

DEARBORN ADMINISTRATIVE GUIDE

Section: Faculty and Staff
Subject: Faculty Conflicts of Interest and Conflicts of Commitment –
Implementation Guidelines
Issued by: Office of Research and Sponsored Programs
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The University of Michigan Standard Practice Guide [201.65-1](#) dated 7/15/05 required all units of the University to draft and submit for Presidential approval implementation guidelines for that unit. Dearborn's COI/COC Implementation Guidelines were drafted with input from stakeholders on the Dearborn Campus, approved by the four school/college executive committees, endorsed by the Faculty Senate, approved by the Senior Officers and Chancellor, and ultimately approved by the President on 10/1/07. These guidelines do not create new policy, rather they implement policies that have been applicable to UM faculty and staff for a long time.

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

Potential conflicts of interest and commitment are inevitable where faculty are engaged, as they ought to be, with actors and institutions outside the University. These potential conflicts are not necessarily problematic. In fact, faculty are encouraged to engage in outside activities and relationships that enhance the University's mission. It is nevertheless important that faculty 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 bias or appear to bias a faculty member's judgment in performing his or her University obligations. A potential **conflict of commitment** arises when a faculty member engages in external activities or assumes external commitments that might compromise or 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](#).)

1. Conflicts of Interest

A non-exhaustive list of situations that do (or do not) create conflicts of interest is presented below. If there is any question about whether a particular situation falls within a prohibition, disclosure is required under section B below. Disclosure is also required under section B on *every* occasion when a situation potentially raises

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a conflict of interest or could give rise to the perception that such a conflict exists – even if no express prohibition applies.

- **Gifts.** A faculty member should not accept a gift of \$50 or more (including gifts of services) or payment of any sort from a University student or staff member based on the employee's faculty position. The same prohibition applies to gifts from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract. Irrespective of a gift's value or source, it is always a conflict of interest for a faculty member to accept a gift where the person or organization intends to create a *quid pro quo* arrangement with the faculty member.
- **Honoraria and speaker fees.** Generally, a faculty member may accept honoraria and speaker fees. However, a potential conflict of commitment may arise (see *Conflict of Commitment*, below); if so, permission to assume the commitment must be sought.
- **Expenses.** Generally, a faculty member may incur reasonable (following existing UM travel guidelines) meal and travel expenses that are reimbursable either by the University or by external organizations. However, a faculty member should not accept reimbursements that amount to gifts of unreasonably large value from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.
- Faculty should not have direct dealings with students in the sale of books, instruments, lectures, notes or similar materials, except in extenuating circumstances, and then only with the approval of the dean.
- A faculty member should not claim (orally or in writing) that their unit, the University of Michigan-Dearborn, or the University of Michigan supports or endorses the mission of an external person, institution, or organization unless a formal decision to do so has been made by the relevant University body. There are circumstances in which a faculty member's experience is relevant to expression of an opinion to public authorities. In these cases (except where not appropriate, illegal, or when it misrepresents the faculty member's authority) a faculty member may indicate his or her affiliation with the University in written correspondence to public entities so long as the correspondence does not imply that he or she is speaking on behalf of the University but as an individual.

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- A faculty member may provide pertinent information about but should not participate in employment decisions (including hiring and promotion decisions) involving a family member or other intimate relation, whether faculty or staff. Under no circumstances will a faculty member have access to the personnel file and other confidential material regarding such a person.
- A faculty member may provide pertinent information about but should not participate in decisions involving the retention of the services of a business associated with a family member or other intimate relation, whether faculty or staff. Under no circumstances will a faculty member have access to confidential materials surrounding the decision.
- A full-time faculty member should neither establish nor participate in a business that competes with the University.

These requirements, unless otherwise limited, also apply to part-time faculty.

2. Conflicts of Commitment

As stated in the UM Standard Practice Guide ([SPG 201.65-1](#)), all faculty with at least half-time appointments at UM-Dearborn owe their primary professional commitment to the University. A commensurate commitment of those faculty members' time and intellectual energy must therefore be devoted to activities that further the University's mission. In general, faculty obligations are determined by the Dean. To meet minimum time and effort commitments within the unit, permanent tenured and tenure-track faculty members are expected to teach a standard course load each year and engage in active and productive scholarship and research. All faculty must also fulfill administrative obligations consistent with their appointment. These include such matters as participation on assigned committees and involvement in the hiring and tenure processes; regular attendance at faculty meetings; and regular participation in student and faculty educational and collegial functions. Participation in personnel and tenure decisions includes the expectation that faculty should familiarize themselves with the candidate and his or her work to the extent necessary to justify a confident judgment as part of our collective decision-making process. It is particularly important that faculty participate in the hiring and promotion of candidates in fields of their expertise. Obligations of faculty who are governed by collective bargaining agreements are defined subject to those agreements.

