



## U-M Health System Policies and Procedures

### UMHS Policy 01-04-003 - Outside Interests and Conflicts of Interest

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#### I. POLICY STATEMENT

It is the policy of the University of Michigan Health System (“UMHS”) to address potential or actual Conflicts of Interest or Conflicts of Commitment promptly and fairly in order to ensure that they are reduced, managed or eliminated as appropriate. All UMHS faculty, house officers and staff are required to promptly report any potential or actual Conflicts of Interest or Conflicts of Commitment.

#### II. POLICY PURPOSE AND SCOPE

The purpose of this Policy is to enable UMHS to identify and manage as appropriate Conflicts of Interest or Conflicts of Commitment. This Policy applies to all UMHS faculty, house officers and staff and will apply to UMHS faculty, house officers and staff differently based upon their role at UMHS. To the extent that a UMHS faculty, house officer or staff also serves as an Executive/Senior Officer of the University, their potential conflicts will be governed by and must be disclosed according to the conflict of interest policy set forth by the University of Michigan Board of Regents in Regent Bylaw 1.14.

A primary responsibility of all UMHS faculty, house officers and staff is to support the missions of the University and UMHS. No agreement, contract, or Outside Interest should interfere with or compromise this primary obligation. A University sponsored contract or grant should never result in any personal tangible benefit or financial interest to UMHS faculty, house officers and staff or their Family Members outside of the terms of the agreement between the University and the sponsor.

#### III. DEFINITIONS

**Adjunct Faculty:** “Adjunct Faculty” means those appointments at UMMS for professorships that are less than 50%, which may be compensated or uncompensated, consistent with the UMMS Faculty Handbook. “Adjunct Faculty” also includes Faculty that hold a “Courtesy Staff” designation for purposes of the Hospitals and Health Centers (“HHC”) Bylaws.

**Annual Disclosure:** “Annual disclosure” shall indicate the requirement of all Faculty, House Officers and Staff.

**Compliance Committee:** “Compliance Committee” means the applicable compliance committee for HHC, Michigan Health Corporation (“MHC”) or the University of Michigan Medical School (“UMMS”).

**Compliance Officer:** “Compliance Officer” means either collectively all or singularly the applicable Compliance Officer for HHC, MHC, UMHS or

UMMS.

**Conflict of Commitment:** A “Conflict of Commitment” or “COC” exists when a UMHS faculty or staff’s external relationships or activities have the possibility (either in actuality or in appearance) of interfering or competing with:

- the University’s or UMHS’ education, research, or service missions, or
- the UMHS faculty, house officer or staff’s ability or willingness to perform the full range of responsibilities associated with his or her position.

Examples of potential COCs are provided in [Exhibit A](#) attached to this Policy, which may be amended from time to time.

**Conflict of Interest:** A “Conflict of Interest” or “COI” exists whenever personal, professional, commercial, or financial interests or activities outside of the University or UMHS have the possibility (either in actuality or in appearance) of:

- Compromising a UMHS faculty or staff’s judgment,
- Biasing the nature or direction of scholarly research,
- Influencing a UMHS faculty, house officer or staff’s decision or behavior with respect to teaching and student affairs, appointments and promotions, uses of University or UMHS resources, interactions with patients or human subjects, or other matters of interest to the University or UMHS, or
- Resulting in a personal gain for a UMHS faculty, house officer or staff or for their Family Members' gain or advancement at the expense of the University or UMHS.

Examples of potential COIs are provided in [Exhibit A](#) attached to this Policy, which may be amended from time to time.

**Conflict of Interest Board:** “Conflict of Interest Board” or “COI Board” means the governing body that reviews and approves Conflicts of Interest related to research or technology transfer as delegated by the Office of the Vice President for Research and other matters designated by UMHS.

**Faculty:** “Faculty” mean those individuals with a primary appointment, either full or part-time, at UMMS excluding Adjunct Faculty and Visiting Faculty. “Faculty” includes those individuals with “Active Staff” designations for purposes of the HHC Bylaws.

**Family Members:** “Family Members” are the UMHS faculty or staff’s spouse, domestic partner and dependents.

**HHC:** “HHC” means the University of Michigan Hospitals and Health Centers.

**House Officer:** “House Officer” means a physician or dentist who is in a recognized training program and whose normal duties, under the direction of either the attending, courtesy, and/or honorary staff, are to admit patients to the hospital, diagnose or treat patients, and assume all the functions and responsibilities of the House Officer staff.

**Management Staff:** “Management Staff” are those UMHS staff whose job titles are in the Managerial or Executive Job Roles in the University Human Resources Classification System, which can be found at <http://careernavigator.umjobs.org/CareerBands.asp>.

**MHC:** “MHC” means the Michigan Health Corporation.

**Outside Interest:** “Outside Interest” is an external activity, relationship or interest, whether paid or unpaid, related to a UMHS faculty, house officer or staff’s work or position at UMHS that could result in a benefit to the UMHS faculty, house officer, staff or their Family Members.

