Conflict of Interest / Conflict of Commitment
Policy and Procedure

School of Nursing

July 31, 2006
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Potential conflicts of interest (COI) and commitment (COC) are inevitable where faculty are engaged, as they ought to be, with actors and institutions outside the University. Nor are these potential conflicts 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 potential conflicts of interest or commitment as soon as they arise so that they can be evaluated and, if necessary, managed or eliminated.

This School of Nursing (SON) policy is to insure disclosure of possible COIs and COCs and provide a process to discuss and manage possible issues and concerns or for a faculty member to ask a group of colleagues if a situation poses a COI or COC. Obviously, the SON policy must be consistent with the University of Michigan conflict of interest and conflict of commitment policy.

A potential conflict of interest (COI) arises when external ties might appear to bias a faculty member's judgment in performing his or her University obligations. Specifically, 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 member's judgment; (2) biasing the nature or direction of scholarly research; (3) influencing a faculty 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 (SPG, 201.65-1 p. 2).

A potential conflict of commitment (COC) arises when a faculty member engages in external activities or assumes external commitments that might appear to compromise his or her ability to fulfill the responsibilities of his or her University position. Such a situation exists when a faculty 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 (SPG 201.65-1, p. 2).
Overview and Background

The University Standard Practice Guide (SPG) 201.65-1 on Conflict of Interest (COI) and Conflict of Commitment (COC) was revised July 15, 2005. As part of that revision, each operating unit has been asked to draft policies and procedures for educating, managing and mitigating potential conflicts of interest and conflict of commitment situations. To assist us in developing a School of Nursing (SON) policy, process, and set of practices, the University has provided several resources upon which a framework can be constructed. These include University policy and practice guidelines, University by-laws, and our own School practices. The framework we develop needs to be consistent with the University policies, and approved by the governing faculty.

Central to the University’s SPG is the University’s “commitment 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” (section I of the SPG Policy). The University policy also states the following: “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 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”. The SPG goes on to say that “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…..”. The concept is to have COI/COC situations reviewed and recommendations made by a group of colleagues.

Examples of Potential Conflicts of Interest and Conflicts of Commitment
(not meant to be exhaustive)

Situations that create a potential conflict of interest might include:

- A faculty member may accept honoraria and speaker fees. If a substantial time commitment is required, however, a potential conflict of commitment may arise.
- A faculty member may incur reasonable meal and travel expenses that are reimbursable either by the University or by external organizations. However, a faculty member may not accept reimbursement that amounts to a gift of substantial value from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.
- A faculty member may not accept a gift of substantial value (including services) from a University student member—unless there is a family relationship or the equivalent. This rule applies to gifts from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract (also see below).
• A faculty member may not require students to contribute services or money to institutions or activities external to the University in which the faculty member has an interest, or to himself/herself personally. Where a student is given an opportunity through a faculty member to become associated with an external project, the student should receive compensation or credit—and it must be clear to the student that the association is at her/his option.

• A faculty member may not represent that the unit or the University supports the mission of an external person, institution, or organization.

**Gifts**

A potential conflict exists when a vendor or student, current or potential, gives a gift to a faculty member. General University policy prohibits employees from accepting any gift of substantial value from vendors or from students (Regents’ Bylaw 2.16). In line with general university policy and IRS regulations an employee may not accept any gift of $50 or more from a vendor or from a student (Regents’ Bylaw 2.16). Additionally, it is never appropriate to receive a gift of any value that is given with the expectation of receiving some favor or benefit in return.

The existence of a potential conflict of commitment must be evaluated in light of the minimum time and effort requirements applicable to the specific 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 time and intellectual energy must therefore be devoted to activities that further the University’s mission as described in the School of Nursing Faculty Handbook.

• Other part-time faculty, including adjunct faculty, similarly owe the University time and effort commitments commensurate with their appointments.

• Even where obligations to the University are met, a faculty member may not engage in business activities that compete with or otherwise undermine the University’s mission.

For other examples, see Appendix I.

**Disclosure, Evaluation and Management of Potential Conflicts of Interest and Commitment**

1. **Disclosure of Potential Conflicts**
   • In general, each faculty member would promptly disclose all actual or potential COI/COC to their appropriate dean, director, supervisor or designee (SPG 201.65-1).
   • All faculty must make disclosures as part of their annual performance review, or no later than August 1 of each year.
• Recurring or long-term commitments incurred by faculty must be included in the annual report of each faculty member to the Dean.
• Disclosure need not be made where there is no conflict of the general nature cited above. But disclosure should be made whenever there is any question whether the incident falls within the situations described above.

2. Management of Potential Conflicts
Upon disclosure of a potential conflict of interest of commitment, the Chair/Dean/Supervisor (Chair will be used in the remainder of the document and indicates Chair, Dean or appropriate supervisor) will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The Chair may ask the faculty member to provide additional information or documentation if necessary (see Appendix II for guide). The Chair may determine that further consultation with the COI/COC manager for the School of Nursing (Executive Associate Dean) is necessary before a determination is made. In all cases, the Chair will provide copies of all disclosures of actual or potential conflicts and the manner in which the conflicts were resolved to the COI/COC manager of the School of Nursing.

