THE UNIVERSITY OF MICHIGAN

STANDARD PRACTICE GUIDE

SECTION:	Human Resources	**Number:**	201.65-1
		Revised:	7/15/05
SUBJECT:	Conflicts of Interest and Conflicts of Commitment	**Date Issued:**	9/1/81
		Review Date:	7/15/09
APPLIES TO:	All Faculty and Staff Members		
ISSUED BY:	Office of the President and Office of the Provost and Executive Vice President for Academic Affairs		

I. Policy

The University is committed to basic values of transparency, integrity of scholarship, and independence as it pursues its mission to create, preserve, and disseminate knowledge through teaching, research, and public service. Accordingly, the University of Michigan allows and encourages faculty and staff to engage in outside activities and relationships that enhance the mission of the University. All faculty and 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.

Given that the University of Michigan allows and encourages outside activities and relationships that enhance the mission of the University, potential conflicts of interest and commitment are inevitable. Outside activities should not, however, interfere with an individual's University obligations. Faculty and 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.

Faculty members and staff members with 50% or more appointments owe their primary professional commitment to the University of Michigan. Accordingly, a commensurate commitment of time and intellectual energy should be used to support and enhance the mission of the University. Other part-time faculty members and staff members owe time and effort commitments to the University commensurate with their appointments.

All actual and potential conflicts of interest or commitment must be disclosed to a designated University official; evaluated; and, if found to be significant, eliminated or managed as described in section III. *Regulations* below.

This policy is consistent with and is in addition to relevant federal and state law and University policies, as well as with unit policies and with other relevant University policies not listed here. See procedures. Academic or administrative units may require further disclosure and conflict management than mandated by this SPG as may be deemed appropriate by the unit and its supervising administrator.

II. Definitions

A. Conflict of Interest

A **potential conflict of interest** exists whenever personal, professional, commercial, or financial interests or activities outside of the University have the possibility (either in actuality or in appearance) of (1) compromising a faculty or staff member's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty or staff member's decision or behavior with respect to teaching and student affairs, appointments 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. For purposes of subsection (4), family members include spouse, domestic partners and dependents.

B. Conflict of Commitment

A **potential conflict of commitment** exists when a faculty or 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.

III. Regulations

Faculty, staff, and administrators in the schools, colleges, academic departments/programs, other administrative units, and central administration share the institution's obligation to implement University policies and practices related to conflict of interest and conflict of commitment. In meeting this obligation, each of these groups has specific roles and responsibilities, as described below.

A. Rights and Responsibilities of Faculty Members and Staff Members

1. *Right to Outside Interests:* Faculty members and staff members have the right to acquire and retain outside interests of a professional, personal, or economic nature that do not conflict with University interests or with the individual employee's commitment to the University, to the University's students, sponsors, patients, or to other parties to whom the University has a duty.
2. *Professional Commitments:* Faculty members and staff members must meet the specific responsibilities and professional activities that constitute their appropriate commitments to their respective schools, colleges, academic departments/programs, and other administrative units.
3. *Requirement to Disclose:* All faculty members and staff members must disclose all actual or potential conflicts of interest or conflicts of commitment to his or her appropriate dean, director, or supervisor (or his or her designate) as potential conflicts arise or are identified. A staff member must disclose all actual or potential conflicts of interest or conflicts of commitment to his or her supervisor or to the designated conflict of interest officer in his or her unit. In addition, when sponsored research or technology transfer is involved, a faculty member must disclose actual or potential conflicts of interest or conflicts of commitment to the appropriate conflict of interest committee. A faculty or staff member must also provide additional relevant information concerning disclosed or undisclosed matters as may be requested by his or her supervising authority for the purpose of evaluating actual or potential conflicts of commitment or interest. All disclosures must be made promptly.