**Procedures:** “Procedures” mean the Conflict of Interest and Conflict of Commitment Procedures attached as [Exhibit B](#) to this Policy, which may be amended from time to time.

**Staff:** “Staff” means all UMHS staff excluding Management Staff.

**UMHS:** “UMHS” means the University of Michigan Health System, including the University of Michigan Hospitals and Health Centers, the University of Michigan Medical School, and the Michigan Health Corporation.

**UMMS:** “UMMS” means the University of Michigan Medical School.

**University:** “University” means the University of Michigan.

**Visiting Faculty:** “Visiting Faculty” means those appointments with UMMS for professorships for those individuals with employment responsibilities with another institution of higher education consistent with the UMMS Faculty Handbook. “Visiting Faculty” also includes Faculty that hold a “Visiting Staff” designation for purpose of the HHC Bylaws.

## IV. POLICY STANDARDS

### A. Disclosures

1. Faculty, House Officers and Management Staff. Faculty, House Officers and Management Staff must prospectively and promptly disclose any Outside Interests of themselves or their Family Members in the UMHS [Outside Interest Disclosure Database](#) located at <https://www.umms.med.umich.edu/minform/logon.htm>, which includes disclosure of potential or actual Conflicts of Interest or Conflicts of Commitment. Outside Interest disclosures occur annually and must be updated during the year should circumstances change or new Outside Interests arise. Disclosures will be reviewed by Department Chairs and/or Department Administrators for any potential Conflict of Interest or Conflict of Commitment, and assessed both for the appropriateness of the activity as well as level of compensation to ensure it is commensurate with the effort. Disclosures are subject to further review by the COI Board, and when a conflict is found to exist, it will be reduced, managed, or eliminated as appropriate and as provided in the Procedures at [Faculty, House Officers or Management Staff](#).

2. Staff. All Staff must promptly disclose any potential or actual Conflicts of Interest or Conflicts of Commitment pertaining to themselves or their Family Members to their supervisor. These conflicts will then be assessed and reduced, managed or eliminated as appropriate and as provided in the Procedures at [Staff](#).

3. Adjunct and Visiting Faculty. All Adjunct and Visiting Faculty must promptly disclose potential or actual Conflicts of Interest or Conflicts of Commitment pertaining to themselves or their Family Members to their supervisor. These conflicts will then be assessed and reduced, managed or eliminated as appropriate and as provided in the Procedures at Adjunct Faculty or [Visiting Faculty](#).

## B. Additional Policy Information

1. Personal Gifts or Loans from Outside Organizations. Personal gifts of any kind from vendors to faculty, house officers, staff or their family members are not permitted. For purposes of this Policy, personal gifts include soliciting or accepting money, credits, preferential discounts, gifts, gratuities, entertainment, favors or services. UMHS faculty, house officers and staff who accept loans for themselves or their Family Members from outside companies or organizations with which they interact on behalf of UMHS must promptly disclose this fact to their department chair or supervisor as discussed in Section IV(A) above. Depending upon the circumstances, review and approval by the COI Board may be needed with respect to personal gifts or loans.

2. Records and Sensitivity of Disclosures and Additional Information Provided. Disclosures of Outside Interests, Conflicts of Interest and Conflicts of Commitment and any additional information shall be treated as "Sensitive Data" under Standard Practice Guide 601.12, and access to this information shall be permitted only with specific authorization and only to those University or UMHS departments or units that need this information to perform their University or UMHS obligations or to make decisions on behalf of the University or UMHS. These records will be maintained by the department chair, supervisor, COI Board and/or the Outside Interest Disclosure Database as applicable. This information will be protected to the extent permitted by law.

3. Conflict of Interest Board. The COI Board will review and approve management for situations in which UMHS faculty, house officers and staff or their Family Members have an Outside Interest in or related to sponsored research or technology transfer as delegated by the Office of the Vice President for Research and other matters designated by UMHS. These matters will be reviewed in accordance with COI Board procedures located at [http://www.med.umich.edu/u/coi/process\\_board.htm](http://www.med.umich.edu/u/coi/process_board.htm), which may be amended from time to time.

4. Management of Other Situations. If an Outside Interest, Conflict of Interest or Conflict of Commitment is not related to sponsored research, technology transfer or other matters designated by UMHS for review and approval by the COI Board, the review, approval and conflict management related to the conflict will be handled by the appropriate department chair or supervisor as provided in the Procedures. However, the COI Board may, at its discretion, opt to review any situation in which a Conflict of Interest or Conflict of Commitment is noted.

5. Interactions with Other University or UMHS Units: In some instances, department chairs, supervisors, the COI Board and others involved in the evaluation of conflicts will need to consult with other University or UMHS units or the UMHS Compliance Office. These instances include but are not limited to:

- The Office of the Provost will be consulted when there are inconsistent policies between academic units.
- The Office of the General Counsel and/or UMHS Contracting Office where legal obligations or potential liability to the University or UMHS may be involved.
- University Procurement when the COI involves purchasing.

