

Gerald R. Ford School of Public Policy - Faculty and Staff Handbook
Staff Section | Conflicts of Interests/Conflicts of Commitment

Introduction

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 Gerald R. Ford School of Public Policy 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 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. *Identification of Potential Conflicts of Interest and Commitment*

In accordance with its mission, the University of Michigan allows and encourages staff members to engage in outside activities and relationships that enhance the mission of the University. However, outside activities should not interfere with an individual's University obligations. 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. Potential conflicts of interest and commitment are inevitable where staff members are engaged, as they ought to be, both inside and outside the University. Nor are these potential conflicts necessarily problematic. It is nevertheless important that staff disclose any potential conflicts of interest or commitment as soon as they arise so that they can be evaluated and, if necessary, managed or eliminated.

A potential conflict of interest arises when external ties might appear to bias a staff member's judgment in performing his or her University obligations. A potential conflict of commitment arises when a staff member engages in activities or assumes commitments that might appear to compromise his or her ability to fulfill the responsibilities of his or her University position. (See Standard Practice Guide (SPG) [201.65-1](#).)

It is important to note that there are no complete rules that can be written to fully describe what does and what does not constitute a COI or COC. This policy document provides examples of some potential COI or COC issues, but cannot provide a complete listing. At the end of the day, staff members are expected to use good judgment and show integrity in their decision-making. Any activities that might raise potential questions, whether explicitly listed in these guidelines or not, should be discussed with the Dean or the Chief Administrator.

1. Potential Conflicts of Interest

A potential conflict of interest occurs when personal, professional, commercial, or financial interests or activities outside of the staff person's position have "the possibility

(either in actuality or in appearance) of (1) compromising a staff member's judgment; (2) biasing the nature or direction of scholarly research" or administrative decisions; (3) influencing a staff member's decision or behavior with respect to "student affairs, appointment and promotions, uses of University resources, interactions with human subjects, or other matters of interest to the University; or (4) resulting in a personal or family member's gain or advancement at the expense of the University." (Standard Practice Guide [201.65-1](#))

Examples of situations that could create potential conflicts of interest for Ford School staff are listed below, as well as an indication about how such conflicts should be dealt with. Some Ford School staff members may want to consult the faculty policy on conflict of interest for additional examples. This list is not exhaustive.

- In general, a staff member may not accept a gift of substantial value, including gifts of services, from a University student or staff member, unless there is a family relationship or the equivalent. The same prohibition (and exception) applies to gifts from people or institutions that contract with the University where the staff member participates in decisions concerning that contract;
- A staff member may not require students or other staff to contribute services or money to institutions or activities external to the University in which the staff member has an interest, or to the staff member personally;
- A staff member should not use University resources while engaging in outside non-University activities¹;
- A staff member should not use his/her UM title or affiliation to imply endorsement of a particular political position by the Ford School or by UM, or use his/her UM title or affiliation to promote activities that may lead to financial gain for an individual or his/her family and friends. A staff member may not claim (orally or in writing) that the unit or the University supports or endorses the mission of an external person, institution, or organization;
- A staff member who has a financial involvement with an outside business that does business with the University should disclose this as a potential conflict of interest, using the process described in section B;
- A staff member who actively engages in projects (such as a research project) in which he/she (or his/her family and friends) has a financial interest, should disclose this as a potential conflict of interest, using the process described in section B;

¹ Occasional use of UM e-mail servers, both for personal reasons and related to outside non-University activities, typically does not constitute a COI. Using UM e-mail in a way that implies authorization and approval by the Ford School or by UM for a personal or non-University outside activity is prohibited. Extensive e-mail use (frequent mass mailings or solicitations) that are related to personal or outside non-University activities should occur on a private email account.

- In general, a staff member should not hire or advocate employment of a family member or close friend;
- A staff member may incur reasonable meal and travel expenses that are reimbursable either by the University or by external organizations. However, a staff member may not accept reimbursement that amounts to a gift of substantial value from people or institutions that contract with the University where the staff member participates in decisions concerning that contract.

