

**LIFE SCIENCES INSTITUTE  
CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT POLICY  
FOR FACULTY AND STAFF MEMBERS**

**INTRODUCTION**

Pursuant to Standard Practice Guide (SPG) 201.65-1, Conflicts of Interest and Conflicts of Commitment, it is the responsibility of the Life Sciences Institute (“LSI”) to address potential or actual Conflicts of Interest and/or Conflicts of Commitment promptly and fairly in order to ensure that they are reduced, managed, or eliminated as appropriate. All LSI faculty and staff are required to promptly report any potential or actual Conflicts of Interest and/or Conflicts of Commitment.

**I. POLICY PURPOSE AND SCOPE**

The purpose of this policy is to enable LSI to identify and manage as appropriate Conflicts of Interest and Conflicts of Commitment. This policy applies to all LSI faculty and staff.

**II. STATEMENT OF PRINCIPLES**

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 an individual’s University obligations. Faculty and staff members must not use their official University positions or influence to further gain or advance themselves, parents, siblings, spouse or partner, children, dependent relatives, or other personal associates, at the expense of the University.

The University, however, allows and encourages faculty and staff members to engage in outside activities and relationships that enhance 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 members must disclose these potential Conflicts of Interest and/or Commitment so that they can be evaluated and, if necessary, managed or eliminated.

**III. DEFINITIONS**

**Conflict of Commitment:** A “Conflict of Commitment” or “COC” exists when an LSI faculty or staff member’s external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with:

- the University’s or LSI’s educational, research, or service missions, or
- the LSI faculty or staff member’s ability or willingness to perform the full range of responsibilities associated with his or her position.

Examples of COCs are provided in **Exhibit A** attached to this policy.

**Conflict of Interest:** A “Conflict of Interest” or “COI” exists whenever personal, professional, commercial, or financial interests or activities outside of the University or LSI have the possibility (either in actuality or in appearance) of:

- Compromising a faculty or staff member’s judgment;
- Biasing the nature or direction of scholarly research;
- Influencing a faculty or staff member’s decision or behavior with respect to teaching and student affairs, appointment and promotions, uses of University or LSI resources, interactions with human subjects, or other matters of interest to the University or LSI; or
- Resulting in a personal or family member’s gain or advancement at the expense of the University or LSI.

Examples of COIs are provided in **Exhibit A** attached to this policy.

**Conflict of Interest Board: “COI Board”** means the final governing body that reviews and approves Conflicts of Interest related to certain research or technology transfer associated with Faculty members who currently hold professorial appointments.

**Faculty:** “Faculty” mean those individuals with an appointment in either the Research Professor Track (Research Professor, Research Associate Professor, Research Assistant Professor); the Research Scientist Track (Research Scientist, Associate Research Scientist, Assistant Research Scientist, Research Investigator); or Visiting or Adjunct Research Faculty.

**Family Members:** “Family Members” refer to the LSI Faculty or Staff member’s parents, siblings, a spouse or partner, children, and dependent relatives.

**Outside Interest:** “Outside Interest” is an external activity, relationship or interest, whether paid or unpaid, related to a Faculty or Staff member’s work or position at the LSI that could result in a benefit to the LSI Faculty or Staff member or their Family Members.

**Staff:** “Staff” mean those individuals who are not Faculty and who are regular, part-time and/or temporary employees in the LSI and/or the Program for Chemical Biology. For purposes of this policy, staff also includes those individuals performing postdoctoral training (Research Fellows) in an LSI laboratory under the direction of an LSI faculty and graduate students appointed under the Chemical Biology graduate program.

#### **IV. DISCLOSURES**

##### **A. Faculty**

LSI Faculty members must prospectively and promptly disclose any potential or actual Outside Interests, COI/COC of themselves or their Family Members. All Faculty will be required to disclose any potential or actual Outside Interests for themselves or family members via M-Inform: <https://minform.it.umich.edu>.

The LSI disclosure year will begin on July 1 and will end on June 30. Each year, faculty will be expected to complete the disclosure process within M-Inform by July 31. Faculty members are obligated to keep this information up to date if new outside interests arise during the year. In addition, faculty members are required to complete a disclosure even if there are not any outside interests or activities to report.