4. *Requirement to Abide by Plans to Resolve Conflicts:* When a faculty member or staff member has disclosed a potential conflict of interest or conflict of commitment, and the appropriate dean, director, supervisor, or conflict of interest committee has determined that a conflict exists, the appropriately designated University official or body will also determine whether further management or elimination of the conflict is required. If required, that official or body will develop a plan in consultation with the faculty or staff member, and the faculty member or staff member must abide by the terms of the plan.
5. *Prohibition Against Using Position or Influence for Personal Gain or Advancement:* It is not acceptable for any University employee to use his or her official position or influence to further his or her personal gain or advancement, or that of family members or personal associates, at the expense of the University and against University policy.
6. *Use of University Resources:* Except as authorized by the appropriate University official, faculty members and staff members may make only incidental use of University resources for purposes unrelated to the education, research, scholarship, and public service missions of the University. Such resources include but are not limited to facilities, personnel, students, equipment, and confidential information.
7. *Knowledge of Policies and Procedures:* Faculty and staff must know and abide by applicable University and unit policies and procedures.

B. Responsibilities of Executive Officers and Chancellors

Consistent with this policy and all other relevant University policies, each Executive Officer and Chancellor will:

1. Ensure the development of implementation policies for conflicts of interest and conflicts of commitment for all faculty and staff members who hold appointments in his or her area of responsibility; and
2. Approve and monitor the relevant implementation policies.

C. Rights and Responsibilities of Schools, Colleges, and Administrative Units

Consistent with this policy and all other relevant University policies, the dean of each school or college, in consultation with the faculty as set forth in procedures developed in conjunction with this SPG, and the director of each administrative unit (or his or her designate) must articulate and disseminate implementation policies that apply to faculty and/or staff within that unit, including:

1. Procedures that faculty members and staff members in the academic unit or administrative unit must follow to disclose potential or actual conflicts of interest and conflicts of commitment that arise in their units. At a minimum, all faculty members and staff members must promptly disclose matters as they arise or are identified. The procedures shall also require further additional relevant disclosures when the evaluator at the academic or administrative unit determines that such information is required for disclosed or undisclosed matters that may be actual or potential conflicts. Schools, colleges, and administrative units may add additional disclosure requirements and procedures, as appropriate to their circumstances;
2. A conflict of interest and conflict of commitment implementation policy at the unit level (i.e., school, college, or administrative unit) that addresses the expectations and responsibilities that the

school, college, or administrative unit associates with professional appointments and other job classifications within the unit;

3. Procedures for evaluating disclosures and managing conflicts of interest and conflicts of commitment;
4. Standards and procedures for governing employees' actions with regard to soliciting and accepting gifts;
5. Procedures for responding to alleged violations of this policy (see section IV. *Violations* below); and
6. Procedures to follow when a faculty or staff member wishes to dispute or appeal any action or decision related to a conflict of interest or conflict of commitment. See section V. *Disputes and Appeals* below.

IV. Violations

Violations of this policy as determined by the appropriate dean, director, supervisor, or conflict of interest committee are considered misconduct on the part of a faculty or staff member and may be subject to institutional sanctions up to and including termination of appointment in accordance with applicable disciplinary procedures.

Violations include but are not limited to situations in which:

1. A faculty member or staff member knows of a situation that places him or her in a potential or actual conflict of interest or conflict of commitment but fails to disclose it fully, according to the policies of his or her unit; and
2. A faculty member or staff member discloses a potential or actual conflict of interest or commitment but fails to abide fully by the required plan for avoiding or managing the conflict.

V. Disputes and Appeals

When a faculty or staff member disputes any action or decision related to a potential conflict of interest or conflict of commitment, existing University policies for disputes of faculty and staff will be used. Disputes with decisions or actions taken by an established conflict of interest committee for those projects for which the committee is responsible must be through the processes established by the applicable committee. If a school, college or administrative unit develops additional procedures for handling disputes or appeals regarding any action or decision taken with respect to a faculty or staff member's conflict of interest or conflict of commitment, the additional procedures must coordinate with and may not substitute for existing University policies for handling disputes.

Procedures: http://www.umich.edu/~hraa/procedures/spg201-65-1.htm