



**THE UNIVERSITY OF MICHIGAN**  
School of Social Work

**CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT POLICY  
STAFF**

**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 staff in the School of Social Work 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. *Statement of Principles***

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, the School of Social Work must also consider existing rules of conduct applicable to the staff in the School and University, including rules that relate to activities within the University and rules that govern outside activities. This document is intended to clarify and, where necessary, supplement existing School of Social Work and University policy.

The School of Social Work 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;
- SPG 201.12, related to misconduct and discipline;
  - <http://spg.umich.edu/pdf/201.12.pdf>
- SPG 201.23, related to hiring of relatives or those with a close personal relationship; and
  - <http://spg.umich.edu/pdf/201.23.pdf>
- SPG 201.85, related to work performed for other University units.
  - <http://spg.umich.edu/pdf/201.85.pdf>

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.

#### **A. *Identification of Potential Conflicts of Interest and Commitment***

The Associate Dean for Faculty & Academic Affairs is the designated COI/COC manager in the School of Social Work. The Director of Administration, Finance and Operations, is the designated coordinator for staff-related issues.

Potential conflicts of interest and commitment may occur where staffs are engaged with actors and institutions outside the University. These potential conflicts are not necessarily problematic. Rather, the University allows and encourages staffs to engage in outside activities and relationships that enhance the University's mission. It is nevertheless important that staffs 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 (See SPG 201.65-1.)

*A potential conflict of commitment* arises when a staff member engages in external activities or assumes external commitments that might appear to compromise his or her ability to fulfill the responsibilities of his or her University position (See SPG 201.65-1.) The existence of a potential conflict of commitment must be evaluated in light of the minimum time and effort requirements applicable to the staff member in question.

Examples of potential conflicts of interest could include, but are not limited to, the following:

### **1. Time**

- Staff members with 50% or more appointments owe their primary professional commitment to the University of Michigan and are expected to spend a majority of their working time on their primary professional commitments to the University. Outside consulting obligations, individually or collectively, may not conflict with primary commitments to the University, may not be carried out on University paid time, and must be disclosed to the School.
- Consistent with conflict of interest and commitment principles, staff 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 business, or its educational programs or activities – unless prior written permission is obtained from the Director of Administration, Finance and Operations, and if necessary, the Associate Dean for Faculty and Academic Affairs.
- Full-time staff members must disclose work performed for other University departments or units for additional pay and may not perform work for another University unit that takes them away from work that would be performed in the School of Social Work.
- Staff members may not personally receive stipends, honorariums, or expense reimbursements for speaking on behalf of the University or when in a University role when traveling and speaking on University time and/or expense.
- Start-up ventures in which the staff member has an outside interest must be disclosed but are regulated by OVPR policy: (<http://www.research.umich.edu/policies/um/coi/>).

### **2. Relationships**

- Close personal relationships that could affect the outcome of hiring or evaluation decisions must be disclosed to the Director of Administration, Finance and Operations, and if necessary, the Associate Dean for Faculty and Academic Affairs.
- A staff 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 staff member has a financial interest. A supervisor may not use the services of a supervised employee during University employment time to advance the supervisor's personal or externally paid professional activities.
- The University Staff Student Relationship policy must be adhered to in all circumstances. Disclosure to the Director of Administration,

Finance and Operations, and if necessary, the Associate Dean for Faculty and Academic Affairs of any relationships covered by the policy is required (SGP 601.22).

### **3. Resources**

- University resources are normally to be used for university business. These resources include University equipment including copying and fax machines, office and computer supplies, and electronic mail. University policy allows for limited use of electronic resources (computers, email, and internet connections) for personal business that does not conflict with the primary business use. Employees shall not use resources of the University to either personally profit or to avoid personal expenses. Use of office space for ventures in which the staff member has an outside interest must be disclosed.
- A staff member may incur reasonable meal and travel expenses that are reimbursed either by the University or by external organizations. However, a staff member may not accept reimbursement that amounts to a gift valued at \$25 or more from people or institutions that contract with the University where the staff member participates in decisions concerning that contract.
- The University may have a stake in patents and copyrights issued or acquired as the result of or in connection with administration, research, and other educational activities conducted by members of the University faculty/staff and supported directly or indirectly (e.g. through the use of University resources or facilities) by funds administered by the University. Procedures for managing this are available in OVPR (<http://www.research.umich.edu/policies/um/coi/>).
- A staff member may not direct business to anyone with whom he or she has a close personal relationship or use University resources to promote his or her own personal or outside business interests (e.g. time, computer supplies, facilities, etc).
- A staff member may not participate in decisions or deliberations where his or her own personal financial interests are or could be affected.
- A staff member may not participate 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.)