The existence of a potential conflict of commitment will be evaluated in light of the minimum time and effort required of the faculty member in question. Even

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where obligations to UM-Dearborn are met, a faculty member should not engage in activities that compete with the University or that otherwise diminish or undermine the University's mission. It is inappropriate for faculty, without prior approval, to divert to other entities or institutions financial support that might otherwise go to the University or personal resources that would otherwise flow to the University; these resources include faculty research and teaching, as well as opportunities for professional service. Uncompensated services to the community and to the discipline are consistent with service to the University and are ordinarily permitted and even encouraged if they do not interfere with fulfilling obligations to the University.

With these principles in mind, examples of potential conflicts of commitment and our general approach are listed below. This list is not exhaustive.

- Any work external to the University potentially raises a question of conflict of commitment. In general, however, any such work that contributes to the scholarly or educational goals of the academic unit is permitted. The Dean should be informed of all compensated external work in the faculty member's annual report. Moderate speaker fees and fees for writing tenure reviews need not be disclosed.
- For full-time faculty, professional work is generally permitted up to a total of 4 days a month (calculated as an average over the academic year), if that other professional work does not interfere with the minimum expectations outlined above. "Professional work" is remunerated work related to the professional and scholarly interests of the faculty member; it includes such things as service to the discipline, private consulting, and advising outside organizations. 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 immediately as described in Section B of this policy, below.
- The University year (U-YRD) appointment for a University of Michigan-Dearborn faculty member generally falls within the period September 1 through April 30 of each year during which a primary professional commitment to the University is expected (payment for this contract is distributed over 12 months). Faculty who are not receiving compensation for spring/summer term(s) may accept outside commitments during the months of May through August provided the professional activity for pay is wholly performed and completed between May 1 and August 31, and does not conflict with this policy.

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- Non-professional work is ordinarily acceptable only when it does not interfere with faculty obligations or impair work as a teacher and scholar.
- A faculty member must obtain the permission of the Dean before making any commitments to take a leave, even if it is not funded by the University.
- A full-time faculty member must obtain the permission of the Dean before assuming teaching obligations in another department of the University or at another institution.
- Faculty members cannot hold two or more active full-time salaried positions.
- Faculty members should not devote effort to preparing course materials for use exclusively at another university or exclusively for use in “internet teaching” outside of the University unless the material is connected with a teaching position that has been approved by the Dean.
- A faculty member must not, for pay, give private instruction in any course offered by him or her in the University, nor, for pay, give private instruction in any other course that competes with the University, without approval of the Dean.
- Part-time faculty members need not disclose external commitments that do not restrict scholarly inquiry or otherwise interfere with the minimum expectations outlined above.

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

1. Disclosure of Potential Conflicts

Each faculty member must promptly disclose potential conflicts of interest or commitment to the Dean or the Dean’s designee (hereinafter referred to as Dean) in writing as they arise. E-mail will suffice, if written from the faculty member’s University e-mail account to the Dean’s University e-mail account. Disclosure in this form generally need not be made for work that is *de minimis* (meaning work that requires inconsequential or insignificant commitment of time and effort) and work that is consistent with the general approaches outlined above. However, disclosure should be made whenever there is any question whether the matter falls into that category.

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All external employment for remuneration (other than one-time speaking fees and fees for writing tenure reviews) that is not *de minimis* should be disclosed in the annual report of each faculty member to the Dean.

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2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the Dean will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The Dean may ask the faculty 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. For example, centralized processing is necessary in the following circumstances:

- by the Director of the Office of Research and Sponsored Programs and the Office of the Vice President for Research (OVPR), where the disclosure involves sponsored research or technology transfer;
- by the Vice Chancellor for Academic Affairs and Provost, where there may be a conflict between two academic units; and
- by Procurement, where the disclosure involves a purchase of goods or services.

