

**SCHOOL OF NURSING
POLICY ON STAFF CONFLICTS OF INTEREST AND
CONFLICTS OF COMMITMENT
REVISED – October 2018**

Introduction

The University of Michigan Standard Practice Guide (SPG) 201.65-1 requires the deans of the schools or colleges and the directors of administrative units to articulate and disseminate implementation policies that apply to faculty and/or staff within those units. The implementation policy and procedures for staff in the School of Nursing are provided below. This policy and its procedures apply to all staff in the School of Nursing. 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 unit implementation procedures.

A. *Statement of Principles for the School of Nursing Policies*

The policy section of SPG 201.65-1 outlines a set of key principles relevant to conflicts of interest and conflicts of commitment, 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 staff to engage in outside activities and relationships that enhances the mission of the University. As a result, potential conflicts of interest and commitment can occur, and 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 these conflicts can be evaluated and, if necessary, managed.

When implementing SPG 201.65-1, academic and administrative units must also consider existing rules of conduct applicable to the staff of the School of Nursing, including rules that relate to activities within the University and rules that govern outside activities. The present document is intended to clarify and, where necessary, supplement existing School of Nursing and University policy. The School of Nursing does not intend to implement a policy that is more restrictive than that required by the existing University policies, procedures, and rules. These include:

- Regents' Bylaw 5.13, related to governmental elective/appointed service
<http://www.regents.umich.edu/bylaws/bylaws05b.html#4>;
- SPG 201.12, related to misconduct and discipline;
- SPG 201.23, related to hiring of relatives or those with a close personal relationship; and
- SPG 201.85, related to work performed for other University units.

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 or may appear to improperly bias a staff member's judgment in performing his or her University job responsibilities or when an employee uses state resources to influence a political campaign. 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 or conflicts of commitment

Whenever a potential conflict of interest or conflict of commitment exists for a staff member, s/he must promptly disclose it online via the M-Inform Disclosure System. (SPG, [201.65-1](#)) The School of Nursing Office of Human Resources will forward the disclosure to the appropriate Supervisor for review. The Supervisor may seek advice from the Director of Human Resources. The Supervisor reports at the end of each year on all COI/COC issues to the Director of Human Resources.

Disclosure need not be made where there is no violation of the general principles outlined above but disclosure should be made whenever there is any question whether the incident falls within the generally permitted situations described in this document.

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

- Performing work for other University departments or units for additional pay;
- 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;
- Accepting gifts, entertainment, or other items of value from vendors or other third parties that do or have business with the University (also see below); and
- Accepting an incentive or benefit to gain access to a staff member's supervisor.

Gifts

A potential conflict exists when a vendor, current or potential, gives a gift to a staff member. General University policy prohibits employees from accepting any gift of substantial value from vendors or from students (Regents' Bylaw 2.16). In line with general University policy, and IRS regulations an employee may not accept any gift from a vendor or from a student.

A staff member may not accept a gift of substantial value (including gifts of service) from anyone over whom s/he has authority. Staff members may not provide gifts to the University with the expectation that they will then be given the authority to control the dispersal of these gifts.

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

Upon disclosure of a potential conflict of interest or commitment, the Supervisor in consultation as needed with the Director of Human Resources shall evaluate all disclosed potential conflicts of interest or conflicts of commitment for staff. The purpose of this evaluation is to determine whether it is necessary to manage or eliminate the potential conflict. The Supervisor 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 Supervisor will consult with the Director of Human Resources who may need to consult with other 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 (UMOR), and the Office of the Vice President and General Counsel). (See also Section B.4, below.) As needed, the Assistant Dean for Administration and Dean may also be consulted.

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

When the Supervisor has determined that a potential conflict of interest or conflict of commitment exists that must be managed or eliminated, s/he will consult with the Director of Human Resources to develop, in consultation with the employee, a recommended plan for managing the potential conflict. This management plan will then be reviewed by the Director of Human Resources for approval by the Dean. 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.

Management options include, but are not limited to:

- A determination that no action is necessary.
- Documenting the disclosure and Supervisor's evaluation and determination that no further management is required.
- Disclosing the potential conflict to appropriate sources inside and outside the University;
- Modifying or limiting the staff member's duties to minimize or eliminate the conflict;
- Securing the staff member's agreement to modify or suspend outside activity, use of University resources, or other activities that create the potential conflict; and
- Prohibiting certain outside activity as inconsistent with the staff member's obligations to the University.

4. Involving other University individuals or offices as required.

In some circumstances, evaluation of the potential conflict will require consultation with and processing by other Supervisors within the School of Nursing or central administration offices. For example, consultation is necessary in the following circumstances:

- Where the disclosure involves a sponsored research, by the head of the research project.
- Where the disclosure involves sponsored research or technology transfer, with the Office of the Vice President for Research (UMOR) (<http://research-compliance.umich.edu/conflict-interest-coi>).
- Where there may be a conflict between two academic units, with the Provost's Office.
- Where legal obligations or potential liability may be involved, with the Office of the Vice President and General Counsel.
- Where the disclosure involves a purchase of goods or services, with Purchasing.