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

• Where disclosure involves sponsored research or technology transfer, by the Office of the Vice President for Research;
• Where there may be a conflict between two academic units, by the Provost’s Office; and
• Where the disclosure involves a purchase of goods or services, by Purchasing.

In some cases, consultation with central administration offices may be helpful, even where central processing is not required. Examples of potentially appropriate consultation might include the following: where the disclosure involves sponsored research or technology transfer, with the Office of the Vice President for Research; where there may be a conflict between two academic units, with the Provost’s Office; where legal obligations or potential liability may be involved, with the General Counsel’s Office; and where the disclosure involves a purchase of goods or services, with Purchasing.

In response to a disclosure, and after consultation with the faculty member, the Chair may determine that no action is necessary. If the Chair determines that management of the potential conflict is necessary, the Chair will develop a conflict management plan in consultation with the faculty member. That plan may include, but is not limited to:

• Disclosing the potential conflict to appropriate sources inside and 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 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 COI/COC manager will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process. The COI/COC manager will keep a record of action on disclosures made under this policy, in part to develop a consistent practice of treating similar cases alike. The COI/COC manager will make all efforts to preserve the privacy and confidentiality of personal information revealed as part of this process. All records will be kept in a secure file accessible only to the COI/COC manager, Chair, and Dean. In addition, the original record will be kept in the faculty member’s personnel file in the SON Human Resources office. If the COI/COC manager 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 potential conflicts to people within or outside the University (e.g. federally funded research project, disclosure to the federal government is required). Also, the University may be legally required to disclose information in response to the requests made under the Michigan Freedom of Information Act (FOIA). Should any other individual have a legitimate educational or business reason to access the confidential records, only the COI/COC manager or Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom information is disclosed is required to maintain at least the same level of confidentiality as provided for the original information.

Any faculty or staff member who becomes aware that the COI/COC manager or Dean 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.

The COI/COC manager should ensure that the unit purges the documentation from the faculty member’s file three years after the potential conflict no longer exists, except where University record retention policies require the unit to retain the records for a longer period (e.g., as specified in SPG 201.46).
4. Dispute Resolution
When a faculty member disputes any decision made in response to the discloser of a potential conflict of interest or commitment, s/he should first request that the action or decision be re-reviewed by the appropriate Chair and COI/COC Manager. A faculty member may then dispute any decision by first going to the Executive Committee Sub Committee on Dispute Resolutions and then the Dean. Following exhaustion of these procedures, the faculty member may dispute any action or decision under this policy in accordance with applicable University Procedures (SBG 201.65-1), Conflict of interest and Conflicts of commitment, 2005. Sponsored research/technology transfer must be handled in accordance with processes adopted by OVPR Conflict of interest Review Committee. Other disputes between a faculty member and the Unit should be resolved through normal grievance procedures as outlined in the School of Nursing Faculty Handbook.

The School of Nursing COI/COC Dispute Resolution Committee shall consist of three members from the Executive Committee, selected among themselves and approved by the Dean. They shall have two year staggered terms.

5. Violations
Any failure to comply with this policy may lead to disciplinary action, up to and including termination of appointment in accordance with applicable disciplinary procedures (SPG 201.65-1). 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. School of Nursing and University procedures governing faculty misconduct shall apply.

If the Dispute Resolution Committee and Dean report that the faculty member has engaged in a Conflict of Interest/Commitment and the situation has not been resolved, the Dean will work with the Provost’s Office, the General Counsel’s Office and the President’s Office to determine appropriate responses.

Policy Review and Revisions
The COC/COI Manager will review all actions taken under this policy annually and will make recommendations to the Dean regarding any needed revisions to the policy or any need for increased education. Any changes or revisions to the policy will be recommended to the Dean and discussed with faculty. Final changes will be submitted to the Office of the Provost and Executive VP for Academic Affairs for further review and approval and to the President for final adoption. This policy will be on file in the Provost’s office.

Education and Training: Upon hiring into the School of Nursing, every faculty member shall receive a copy of the School of Nursing’s Conflict of Interest/Conflict of Commitment Policy. Upon receipt, each faculty member must sign a statement that s/he has received a copy of the policy. The first year of the policy, existing faculty will also
receive a copy of the COI/COC policy and sign a statement that s/he has received a copy. Copies of these signed statements will be maintained as part of the employee’s personnel file. Annually, all faculty members are required to: 1) review the current COI/COC policy and sign that s/he has reviewed the policy; and 2) address COI/COC in their annual review. The School of Nursing’s COC/COI policy will be included in the new faculty orientation each year. In addition, faculty education will include annual reminders to the full faculty on these issues either in a forum type setting and/or email or web based content. The sessions would include examples of potential COI/COC as well as the process for managing and mitigating them in the School of Nursing. For faculty this could be accomplished by a presentation at the first full Faculty Meeting held in September of each year.