6. Abiding by Conflict Management. If appropriate, the department chair, supervisor and/or COI Board will develop and document a plan to manage, reduce or eliminate any conflicts as provided in the Procedures. UMHS

faculty, house officers and staff are required to fully abide by any conflict management plan if a conflict is determined to exist. Any change in the circumstances of the conflict that could affect the current conflict management plan must be promptly disclosed to the individual's department chair, supervisor and/or COI Board as applicable. It is the responsibility of the department chair, supervisor and/or COI Board to monitor an individual's compliance with the conflict management plan and report any non-compliance to the applicable Compliance Officer and/or to the COI Board as applicable.

7. Education. Education related to this Policy will be included in the UMHS annual mandatories, which are required of all UMHS faculty, house officers and staff and are accessible through MLearning. Additional education also can be found on the UMHS Compliance Website located at <http://www.med.umich.edu/u/compliance/areas/coi/index.htm>.

8. General Responsibilities. UMHS faculty, house officers and staff are responsible for knowing and abiding by this Policy and other applicable University and UMHS policies and procedures. UMHS faculty, house officers and staff also must promptly provide additional information related to an Outside Interest, Conflict of Interest or Conflict of Commitment as requested.

9. Reporting. Any suspected violations or concerns related to this Policy should be reported to the applicable UMHS Compliance Officer, which can be found at <http://www.med.umich.edu/compliance/contact.htm>. The applicable Compliance Officer or designee will work with the appropriate UMHS individuals in order to investigate and resolve any suspected violations or concerns related to this Policy.

10. UMHS Committees and Committee Recommendations. Certain Committees designated by UMHS, which can be found at <http://www.med.umich.edu/i/exec/committee1.htm>, will be responsible for identifying and managing as appropriate any potential Conflicts of Interests of its members, consultants or staff. To the extent implemented, any conflict management must be appropriately documented and monitored by the Committee.

## V. PROCEDURE ACTIONS

Specific disclosure processes are set forth in the Procedures based the individual's role.

Upon disclosure of an Outside Interest, Conflict of Interest or Conflict of Commitment, the department chair or supervisor may approve or disapprove the activity or interest and reduce, manage or eliminate any conflicts as appropriate. If the disclosure is disapproved, the UMHS faculty, house officer or staff is not permitted to engage in the activity or interest unless the matter is appealed as provided in the Procedures.

## VI. EXHIBITS

**Exhibit A:** [\*Examples of Conflict of Interest and Conflict of Commitment\*](#)

**Exhibit B:** [\*Conflict of Interest and Conflict of Commitment Procedures\*](#)

## VII. REFERENCES

[Regents' Bylaw 1.13](#) *Business Transactions*

[Regents' Bylaw 1.14](#) *Regental and Executive/Senior Officer Conflict of Interest Policy*

[Regents' Bylaw 2.16](#) *Gifts to Regents and University Employees*

[Regents' Bylaw 3.10](#) *Ownership of Patents, Copyrights, Computer Software, Property Rights, and Other*

[Regents' Bylaw 5.12](#) *Outside Employment*

[Regents' Bylaw 5.13](#) *Governmental Activities*

[SPG 201.23](#) *Appointment of Relatives or Others with Close Personal or External Business Relationships*

[SPG 201.65-0](#) *Work Outside the University*

[SPG 201-.65-1](#) *Conflict of Interest*

[SPG 201.85](#) *Special Stipends*

[SPG 303.01](#) *Implementation of Regents' Policy Concerning Research Grants, Contracts, and Agreements*

[SPG 303.03](#) *Policy Statement on the Integrity of Scholarship and Investigating Allegations of Misconduct in the Pursuit of Scholarship and Research*

[SPG 303.04](#) *Policy on Intellectual Properties: Including Their Disclosure, Commercialization, and Distribution of Revenues from Royalties and Sale of Equity Interest*

[SPG 500.01](#) *Fiscal Responsibilities*

[SPG 507.1](#) *General Policies and Procedures*

[SPG 601.3-2](#) *Policy on Ownership of Copyrighted Works Created at or in Affiliation with the University of Michigan*

[SPG 602.02](#) *Gift Acceptance*

[UMHHC Policy 01-04-008, Vendor Visitation and Interaction](#)

[Medical Staff Bylaws Article IV, Section 4](#)

[UMMS Medical School Faculty Handbook III\(H\)](#)

**Author:** Compliance Officer

**Approved by:** Conflict of Interest Board - August 28, 2006;  
UMHS Compliance Officer - September 1, 2006; October 16, 2008; February 2009

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Original policies are held by Carolyn Ladd, Policy Coordinator, Office of the Director and CEO, UMHHC, telephone 647-2510

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Direct questions to: [Carolyn Ladd](#)

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University of Michigan Health System  
1500 E. Medical Center Dr.  
Ann Arbor, MI 48109  
734-936-4000  
<http://www.med.umich.edu/>

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