

**Law School
Conflicts of Interest and Conflicts of Commitment
Policies for Staff**

August 2006

Introduction

SPG 201.65-1 requires the deans of the schools and colleges and the directors of administrative units to articulate and disseminate implementation policies that apply to faculty and/or staff within those units. The policy and procedures for The Law School are provided below. This policy and its procedures apply to all full-time staff, whether permanent or temporary, and to all permanent part-time staff in the Law School. There is a separate policy governing faculty. The University expects all staff to be familiar with the contents of SPG 201.65-1 and with the applicable set of Law School policies and procedures.

A. Statement of Principles for the Law School's Policies

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 staff to engage in outside activities and relationships that enhance the mission of the University. As a result, potential conflicts of interest and commitments are inevitable, but these potential conflicts are not necessarily problematic. Rather, the essential point is that faculty and staff must disclose these potential conflicts of interest so that they can be evaluated and, if necessary, managed or eliminated.

The specific definitions for a *potential conflict of interest* and *potential conflict of commitment* in Section II.A of SPG 201.65-1 also apply to the procedures described below. Broadly defined, a potential conflict of interest encompasses external ties that may bias or appear to 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 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

The Associate Dean for Academic Affairs, acting on behalf of the Dean, is the Law School's Conflict of Interest/Conflict of Commitment manager. 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 Associate Dean for Academic Affairs.

Examples of potential conflicts include (but are not limited to):

- Performing work for other University departments or units for additional pay (*see SPG 201.85 related to work performed for other University unit and also Regents Bylaws, Sec. 5.11. Divided and Part-Time Service*);
- Participating in decisions or deliberations 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 (Note: As stated in SPG 201.65-1, family members include parents, siblings, a spouse or partner, children, and dependent relatives.)
- Performing activities for non-University entities for pay (*see SPG 201.65, related to employment outside the University*).
 - Exempt employees must report all activities performed for non-University entities for pay; including self-employment.
 - Non-exempt employees must report activities performed for non-University entities for pay, including self-employment, when those entities have a similar mission to the University of Michigan or the work is similar to that performed for the University of Michigan (e.g., it is not required that an employee report a second job at the local mall; it is required that an employee report a second job at an academic institution or report a job that entails similar work as that performed for the University);
- Exempt employees performing not-for-pay activities (e.g., pro bono work) for more than 100 hours per quarter.
- Accepting gifts, entertainment, or other items of value from vendors or other third parties, including students, that have business with the University (also see below) (*see Regents Bylaws, Sec. 2.16. Gifts to Regents and University Employees.*)
- Accepting a gift, other incentive or benefit to gain access to a staff member, a staff member's supervisor or faculty.

Gifts

General University policy prohibits employees from accepting any gift of substantial value from vendors or from students (*Regents' Bylaws 2.16*). The Law School further prohibits staff from

accepting any gift of substantial value from alumni, potential students, or legal employers. In addition, staff members are prohibited from accepting a gift of any value that is given in expectation of an actual benefit to the giver. Staff members should never expect or solicit gifts.

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

The Associate Dean for Academic Affairs shall evaluate all disclosed potential conflicts of interest or conflicts of commitment. The Associate Dean for Academic Affairs 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 Associate Dean for Academic Affairs will consult with 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). (See also Section B.4 below.) As needed, he or she will also consult with the Law School Dean.

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

When the Associate Dean for Academic Affairs 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 and his or her supervisor, a recommended plan for managing the potential conflict. The Associate Dean for Academic Affairs 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 Associate Dean for Academic Affairs must also disclose the conflict to the appropriate staff person in the University's Office of Purchasing Services, and to the Law School Director of Finance and Planning. If the Associate Dean for Academic Affairs 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 Associate Dean for Academic Affairs must inform the head of the research project. If the Associate Dean for Academic Affairs 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 Associate Dean for Academic Affairs, the documents shall be placed in a secure file accessible only to the Associate Dean for Academic Affairs and the department supervisor. Where any other staff member has legitimate business reason to access the documentation, then either the Associate Dean for Academic Affairs or the department supervisor may authorize access to the file and provide either copies and/or information, as may be required for the stated business purpose. If the Associate Dean for Academic Affairs, the supervisor, or his or her designate 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.

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. In addition, 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 involved in the management of a potential conflict of interest of commitment, 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 Associate Dean of Academic Affairs or the department supervisor 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 Associate Dean of Academic Affairs or department supervisor 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 1407- 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 Associate Dean of Academic Affairs or a department manager who has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the Dean and Provost. To

follow up, the Provost 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 his or her supervisor review the action or decision. 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

Each staff member in the Law School will be given a copy of this policy at the time of implementation and will be required to acknowledge receipt of the policy by signing a certification statement (*See attached certification statement*).

Upon hiring into or transfer into the Law School, each staff member will be provided with the Law School's Conflicts of Interest and Conflicts of Commitment Policies for Staff by the Law School's Human Resources Director. The staff member will be required to acknowledge receipt of the policy by signing a certification statement.

4. Violations

Any violation of SPG 201.65-1 or this 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 Associate Dean of Academic Affairs. 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 Associate Dean of Academic Affairs shall regularly review with the Dean all potential conflict disclosures and actions taken to ensure a consistent approach to potential conflicts within the Law School. The Law School Dean shall similarly regularly consult and review potential conflict management issues with the Provost. 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 <http://www.umich.edu/%7Ehraa/procedures/spg201-65-1.htm>. In particular, the Dean will submit any materially revised policy to the Provost for further review

and approval and then to the President for formal adoption. A current version of the Law School's policy should be on file with the Provost at all times.

D. Other Governing Policies

This policy implements SPG 201.65-1, <http://spg.umich.edu/pdf/201.65-1.pdf>, *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 Law 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
<http://www.regents.umich.edu/bylaws/bylaws02.html>
- Regents' Bylaws 5.13, regarding governmental elected or appointed service
<http://www.regents.umich.edu/bylaws/bylaws05b.html>
- Regents' Bylaws 5.14, regarding leaves of absence
<http://www.regents.umich.edu/bylaws/bylaws05b.html>
- SPG 201.12, regarding misconduct and discipline;
- 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 Conflicts of Interest in Sponsored Research and Technology Transfer Agreements
http://www.umich.edu/policies/um/conflict_ovpr_drda_tmo.html;
- Michigan Compiled Laws §15.321 et seq., regarding contracts of public employees with their employers.

**Conflicts of Interest and Conflicts of Commitment
Policies for Staff Certification Statement**

I acknowledge that I have been given of a copy of the Law School's Conflicts of Interest and Conflicts of Commitment Policies for Staff. I understand that if I engage in an activity, which presents, or may appear to present, a conflict of interest or conflict of commitment, that I will promptly disclose it, in writing, to the Associate Dean for Academic Affairs.

Signature_____ Date_____

Name (printed)_____