### **4. Gifts**

- A potential conflict exists when a vendor, current or potential, gives a gift to a staff member. In line with general university policy and IRS regulations an employee may not accept any gift of \$25 or more from a vendor or from a student (Regents' Bylaw 2.16).
- Irrespective of a gift's value, it is always a conflict of interest for a staff member to accept a gift where the external person or organization intends to create a quid pro quo arrangement with the staff 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.

- A staff member may not accept a gift of substantial value (including gifts of service) from anyone over whom he or she has authority – unless there is a family relationship or the equivalent.
- 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.

## **5. Political Endorsement or Outside Affiliation**

- There are circumstances in which a staff member’s expertise is relevant to expression of a public opinion. In these cases a staff member may indicate his or her affiliation with the university in written correspondence to public entities as long as the correspondence includes a statement indicating that they are not speaking on behalf of the University but only as an individual.
- Staff members have the full right to political activity outside of work hours but they may not use University resources to further these activities.
- A staff member may not use University resources (including electronic mail accounts) to support or oppose a political candidate or the qualification, defeat or passage of a ballot initiative. This is a violation of State Law for which there are individual fines and penalties (Michigan Campaign Finance Act section, MCL 169.257). University guidelines on this issue are available at: <http://vpcomm.umich.edu/guidelines/>

Even where obligations to the University are met, a staff member may not engage in activities that compete with the University or that otherwise diminish or undermine the University’s mission. However, in keeping with *SPG 601.1: Freedom of Speech and Artistic Expression*: “It is the right of the University community (including students, faculty, staff, and administrators), speakers, artists, and others invited by members of the University community to set forth their views and opinions at the University.”

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

#### **1. Disclosure of Potential Conflicts**

In general, a staff member must promptly disclose potential conflicts of interest or commitment to the Director of Administration, Finance and Operations, and if necessary, the Associate Dean for Faculty and Academic Affairs.

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 *de minimus* situations described above. Such disclosure must occur as they arise. E-mail will suffice under most circumstances. If there are recurring or long-term commitments, disclosure must occur annually.

Part time staff need disclose only commitments that have the potential for interfering with their minimum obligations to the University.

## 2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment to the Director of Administration, Finance and Operations, he/she will evaluate the extent of the potential conflict (in consultation with the Associate Dean for Faculty and Academic Affairs if needed). The purpose of this evaluation is to determine whether it is necessary to manage or eliminate the potential conflict. The Director of Administration, Finance and Operations and/or the Associate Dean for Faculty & Academic Affairs 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 central administration 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.) As needed, the Dean may also be consulted.

For example, consultation is necessary:

- Where the disclosure involves sponsored research or technology transfer, with the Office of the Vice President for Research (<http://www.research.umich.edu/policies/um/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 General Counsel's Office.
- Where the disclosure involves a purchase of goods or services, with Purchasing.

In response to a disclosure of a potential conflict the Director of Administration, Finance and Operations and/or the Associate Dean for Faculty & Academic Affairs may, after consulting with the staff member, determine that no action is necessary. In other cases, the decision may be that it is sufficient to document the disclosure and no further management is required. If the Director of Administration, Finance and Operations and/or the Associate Dean for Faculty & Academic Affairs determine that management of the potential conflict is necessary, however, he/she will develop a conflict management plan in consultation with the faculty member. That plan may include, but is not limited to:

- Disclosing the potential conflict to appropriate sources inside and/or outside the University
- Reducing the staff member's appointment to accommodate the outside interest or activity
- Modifying or limiting 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
- Prohibiting certain outside activity as inconsistent with the faculty member's obligations to the University.

The Director of Administration, Finance and Operations and/or the Associate Dean for Faculty & Academic Affairs will provide the staff members with a copy of the approved conflict management plan and will discuss any related ambiguities or issues that arise.

