

**SCHOOL OF MUSIC, THEATRE & DANCE
POLICY ON FACULTY CONFLICTS OF INTEREST AND
CONFLICTS OF COMMITMENT**

October 2006

The School of Music, Theatre & Dance (“the School”) endorses the participation of our faculty in a wide range of scholarly interests and encourages involvement in sponsored research, performance and other creative work, consultation, and other activities benefiting the individual, their department, the University as a whole and the wider community. At the same time, it is important for the faculty to understand their primary professional responsibilities and obligations to the University of Michigan, and for the latter to provide clear policies and procedures in support of faculty initiatives and by which the faculty can frame outside activities that support the mission of the University.

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

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

The term **faculty** shall include members of the Regular and Supplemental Instructional Staff, together with the executive officers, research associates, curators, and persons with similar duties as outlined in the *School of Music, Theatre & Dance Faculty Handbook* (“Faculty Handbook”). Regular and Supplemental Instructional Staff includes professors, associate professors, assistant professors, and nontenure-track instructional staff.

All faculty, including visiting 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 furthering the University’s mission.

Potential conflicts of interest and commitment are inevitable where faculty are engaged with agents and institutions outside the University. These potential conflicts are not necessarily problematic; the University allows and encourages faculty to engage in outside activities and relationships that enhance the University’s mission. It is nevertheless important for faculty to disclose 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 appear to bias a faculty member’s judgment in performing his or her University obligations. A potential **conflict of commitment** 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.¹

To meet minimum time and effort commitments within the School, faculty members are expected to fulfill the obligations outlined in the Faculty Handbook and other documents and

¹ [Standard Practice Guide \(SPG\) 201.65-1](#)

agreements between the faculty and the School, especially with respect to teaching loads, specific instructional duties, and residency requirements.² Additionally, faculty members are expected to fulfill administrative obligations, including participation on assigned departmental committees and in hiring and tenure processes, regularly attend faculty meetings, and participate in student and faculty educational and collegial functions. All nontenure-track instructional staff similarly owe the University time and effort commitments commensurate with their appointments.

Even where obligations to the University are met, faculty members should thoughtfully consider whether outside activities in which they are or may be involved are in competition with the University or would otherwise diminish or undermine the University's mission. Faculty should seek prior approval if opportunities for research, education, or financial support, which otherwise might flow to the University, are likely to be diverted to other entities or institutions.

B. *Examples of Potential Conflicts of Interest and Commitment*

Potential conflicts of interest/conflicts of commitment may occur in a number of categories outlined in the examples below. This list is not exhaustive. The School's general approach to managing these examples is also included:

1. Time

- Faculty members are expected to spend a majority of their time on their primary professional commitments to the University. However, a faculty member may accept honoraria and speaker fees for appropriate outside commitments. If a substantial time commitment is required, a potential conflict of commitment may arise. Outside consulting obligations, individually or in sum total, may not conflict with primary commitments to the University and must be disclosed to the School.³
- Outside employment by faculty is not allowed except with approval of proper University authorities, which will be granted only when either or both of the following conditions exist: (1) when the work in question gives promise of enhancing the individual's usefulness as a teacher and scholar in the individual's field to a greater degree than a corresponding amount of work within the walls of the University, (2) when the work is of a distinctly public nature or when for any other reason the University wishes to be actively engaged in its furtherance.⁴
- Faculty members may not hold two active full-time salaried positions.⁵
- Faculty members may not devote effort to preparing course materials for use exclusively at another university or exclusively for use in distance education outside of the University.⁶

² [School of Music Policies and Procedures, A Handbook for Faculty \(Faculty Handbook\), VII \(Policy Concerning Teaching Loads and Part-time Employment\)](#)

³ [Faculty Handbook, XI.D.1. \(Outside Employment and Absence Policies\)](#)

⁴ [Regents Bylaws, Sec. 5.12](#)

