University of Michigan - Flint
POLICY ON FACULTY CONFLICTS OF INTEREST AND CONFLICTS OF COMMITMENT

Introduction

SPG 201.65-1 requires the University of Michigan – Flint to articulate and disseminate implementation policies that apply to faculty and/or staff within its units. The implementation policy and procedures for the University of Michigan – Flint Campus (UM – Flint) are provided below. The University expects all faculty to be familiar with and abide by the contents of SPG 201.65-1 and with the applicable set of UM - Flint implementation procedures. The requirements under this policy are in addition to relevant federal and state law and University policies. Flint Campus academic or administrative units may require further disclosure and conflict management beyond what is mandated by this SPG, per appropriate Vice Chancellor approval.

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

Actual and potential conflicts of interest and commitment are inevitable where faculty are engaged, as they ought to be, with actors and institutions outside the University, but these actual or potential conflicts are not necessarily problematic. Rather, the University allows and encourages faculty to engage in outside activities and relationships that enhance the University’s mission. It is nevertheless important that faculty disclose any actual or potential conflicts of interest or commitment as soon as they arise so that they can be evaluated and, if necessary, managed or eliminated.

An actual or potential conflict of interest arises when external ties might appear to bias a faculty member’s judgment in performing their University obligations. An actual or potential conflict of commitment arises when a faculty member engages in external activities or assumes external commitments that might appear to compromise their ability to fulfill the responsibilities of their University position. (See Standard Practice Guide SPG 201.65-1.)

1. Actual and Potential Conflicts of Interest

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

- Using University resources in activities that may lead to financial gain for the faculty member (or their family or friends).
- Using the name of the University in promoting activities that may lead to financial gain for the faculty member (or their family or friends).
- Interacting with students in external as well as internal roles. e.g., seeing students as clients or patients, employing students for non-University work.
• Engaging in research in which a faculty member (or their family or friends) has a financial interest.
• Competing with the University for clients, contracts, etc.
• Financial involvement of a faculty member (or their family or friends) with a vendor, or holding a position in a vendor’s organization.
• Having an external interest that could be implicated in internal University decisions. e.g., contracts, hiring, or research, or in giving advice.
• Accepting any gift of substantial value from vendors or from students (Regents’ Bylaw Chapter II, Section 2.16) or acceptance of any gift quid pro quo.
• Honoraria or speakers fees greater than $1,000.

2. Actual and Potential Conflicts of Commitment

The existence of an actual or potential conflict of commitment must be evaluated in light of the minimum time and effort requirements applicable to the faculty member in question.

All faculty, including visiting and clinical faculty, with at least half-time University appointments 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. To meet minimum time and effort commitments on the University of Michigan – Flint campus faculty members are expected to meet the minimum expectations for on-campus and on-line teaching, research, service, and faculty governance commitments within their appointing academic unit as specified in their respective initial offer or re-appointment letter.

Even where obligations to the University are met, a faculty member may 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 institution’s opportunities for research, education, clinical care or financial support which otherwise might flow to the University.

Other faculty, including lecturers, clinical and adjunct faculty, likewise owe the University time and effort commitments commensurate with their appointments. For these faculty members to meet minimum time and effort commitments on the University of Michigan – Flint campus, they are expected to meet the minimum expectations for teaching as specified in their respective offer or re-appointment letter.

A faculty member’s outside employment must not detract from the performance of University duties or responsibilities and must not create a conflict of commitment. (See section 9E of the Faculty Handbook)
With these principles in mind, additional examples of actual or potential conflicts of commitment include, but are not limited to: uncompensated consulting, entrepreneurial or charitable work, service on outside for-profit or non-profit boards or in connection with professional or other associations, and participation in conferences or conventions.

At no time should any outside activity, with or without compensation, exceed the four (4) days per month standard, for full-time faculty. Exceptions to this policy may be granted by the dean, director or designee where conditions such as reduced effort allow for increased outside activity without creating an actual or potential conflict of commitment. The University of Michigan - Flint has established four days per month as the outer limit for faculty members’ outside activity under the auspices of Regents’ Bylaw 5.12.

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

1. Disclosure of Potential Conflicts

In general, each faculty member must promptly disclose actual or potential conflicts of interest or commitment to the Dean, Director or designee, in writing, on the University of Michigan – Flint Conflict of Interest/Conflict of Commitment Disclosure Form, as they arise. If there is any doubt, the staff member should err on the side of disclosure and/or seeking the guidance of the appropriate dean, director, supervisor, or their designee, or the Flint University Human Resources Office. (SPG 201.65-1, Section III.A.3.) If a third party alleges conflict of interest or commitment, the dean, director or designee will meet with the faculty member to evaluate the alleged conflict to determine whether or not it is necessary to manage or eliminate.

In both circumstances, the potential conflict and resulting review outcome must be made in writing, on the COI/COC Disclosure form.