2. Potential Conflicts of Commitment

A potential conflict of commitment occurs when “a staff member’s external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with the University’s educational, research, or service missions, or with that individual’s ability or willingness to perform the full range of responsibilities associated with his or her position.” (Standard Practice Guide [201.65-1](#)) All permanent staff members, including temporary staff, owe their primary professional commitment to the University. A commensurate commitment of those staff members’ time and intellectual energy must therefore be devoted to activities that further the University’s mission. To meet minimum time and effort commitments within the Ford School, exempt and non-exempt staff members are expected to meet the goals and performance standards outlined in their job descriptions and work plans; fulfill administrative obligations, including participation on assigned school committees; regularly attend staff meetings; and participate actively and regularly in collegial functions.

Yet, involvement in professional activities outside UM is often an important part of a professional career. Some outside activities enhance one’s professional reputation and might be validly counted as part of one’s expected professional work as a staff member. Other outside activities are less clearly related to one’s University appointment.

In general, the sort of outside activities that might be part of expected activities for staff members at the Ford School include:

- Involvement with professional associations, including involvement with their conferences or their decision-making bodies;
- Involvement with research projects that are organized by colleagues outside UM.

Some staff members undertake outside activities, such as consulting or service on organizational boards that do not greatly enhance their professional standing. We refer to these as ‘non-University outside activities’. Some of these activities may be remunerated and some may not. Examples of non-University outside activities that might generate potential conflicts of commitment are listed below. This list is not exhaustive.

- Consulting for pay for other organizations and individuals;

- Performing work for other University departments or units for additional pay;
- Service with not-for-profit or for-profit organizations (local, national, or international) that are not professional organizations. This might include such things as membership on a board of directors or involvement with an organization's planning or fundraising committee;
- Involvement with political campaigns or policy advocacy groups;
- Teaching or preparing teaching materials for another school or organization;
- Establishing a business that competes with the University.

See Standard Practice Guide [201.85](#) for a complete description of what is allowable for extra payments within the University. If there is any question about whether a particular commitment falls within these categories, or if there is any potential for interfering with the minimum expectations above, the matter should be disclosed as described in section B of this policy.

A primary basis for judging conflicts of commitment will be whether or not a staff member is fulfilling his or her responsibilities as outlined in their work plan and job descriptions. When these responsibilities are fulfilled and a staff member is available to faculty, students and colleagues when needed, it is unlikely that a conflict of commitment exists with other activities.

B. *Disclosure, Evaluation, and Management of Potential Conflicts of Interest and Commitment*

1. Disclosure of Potential Conflicts

In general, each staff member must promptly disclose potential conflicts of interest or commitment to the designated individual in writing as they arise. E-mail will suffice, if written from the staff member's University e-mail account to the Dean's or the Chief Administrator's University e-mail account.

Once each year, all staff members will be sent a copy of these COI/COC procedures and ask to return them with a statement either (a) testifying to the absence of any COI/COC issues or (b) indicating potential COI/COC issues that need to be resolved. Recurring or long-term commitments incurred by staff must also be included in this annual report.

Disclosure generally need not be made where there is no violation of the general approach outlined above. Disclosure should be made, however, whenever there is any uncertainty whether the matter in question falls within the generally permitted, *de minimis* situations described above.

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the Chief Administrator will evaluate the extent of the potential conflict to determine whether it is

necessary to manage or eliminate it. The Chief Administrator may ask the staff member to provide additional information or documentation if necessary.

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

- Where there may be a conflict between two school units, by the units directors;
- Where the disclosure involves a sponsored research, by the head of the research project.

For examples of when centralized processing is necessary:

- If disclosure involves sponsored research or a technology transfer, by the Office of the Vice President for Research;
- Where there may be a conflict between two academic units, by the Provost's Office; and
- Where the disclosure involves a purchase of goods or services, by Purchasing.

In many cases, consultation with central administration offices, even when processing by those offices is not required, may help determine how to respond to a given disclosure.