The Institute Director will serve as the COI/COC Manager. Disclosures will be reviewed for any potential or actual COI/COC, and conflicts will be assessed and reduced, managed or eliminated as appropriate and as provided in the Procedure Actions (Section V).

B. Staff:

Staff with Public Health Service (PHS) Funding:

Must prospectively and promptly disclose any potential or actual Outside Interests, COI/COC of themselves or their Family Members. All staff with PHS funding will be required to disclose any potential or actual Outside Interests for themselves or family members via M-Inform: <https://minform.it.umich.edu>.

The LSI disclosure year will begin on July 1 and will end on June 30. Each year, staff with PHS funding will be expected to complete the disclosure process within M-Inform by July 31. Staff members with PHS funding are obligated to keep this information up to date if new outside interests arise during the year. In addition, staff members with PHS funding are required to complete a disclosure even if there are not any outside interests or activities to report.

The Institute Director will serve as the COI/COC Manager. Disclosures will be reviewed for any potential or actual COI/COC, and conflicts will be assessed and reduced, managed or eliminated as appropriate and as provided in the Procedure Actions (Section V).

Staff without Public Health Service (PHS) Funding:

Must prospectively and promptly disclose in writing any potential or actual Outside Interests, COI/COC of themselves or their Family Members to (1) their supervisor or (2) the Managing Director of the Life Sciences Institute. If the Staff member discloses the potential or actual COI/COC

to their supervisor, the supervisor is responsible for disclosing the potential or actual COI/COC to the Managing Director of the Life Sciences Institute. The Managing Director will serve as the COI/COC Manager. Disclosures will be reviewed for any potential or actual COI/COC, and conflicts will be assessed and reduced, managed or eliminated as appropriate and as provided in the Procedure Actions (Section V).

The Institute Director will serve as the COI/COC Manager with regards to potential or actual COI/COC of the Managing Director or in any other case where the Managing Director cannot serve as the COI/COC Manager.

## **V. PROCEDURE ACTIONS**

### **A. Faculty and Staff:**

1. When an LSI Faculty or Staff member discloses any potential or actual Outside Interests, COI/COC of themselves or their Family Members, the COI/COC Manager (as specified in Section IV) will review the disclosure for any potential or actual COI/COC; and if such a conflict exists: 1) determine a method for reducing, managing or eliminating the conflict or 2) determine that the Outside Interest (or other activity giving rise to the conflict) cannot be appropriately reduced or managed and therefore is prohibited.

The result of this review and determination will be communicated to the Faculty or Staff member (and supervisor, as appropriate) in writing within 30 days.

2. When the COI/COC Manager determines that a potential or actual COI/COC exists but can be managed or appropriately reduced, they will develop, in consultation with the Faculty or Staff member and where applicable, any relevant supervisor or other appropriate individuals, committees and/or bodies (such as the COI-MED Board or COI-OVPR Boards), a written plan for managing or reducing the potential or actual conflict.
3. If the COI/COC Manager determines that a potential or actual COI/COC cannot be appropriately reduced or managed, the Faculty or Staff member may be required to cease the Outside Interest (or other activity giving rise to the conflict).
4. Faculty and Staff members may dispute the determination regarding the disclosure by availing themselves of existing University policies and procedures for handling disputes, as provided in the Appeals Section (Section VI) of this policy.

B. Additional Disclosures:

1. Compliance with this policy does not negate the necessity for LSI Faculty and Staff members to comply with any other disclosure or conflict of interest or commitment policy of any other relevant University unit or oversight body.
2. In addition to the procedures above, LSI Faculty and Staff members must disclose potential or actual COI/COC as required by University policy on the following forms:
  - Proposal Approval Form located at <http://www.research.umich.edu/proposals/forms/forms.html>
  - Material Transfer Form located at <http://www.research.umich.edu/proposals/forms/forms.html>
  - eResearch located at <http://eresearch.umich.edu/>

## VI. APPEALS

Faculty and Staff members may dispute a decision made regarding a disclosure and/or COI/COC. Specific appeal processes are set forth below for LSI Faculty and Staff members:

A. Faculty:

If an LSI Faculty member is unsatisfied with the action or decision recommended by the Institute Director, the Faculty member may provide a written request to the Institute Director for their case to be reconsidered within 30 days. The Institute Director will accept, modify or reject the decision, providing a written response to the Faculty member within 30 business days of his or her decision. Thereafter, the Faculty member may dispute any action or decision under this policy in accordance with applicable University procedures.