### 3. Record-Keeping and Issues of Confidentiality and Privacy

The Associate Dean for Faculty & Academic Affairs will keep a record of action on disclosures made under this policy, to help develop a consistent practice of treating like cases alike. Records of action will be retained for seven (7) years following the termination of the employee from the U-M. He/she will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, all records that include personal information about named individuals will be kept in a secure file accessible only to the Associate Dean for Faculty & Academic Affairs and the Dean of the School of Social Work.

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). <http://umich.edu/~urel/foia.html>. 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 Associate Dean for Faculty & Academic Affairs or the Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the Associate Dean for Faculty & Academic Affairs or Dean authorizes disclosure will be required to maintain at least the same level of confidentiality as provided for 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 14.07 *Privacy and Access to Information* and SPG 201.46 *Personnel Records – Collection, Retention and Release*.)

### **C. *Dispute Resolution***

A staff member may dispute any decision made by the Director of Administration, Finance and Operations in response to the disclosure or non-disclosure of a potential conflict of interest or commitment. Such appeal should be in writing and with specifics and details to the Associate Dean for Faculty and Academic Affairs of the School of Social Work.

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.

### **D. *Education and Training***

All staff are responsible for knowing and abiding by the School of Social Work and University applicable policies and procedures. Failure to adhere to applicable policies and procedures related to COI or COC may result in disciplinary or other administrative action.

This policy will be provided to new staff at the time they are hired, and when they begin work at the University. At that time, the Director of Administration, Finance and Operations and/or the Associate Dean for Faculty & Academic Affairs will discuss the policy with the staff member.

This policy will be circulated each Fall to all returning staff members, including full-time staff, whether permanent or temporary, and to all permanent part-time staff in the School. Whenever there is a reason to think it necessary, the Director of Administration, Finance and Operations and/or the Associate Dean for Faculty & Academic Affairs will remind the faculty and staff as a whole or individual faculty and 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.



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. 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 secured file maintained the School's Director of Human Resources. If appropriate, all relevant documentation may also be included within the employee's personnel file maintained as provided under SPG 201.46.

In the event of a violation, existing School of Social Work and University governing faculty misconduct procedures will apply.

#### ***F. Policy Review and Revision***

The Associate Dean for Faculty & Academic Affairs will annually review all actions taken under this policy and make recommendations to the Dean and the School of Social Work Executive Committee regarding any needed revisions to the policy or any need for increased education. The Dean will submit any substantive changes that materially revise the policy to the Office of 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 School of Social Work 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 School of Social Work 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#16>
- Regents' Bylaw 5.12, regarding outside employment of University faculty
  - <http://www.regents.umich.edu/bylaws/bylaws05b.html#3>
- Regents' Bylaw 5.13, regarding governmental elected or appointed service
  - <http://www.regents.umich.edu/bylaws/bylaws05b.html#4>
- Regents' Bylaw 5.14, regarding leaves of absence;

- <http://www.regents.umich.edu/bylaws/bylaws05b.html#5>
- SPG 201.23, regarding appointment of individuals with close personal or external business relationships
  - <http://spg.umich.edu/pdf/201.23.pdf>
- SPG 201.65, regarding employment outside the University
  - <http://spg.umich.edu/pdf/201.65-0.pdf>
- SPG 201.85, regarding special stipends for work performed for other University units, the payment of honoraria, and the payment of travel expenses
  - <http://spg.umich.edu/pdf/201.85.pdf>
- 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;
  - <http://spg.umich.edu/pdf/500.01.pdf>
  - <http://spg.umich.edu/pdf/601.03-0.pdf>
  - <http://spg.umich.edu/pdf/601.11.pdf>
- Office of Vice President for Research (OVPR) Policy on Conflict of Interest in Sponsored Research and Technology Transfer Agreements; and
  - [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.
  - [http://legislature.mi.gov/\(S\(Orlrqd45lj2hlwyhahevgt55\)\)/mileg.aspx?page=getObject&objectName=mcl-15-321](http://legislature.mi.gov/(S(Orlrqd45lj2hlwyhahevgt55))/mileg.aspx?page=getObject&objectName=mcl-15-321)

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, the Associate Dean for Faculty and Academic Affairs, and the Director of Administration, Finance and Operations 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 by President Mary Sue Coleman 8/29/2008**