GUIDELINES FOR OUTSIDE EMPLOYMENT ACTIVITY DISCLOSURES FOR UMMS FACULTY

Policy Effective January 1, 2001 *(revision of 1992 policy)*

The Medical School recognizes the value of an active faculty participating in intellectual activities outside of the obligations to research, teaching and scholarly activities at the University. However, each faculty member is also obliged to ensure that outside employment activities meet all of the standards set by the University and the School, and that they faithfully comply with State and Federal guidelines.

The chart on the following page compares the criteria that faculty should use in disclosing outside employment activities in the previous policy to the way that these activities are disclosed under the new policy.

The **electronic disclosure system** is accessible at the following website: https://soleus.msis.med.umich.edu/oeac/logon.jsp

Key features of the new policy

1. Faculty outside activities must enhance the faculty member's usefulness as a teacher and scholar, and to a greater degree than corresponding efforts within the University.

   Regents Bylaw 5.12: http://www.umich.edu/~regents/bylaws5b.html#3

2. Faculty members are to **prospectively** disclose outside activities to their Department Chair, who will approve based upon adherence to Medical School policy. Faculty members are to indicate if a potential Conflict of Interest exists. It is the responsibility of the faculty member to read and understand the Conflict of Interest Policies of the Medical School. The guidelines are available online at http://www.med.umich.edu/medschool/orgs/ResearchPolicies.

3. When necessary, Conflict of Interest Board review and approval may be needed before commencing with consulting activity. (For example, simultaneous research support from the proposed "employer" presents a potential conflict.) Consult with the Office of Research and Graduate Studies if you are unsure whether your activity poses a potential conflict.

4. Department Chairs are to review and approve / disapprove annual disclosures by April 1 of each year. Throughout the year, any changes or updates to the outside employment activities of a faculty member should be submitted for approval.

5. The effort threshold on outside activities has increased to **4 days per month**, or a maximum of 48 days per year of outside activities. Individual department chairs have the right to limit a faculty member's outside activities if they conflict with the ability of the faculty member to perform the obligations of his/her university appointment.

6. There is no limit for compensation received from outside activities. However, **the existence and nature of all forms of compensation must be disclosed.**

7. Consistent with SPG 602.12 (Gift Administration), faculty may not arrange for payment for outside employment to go directly from a company to the University, nor may they be in a position to control the allocation of funds from an outside employer in support of their own University activities. The Standard Practice Guide is online at http://www.umich.edu/~spgonlin/600/.

Compliance Responsibility

The Medical School expects its faculty members to comply fully and promptly with this policy, including the requirements of disclosure. Instances of breach of policy, including failure to file or knowingly filing an incomplete, erroneous, or misleading disclosure form or violations of the guidelines, will be adjudicated in accordance with applicable disciplinary policies and procedures of the Medical School.

Possible sanctions, in accordance with applicable University policies, may include:

1. A letter to the faculty member from the Office of the Dean indicating that a breach of policy has occurred;
2. Ineligibility of the faculty member for grant applications, Institutional Review Board approval, or supervision of trainees;
3. Non-renewal of appointment;
4. Dismissal from the Medical School faculty.

GUIDELINES FOR OUTSIDE EMPLOYMENT ACTIVITIES
UNIVERSITY OF MICHIGAN MEDICAL SCHOOL FACULTY

	UMMS Previous Policy	UMMS New Policy
Approval	▪ annual disclosure, with approval from Chair, Dean and Executive Committee	▪ annual disclosure, with approval from Chair ▪ disclosure to Chair must include 1. description of the work to be performed 2. time period of the agreement 3. site of the work 4. anticipated effort of the faculty member 5. existence/nature of the compensation ▪ any contracts, consulting agreements or other documents describing the relationship between the faculty and outside entity must accompany disclosure to Chair ▪ Chair submits copies of all disclosures to the Associate Dean for Research and Graduate Studies annually on April 1. Updates are submitted as approved.
Activities Eligibility	▪ reportable outside employment and income includes offsite, non-episodic activities in which there is a deliverable (does not include honoraria for one-time professional lectures, consultation for the federal government, or royalties generated from University research); includes voluntary opinion (expert witness) testimony ▪ outside employment may not interfere with the primary responsibilities of faculty to support the School's academic mission ▪ full-time instructional faculty may not provide regular and continuing patient care responsibilities at health care sites other than UM affiliated sites, nor may they establish private offices or professional activities unless specifically approved	▪ eligible outside employment may not include performance of activities which otherwise are more appropriately performed within UMHS, including research, patient care, and other clinically-related activity (includes review of patient charts) ▪ activities performed as part of outside employment may not involve the use of any UM resources, including facilities, personnel, equipment or confidential information ▪ establishment of any not-for-profit organization beyond the UM by a faculty member must comply with School and University policies on Conflict of Interest and Outside Employment
Effort Threshold	▪ threshold of 2 days/month for all outside professional activities including vacations, weekends, and evenings	▪ threshold of 4 days/calendar month (48 days/calendar year) for all outside employment activities including vacations, weekends, and evenings, while faculty member is employed by and receiving compensation from UM ▪ faculty are expected to maintain a significant presence on UM campus and must not allow outside activities to detract from their primary allegiance to UM
Remuneration Threshold	▪ compensation exceeding 15% of total UM direct salary for any single activity or 25% for aggregate activities requires additional review/approval by Dean's office; disclosure of compensation below these thresholds is not required.	▪ although the value of compensation (such as royalties, direct payments, stock options, travel reimbursements, and other in-kind remuneration) need not be disclosed, the existence and nature of compensation must be disclosed ▪ faculty may not arrange for payment for outside employment to go directly from the company to the University, nor may they be in a position to control the allocation of funds from an outside employer in support of their own University activities (see SPG 602.12)
Applicability		▪ applies to all faculty with 82% and greater effort (thresholds for appointments with less than 82% effort will be pro-rated according to that effort)

