students in the sale of books, instruments, lectures, notes, or similar materials.
- e. Faculty members may not direct business to anyone with whom they have a close personal relationship or use University resources to promote outside business interests.

4. Gifts

- a. Faculty members may not accept a gift of substantial value (including gifts of service) from anyone over whom they have authority unless there is a family relationship or the equivalent.
- b. In line with State Law and IRS regulations, the same rule applies to gifts of \$25 or more from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.
- c. Irrespective of a gift's value, it is *always* a conflict of interest for a faculty member to accept a gift where the external person or organization intends to create a *quid pro quo* arrangement with the faculty member. Thus, whatever the value of a gift, it is never appropriate to receive a gift that is given with the expectation of receiving some favor or benefit in return.

5. Political Endorsements or Outside Affiliation

- a. There are circumstances in which a faculty member's expertise is relevant to expression of a public opinion. In these cases a faculty member may indicate her or his affiliation with the University in written correspondence to public entities as long as the correspondence includes a statement indicating that he or she is not speaking on behalf of the University but as an individual.
- b. Faculty members obviously have the full right to political activity outside of work hours, but they may not use University resources to further these activities.
- c. A faculty member may not use University resources (including electronic e-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). Further general information, including [frequently asked questions and answers](#), has been posted to the University's website.

If in doubt...

Despite this articulation of responsibilities and expectations, there may be a degree of ambiguity in the duties and obligations of a faculty member as individual situations arise. There may also be legitimate reasons why exceptions to a policy should be granted or normal expectations are not appropriate. If a faculty member is in doubt about anything in this regard, including conflicts of interest, absences from campus, "carrying your weight," and so on, he or she should seek clarification.

Our goal is to be highly supportive of each other as we pursue professional goals and manage personal situations. At the same time, we are committed to supporting these policies and norms that we believe are essential to fairness and to maintaining an excellent community in which we can all take pride.

This policy implements [Standard Practice Guide \(SPG\) 201.65-1](#), Conflicts of Interest and Conflicts of Commitment. Implementation of SPG 201.65-1 requires compliance with other approved University policies and procedures, including Regents' Bylaws and SPGs, as well as with certain external rules of professional conduct and applicable law. Relevant policies, procedures, rules, and law include, but are not limited to, the following:

[Regents' Bylaw 5.12](#), regarding Outside Employment

[Regents' Bylaw 5.13](#), regarding Governmental Activities

[Regents' Bylaw 5.14](#), regarding Leaves of Absence

[SPG 201.23](#), regarding Appointment of Relatives or Others with Close Personal or External Business Relationships; Procedures to assure Equal Opportunity and to Avoid the Possibility of Favoritism (Nepotism)

[SPG 201.65](#), regarding Work Outside the University

[SPG 201.85](#), regarding Non-Appointment Related University Compensation

[SPG 500.01](#), regarding Fiscal Responsibilities

[SPG 601.11](#), regarding Privacy and the Need to Monitor and Assess Records

Note: [U-M Office of Research](#) (UMOR) policies involving sponsored projects and technology transfer are not superseded by the Kinesiology or University conflict of interest policies, and may require disclosure by project directors beyond what these policies require. Reference this site for detailed information regarding potential Institutional Conflicts of Interest: <https://research-compliance.umich.edu/conflict-interest/institutional-conflicts-interest-icoi>