In response to disclosure of a potential conflict, the Chief Administrator may, after consulting with the staff member, determine that no action is necessary. In other cases, the Chief Administrator may decide that it is sufficient to document the disclosure and his or her determination that no further management is required. If the Chief Administrator determines that management of the potential conflict is necessary, however, he or she will develop a conflict management plan in consultation with the staff member. The Chief Administrator will provide the plan to the employee's supervisor, and the supervisor, the Chief Administrator and the employee will discuss any related ambiguities or issues that arise. The conflict management plan may include, but is not limited to:

- 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;
- Reducing the staff member's appointment to accommodate the outside interest or activity;
- Securing the staff member's agreement to modify or suspend outside activity, use of University resources, or other activities that create the potential conflict; or
- Prohibiting certain outside activity as inconsistent with the staff member's obligations to the University.

3. Record-Keeping and Issues of Confidentiality and Privacy

The Chief Administrator will keep a record of action on disclosures made under this policy, in part to help develop a consistent practice of treating like cases alike. The record 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. Appropriate records may also be kept in the individual staff member's personnel file.

The Chief Administrator will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the Chief Administrator will keep all records that include personal information about named individuals in a secure file accessible only to the Dean and himself/herself. Where any other University faculty or staff member has a legitimate educational or business reason to access the documentation, then the Dean may authorize access to the file and provide either copies and/or information, as may be required for the stated educational or business purpose. If Dean or the Chief Administrator provides copies of information in the files to a faculty or staff member, he or she must also ask that individual to maintain the same level of confidentiality as applicable to the original information or documents.

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 that conflict. Also, the University may be legally required to disclose information in response to requests made under the Michigan Freedom of Information Act (FOIA). 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 Chief Administrator may authorize access to the file, provide copies, or provide oral or written summaries. When records are released to others, the Chief Administrator will inform the staff member that this has occurred, as soon as such notification is appropriate.

C. *Dispute Resolution*

A staff member may dispute any decision made in response to the disclosure or non-disclosure of a potential conflict of interest or commitment by appeal to the Ford School's Senior Staff.

If the staff member is not satisfied with the decision of the Ford School's Senior Staff, the staff member may dispute any action or decision under this policy in accordance with applicable University procedures. Sponsored research/tech transfer must be handled in accordance with processes adopted by the OVPR Conflict of Interest Review Committee. Other disputes between a staff member and the Unit should be resolved through the normal grievance procedures.

D. *Education and Training*

The Ford School policy will be provided to new staff at their Ford School's orientation. At that time, the Human Resources Officer will discuss the policy with the staff member. Every employee shall complete the on-line educational tutorial for the overall University policy.

This policy will be circulated each fall to all returning staff members, including full time temporary staff. Staff will be reminded of the policy and its requirements at their annual staff retreat.

Whenever there is a reason to think it necessary, the Dean will remind the staff as a whole, or individual staff members, of the requirements of the policy.

E. *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 fully a potential conflict; failure to comply fully 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. Existing Unit and University procedures governing staff misconduct will apply.

F. *Policy Review and Revision*

The Dean and Chief Administrator will annually review all actions taken under this policy and make recommendations regarding any needed revisions to the policy or any need for increased education. Any revisions in policy or practices will be discussed with the Ford School's Senior Staff. If the Dean determines that any of the changes he or she would like to adopt will materially change the policy, the modification will be adopted by the same procedures that were followed in adopting the original policy. In particular, the Dean will submit any materially revised policy to the Office of the Provost and Executive Vice President for Academic Affairs for further review and approval and to the President for final adoption (<http://spg.umich.edu/>). A current version of the Ford School's policy should be on file with the Provost's Office at all times.

G. *Governing Policies*

This policy implements Standard Practice Guide ("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 Unit 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 [5.12](#), regarding outside employment of University faculty;
- Regents' Bylaw [5.13](#), regarding governmental elected or appointed service;
- Regents' Bylaw [5.14](#), regarding leaves of absence;
- 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; and
- Michigan Compiled Laws § [15.321 et seq.](#), regarding contracts of public employees with their employers.

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 preserve 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.

Approved April 1, 2005