⁵ [U-M Faculty Handbook, Chapter 5.G.1](#)

- Consistent with conflict of interest and commitment principles, faculty with full-time appointments at the University should not use (or permit others to use) their work in ways that compete with the University's courses or its educational programs or activities unless prior written permission is obtained from the appropriate dean, unit director, or executive officer, or their designee(s). This provision applies to works developed for compensation at other educational institutions, including for-profit and on-line institutions. It does not apply to works created in conjunction with professional activities in conformance with University norms such as but not limited to: sharing syllabi or other course materials with colleagues at other non-profit educational institutions; ordinary outside consulting, participation in professional or scholarly organizations, scholarly presentations and publications, pursuit of future employment opportunities and public service.⁷

2. Relationships

- The University nepotism policy must be followed in the hiring of family members or those with whom a faculty member has a close personal relationship. This includes hiring for part-time, temporary positions as well as regular non-instructional and instructional staff positions. Close personal relationships must be disclosed to the Chair/Director, and written policies for managing any relationships involving supervision or evaluation must be developed by the unit.⁸
- A faculty member should exercise caution when assigning or asking students or staff to contribute services or money to institutions or people external to the University.
- Disclosure to the Chair or Director of any relationships covered by the University Faculty-Student Relationship policy is required.⁹

3. Resources

- University resources are generally to be used for university business. These resources include University equipment including copying and fax machines, office and computer supplies, and electronic mail. University policy allows for limited use of electronic mail resources for personal business. Personal use of property that is purchased to support the mission of the University is governed by SPG 520.1, III.B.¹⁰

⁶ “Educational or instructional activity that is delivered electronically to students at a distance. It includes, but is not limited to, synchronous or asynchronous learning environments with a variety of instructional models, e.g., audio or video computer conferencing, computer-mediated instruction, or Internet-based instruction.” (Council for Higher Education Accreditation, Institute for Research and Study of Accreditation and Quality Assurance: Specialized Accreditation and Assuring Quality in Distance Learning, http://www.chea.org/pdf/mono_2_spec-accred_02.pdf?pubID=246, accessed 4/18/06 10:45 AM.)

⁷ [SPG 601.3-2](#)

⁸ [SPG 201.23](#)

⁹ [SPG 601.22](#)

¹⁰ <http://spg.umich.edu/pdf/520.1.pdf>

- A faculty member may incur reasonable meal and travel expenses that are reimbursed 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.
- At the University of Michigan students often have the opportunity to take courses from leading authors in a discipline. A faculty member may assign their own textbook to their students according to the guidelines of the American Association of University Professors policy statement: “The right of individual professors to select their own instructional materials, a right protected under principles of academic freedom, should be limited only by such considerations as quality, cost, availability, and the need for coordination with other instructors or courses. Professors should assign readings that best meet the instructional goals of their courses, and they may well conclude that what they themselves have written on a subject best realizes that purpose. In some cases, indeed, students enroll in courses because of what they know about the professor from his or her writings, and because they hope to engage in discussion with the professor about those writings in the classroom. Because professors are encouraged to publish the results of their research, they should certainly be free to require their own students to read what they have written. At the same time, however, students in a classroom can be a captive audience if they must purchase an assigned text that is not available either on library reserve or on a restricted Web site. Because professors sometimes realize profits from sales to their students (although, more often than not, the profits are trivial or nonexistent), professors may seem to be inappropriately enriching themselves at the expense of their students.”¹¹ Any perceived abuses along these lines should be brought to the attention of the faculty member’s Chair.
- Ownership rights pertaining to works created at faculty initiative shall be construed in accordance with the SPG.¹²
- A faculty member may not direct business to his/her spouse’s company at the expense of the University, or use University resources to promote outside business interests.

4. Gifts

- A faculty member may not accept a gift of substantial value (including gifts of service) from a University student or staff member, unless there is a family relationship or the equivalent. The same rule applies to gifts from people or institutions that contract with the University where the faculty member participates in decisions concerning that contract.
- Faculty members may not provide gifts to the University with the expectation that they will then be given the authority to control the dispersal of these funds.