Faculty members are also required to complete the online tutorial to ensure that they understand the topic of conflicts of interest and conflicts of commitment and the basic elements of what the University expects of them in this regard. Note that the tutorial is a University overview and does not cover the details of the School of Nursing’s specific policy. Faculty should fully read this document to ensure compliance with School of Nursing policies. The tutorial can be found at http://www.provost.umich.edu/programs/COI_COC/Faculty/index.html.

**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 School of Nursing 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 http://www.umich.edu/~regents/bylaws/bylaws02.html#16;
- Regents’ Bylaw 5.12, regarding outside employment of University faculty http://www.umich.edu/~regents/bylaws/bylaws05b.html#3;
- Regents’ Bylaw 5.13, regarding governmental elected or appointed service http://www.umich.edu/~regents/bylaws/bylaws05b.html#4;
- Regents’ Bylaw 5.14, regarding leaves of absence http://www.umich.edu/~regents/bylaws/bylaws05b.html#5;
- 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;

• 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 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 http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html; and

• Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.

• Where applicable, the current collective bargaining agreement for the graduate student employee or faculty member.

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 and the School of Nursing COI/COC manager 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.

References


Outside employment. Retrieved October 02, 2005 from http://www.umich.edu/%7Eregents/bylaws/bylaws05b.html#3
Appendix I

Additional Examples of Potential Conflicts of Commitment

- Any work external to the department potentially raises a question of conflict of commitment. However, any such work that contributes to the scholarly or educational goals of the department is permitted or is not a conflict.
- For full-time faculty, other professional work is permitted to a total of thirty-two hours a month if it does not interfere with the minimum expectations outlined above. If there is any question about whether a commitment falls within these categories, or if there is any potential for interfering with the minimum expectations above, the matter should be disclosed.
- A full-time faculty member may not establish a business that competes with the University.
- Part-time faculty need disclose only commitments that have the potential for interfering with their minimum obligations to the University.

Other examples of Conflicts of Interest

- Benefit by an investigator from the financial outcome of their research
- Referrals to a business in which the faculty member or a member of his or her immediate family has an interest
- Interest in a business that competes with the UM
- Publishing or presentation of research without disclosure of the investigator’s related financial interest
- Allowing University responsibilities to influence or benefit a company in which the investigator or a member of the investigator’s immediate family has an interest
- Participation in technology development in a company where the investigator or a member of the investigator’s immediate family has an interest
- Executive participation in a start-up biomedical company
Appendix II

Because the University specifically requires that all potential conflicts of interest and commitment be disclosed to appropriate University authorities and that efforts to mitigate possible conflicts are in place, the subgroup investigating disclosures should be sure to include in its review this disclosure element. The following are suggested questions that could be addressed in the resolution process:

1. Did the faculty member engage in actions that constitute a potential COI/COC?
2. Did the faculty member properly disclose the potential for a COI/COC situation prior to engaging in the activity?
3. If the faculty member did disclose the potential conflict of interest, were the proper precautions put in place in advance to mitigate any possible COI/COC?
4. If the faculty member did not disclose the potential COI/COC and did participate in activities in which there may have been a COI/COC, was there evidence of any harm to any individuals, the school or the University?
5. If there was harm what are the recommended remedies?
6. If there was harm what are the recommended sanctions for the faculty member?
7. Has this faculty member been made aware of the policy and its possible consequences?
8. When was the last major review of the COI and COC policy with the entire school faculty?
9. Has the school taken proper precautions to ensure that all faculty are aware of their responsibilities relevant to the conflict of interest policy?
10. What is the recommendation of the committee to the school regarding education on the conflict of interest policy for faculty?

Approved by EC and AC/July, 2006
School of Nursing
Conflicts of Interest and Conflicts of Commitment
Policies for Faculty Certification Statement

I acknowledge that I have been given a copy of the School of Nursing's Conflicts of Interest and Conflicts of Commitment Policies for Faculty. I understand that if I engage in an activity, which presents, or may appear to present, a conflict of interest or conflict of commitment, that I will promptly disclose it, in writing, to my Division Chair.

Please make sure you have completed the following items before signing and returning this form.

☐ I have thoroughly read the Conflicts of Interest/Conflicts of Commitment document.

☐ I have completed the required University website tutorial: http://www.provost.umich.edu/programs/COI_COC/Faculty/index.html

Signature______________________________________ Date__________

Name (printed)________________________________________________
School of Nursing
Conflicts of Interest and Conflicts of Commitment
Disclosure Form

☐ I have no potential conflicts of interest or conflicts of commitment to disclose.

☐ I have a potential conflict of interest or conflict of commitment to disclose. The details are as follows:

Please give this completed form to your Division Chair during your performance evaluation or no later than August 1.

Signature____________________________________ Date__________

Name (printed)________________________________________________