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 Dean may, after consulting with the faculty member, determine that no action is necessary. In other cases, the Dean may decide that it is sufficient to document the disclosure, as well as his or her determination that no further management is required. However, if the Dean determines that management of the potential conflict is necessary, he or she will develop a conflict management plan in consultation with the faculty member and other central offices as appropriate and that addresses and manages the conflict. That plan may include, but is not limited to:

- Disclosing the potential conflict to appropriate sources inside and outside the University;
- In consultation with the Dean, modifying or limiting the faculty member's duties within the unit in order to minimize or eliminate the potential conflict;

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- In consultation with the Dean, reducing the faculty member's appointment to accommodate the outside interest or activity;
- Securing the faculty 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 faculty member's obligations to the University.

3. Record-Keeping and Issues of Confidentiality and Privacy

The Dean 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. Personal identifying information need not be part of this record. The record may be as simple as identifying the disclosure and, when no further action was required, including a notation to that effect. Appropriate records may also be kept in the individual faculty member's personnel file. Except where University record retention policies require a longer period, initial disclosures and management plans will be retained for five years and the documentation related to a disclosure will be returned, destroyed, or otherwise purged three years after the potential conflict no longer exists.

The Dean will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, the Dean will keep all records that include personal information about named individuals in a secure file accessible only to the Dean. Where any other University faculty or staff member has a legitimate educational or University 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 the Dean provides copies of information in the files to a faculty or staff member, he or she must also ask that individual to maintain at least the same level of confidentiality.

In some circumstances, the University is required to disclose potential conflicts to people within or outside the University. For example, if a potential 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. The University may be legally required to disclose information in response to requests made under the Michigan Freedom of Information Act

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(FOIA) or by subpoena. In addition, the Provost may request annual summary reports from the Deans or request details of specific cases, primarily for the purpose of achieving consistency and equity across Dearborn schools and colleges. 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 Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the Dean authorizes disclosure will be required to maintain at least the same level of confidentiality as applicable to the original information or documents.

Any faculty or staff member who becomes aware that the Dean has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the Provost for appropriate action.

C. Dispute Resolution

A faculty member may appeal to the Dearborn Provost any decision made by the Dean in response to the disclosure or non-disclosure of a potential conflict of interest or commitment.

If the faculty member is dissatisfied with the Provost's decision, he or she may dispute any action or decision under this policy in accordance with applicable University procedures. Sponsored research or technology transfer must be handled in accordance with processes adopted by the OVPR Conflict of Interest Review Committee. Other disputes between a faculty member and the Dean should be resolved through the normal grievance procedures. Disputes involving faculty who are subject to collective bargaining agreements will be resolved under the terms of those agreements.

D. Education and Training

This policy will be provided to new faculty at the time they are hired and begin work at the University. At the beginning of employment, the Provost will insure that this policy is distributed to each new faculty member.

The Provost will circulate this policy each fall to all returning faculty members, including visiting faculty and lecturers.

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Whenever there is a reason to think it necessary, the Dean or the Provost will remind the faculty as a whole, or individual faculty 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, in egregious cases, 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, Campus, and University procedures governing faculty misconduct will apply.

F. **Policy Review and Revision**

The Dean will annually review all actions taken under this policy and make recommendations to the Provost regarding any needed revisions to the policy or any need for increased education. Any revisions in policy or practices will be discussed with the Deans. If the Provost 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, each Dean will submit any materially revised policy to their executive committee for approval, then to the Provost for further review and approval, and then to the Chancellor for final adoption. A current version of this policy should be on file with the Provost's Office at all times.

This policy applies to all faculty of UM-Dearborn, including both full- and part-time faculty, whether classified as regular instructional, lecturer, or visiting faculty.

G. **Governing Policies**

This policy implements Standard Practice Guide ("SPG") [201.65-1](#), *Conflicts of Interest and Conflicts of Commitment*, and incorporates [SPG 201.65-1](#) in its entirety. Implementation of [SPG 201.65-1](#) at the University of Michigan-Dearborn should conform to other University of Michigan policies and procedures, including all Regents' Bylaws and SPGs, as well as with any relevant

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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 [201.65-0](#), regarding employment outside the University;
- SPG [201.65-1](#), regarding Conflicts of Interest and Conflicts of Commitment;
- 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;
- [The University of Michigan Faculty Handbook](#) (particularly 7.C, 7.C.3, 8.D.12, 9.E, and 9.G)
- 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.
- Where applicable, the relevant collective bargaining agreement.

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

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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.