

DEARBORN ADMINISTRATIVE GUIDE

Section: Faculty and Staff
Subject: Staff Conflict of Interest and Conflict of Commitment -
Implementation Guidelines
Issued by: Office of Research and Sponsored Programs
Number: 201.65-1a
Date Revised: 12/2007

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. Statement of Principles for University of Michigan-Dearborn's Policy

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 for 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 commitment are inevitable, and 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 or may appear to improperly 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

DEARBORN ADMINISTRATIVE GUIDE

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

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 Dean, Director or Department Head of their particular unit. ([SPG 201.65-1](#), Section III.A.3.)

Examples of potential conflicts 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);
- 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).

DEARBORN ADMINISTRATIVE GUIDE

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

The Dean, Director or Department Head, shall evaluate all disclosed potential conflicts of interest or conflicts of commitment. The Dean, Director or Department Head 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.

The Dean, Director, or Department Head will inform and, as needed, consult with appropriate supporting administrative offices (e.g., Office of the Provost and Vice Chancellor for Academic Affairs, Dearborn 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.)

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

When the Dean, Director or Department Head 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, a recommended plan for managing the potential conflict. The Dean, Director or Department Head 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 Dean, Director or Department Head must also disclose the conflict to the appropriate staff person in the University's Office of Purchasing Services, and also to the unit staff member responsible for handling unit purchases. If the Dean, Director or Department Head 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 Dean, Director or Department Head must inform the head (project director or principal investigator) of the research project and the Director of the Office of Research and

DEARBORN ADMINISTRATIVE GUIDE

Sponsored Programs. If the Dean, Director or Department Head 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 and the Director of Research and Sponsored Programs, that the conflict management plan conforms to University and the granting agency policies and has minimal impact on the research objectives or 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 Dean, Director or Department Head, the documents shall be placed in a secure file accessible only to the Dean, Director or Department Head and the unit supervisor. Where any other staff member has a legitimate business reason to access the documentation, then either the Dean, Director or Department Head or the unit 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 Dean, Director or Department Head, 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. Also, 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 listed above, 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 Dean, Director or Department Head or the unit supervisor may authorize access to the file, provide copies, or provide oral or written summaries

DEARBORN ADMINISTRATIVE GUIDE

of the information in the file. Where possible, the individual to whom the Dean, Director or Department Head or unit 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 14.07 *Privacy and Access to Information* and [SPG 201.46](#) *Personnel Records – Collection, Retention and Release.*)

Any faculty or staff member who becomes aware of an individual who has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the Chancellor. To follow up, the Chancellor 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 the action or decision be reviewed by his or her supervisor.

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

Upon hiring into or transfer into the unit, every staff member shall be provided with the Dearborn implementation policy.

4. Violations

Any violation of [SPG 201.65-1](#) or this implementing 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 Dean, Director or Department Head. If appropriate, all relevant

DEARBORN ADMINISTRATIVE GUIDE

documentation may also be included within the employee's personnel file maintained as provided under [SPG 201.46](#).

5. Policy Review and Revision

The Dean, Director or Department Head shall regularly review all potential conflict disclosures and actions taken with the appropriate Vice Chancellor to ensure a consistent approach to potential conflicts within the unit. The Vice Chancellor shall similarly regularly consult and review potential conflict management issues with the Chancellor. If the Chancellor determines that any of the changes he or she would like to adopt will materially change the policy, the Vice Chancellor will follow the procedures used to adopt the original policy. The Chancellor will submit the approved policy to the President for formal adoption. A current version of the Dearborn's policy should be on file with the Chancellor and posted on the Dearborn Administrative Guide website (<http://www.fis.umd.umich.edu/ADGUIDE/default.htm>).

D. 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 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 [5.13](#), regarding governmental elected or appointed service;
- Regents' Bylaw [5.14](#), regarding leaves of absence;
- SPG 201.12, regarding misconduct and discipline;
- 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

DEARBORN ADMINISTRATIVE GUIDE

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.
- 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, Director or Department Head 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.