In those instances where there exists dispute over the existence of a conflict or the appropriateness of a conflict management plan, the faculty member may appeal the finding through established dispute resolution procedures for their respective academic unit.

Disclosure will not be required under the following circumstances:
- Honoraria or speaker fees of $1,000 or less.
- Book Royalties

Gifts

The revised SPG 201.65-1 requires each school’s, college’s and administrative unit’s conflict of interest policies be consistent with Regents’ Bylaw Chapter II, 2.16, Gifts to Regents and University Employees. 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 students, any person having business relations with the university, or anyone else based upon the regent’s or employee’s position at the university. The university interprets “any gift of substantial value” to be any gift that is not of nominal or de minimis value. Nominal or de minimis value may vary by school, college or administrative unit, which amount shall be set at the discretion of the dean or director of the school, college, or administrative unit, but generally means an amount greater than $50 to $100. The University interprets “having business relations” to mean that there is an exchange of payment for services or goods. The University interprets “based upon the regent’s or employee’s position at the university” to prohibit a Regent or University employee from using their official position or influence to further their personal gain or advancement, or that of family members, friends, or personal associates, at the expense of the University or against University policy. (Regents’ Bylaw 2.16). Any gift, regardless of value, when accepted quid pro quo (given or taken in return for something), is in direct violation of this policy.

2. Management of Actual or Potential Conflicts

Upon disclosure of an actual or potential conflict of interest or commitment, the dean, director or designee will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The dean, director or designee may ask the faculty member to provide additional information or documentation if necessary. At the Flint Campus, all management plans must also be signed by the dean or director of the unit.

In some circumstances, evaluation of the actual or potential conflict will require consultation with and processing by central administration offices. For example, centralized processing is necessary in the following circumstances:

- Where the disclosure involves sponsored research or technology transfer, by the Flint Office of Research and Sponsored Programs;
- Where there may be a conflict between two academic units, by the Flint Provost/Vice Chancellor for Academic Affairs Office;
- Where the disclosure involves a purchase of goods or services, by Flint Procurement and Contracts Office.

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. Examples of potentially appropriate consultation might include the following: where the disclosure involves sponsored research or technology transfer, with the Flint Office of Research and Sponsored Programs; where there may be a conflict between two academic units, with the Flint Provost’s Office; where legal obligations or potential liability may be involved, with the Office of General Counsel; and where the disclosure involves a purchase of goods or services, with Flint Procurement and Contracts Office; and for general questions or direction, with the Flint University Human Resources Office.

In response to a disclosure of an actual or potential conflict, the dean, director or designee may, after consulting with the faculty member, determine that no action is necessary and
that it is sufficient to document on the COI/COC Disclosure form that no further management is required. If the dean, director or designee determines that management of the actual or potential conflict is necessary, however, they will develop a conflict management plan in consultation with the faculty member. A copy of the plan will be provided to the faculty member, and it is expected that the faculty member will abide by the plan.

The plan may include, but is not limited to:

- Disclosing the actual or potential conflict to appropriate sources inside and/or outside the University;
- Modifying or limiting the faculty member’s duties to minimize or eliminate the conflict;
- 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 actual or 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, director or designee 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. The record 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. Appropriate records may also be maintained in the individual faculty member’s personnel file.

The dean, director or designee 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, director or designee will keep all records that include personal information about named individuals in a secure file accessible only to the dean, director or designee, and the Provost/Vice Chancellor for Academic Affairs of the University of Michigan – Flint campus, with a copy to the Flint University Human Resources Office. Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then either the dean, director or designee, or the Provost/Vice Chancellor for Academic Affairs 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, director or designee or the dean provides copies of information in the files to a faculty or staff member, they must also ask that individual to maintain the same level of confidentiality as applicable to the original information or documents.

In some circumstances, the University is required to disclose actual or 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 may be 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). 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, director or designee or the Provost/Vice Chancellor for Academic Affairs may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the dean, director or designee or Provost/Vice Chancellor for Academic Affairs authorizes disclosure will be required to maintain at least the same level of confidentiality as applicable to the original information or documents.

Administrators of this policy will make every reasonable effort to preserve confidentiality and protect the privacy of all parties in the course of investigating an actual or 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 that the dean, director or, designee or Provost/Vice Chancellor for Academic Affairs has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the relevant superior for appropriate action.

D. Dispute Resolution

A faculty member may dispute any decision made in response to the disclosure or non-disclosure of a potential conflict of interest or commitment. Any attempt at dispute resolution should adhere to established procedures set forth in respective academic units for dispute resolution. Following exhaustion of these unit-specific procedures, the faculty member may dispute any action or decision under this policy in accordance with applicable University procedures. Disputes re: sponsored research/tech transfer must be reported to the UM – Flint Office of Research and Sponsored Programs through identification on the Proposal Approval Form (PAF) prior to submission to OVPR and handled in accordance with processes adopted by OVPR Conflict of Interest Review Committee http://www.research.umich.edu/policies/um/coi/. Other disputes between a faculty member and the unit should be resolved through the normal grievance procedures.