Purchasing

When a potential conflict involves a purchase of goods or services, the Supervisor must disclose the conflict to the Director of Human Resources, the unit staff member responsible for handling unit purchases, and the appropriate staff person in the University's Office of Purchasing Services. If the Supervisor determines that a conflict exists that must be managed or eliminated, s/he 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 Supervisor must inform the Director of Human Resources and as appropriate Associate Dean for Research, Research Manager and the head of the research project. If the Supervisor 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

The School of Nursing Office of Human Resources will keep records of action on disclosures made to the Director of Human Resources under this policy. Supervisors will also keep records of disclosures and related actions at the department/program/office level. The record may be as simple as identifying the disclosure and including a notation on the disclosure description to the effect that no further action was required. Appropriate records will be maintained in a secure electronic file (on the shared drive for the Office of Human Resources and in M-Inform).

When personal financial or associational documents are provided to the Supervisor and the Director of Human Resources the documents shall be placed in a secure electronic file accessible only to these individuals or their authorized designees.

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 and how it has managed that 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) (<https://foia.vpcomm.umich.edu/>). 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 appropriate Supervisor, the Director of Human Resources, the Assistant Dean for Administration, or the Dean may authorize access to the electronic file, provide copies, or provide oral or written summaries. Where possible, the individual to whom disclosure has been authorized will be required to maintain at least the same level of confidentiality as applicable to the original information or documents.

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*.)

2. Dispute Resolution

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 follow existing University policies and procedures for handling disputes, when available.

3. Education and Training

Upon hiring into or transfer into the School of Nursing, each staff member will be provided with the School of Nursing's Conflicts of Interest and Conflicts of Commitment Policy for Staff by the School of Nursing Office of Human Resources. The staff member will be required to acknowledge receipt of the policy by signing a certification statement that is maintained as part of the employee's personnel file. Annually, all staff members are required to address COI/COC during their annual review and as they arise online via the M-Inform Disclosure system.

Staff members are also required to complete the online tutorial to ensure that they understand the topic of conflicts of interest and conflicts of commitment and the basic elements of what the University expects of them in this regard. Note that the tutorial is a University overview and does not cover the details of the School of Nursing's specific policy. Staff should fully read this document to ensure compliance with School of Nursing policies. The tutorial can be found at http://www.provost.umich.edu/programs/COI_COC/staff/tutorindex.html.

F. 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 a potential conflict; failure to comply 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. In addition, employees covered by collective bargaining agreements shall be subject to the provisions of this policy to the extent that they do not conflict with the relevant collective bargaining agreement.

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. Supervisors are to consult with the Director of Human Resources before taking action. The outcome of the Supervisor's review and any actions taken shall be documented and included within the secure electronic file maintained by the School of Nursing Human Resources office.

G. Policy Review and Revision

The Director of Human Resources will review actions taken under this policy and will make recommendations to the Dean and Assistant Dean for Administration regarding any needed revisions to the policy or any need for increased education, as needed. Final changes will be submitted to the Office of the Provost and Executive VP for Academic Affairs for further review and approval and to the President for final adoption. This policy will be on file in the Provost's office.

H. 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 Nursing 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](http://www.umich.edu/~regents/bylaws/bylaws02.html#16), regarding gifts to University employees <http://www.umich.edu/~regents/bylaws/bylaws02.html#16>;
- Regents' Bylaw [5.13](http://www.umich.edu/~regents/bylaws/bylaws05b.html#4), regarding governmental elected or appointed service <http://www.umich.edu/~regents/bylaws/bylaws05b.html#4>;
- Regents' Bylaw [5.14](http://www.umich.edu/~regents/bylaws/bylaws05b.html#5), regarding leaves of absence <http://www.umich.edu/~regents/bylaws/bylaws05b.html#5>;
- 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 copyright and other appropriate use of University resources, such as the libraries, office space, computers, secretarial and administrative support staff, and supplies;
- University of Michigan Office of Research (UMOR) [Policy](http://research-compliance.umich.edu/conflict-interest-coi) on Conflict of Interest (COI) <http://research-compliance.umich.edu/conflict-interest-coi>;
- Michigan Compiled Laws [§ 15.321](#) et seq., regarding contracts of public employees with their employers; and
- Where applicable, the current collective bargaining agreement for the staff member.

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 should be attentive to preserving 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.

References

Conflicts of interest and conflicts of commitment. (2005). Retrieved from <http://spg.umich.edu/policy/201.65-1>

School of Nursing
Conflicts of Interest and Conflicts of Commitment
Policies for Staff Certification Statement

I acknowledge that I have been given of a copy of the School of Nursing'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, online via M-Inform, and to my Supervisor.

Please make sure you have completed the following items before signing and returning this form.

- I have thoroughly read the Conflicts of Interest/Conflicts of Commitment document.
- I have completed the required University website tutorial:
http://www.provost.umich.edu/programs/COI_COC/staff/tutorindex.html

Signature _____ Date _____

Name (printed) _____