To the extent that any other individuals, committees or bodies have rendered an action or decision in connection with a disclosure under this or any other applicable COI/COC policy, the Faculty member shall have whatever appeal rights pertain under those policies.

B. Staff:

A Staff member may dispute any action or decision recommended by the COI/COC Manager, by submitting an appeal to the Institute Director in writing within 30 days of the denial by the COI/COC Manager. The Institute Director will accept, modify or reject the COI/COC Manager's

decision, providing a written response to the Staff member within 30 business days of his or her decision.

To the extent that any other individuals, committees or bodies have rendered an action or decision in connection with a disclosure under this or any other applicable COI/COC policy, the Staff member shall have whatever appeal rights pertain under those policies.

## VII. ADDITIONAL POLICY INFORMATION

- A. General Responsibilities: LSI Faculty and Staff members are responsible for knowing and abiding by this policy and other applicable University policies and procedures. LSI Faculty and Staff members also must promptly provide additional information related to an Outside Interest, Conflict of Interest or Conflict of Commitment as requested.
- B. Abiding by Conflict Management: As appropriate, the Institute Director, Institute Managing Director, and/or supervisor (where applicable) will develop and document a plan to manage, reduce or eliminate any conflicts as provided in Section V (Procedure Actions). LSI Faculty and Staff members are required to fully abide by any conflict management plan if a conflict is determined to exist. Any change in the circumstances of the conflict that could affect the current conflict management plan must be promptly disclosed to the Institute Director, Institute Managing Director, and/or supervisor (where applicable). It is the responsibility of the Institute Director, Institute Managing Director, and/or supervisor (where applicable) to monitor a Faculty or Staff member's compliance with the conflict management plan and report any non-compliance.
- C. Violation. Any violation of SPG 201.65-1 or this policy may be a cause for disciplinary action. In the first instance, the Faculty or Staff member's COI/COC Manager shall evaluate the violation and take appropriate action, if needed, all in accordance with existing University policies and procedures. Consultation with the Faculty or Staff member's Human Resources representative may be appropriate. The outcome of the COI/COC Manager's review and any actions taken shall be documented and included within the secure file maintained by the COI/COC Manager. If appropriate, all relevant documentation may also be included within the Faculty or Staff member's personnel file maintained as provided under SPG 201.46.
- D. Reporting. Any suspected violations or concerns related to this policy should be reported to the supervisor, Institute Managing Director, Institute Director and if applicable, the COI/COC Manager from any relevant School/College. The supervisor, Institute Managing Director, Institute Director, and COI/COC Manager from the respective School/College will work with the appropriate University and LSI individuals in order to

investigate and resolve any suspected violations or concerns related to this policy.

- E. Documentation and Retention. Documentation of a Faculty or Staff member's disclosure and action taken shall be included within a 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. Records documenting disclosures and management plans related to this policy will be kept for the duration of the individuals employment at the LSI and then will follow standard University policy for retention purposes.
- F. Confidentiality, Privacy Rights. 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.
- G. Records and Sensitivity of Disclosures and Additional Information Provided. Disclosure of Outside Interests, Conflicts of Interest and Conflicts of Commitment and any additional information shall be treated as "Sensitive Data" under Standard Practice Guide 601.12, and access to the information shall be permitted only with specific authorization and only to those University or LSI offices that need this information to perform their University or LSI obligations or to make decisions on behalf of the University or LSI. These records will be maintained by the COI/COC Manager that was designated.
- H. Location and Security of COI/COC File. When personal, financial or associational documents are provided to the COI/COC Manager, the documents shall be placed in a secure file located in the COI/COC Manager's office, which will be accessible only to the COI/COC Manager. Where any other Faculty or Staff member has a legitimate business reason to access the documentation, then the COI/COC Manager may authorize access to the file and provide either copies and/or information, as may be required for the stated business purpose. If the COI/COC Manager provides copies of information in the files to a Faculty or Staff member, he or she must also ask that Faculty or Staff member to maintain the same level of confidentiality for the copied information as applies to the original information or documents.
- I. Interactions with Other University Offices or Individuals: In some instances, the COI/COC Manager, supervisors (where applicable) and others involved in the evaluation of conflicts will need to consult with other University units. These instances include, but are not limited to:
- The Office of the Provost will be consulted when there are inconsistent policies between the LSI and the academic units