¹¹ <http://www.aaup.org/statements/REPORTS/05owntext.htm>

¹² [SPG 601.3-2](#)

5. Political Endorsement or Outside Affiliation

- There are circumstances in which a faculty member's experience is relevant to expression of a public opinion. In these cases (except where not appropriate, illegal, or when it misrepresents the individual's authority) a faculty member may indicate their affiliation with the university in written correspondence to public entities as long as the correspondence includes a statement indicating that they are not speaking on behalf of the University but only as an individual.
- A faculty member may not use University resources (including electronic mail accounts) to support or oppose a political candidate or the qualification, defeat or passage of a ballot initiative. This is a violation of state law for which there are individual fines and penalties.¹³

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 potential conflicts of interest or commitment to their Department Chair or Director in writing as they arise. E-mail will suffice. Issues that indicate a conflict of interest concern to the Chair or Director must be brought to the attention of the Dean or the appropriate Associate Dean. Recurring or long-term commitments incurred by faculty must be included in the annual report of each faculty member to their Chair or Director. The Chair or Director reports at the end of each year on all CoI/CoC issues and the department/program procedure for managing them to the Dean or the appropriate Associate Dean.

Disclosure need not be made where there is no violation of the general approaches outlined above but disclosure should be made whenever there is any question as to whether the incident falls within the generally permitted *de minimus* situations described above.

2. Management of Potential Conflicts

Upon disclosure of a potential conflict of interest or commitment, the Chair or Director (in consultation as needed with the Dean or the appropriate Associate Dean—who serve as “Unit CoI/CoC Managers”) shall evaluate the extent of the potential conflict. The purpose of this evaluation is to determine whether it is necessary to manage or eliminate the potential conflict. The Chair or Director may require the faculty member to provide additional information or documentation if necessary.

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

¹³ [Michigan Campaign Finance Act, MCL 169.257](#)

- 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.

If the Chair or Director (in consultation with the Dean or Associate Dean as needed) determines that management of the potential conflict is necessary, he or she shall develop a conflict management plan in consultation with the faculty member. Management options include, but are not limited to:

- A determination that no action is necessary;
- Documenting the disclosure and Chair or Director's evaluation and determination that no further management is required;
- 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;
- Securing the faculty member's agreement to modify or suspend outside activity, use of University resources, or other activities that create the potential conflict; and
- 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 Associate Deans will keep records of action on disclosures made to the Dean's Office under this policy, in part to develop a consistent practice of treating like cases in similar fashion. Chairs and Directors will also keep records of disclosures and related actions at the department/program level. 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.

Chairs, Directors and Associate Deans 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 will be kept in a secure file accessible only to the Chair, Director, Associate Dean and the Dean of the School, respectively.

Where any other faculty or staff member has a legitimate educational or business reason to access the documentation, then either the appropriate authority listed above or the Dean 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 appropriate Chair, Director, Associate Dean or the Dean may authorize access to the file, provide copies, or provide oral or written summaries. Where possible, the individual to whom disclosure has been authorized 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 the Chair, Director, divisional Associate Dean 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.

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 by an appeal to the appropriate Associate Dean. Further pursuit of a dispute would fall under the Faculty Grievance Procedure outlined in the Faculty Handbook.¹⁴ Following exhaustion of these procedures, the faculty member may dispute any action or decision under this policy in accordance with applicable University procedures. Sponsored research/tech transfer must be handled in accordance with processes adopted by OVPR Conflict of Interest Review Committee.¹⁵

E. *Education and Training*

This policy will be provided to new faculty at the time they are hired and when they begin work at the University. The policy will be circulated each fall to all returning faculty members, including visiting and adjunct faculty. Discussion and instruction on management of the policy will be included in new Chair & Director training each fall. The School will develop a website that includes the School of Music, Theatre & Dance Policy, links to relevant University policies, examples of potential CoI/CoC issues, Frequently Asked Questions, and other appropriate links. Training will also be provided to departmental administrators on a yearly basis.

