

**UNIVERSITY LIBRARY  
POLICY ON CONFLICTS OF INTEREST AND  
CONFLICTS OF COMMITMENT**

**LIBRARIAN**

**October, 2007**

The University Library recognizes that Librarians participate in a wide range of outside scholarly and professional interests, and encourages participation in sponsored research, consultation, and other activities that benefit the individual, the Library, the University as a whole, and the wider community. At the same time, it is important that Librarians understand their primary professional responsibilities and obligations to the University of Michigan and ensure that these outside activities do not interfere with the expectations of the institution.

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

Potential conflicts of interest and commitment are inevitable where Librarians are engaged, as they ought to be, with libraries and institutions outside the University. Nor are these potential conflicts necessarily problematic. Rather, the University allows and encourages Librarians to engage in outside activities and relationships that enhance the University's mission. It is nevertheless important that Librarians 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.

A potential conflict of interest arises when external ties might, or appear to, bias a Librarian's judgment in performing his or her University obligations. A potential conflict of commitment arises when a Librarian engages in external activities or assumes external commitments that might, or appear to, compromise his or her ability to fulfill the responsibilities of his or her University position. (See Standard Practice Guide (SPG) 201.65-1.)

The term Librarian includes all ranks of the Librarian staff (e.g. Librarians, Sr. Associate Librarians, Associate Librarians, and Assistant Librarians) as well as Archivists, Assistant Archivists, Associate Archivists, and all professional staff with one-half time or more appointment with the Library.

1. Potential Conflicts of Interest

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

- Accepting gifts, entertainment, meal or travel arrangements, or other items of value from vendors or other third parties that do or have business with the

University (Cash and cash equivalents, of any amount, should be avoided, as well as any gift or arrangement which may cause the appearance of influence or be perceived as an attempt at influence);

- It is never appropriate to receive a gift that is given with the expectation of receiving some favor or benefit in return;
- Obtaining/maintaining significant interest (financial or managerial) in an outside entity with which the University maintains a contractual relationship, or with whom the University competes for provided services;
- Using the name of the University in promoting activities that may lead to personal financial gain or that of his or her family or friends;
- Using University resources, such as facilities, personnel, equipment, or information as part of outside consulting activities or for other non-University purposes;
- Taking administrative action within the University which is beneficial to a business in which an employee of the University has a financial interest;
- Hiring a family member or person with whom a Librarian has a personal relationship.

## 2. Potential Conflicts of Commitment

The existence of a potential conflict of commitment must be evaluated in light of the minimum time and effort requirements applicable to the Librarian in question.

All Librarians, including those on term assignments, with at least half-time University appointments, owe their primary professional commitment to the University. A commensurate commitment of those Librarian's time and intellectual energy must therefore be devoted to activities that further the University's mission. To meet minimum time and effort commitments within the University Library, Librarians are expected to adhere to the standard work schedule for Librarians as described in the Library Staff Manual.

Even where obligations to the University are met, a Librarian may not engage in activities that compete with the University or that otherwise diminish or undermine the University's mission. It is inappropriate for a Librarian, without prior approval, to divert to other entities or institutions opportunities for research, education, clinical care or financial support which otherwise might flow to the University.

Other part-time Librarians likewise owe the University time and effort commitments commensurate with their appointments. For these Librarians to meet minimum time and effort commitments within the University Library, they must adhere to their commitment as set forth in their offer of appointment letter.

With these principles in mind, examples of potential conflicts of commitment include, but are not limited to, the following:

- Engaging in outside professional activities including management, consulting, research, entrepreneurial or charitable work;
- Performing services on outside for- or non-profit boards.

## **B. Disclosure, Evaluation, and Management of Potential Conflicts of Interest and Commitment**

### 1. Disclosure of Potential Conflicts

In general, each Librarian must promptly disclose potential conflicts of interest or commitment in writing to the Chief Operating Officer (COO) or designee. In addition to prompt disclosure, Librarians will be required to certify annually that all conflicts of interest or commitment have been disclosed. Disclosures may be made either by email or memo.

Disclosure will not be required under the following circumstances:

- Accepting honoraria and speaker fees for technical talks sponsored by professional societies, non-profit institutions, or public organizations;
- Accepting gifts, prizes, and awards for recognition of professional excellence from professional societies, non-profit institutions, or public organizations.

### 2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the Chief Operating Officer will evaluate the extent of the potential conflict to determine whether it is necessary to manage or eliminate it. The COO may ask the Librarian to provide additional information or documentation if necessary.

In some circumstances, evaluation of the 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 Office of the Vice President for Research;
- Where there may be a conflict between two academic units, by the Provost's Office;
- Where legal obligations and potential liability may be involved, by the General Counsel's Office; and
- Where the disclosure involves a purchase of goods or services, by Purchasing.