E. Education and Training

Upon hiring into or transfer into the Flint Campus, every faculty member shall be made aware of the University of Michigan - Flint COI/COC policy.

Initial implementation of this revised policy will include informing all faculty of on-line resources available, to orientate individuals to the policy. In addition, each faculty member will be referred to an on-line copy of the campus policy and will be required to submit a signed acknowledgement of receipt of the policy and, as appropriate, submit the
Conflict of Interest/Conflict of Commitment Disclosure form listing actual or potential conflicts or specifying that none exist at that time.

Each academic or administrative unit on the Flint campus will educate all faculty, on an annual basis, about conflicts of interest and conflicts of commitment, including but not limited to definitions and examples of conflicts of interest and conflicts of commitment; the procedures that faculty and staff members in the academic or administrative unit must follow to disclose potential or actual conflicts of interest and conflicts of commitment; the procedures that the dean, director, or department head will use in evaluating and managing conflicts of interest and conflicts of commitment; and the procedures the school, college, or administrative unit will follow when responding to alleged violations of this policy.

Annually, the Chancellor and Vice Chancellors will send all staff a reminder of the Conflict of Interest/Conflict of Commitment policy.

F. 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. An assessment of any potential violation will be conducted by the dean, director or designee, taking into consideration any mitigating circumstances. (Violations specific to Sponsored Research must be handled by the OVPR Conflict of Interest Review Committee). Any actions taken as a result of this assessment will be consistent with University policy. Faculty that dispute the outcome of this assessment will have conflict resolution procedures available to them. Other disputes between a faculty member and the unit should be resolved through the normal grievance procedures, including, where applicable, collective bargaining agreement grievance procedures.

The outcome of the review and any actions taken shall be documented and included within the secure file maintained by the dean, director or designee. In addition, all relevant documentation must also be included within the employee’s personnel file maintained as provided under SPG 201.46 through the Flint University Human Resources Office.

G. Policy Review and Revision

A. The Office of University Audit will review the compliance of the schools, colleges and administrative units within the SPG and Flint Campus policies and procedures, and their efforts to disseminate the policies and ensure consistent application.
B. The immediate supervisor, dean, director, department head or their designee shall regularly review, but in any event no later than four years, the implementation policies and procedures of the academic or administrative unit to ensure compliance. Part of this shall include review of all actual and potential conflict disclosures and actions taken with the appropriate Provost/Vice Chancellor for Academic Affairs to ensure a consistent and fair approach to managing actual and potential conflicts within the unit.

C. The Provost/Vice Chancellor for Academic Affairs shall similarly regularly consult and review actual and potential conflict management issues with the Chancellor.

D. The Chancellor will:
   a. Ensure the development of implementation policies for conflicts of interest and conflicts of commitment for all faculty and staff members who hold appointments in their area of responsibility; and
   b. Approve and monitor the relevant implementation policies.

If the Chancellor determines that any of the changes they would like to adopt will materially change the policy, the Chancellor will submit any materially revised policy to the Office of the Provost and Executive Vice President for Academic Affairs for further review and approval, then to the President for formal adoption.

A current version of the University of Michigan - Flint’s policy should be on file with the Provost/Vice Chancellor for Academic Affairs Office at all times.

This policy applies to all faculty of the University of Michigan - Flint, including both full- and part-time faculty, whether classified as regular instructional, clinical, adjunct, or visiting faculty.

H. Governing Policies

This policy implements 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 UM – Flint Campus 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 https://regents.umich.edu/governance/bylaws/bylaws-chapter-02/;
- Regents’ Bylaw 5.12, regarding outside employment of University faculty https://regents.umich.edu/governance/bylaws/chapter-v-the-faculties-and-academic-staff/;
- Regents’ Bylaw 5.13, regarding governmental elected or appointed service https://regents.umich.edu/governance/bylaws/chapter-v-the-faculties-and-academic-staff/;
• Regents’ Bylaw 5.14, regarding leaves of absence
  https://regents.umich.edu/governance/bylaws/chapter-v-the-faculties-and-
  academic-staff/;
• SPG 201.23, regarding appointment of individuals with close personal or
  external business relationships;
• SPG 201.65, regarding employment outside the University;
• SPG 201.85, regarding special stipends for work performed for other
  University units, the payment of honoraria, and the payment of travel
  expenses;
• Prohibitions Regarding Sexual, Romantic, Amorous, and/or Dating
  Relationships Between Teachers and Learners SPG 601.22;
• SPG 500.01, 601.03-3, 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;
• Office of Vice President for Research (OVPR) Policy on Conflict of Interest
  in Sponsored Research and Technology Transfer Agreements;
• Michigan Compiled Laws § 15.321 et seq., regarding contracts of public
  employees with their employers.

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
Provost/Vice Chancellor for Academic Affairs and the dean, director or designee 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.

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