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

¹⁴ [Faculty Handbook, XXII \(Grievance Procedures for School of Music Faculty\)](#)

¹⁵ See <http://www.research.umich.edu/policies/um/coi/process.html>.

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. Existing School and University procedures governing faculty misconduct shall apply.

G. *Policy Review and Revision*

The Associate Deans will annually review all conflicts under management within this policy and make recommendations to the Dean regarding any needed revisions to the policy or any need for increased education. Any revisions in policy or practices will be discussed with the faculty. If the Dean, in consultation with the School's Executive Committee, determines that any of the changes he or she would like to adopt will materially change the policy, the Dean will follow established University procedures to adopt the original policy. In particular, the Dean 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. A current version of School's policy should be on file with the Provost's Office at all times.

This policy applies to all faculty in the School, including both full- and part-time faculty, whether classified as regular or non-tenure-track instructional 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 School 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;¹⁶
- Regents' Bylaw 5.12, regarding outside employment of University faculty;¹⁷
- Regents' Bylaw 5.13, regarding governmental elected or appointed service;¹⁸
- Regents' Bylaw 5.14, regarding leaves of absence;¹⁹
- SPG 201.23, regarding appointment of individuals with close personal or external business relationships;²⁰
- SPG 201.65, regarding employment outside the University;²¹
- SPG 201.85, regarding special stipends for work performed for other University units, the payment of honoraria, and the payment of travel expenses;²²

¹⁶ <http://www.umich.edu/~regents/bylaws/bylaws02.html#16>

¹⁷ <http://www.umich.edu/~regents/bylaws/bylaws05b.html#3>

¹⁸ <http://www.umich.edu/~regents/bylaws/bylaws05b.html#4>

¹⁹ <http://www.umich.edu/~regents/bylaws/bylaws05b.html#5>

²⁰ <http://spg.umich.edu/pdf/201.23.pdf>

²¹ <http://spg.umich.edu/pdf/201.65-0.pdf>

²² <http://spg.umich.edu/pdf/201.85.pdf>

- 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;^{23, 24, 25}
- *Conflict of Interest Policy for the Office of Vice President for Research (OVPR), Division of Research Development and Administration (DRDA), and Office of Technology Transfer (OTT)*;²⁶
- *The School of Music, Theatre & Dance Faculty Handbook*;²⁷
- American Association of University Professors *Statement on Professional Ethics* (as well as other discipline-specific professional ethics codes and statements);²⁸
- *Policy Statement on the Use of Faculty Research and Discretionary Accounts*,²⁹ August 2005, Office of the Provost; and
- Michigan Compiled Laws § 15.321 et seq., regarding contracts of public employees with their employers.³⁰

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 Associate Deans as Unit CoI/CoC Managers 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.

²³ <http://spg.umich.edu/pdf/500.01.pdf>

²⁴ <http://spg.umich.edu/pdf/601.03-2.pdf>

²⁵ <http://spg.umich.edu/pdf/601.11.pdf>

²⁶ http://www.research.umich.edu/policies/um/conflict_ovpr_drda_tmo.html

²⁷ http://www.music.umich.edu/faculty_staff/auth/fac_handbook/index.html

²⁸ <http://www.aaup.org/AAUP/pubsres/policydocs/statementonprofessionalethics.htm>

²⁹ http://www.provost.umich.edu/reports/discretionary/policy_statement.html

³⁰ [http://legislature.mi.gov/\(ifir5vqt1iq3vv55awoaxo55\)/documents/mcl/pdf/mcl-15-321.pdf](http://legislature.mi.gov/(ifir5vqt1iq3vv55awoaxo55)/documents/mcl/pdf/mcl-15-321.pdf)