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. Whenever a potential conflict requires consultation or processing by central administration offices, the contact should be made by the COO.

In response to a disclosure of a potential conflict, the COO may, after consulting with the Librarian, determine that no action is necessary. In other cases, the COO may decide that it is sufficient to document the disclosure and his or her determination that no further management is required. If the COO determines that management of the potential conflict is necessary, however, he/she will develop a conflict management plan in consultation with the University Librarian and the Librarian in question. That plan may include, but is not limited to:

- Disclosing the potential conflict to appropriate sources inside and/or outside the University;
- Modifying or limiting the Librarian's duties to minimize or eliminate the conflict;
- Reducing the Librarian's appointment to accommodate the outside interest or activity;
- Securing the Librarian'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 Librarian's obligations to the University.

All such disclosures will receive a preliminary recommendation from the Chief Operating Officer and will be reviewed by the Library Executive Council for final approval.

The Chief Operating Officer will provide a copy of the conflict disclosure and management plan to the appropriate Associate University Librarian for purposes of record keeping.

### **C. Administering the Policy**

#### **1. Record-Keeping and Issues of Confidentiality and Privacy**

The COO will keep records of actions on disclosures made under this policy, in part to help develop a consistent practice of treating like cases in similar fashion. 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 Librarian's personnel file. The Librarian involved will also be notified that such a request and disclosure was made.

The COO, AULs, Senior Managers, and Supervisors will make all reasonable efforts to preserve the privacy and confidentiality of personal information revealed as part of this process; to that end, all records that include personal information about named individuals in a secure file accessible only to the Senior Manager, Associate University Librarian, and the University Librarian respectively. Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then one of the appropriate authorities listed above 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 copies of information in the files are provided to a faculty or staff member, he or she must also be asked 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. For example, if a conflict exists within the context of a federally sponsored project, the University is 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 COO, in consultation with either the Associate University Librarian or University Librarian may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom the COO or University Librarian authorizes disclosure will be required to maintain at least the same level of confidentiality as applicable to the original information or documents.

Any faculty or staff member who becomes aware that unwarranted access to conflict documentation or information, as defined in this policy, has been provided or may have been provided to some third party, should inform the relevant superior for appropriate action

The COO will 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).

## 2. Dispute Resolution

A Librarian may dispute any decision made in response to the disclosure or non-disclosure of a potential conflict of interest or commitment. This dispute should follow the Grievance Procedures for Primary Librarians/Archivists in the Library Staff Manual. Following exhaustion of this procedure, the Librarian may dispute any action or decision under this policy in accordance with applicable University policies and procedures for handling disputes, when available, including, where applicable, collective bargaining agreement grievance procedures. Disputes regarding sponsored research/tech transfer must be handled in accordance with processes adopted by OVPR Conflict of Interest Review Committee <http://www.research.umich.edu/policies/um/coi/> and, if appropriate, that disputes re: Medical School conflicts must follow processes of Medical School Conflict of Interest Board [https://www.med.umich.edu/u/coi/process\\_board.htm](https://www.med.umich.edu/u/coi/process_board.htm).

## 3. 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.

Violations should be reported in writing to the COO. The Chief Operating Officer will forward the violation to the University Librarian. Resolution of the violation will be developed by the University Librarian in consultation with the COO, and the appropriate central administration office in accordance with existing Library and University procedures governing Librarian misconduct.

#### 4. Education and Training

This policy will be provided to Librarians at the time they are hired and when they begin work at the University; and they will be required to certify that they have reviewed the policy. Reminders of this policy with appropriate reference points will be distributed each fall to all staff. Discussion and instruction on management of the policy will be included in new Supervisor training each fall. The Office of Business Operations will develop an appropriate communication process, including access to University Library policy, relevant University policies, examples of potential COI issues, Frequently Asked Questions, and other appropriate material. Review of this policy will be provided to departmental administrators on a yearly basis.

#### **D. Policy Review and Revision**

The COO will annually review all actions taken under this policy and make recommendations to the University Librarian regarding any needed revisions to the policy or any need for increased education. Any revisions in policy or practices will be discussed with the Librarian's Forum. If the University Librarian determines that any of the changes adopted will materially change the policy, the University Librarian will follow the procedures used to adopt the original policy. In particular, the University Librarian will submit any materially revised policy to the Office of the Provost and Executive Vice President for Academic Affairs for further review and approval and then to the President for formal adoption. <http://www.umich.edu/%7Ehraa/procedures/spg201-65-1.htm> A current version of the University Library's policy should be on file with the Provost's Office at all times.

This policy applies to all Librarians of the University Library, including both full- and part-time.

## E. 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 University Library 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](http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html);
- 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 University Librarian and the COO 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.