UMMS OUTSIDE EMPLOYMENT ACTIVITIES DISCLOSURE

The electronic disclosure system is accessible at the following website:
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DEFINITIONS

"Conflicts of Interest" may take many forms, but arise when a faculty member, in relationship to an outside organization, is in a position to influence the university's business, research, or other decisions in ways that could lead directly or indirectly to financial gain for the faculty member or his or her family, or give improper advantage to others to the detriment of the University.

"Faculty Member" means any person possessing either a full or part-time academic appointment in the Medical School.

"Outside Employment" is defined as any offsite professional activity related to a faculty member's field or discipline, and where a deliverable, a fee-for-service or equivalent relationship with a third party exists. In these activities, the faculty member agrees to use his or her professional expertise to benefit the third party, in return for personal remuneration. These activities refer to non-episodic arrangements, rather than one-time lectures, telephone calls, grand rounds presentations or other individual opportunities that do not involve significant time or effort. This **does not** include academic activities, such as service on study sections, academic societies or advisory groups to other universities. If you are unsure, call the Office of Research and Graduate Studies (763-4086) for assistance and clarification.

"Threshold of Effort" Faculty are expected to maintain a significant presence on campus and must not allow outside professional activities to detract from their primary allegiance to the University. Faculty may engage in outside activities up to 4 days/calendar month (48 days/calendar year) for all outside professional activities performed at any time, including vacations, weekends and evenings when the faculty member is employed by and receiving compensation from the University. Individual department chairs have the right to limit a faculty member's outside activities if they conflict with the ability of the faculty member to perform the obligations of his/her University appointment.

UMMS Conflict of Interest Guidelines Endorsed by the University of Medical School Executive Committee, Nov 15, 1990

1. The primary responsibility of all faculty is to support the academic mission of the University of Michigan Medical School. No contract, consultancy, or outside endeavor should interfere with or compromise this primary obligation.
2. A research award (contract, grant, or gift) should not result in any tangible personal profit other than direct compensation for actual effort committed to the project under University salary guidelines.*
3. Award-related research on potentially marketable products must be avoided by individuals who will benefit financially from the outcome. This includes stock holdings, options, bonuses, or other equity positions held by the individual or immediate family members in the sponsoring agent or its competitors.*
4. Consultancies that are independent of award-related research usually represent no conflict of interest.
5. Awards to an investigator, a department or the Medical School from commercial sources can be accepted only if there is no reciprocation expected or demanded.
6. Conflict of interest may arise not only in issues related to personal financial gain, but also those involving professional gain, such as in the biased review of manuscripts and grants. Potential conflicts of interest must be avoided in the performance evaluation of faculty, staff, or students.
7. In some instances, the appearance of conflict of interest constitutes as great a potential hazard for the individual and the institution as an actual conflict of interest. Therefore, it is incumbent upon individuals conducting research at the Medical School to disclose to the conditions of all outside employment activities and awards according to existing University policy. Furthermore, adherence to existing University documents referring to conflict of interest, including the Medical School's Guidelines for the Ethical Conduct of Research is expected. Refer to the Medical School Faculty Handbook for further information:
   http://www.med.umich.edu/medschool/faculty/handbook/school.html#research

** Except as specified by The Policy on Conflict of Interest For Research and Technology Activities as endorsed by the University of Michigan Medical Executive Committee on May 13, 1993.* http://www.med.umich.edu/medschool/orgs/coi.tech.html