- The Office of the General Counsel where legal obligations or potential liability to the University or LSI may be involved
- University Procurement when the COI involves purchasing

- J. University Requirement to Disclose Potential Conflicts. 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) <http://www.umich.edu/~urel/foia.html>. 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 COI/COC Manager 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 COI/COC Manager authorizes disclosure shall be required to maintain at least the same level of confidentiality as applies to the original information.
- K. Unwarranted Access. Any Faculty or Staff member who becomes aware of a COI/COC Manager who has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the Provost and Executive Vice President for Academic Affairs. To follow up, the Provost and Executive Vice President for Academic Affairs will investigate the allegation and, where appropriate, take personnel action.
- L. Policy Review and Revision. The Institute Director and Institute Managing Director shall regularly review, on an annual basis, all potential conflict disclosures and actions taken to ensure a consistent approach to potential conflicts within the unit. The Institute Director shall similarly regularly consult and review potential conflict management issues with the President and the Provost and Executive Vice President for Academic Affairs. If the Institute Director determines that any of the changes he or she would like to adopt will materially change the policy, he or she will follow the procedures used to adopt the original policy <http://www.umich.edu/%7Ehrraa/procedures/spg201-65-1.htm>. In particular, the Institute Director 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 Life Sciences Institute's policy should be on file with the Provost and Executive Vice President for Academic Affairs at all times.

- M. Personal Gifts or Loans from Outside Organizations. A potential conflict exists when a vendor, current or potential, gives a gift, loan or anything of value to an LSI Faculty or Staff member. Institute Faculty or Staff members may only accept gifts, loans or anything valued at under \$25 from current or potential vendors. At least annually, the Institute will inform vendors of this policy.

Irrespective of a gift's value, it is *always* a conflict of interest for a Faculty or Staff member to accept a gift where the current or potential vendor (or any other external person or organization) intends to create a *quid pro quo* arrangement. It is never appropriate to receive a gift that is given with the expectation of receiving some favor or benefit in return.

In the event a vendor would like to provide sample merchandise, sponsorship of Institute programs or other group benefits, such arrangements must be approved by the Institute Director and Institute Managing Director in advance.

- N. Education. Upon hiring into or transfer into the Life Sciences Institute, every Faculty and Staff member shall be provided with the Life Sciences Institute Conflict of Interest and Conflict of Commitment Policy for Faculty and Staff Members. At least annually, the LSI will review the Conflict of Interest and Conflict of Commitment Policy for Faculty and Staff Members with its Faculty and Staff members. Regarding the overall COI/COC University policy, LSI Faculty and Staff members are encouraged to further educate themselves by completing the on-line tutorials for Faculty and Staff, which can be located on the Provost's Office website at:  
[http://www.provost.umich.edu/programs/COI\\_COC/index.html](http://www.provost.umich.edu/programs/COI_COC/index.html)

