University of Michigan - Flint
POLICY ON STAFF 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. This policy and its procedures apply to all full-time staff, whether regular or temporary, and to all regular part-time staff in the unit. The University expects all staff 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. Statement of Principles for University of Michigan - Flint 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 to further gain or advancement for themselves, parents, siblings, spouse or partner, children, dependent relatives, friends or other personal associates, at the expense of the University. In accordance with its mission, however, the University of Michigan encourages staff members to engage in outside activities and relationships that enhance the mission of the University. As a result, actual and potential conflicts of interest and commitment are inevitable, but these actual and potential conflicts are not necessarily problematic. Rather, the essential point is that faculty and staff must disclose these actual and potential conflicts of interest so they can be evaluated and, if necessary, managed or eliminated.

When implementing SPG 201.65-1, academic and administrative units must also consider both particular rules of conduct within the University and rules that govern outside activities applicable to the staff of the UM - Flint. These include but are not limited to:

- Regents’ Bylaw Chapter II, Section 2.16, related to Gifts to Regents and University Policy;
- Regents’ Bylaw 5.13, related to governmental elective/appointed service;
• **SPG 201.12**, related to misconduct and discipline;
• **SPG 201.23**, related to hiring of relatives or those with a close personal relationship; and
• **SPG 201.85**, related to work performed for other University units.

The specific definitions for an actual or potential conflict of interest and actual or potential conflict of commitment in Sections II.A and II.B of **SPG 201.65-1** also apply to the procedures described below. Broadly defined, an actual or potential conflict of interest encompasses external ties that may appear to improperly bias a staff member’s judgment in performing their University job responsibilities. An actual or potential conflict of commitment, broadly defined, encompasses situations in which a staff member’s external relationships or activities may appear to interfere or compete with the University’s mission, or with the staff member’s ability or willingness to perform their job responsibilities.

**B. Disclosing, Evaluating, and Managing Actual or Potential Conflicts of Interest and Conflicts of Commitment**

1. Disclosing actual or potential conflicts of interest and conflicts of commitment.

Whenever an actual or potential conflict of interest or conflict of commitment exists for a staff member, he or she must promptly disclose it, in writing, on the University of Michigan – Flint Conflict of Interest/Conflict of Commitment Disclosure Form, to their immediate supervisor, dean, director, department head, or the designated conflict of interest officer is the unit. 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.)

Examples of actual or 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;
- Using University resources in activities that may lead to financial gain for the staff member or staff member’s family or friends;
- Using the name of the University in promoting activities that may lead to financial gain for the staff member or staff member’s family or friends;
Honoraria or speakers fees greater than $1,000

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

The immediate supervisor, dean, director, department head or their designee shall evaluate all disclosed actual or potential conflicts of interest or conflicts of commitment. The immediate supervisor, dean, director, department head or their designee may require the staff member to provide additional information or documentation that may be relevant to evaluating the actual or potential conflict of interest or conflict of commitment.

As needed, the immediate supervisor, dean, director or their designee will consult with appropriate central administrative offices (e.g., Flint University Human Resources Office of the Chancellor, Office of the Provost and Vice Chancellor for Academic Affairs, Office of the Vice Chancellor for Business & Finance, Office of the Vice Chancellor for University Advancement, Office of the Vice Chancellor for Student Affairs, Vice Chancellor for Enrollment Management, and Office of the Vice President and General Counsel). (See also Section B.4, below.)

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

When the immediate supervisor, dean, director, department head or their designee has determined that an actual or 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 actual or potential conflict. The supervisor, dean, director, department head or their designee will provide the employee
with a copy of the approved conflict management plan and will discuss any related ambiguities or issues that arise. The staff member must abide by the terms of the plan. At the Flint Campus, all management plans must also be signed by dean or director of the unit, after consultation with Flint University Human Resources.

4. Involving other University individuals or offices, as required

Purchasing

When an actual or potential conflict involves a purchase of goods or services, the immediate supervisor, dean, director, department head or their designee must also disclose the conflict to the appropriate staff person in the University of Michigan - Flint Procurement and Contracts Office, and also to the unit staff member responsible for handling unit purchases. If the immediate supervisor, dean, director, department head or their designee 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 an actual or potential conflict involves work performed for a research project, the immediate supervisor, dean, director, department head or his designee must inform the head of the research project. If the immediate supervisor, dean, director, department head or his designee determines that a conflict exists that must be managed or eliminated, it is their responsibility to ensure, in consultation with the head of the research project and in consultation with the Director of the University of Michigan – Flint Office of Research and Sponsored Projects that the conflict management plan does not conflict with requirements related to the research or to research funding.

C. Administering the Policy

1. Record-Keeping and Issues of Confidentiality and Privacy

When personal financial or associational documents are needed in order to satisfy a COI/COC management plan, these documents will be placed in a secure file accessible only to the immediate supervisor, dean, director or department head and a copy provided to the Flint University Human Resources Office. Where any other staff member has a legitimate business reason to access the documentation, then either the immediate supervisor, dean, director or department head may authorize access to the file and provide either copies and/or information, as may be required for the stated business purpose. If the immediate supervisor, dean, director or department head 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 and sent to the Flint University Human Resources Office for submission to
the employee’s personnel 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 actual and 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 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) https://foia.vpcomm.umich.edu/. 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 immediate supervisor, dean or department head may authorize access to the file, provide copies, or provide oral or written summaries of the information in the file. Where possible, the individual to whom the immediate supervisor, dean or department head 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 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 staff member who becomes aware of an immediate supervisor, dean or department head who has provided or may have provided unwarranted access to conflict documentation or information, as defined in this policy, should inform the Vice Chancellor for Business & Finance and the Flint University Human Resources Office. To follow up, the Vice Chancellor, or their designee, will investigate the allegation and, where appropriate, take personnel action.

2. Resolving Disputes

When a staff member disputes any action or decision related to an actual or potential conflict of interest or conflict of commitment, the staff member should first ask that the action or decision be reviewed by their 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. (See SPG 201.8 Grievance Procedures and Dispute Resolution)

3. Conducting Education and Training
Upon hiring into or transfer into the Flint Campus, every staff member shall be made aware of the University of Michigan - Flint COI/COC policy.

Initial implementation of this revised policy will include informing all staff of on-line resources available, to orientate individuals to the policy. In addition, each staff member will be referred to an on-line copy of the campus policy, and 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 staff, 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.

4. Violations

Any violation of SPG 201.65-1 or this Flint Campus 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 immediate supervisor, dean, or director. 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.

5. 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 Vice Chancellor to ensure a
consistent and fair approach to managing actual and potential conflicts within the unit.

C. The Vice Chancellor 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.
   c. If the Chancellor determines that any of the changes he or she would like to adopt will materially change the policy, the Chancellor will have authority and final approval with respect to the material modifications consistent with SPG 201.65-1.

D. Other 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 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 Chapter II, Section 2.16, related to Gifts to Regents and University Policy;
- Regents’ Bylaw 5.13, related to governmental elective/appointed service;
- Regents’ Bylaw 5.14, regarding leaves of absence;
- SPG 201.12, related to misconduct and discipline;
- SPG 201.23, related to hiring of relatives or those with a close personal relationship;
- SPG 201.65, regarding employment outside the University;
- SPG 201.85, regarding non-appointment related University compensation;
- SPG 500.01, and 601.11, in particular to the extent that they address 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 SPG 303.04;
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.

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