## VIII. EXHIBITS

Exhibit A: Examples of Conflict of Interest and Conflict of Commitment

## IX. REFERENCES

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 Life Sciences Institute 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 1.13, regarding Business Transactions;
- Regents' Bylaw 1.14, regarding Regental and Executive/Senior officer Conflict of Interest Policy;
- Regents' Bylaw 2.16, regarding gifts to University employees
- Regents' Bylaw 3.10, regarding Ownership of Patents, Copyrights, Computer Software, Property Rights, and Other;
- Regents' Bylaw 5.12, regarding Outside Employment;
- Regents' Bylaw 5.13, regarding governmental elected or appointed service;
- Regents' Bylaw 5.14, regarding leaves of absence;
- Regents' Bylaw 14.07, regarding Privacy and Access to Information;
- SPG 201.12, regarding misconduct and discipline;
- SPG 201.23, regarding appointment of individuals with close personal or external business relationships;
- SPG 201.46, regarding Personnel Records – Collection, Retention and Release;
- 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 303.01, regarding Implementation of Regents' Policy Concerning Research Grants, Contracts and Agreements;
- SPG 303..03, regarding Policy Statement on the Integrity of Scholarship and Investigating Allegations of Misconduct in the Pursuit of Scholarship and Research;
- SPG 303.04, regarding Policy on Intellectual Properties: Including their Disclosure, Commercialization, and Distribution of Revenues from Royalties and Sale of Equity Interest;
- SPG 500.01, regarding Fiscal Responsibilities;
- SPG 507.1, regarding General Policies and Procedures;
- SPG 601.3-2, regarding Policy on Ownership of Copyrighted Works Created at or in Affiliation with the University of Michigan;
- SPG 602.02, regarding Gift Acceptance;
- SPG 601.12, regarding Institutional Data Resource Management Policy;
- Office of Vice President for Research (OVPR) 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);
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.

## **Exhibit A**

### **Examples of Conflict of Interest and Conflict of Commitment**

#### **Conflict of Interest**

A “Conflict of Interest” or “COI” exists whenever personal, professional, commercial, or financial interests or activities outside of the University or LSI have the possibility (either in actuality or in appearance) of:

- Compromising a Faculty or Staff member’s judgment;
- Biasing the nature or direction of scholarly research;
- Influencing a Faculty or Staff member’s decision or behavior with respect to teaching and student affairs, appointment and promotions, uses of University or LSI resources, interactions with human subjects, or other matters of interest to the University or LSI; or
- Resulting in a personal or Family Member’s gain or advancement at the expense of the University or LSI.

Examples of potential COIs include, but are not limited to, the following:

- Owning stock, stock options or other ownership interests in a company that sponsors LSI research in which you participate;
- Using software you developed and that is licensed to an outside company you partially own and you use this software in your LSI work;
- Assigning a textbook that you authored for required use by LSI students or trainees in an LSI sponsored course or activity. Note: A faculty member may assign their own textbook to students according to the guidelines of the American Association of University Professors policy statement: <http://www.aaup.org/statements/REPORTS/05owntext.htm>. Because faculty members can realize profits (financial or professional) they may be construed by some as enriching themselves to the expense of their students. Thus, faculty members intending to assign their own textbooks should disclose this as outlined in section IV;
- More than incidental use of LSI resources (paper, telephone, computer, etc.) for an outside organization or personal business;
- Being an employee, manager, consultant, partner, director or officer to an outside organization (for-profit or non-profit) in which you participate in decisions or deliberations at LSI where your own personal financial interests are or could be affected;
- Participating in decisions or deliberations where a Family Member is or could be affected, financially or otherwise;
- Performing work (e.g., consulting, freelancing, etc.) for other University departments or units for additional pay;
- Performing activities (e.g. consulting, freelancing, etc.) for non-University entities for pay;
- Accepting gifts, entertainment, or other items of value over \$25 from vendors or other third parties that do or have business with the University;

- Accepting an incentive or benefit to gain access to a staff member's supervisor;

While definitions of COI and COC purposefully draw clear distinctions between the two, outside activities or relationships often result in both types of conflicts being present.

### **Conflict of Commitment**

A "Conflict of Commitment" or "COC" exists when an LSI Faculty or Staff member's external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with:

- the University's or LSI's educational, research, or service missions, or
- the LSI Faculty or Staff member's ability or willingness to perform the full range of responsibilities associated with his or her position.

Typically, a COC arises when an LSI Faculty or Staff member enters into a relationship outside their regular LSI employment that involves significant commitments of time and/or personal effort.

Examples of potential COCs include, but are not limited to, the following:

- Performing work (e.g., consulting, freelancing, etc.) for other University departments or units;
- Performing activities (e.g. consulting, freelancing, *pro bono*, public service, etc.) for non-University entities;

For LSI Faculty members, there is no anticipated COC with the following activities:

- Grant reviews for federal agencies
- Service as an editor at professional journals
- Service on an advisory group for other universities
- Positions with academic societies
- One-time lecture or telephone calls that do not contemplate an ongoing relationship throughout the year